

CODE OF ORDINANCES
OF THE
CITY OF SABINAL, 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 Sabinal, 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 Sabinal, 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 Sabinal, 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 Sabinal, 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.

* **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 Sabinal, 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 Uvalde, 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*

Sec. 1.02.001 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 article. He/she may delegate authority for execution [but the responsibility] shall remain with the director.
- (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 2003-08, sec. 1, adopted 6/9/2003)

Sec. 1.02.002 Powers and duties of emergency management director

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

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

- (1) Surveying actual or potential hazards which threaten life and property within the city and 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 article. 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) Surveying 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 (chapter 418 of the Government Code).

(Ordinance 2003-08, sec. 2, adopted 6/9/2003)

Sec. 1.02.003 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 article. 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 article and have the effect of law during the time of a disaster. (Ordinance 2003-08, sec. 3, adopted 6/9/2003)

Sec. 1.02.004 Interjurisdictional program

The mayor is hereby authorized to join with the county judge of the County of Uvalde and the mayors of the other cities in said county in the formation of an interjurisdictional emergency management program for the county, and shall have the authority to cooperate in the preparation of an interjurisdictional 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 2003-08, sec. 4, adopted 6/9/2003)

Sec. 1.02.005 Override

At all times when the orders, rules, and regulations made and promulgated pursuant to this article 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 2003-08, sec. 5, adopted 6/9/2003)

Sec. 1.02.006 Liability

This article 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 article 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 2003-08, sec. 6, adopted 6/9/2003)

Sec. 1.02.007 Commitment of funds

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior and specific approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property. (Ordinance 2003-08, sec. 7, adopted 6/9/2003)

Sec. 1.02.008 Offenses; 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 article.

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

(Ordinance 2003-08, sec. 8, adopted 6/9/2003)

Sec. 1.02.009 Limitations

This article 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 2003-08, sec. 10, adopted 6/9/2003)

ARTICLE 1.03 DISCRIMINATION

Division 1. Generally

Secs. 1.03.001–1.03.030 Reserved

Division 2. Fair Housing*

Sec. 1.03.031 Support of fair housing

(a) It is in the best interest of the city to prohibit discrimination on the basis of race, color, religion, ancestry, national origin, sex, or place of birth in regard to housing accommodations within its boundaries.

* **State law references**—Authority of municipality to adopt fair housing ordinances, V.T.C.A., Local Government Code, sec. 214.903; Texas Fair Housing Act, V.T.C.A., Property Code, ch. 301.

- (b) It is necessary to ensure the equal opportunity of all persons for decent housing facilities.
- (c) It is the intent of this city to assist in resolving all grievances from persons complaining about unfair housing activities within the city's jurisdiction.
- (d) It is in the best interest of this city to assist fair housing groups.
- (e) The city supports the prohibition of certain practices which would constitute discrimination on the basis of race, color, religion, ancestry, national origin, sex, or place of birth in connection with the sale, purchase, leasing or financing of housing facilities.

(Ordinance adopted 9/8/1986)

CHAPTER 2

ADMINISTRATION AND PERSONNEL

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ARTICLE 2.01 GENERAL PROVISIONS

Sec. 2.01.001 Form of government

The provisions of title 28 of the Revised Civil Statutes of Texas of 1925, as now amended, are hereby accepted, in lieu of the existing charter of the city. (Ordinance 98 adopted 7/21/1938)

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

Sec. 2.01.002 Elections

(a) Applicability of state law; duties of city officials. All elections pertaining to municipal affairs shall be governed by the election laws of the state. In all city elections, the mayor, the city secretary (or clerk) or the governing body shall do and perform each act in other elections required to be done and performed respectively by the county judge, the county clerk, or the commissioners court. In all city elections the mayor, or if he fails to do so, the governing body, shall order the election, give notice and appoint election officers to hold the election. In general elections for officers the notice or proclamation shall be issued and posted at the polling places not later than thirty days before the first Tuesday in April of the year in which the election is to be held.

(b) Filing of application for candidacy. Any eligible and qualified person may have his name printed upon the official ballot as an independent candidate for the office of mayor or alderman or other city official by filing his sworn application with the mayor at least thirty (30) days prior to the election date. The application shall state the specific office or place being sought by the applicant and that the applicant is eligible and qualified under the laws of the state to become a candidate for and hold the office being sought, if elected.

(c) Form of application for candidacy; loyalty affidavit.

(1) The form of the sworn application shall be substantially as follows:

To the Mayor of the City of Sabinal, Texas, Greetings:

I _____ hereby make application to have my name printed on the official ballot as an independent candidate for the office of _____ to be voted upon at the City election to be held on the _____ day of April 19____; and I hereby certify that I am qualified to make this application and that I am legally qualified to hold such office, if elected.

State of Texas
County of Uvalde

_____, being duly sworn, deposes and says that the statements in the foregoing application are true.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____ 194__

(Seal)

Notary Public in and for Uvalde Co. Texas

- (2) Such sworn application shall be accompanied with an executed copy of the loyalty affidavit as required by article 2978a Vernon's Texas Statutes, in substantially the following form:

I, _____ of the City of Sabinal, Texas, County of Uvalde, being a candidate for the office of _____ do solemnly swear that I believe in and approve of our present representative form of government, and if elected, I will support and defend our present representative form of government and will resist any effort or movement from any source which seeks to subvert or destroy the same or any part thereof, and I will support and defend the Constitution and Laws of the United States and of the State of Texas.

(Candidate's signature)

Sworn to and subscribed before me at _____, Texas, this the _____ day of _____ A.D., 19____

(Seal)

(Notary Public) in and for Uvalde Co. Texas

(d) Posting of names of candidates; objections. The names of all those who have filed their sworn applications to have their names printed on the official ballot as candidates shall be posted by the city secretary in a conspicuous place at his office for the inspection of the public for at least ten days before he orders the ballots to be printed. All objections to the regularity or validity of the application of any person shall be made within five days after such posting, by written notice filed with the city secretary, setting forth the ground of objections. In case no such objection is filed within the time prescribed, the regularity or validity of the application of no person whose name is so posted shall be thereafter contested. The city secretary shall preserve in his office for a period of two years all applications, notices of objections and other related papers.

(e) Printing of ballots; withdrawal of candidate. Any person eligible to the office of mayor or alderman (or commissioner) or other office who has filed his sworn application in accordance with the provisions of this section shall have his name printed on the official ballots. Any such person may cause his name to be withdrawn at any time before the official ballots are actually printed, by filing in writing with the city secretary a request to that effect over his own signature, duly attested to by a notary public. No name so withdrawn shall be printed on the ballots. Not later than twenty (20) days before the city general election the city secretary shall have the official ballots printed.

(f) Absentee ballots. Each qualified voter who desires to cast an absentee vote and who expects to be absent on the day of the city general election shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of the Texas Election Code.

(g) Election judges. All municipal elections shall be conducted by one presiding officer or judge and two assistant judges to be appointed by the mayor of the city. The presiding officer shall be compensated for his services at the rate of six dollars (\$6.00) per day and said assistant judges shall be compensated at the rate of five dollars (\$5.00) per day, which services shall be paid from the general fund of the city.

(h) Place and time of holding elections. All elections for the selection of officials shall be held at the city hall in the City of Sabina, Uvalde County, Texas, between the hours of 8:00 a.m. and 7:00 p.m.

(i) Posting of election notice. The chief of police shall post a properly executed copy of the election proclamation and notice at the place where the election is to be held. Said notice shall be posted thirty days before the date of said election.

(j) Notification of persons elected; failure to qualify. It shall be the duty of the city secretary to notify all persons elected, and all newly elected officers may enter upon their duties on the fifth day thereafter, Sundays excepted. If any such officer fails to qualify within thirty days after his election, his office shall be deemed vacant and a new election held to fill the same.

(Ordinance adopted 3/2/1948; Ordinance adopting Code)

State law references—Notice of elections, V.T.C.A., Election Code, ch. 4; ballot form, content and preparation, V.T.C.A., Election Code, ch. 52; candidates for city office, V.T.C.A., Election Code, ch. 143.

Sec. 2.01.003 Citizen complaints

(a) Generally.

(1) Any person having a complaint against a city officer or employee may submit, in writing, details regarding their complaint to the City of Sabinal, c/o the Mayor, P.O. Box 838, Sabinal, Texas 78881. Upon the receipt of a sworn complaint, the mayor shall make an attempt to contact the complainant within ten (10) business days for resolution of the matter. If the mayor is unable to resolve the complaint within fifteen (15) business days from the date of receipt, the mayor will as reasonably practicable place the matter on the agenda for the next regularly scheduled meeting of the city council for consideration and possible action. The complainant shall be informed in writing of the date of the scheduled meeting when the city council will consider the matter. All actions of the city council shall be final. Except in the case of minors, complaints initiated on behalf of third parties will not be accepted.

(2) [Exceptions:]

(A) A criminal complaint has been filed and is pending adjudication in the city municipal court;

(B) A matter is under active investigation or actively pending enforcement action by the city police department or code compliance; or

(C) A matter is excepted by subsection (d) hereof.

(b) Complaints against police officers. Other than as excepted by subsections (a)(2)(A), (B), and (C) hereof, complaints against municipal police officers shall be directed to the chief of police and processed in accordance with the city police department policy and procedure manual. All dispositions of citizens' written complaints shall be in writing from the chief of police with a copy furnished to the mayor. Citizens wishing to appeal the decision of the chief of police may request review by the full city council by notifying the mayor in writing. Upon the receipt of a sworn complaint, the chief of police shall make an attempt to contact the complainant within ten (10) business days for resolution of the matter. If the chief of police is unable to resolve the complaint within fifteen (15) business days from the date of receipt, the chief of police will as reasonably practicable provide the complaint to the mayor for placement on the agenda of the next regularly scheduled meeting of the city council. Complaints against the chief of police shall be directed to the mayor in the manner provided by subsection (a) hereof. Except in the case of minors, complaints initiated on behalf of third parties will not be accepted.

(c) Complaints against council members or mayor. Complaints against city council members shall be reviewed by the governing body at the direction of the mayor pursuant to Texas Local Gov't Code Ann. section 22.042. Complaints against the mayor shall be directed to the mayor pro tem and shall be reviewed by the governing body.

(d) Complaints by city employees or volunteers. The complaint procedure may not be used by current or former city employees, temporary workers, contract workers, or volunteers in lieu of an applicable procedural right granted by the city personnel policy manual and/or the city police department policy and procedure manual.

(e) Review of excepted matters. Except as provided by subsection (f), upon the conclusion of any matter excepted from the complaint procedures by subsections (a)(2)(A), (B), (C) and (b) hereof, the complaint shall be finally reviewed as otherwise provided for herein.

(f) Rejection of complaint. The mayor or police chief may reject any sworn complaint that does not involve a violation of municipal policy, rule, regulation, or other applicable law.

(Ordinance 2009-06A adopted 4/26/2010)

Sec. 2.01.004 Insufficient funds checks

(a) It shall be unlawful to give the city a check for any kind of services, charges, fees or taxes that is not negotiable, by reason of "insufficient funds" or "account closed."

(b) Any person violating any provision in this section shall have a charge levied against them in the amount set forth in the fee schedule in appendix A of this code, such charge to be paid in cash, in addition to the amount of the uncollectable check.

(c) Furthermore, the billings, charges or fees which were paid by the non-negotiable check will be considered unpaid, and normal parameters for payment (15th of the month for utilities, etc.) will prevail.

(d) In the event the check in question was given in payment of a delinquent utility billing, the customer will automatically be disconnected from all utilities until full payment is made. Should the utilities be disconnected on this cause, the normal reconnect charge will apply as well.

(Ordinance 1990-3 adopted 11/22/1990; Ordinance adopting Code)

State law reference—Processing fee by holder of payment device, V.T.C.A., Business and Commerce Code, sec. 3.506.

Sec. 2.01.005 Schedule of fines

The municipal court of the city is hereby authorized to charge the following violation costs (both minimum and maximum) for any violation of a city ordinance:

CITY ORDINANCE VIOLATION LIST

Inoperative vehicle on private property	\$100.00
Inoperative vehicle on public property	\$100.00
Burning without permit	\$100.00
Water restriction	\$150.00
Dog at large	\$100.00
Animal at large	\$100.00
Rabies shots	\$100.00
Animal nuisance	\$100.00
Dogs injuring person or property	\$150.00
Dogs spreading trash	\$100.00
Barking dogs	\$100.00
Dangerous dog violation	\$150.00
Soliciting without a permit	\$100.00
Curfew violation	\$150.00
High grass or weeds	\$200.00
Trash, garbage, etc.	\$250.00
Illegal dumping	\$150.00
Littering	\$100.00

(Ordinance 2016-07 adopted 9/26/2016)

ARTICLE 2.02 OFFICERS AND EMPLOYEES

Division 1. Generally

Secs. 2.02.001–2.02.030 Reserved

Division 2. Code Compliance Officer

Sec. 2.02.031 Office established; appointment; qualifications; deputies

There is hereby created the position of code compliance officer for the city, who shall be appointed by the mayor with the authority and approval of the city council. The code compliance officer shall be a person professionally competent by experience and training to enforce municipal code violations and state law. The public works director, the chief of police or their designated representatives may serve in this position. In addition to the code compliance officer, all city municipal police officers including the chief of police shall serve as deputy code compliance officers to assist the code compliance officer in the enforcement of this division. All

deputy code compliance officers shall report to the code compliance officer and mayor, and shall have in addition to any authority granted herein all authority granted to a licensed peace officer under state law. (Ordinance 2015-05 adopted 11/23/2015)

Sec. 2.02.032 Powers and duties

(a) The code compliance officer and deputy code compliance officers shall perform the following duties:

- (1) Supervise and administer all code compliance rules and regulations identified in this division and other ordinances of the city.
- (2) Supervise and administer code enforcement programs of the city.
- (3) Perform such other duties as may be required by the city council.
- (4) Issue notices of violation to individuals or entities for violation of municipal ordinance, state law, or any other regulation, administrative rule, or other law which the code compliance and deputy officers may lawfully enforce.

(b) The code compliance officer and deputies are authorized to enter and shall have the right and duty to enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of a nuisance.

(c) Deputy code compliance officers are authorized to issue citations for violations of municipal ordinance and state law.

(Ordinance 2009-02, sec. 2, adopted 2/23/2009)

ARTICLE 2.03 PERSONNEL POLICIES

Sec. 2.03.001 Texas Municipal Retirement System

[Ordinances relating to the city's participation in the Texas Municipal Retirement System have not been published in this preliminary draft. Please refer to the editorial and legal review.]

The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city, are not included in this chapter, 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.

ARTICLE 2.04 POLICE*

* **State law reference**—Police force in type A general-law municipality, V.T.C.A., Local Government Code, sec. 341.001.

Division 1. Generally**Secs. 2.04.001–2.04.030 Reserved****Division 2. Police Department****Sec. 2.04.031 Established; appointment of chief of police**

There is hereby established a police department for the city. The executive officer of the police department shall be the chief of police, who shall be approved and appointed by the city council. (Ordinance 2004-11, sec. 1-1, adopted 8/9/2004)

Sec. 2.04.032 Bond for police officers

Each police officer shall be bonded by the city as the city council may require. The bond must be conditioned that the officer will faithfully perform the officer's duties. (Ordinance 2004-11, sec. 1-2, adopted 8/9/2004)

Sec. 2.04.033 Powers and duties of chief

The chief of police shall, in person or by deputy, attend the municipal court while in session, and shall promptly and faithfully execute all writs and process issued from the court. He shall have like power, with the sheriff of the county, to execute warrants and he shall be active in quelling riots, disorder and disturbance of the peace within the city limits and shall take into custody all persons so offending against the peace of the city and shall have authority to take suitable and sufficient bail for the appearance before the municipal court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest, without warrant, all violators of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever, to prevent a breach of the peace or preserve quiet and good order. He shall have authority to close any theater, ballroom or other place or building of public resort. In the prevention and suppression of crime and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff. He shall perform such other duties and possess such other powers and authority as the city council may require and confer, not inconsistent with the constitution and laws of this state. (Ordinance 2004-11, sec. 1-3, adopted 8/9/2004)

Sec. 2.04.034 Number and appointment of police officers

In addition to the chief of police, there shall be four additional members of the police department as may be required and approved by the city council. The members of the department shall be known and designated as policemen, all of whom shall be appointed by the chief of police with the approval of the city council. (Ordinance 2004-11, sec. 1-4, adopted 8/9/2004)

Sec. 2.04.035 False alarm fees

(a) Definitions. In this section:

Alarm system means an alarm system which is designed to signal an entry or attempted entry into the area protected by the system.

False alarm means the activation of an alarm system by mechanical failure, malfunction, improper installation, or the negligence of a person in the area protected by the alarm system without an unlawful entry.

(b) Fee for responding to false alarm. A fee is hereby imposed upon any person owning or controlling premises in which an alarm system is installed for police response to the fifth or any subsequent false alarm of the system in a calendar year. The fee for each such police response is as set forth in the fee schedule in appendix A of this code.

(c) Disconnection of alarm system. If a person who owes a false alarm fee fails to pay the fee, the chief of police may, after giving the person at least ten (10) days of notice in writing, request that the alarm system be disconnected.

(d) Current list of contact persons. A person or business having an alarm system in the city is required to furnish the police department a current list of persons to contact, showing names, addresses and telephone numbers, in the event of an alarm.

(Ordinance 2004-11, sec. 1-5, adopted 8/9/2004; Ordinance adopting Code)

Secs. 2.04.036–2.04.060 Reserved

Division 3. Racial Profiling Policy*

Sec. 2.04.061 Definition

Racial profiling means a law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. (Ordinance 2002-10 adopted 10/14/2002)

Sec. 2.04.062 Examples of racial profiling

Examples of racial profiling include but are not limited to the following:

- (1) Initiating a traffic stop on a particular vehicle because of the race, ethnicity, or national origin of the driver of a vehicle.
- (2) Stopping or detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- (3) Stopping or detaining an individual based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

(Ordinance 2002-10 adopted 10/14/2002)

Sec. 2.04.063 Racial profiling prohibited

* **State law reference**—Racial profiling, Tex. Code Crim. Proc. art. 2.131 et seq.

- (a) “Race or ethnicity” means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.
- (b) It shall be strictly prohibited for a peace officer or any other employee of this department to engage in racial profiling in any way, shape or form.
- (c) An officer shall not make contact with a person, whether on a traffic stop or a pedestrian stop, solely on the race or ethnicity of that person.
- (d) An officer or any other employee who works for this department, and is found to have engaged in racial profiling, after an investigation of that officer or employee by the chief of police or his designated agent, will be dealt with accordingly.
- (e) The city police department manual states this could include, but is not limited to, the following:
 - (1) Verbal reprimand.
 - (2) Written reprimand.
 - (3) Suspension without pay.
 - (4) Loss of pay or privileges.
 - (5) Termination of employment.

(Ordinance 2002-10 adopted 10/14/2002)

State law reference—Racial profiling prohibited, Tex. Code Crim. Proc. art. 2.131.

Sec. 2.04.064 Mandated collection of information

The officer who conducts a traffic stop where a citation is issued or an arrest resulting from the traffic stop shall collect information including the race or ethnicity of the individuals detained, whether a search was conducted and, if so, whether the persons detained consented to the search. The data collected as a result of the reporting requirements of article 2.132 of the Texas Code of Criminal Procedure shall not constitute prima facie evidence of racial profiling. (Ordinance 2002-10 adopted 10/14/2002)

Sec. 2.04.065 Complaint process

An individual who believes that an officer has engaged in racial profiling should file a complaint using the city police department citizen’s complaint form. This form is available at the city hall located at 501 North Center Street, Sabinal, Texas during normal office hours and in any office. This is the same complaint form used by any citizen who wishes to file a complaint on any member of this department. (Ordinance 2002-10 adopted 10/14/2002)

Sec. 2.04.066 Annual report of data collected

An annual report of the racial profiling data collected by officers during traffic or pedestrian stops during the previous year shall be submitted to the city council no later than March 1 of the

reporting year. This information shall not include the names of the officers or the names of the defendants or any other persons where data is gathered. (Ordinance 2002-10 adopted 10/14/2002)

Sec. 2.04.067 Public education

This department will provide public education relating to this department's racial profiling complaint process. This will include articles in the local publications and any other ways that are necessary to get the information to the public. (Ordinance 2002-10 adopted 10/14/2002)

ARTICLE 2.05 MUNICIPAL COURT*

Division 1. Generally

Sec. 2.05.001 Judge and clerk

(a) The city council shall appoint the municipal judge of the city for a term of two years, and the municipal court clerk, who is a permanent employee of the city, shall be appointed court clerk for the same periods of time.

(b) The person appointed judge must meet the educational requirements in the required time limitations as provided by state law.

(Ordinance 1990-5 adopted 4/9/1990)

State law references—Municipal court judges, V.T.C.A., Government Code, sec. 29.004 et seq.; term of municipal court judge, V.T.C.A., Government Code, sec. 29.005; municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Secs. 2.05.002–2.05.030 Reserved

Division 2. Fees, Costs and Special Assessments[†]

Sec. 2.05.031 Failure to appear or violation of promise to appear

The municipal court clerk shall collect a special fine in the amount set forth in the fee schedule in appendix A of this code for a failure to appear (FTA) or a violation of promise to appear (VPTA). The municipal court clerk shall report each such special fine collected to the city secretary for deposit into the general funds of the city. (Ordinance adopted 9/14/2020; Ordinance adopting Code)

State law references—Fine authorized, Tex. Code of Crim. Proc. art. 45.203(c); bail jumping or failure to appear, V.T.C.A., Penal Code, sec. 38.10; compliance with or violation of promise to appear, V.T.C.A., Transportation Code, sec. 543.009.

* **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**—Collection of fines and costs, Tex. Code Crim. Proc. art. 45.203; costs paid by defendants, Tex. Code Crim. Proc. ch. 102; additional court fees and costs, V.T.C.A., Government Code, ch. 103; contracts for collection services, Tex. Code Crim. Proc. art. 103.0031.

Sec. 2.05.032 Building security fund

The city authorizes the city municipal court to collect a fee in the amount set forth in the fee schedule in appendix A of this code for all offense convictions in order to finance municipal court building security. (Ordinance 1997-10 adopted 9/8/1997; Ordinance adopting code)

State law reference—Authority to establish municipal court building security fund, Tex. Code Crim. Proc. art. 102.017.

Sec. 2.05.033 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 in the amount 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 court. A defendant is considered convicted if:
 - (A) A sentence is imposed on the person;
 - (B) The person is placed on community supervision, including deferred adjudication community supervision; or
 - (C) The court defers final disposition of the person’s case.
- (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, or other official who discharges or performs the duties of the treasurer of the city, who shall deposit the fee into the municipal court technology fund.

(c) Designated use of fund; administration.

- (1) The fund shall be used only to finance the purchase of technological enhancements for the municipal court of the city, including:
 - (A) Computer systems;
 - (B) Computer networks;

- (C) Computer hardware;
- (D) Computer software;
- (E) Imaging systems;
- (F) Electronic kiosks;
- (G) Electronic ticket writers; or
- (H) Docket management systems.

The fee may only be assessed and collected on offenses occurring on or after September 1, 1999. The fee may not be assessed or collected retroactively if the fund is established at a later date than September 1, 1999.

- (2) The fund shall be administered by or under the direction of the city council.

(Ordinance 1999-11 adopted 9/13/1999; Ordinance adopting Code)

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

ARTICLE 2.06 RECORDS MANAGEMENT*

Sec. 2.06.001 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 1990-11, sec. 1, adopted 12/10/1990)

Sec. 2.06.002 Additional definitions

Department head means the officer who by ordinance, order, or administrative policy is in charge of an office of the city that creates or receives records.

Essential record means any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

* **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.

Permanent record means any record of the city for which the retention period on a records control schedule is given as permanent.

Records control schedule means a document prepared by or under the authority of the records management officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.

Records liaison officers means the persons designated under section 2.06.009 of this article.

Records management means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Records management officer means the person designated in section 2.06.005 of this article.

Records management plan means the plan developed under section 2.06.006 of this article.

Retention period means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

(Ordinance 1990-11, sec. 2, adopted 12/10/1990)

Sec. 2.06.003 Records declared public property

All city records as defined in section 2.06.001 of this article are hereby declared to be the property of the city. No city official or employee 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 1990-11, sec. 3, adopted 12/10/1990)

Sec. 2.06.004 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 city records 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 Texas Local Government Records Act and accepted records management practice. (Ordinance 1990-11, sec. 4, adopted 12/10/1990)

Sec. 2.06.005 Designation of records management officer

The city council shall designate an individual, employed by the city, to serve as records management officer for the city. In the event of the resignation, retirement, dismissal, or removal by action of the city council of the individual so designated, the city council shall promptly designate another individual to serve as records management officer. The individual designated as records management officer shall file his or her name with the director and librarian of the state

library within thirty days of the date of designation, as provided by state law. (Ordinance 1990-11, sec. 5, adopted 12/10/1990)

Sec. 2.06.006 Records management plan to be developed; approval of plan; authority of plan

(a) The records management officer shall develop a records management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city [and to properly preserve those records of the city] that are of historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this article effectively.

(b) Once approved by the city council the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

(Ordinance 1990-11, sec. 6, adopted 12/10/1990)

Sec. 2.06.007 Duties of records management officer

In addition to other duties assigned in this article, the records management officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation;
- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) In cooperation with department heads identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
- (6) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;

- (7) Disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
- (8) Instruct department heads and other personnel in policies and procedures of the records management plan and their duties in the records management program;
- (9) Ensure that the maintenance, preservation, destruction, or other disposition of the city [records] is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (10) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition.

(Ordinance 1990-11, sec. 7, adopted 12/10/1990)

Sec. 2.06.008 Duties and responsibilities of department heads

In addition to other duties assigned in this article, department heads shall:

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article;
- (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
- (3) Maintain the records in his or her care and carry out their preservation, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

(Ordinance 1990-11, sec. 8, adopted 12/10/1990)

Sec. 2.06.009 Designation of records liaison officers

Each department head shall serve as records liaison officer for the implementation of the records management program in the department. Persons designated as records liaison officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the city council of a person designated as a records liaison officer, the records management officer shall promptly designate another person to fill the vacancy. (Ordinance 1990-11, sec. 9, adopted 12/10/1990)

Sec. 2.06.010 Records control schedules to be developed; approval; filing with state

- (a) The records management officer, in cooperation with the department heads/records liaison officers, shall prepare records control schedules on a department-by-department basis listing all records created or received by the department and the retention period for each record. Records

control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head, the records management officer and the city council.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.

(Ordinance 1990-11, sec. 10, adopted 12/10/1990)

Sec. 2.06.011 Implementation of records control schedules; destruction of records under schedule

(a) A records control schedule for a department that has been approved and adopted under section 2.06.006 shall be implemented by department heads/records liaison officers according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the records management officer that the record be retained for an additional period.

(Ordinance 1990-11, sec. 11, adopted 12/10/1990)

Sec. 2.06.012 Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request. (Ordinance 1990-11, sec. 12, adopted 12/10/1990)

Sec. 2.06.013 Records center

A records center, developed pursuant to the plan required by section 2.06.006, shall be under the direct control and supervision of the records management officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under section 2.06.006. (Ordinance 1990-11, sec. 13, adopted 12/10/1990)

ARTICLE 2.07 FINANCES***Division 1. Generally****Secs. 2.07.001–2.07.030 Reserved****Division 2. Disposition of Surplus Property****Sec. 2.07.031 Definition**

Surplus property means any personal property including firearms owned by or in the possession of the city which has been classified as unused, unneeded, or no longer necessary for the function of the particular office or purpose for which the property was purchased, acquired, obtained, or possessed by the city. (Ordinance 2009-13, sec. 1, adopted 11/23/2009)

Sec. 2.07.032 Procedure for sale

The mayor of the city on his own accord, or on the recommendation of the municipal department head in control of the unused, unneeded, or unnecessary municipally owned personal property, shall declare and classify such property surplus and eligible for disposition in the manner provided for herein. A record of each item of surplus personal property including the final disposition thereof shall be compiled and maintained by the city secretary.

- (1) At the direction of the city council, public notice shall be placed at city hall in the location normally used for official public notice advertising the availability of the surplus personal property for purchase by the submission of sealed bids. Bids shall be submitted to the city secretary within thirty (30) days of the date of public notice. The city may establish minimum bid prices for the surplus personal property and may reject all unqualified bids below the bid minimums. The city shall not be required to notify any bidder of the rejection of an unqualified bid.
- (2) The city secretary shall open all bids on the next business day or as soon thereafter after the closing of the bid period and notify the highest bidder of selection. The highest bidder shall pay the bid price by certified funds or money order within the five days of the opening of the bid or the next highest bidder shall have the right to acquire said property by payment of the bid price. Said process shall continue until the property is sold or no other bids exist.
- (3) In the event that no bids are received for the surplus property within the allotted time, the mayor may extend the bidding period for an additional ten (10) days. If the extended bidding process results in no bids, or no satisfied bids, the city council shall have the right to dispose of the surplus personal property by standard methods for the disposal of refuse or scrap.
- (4) Except as provided by subsection (7) hereof, proceeds of the sale of surplus personal property shall be deposited in the municipal general fund and allocated as directed by the city council. Preference for the allocation of sale proceeds shall be given to the department from which the surplus property was obtained.

* **State law references**—General financial authority of type A municipalities, V.T.C.A., Local Government Code, sec. 101.001 et seq.; annual budget, V.T.C.A., Local Government Code, ch. 102.

- (5) In lieu of the submission of sealed bids, the city council may authorize the mayor to order the sale of surplus personal property at public auction conducted by the city or in conjunction with another local governmental entity. The city council may also authorize the auction of surplus personal property by use of a commercial internet auction site.
- (6) This division shall not apply to forfeiture of contraband governed by Texas Code of Crim. Proc. Ann. article 59.01 et seq.
- (7) The chief of police shall be responsible for the sale or other disposition of all surplus firearms owned by or in the possession of the municipal police department and shall be responsible for compliance with all applicable state and federal laws and regulations when making such disposition. Prior to their sale or other disposition, the chief of police shall assure that the mayor of the city has classified each firearm as surplus. After sale or other disposition, the chief of police shall confirm the final disposition of each weapon is recorded in the official record of surplus property maintained by the city secretary. Proceeds from the sale of surplus firearms shall be retained by the municipal police department and shall be used for the purchase of and/or replacement of police department firearms. The use of such sale proceeds for any other purpose must be approved by the city council.
- (8) No municipal surplus personal property may be sold, donated or disposed of in any manner with a "local public official" of the city as defined by Texas Local Gov't Code Ann. section 171.001(1) or a person related to such official in the first degree of consanguinity or affinity, as determined under Texas Gov't Code Ann. section 573.001 et seq.

(Ordinance 2009-13, sec. 2, adopted 11/23/2009)

Sec. 2.07.033 Other disposition

Except as provided by section 2.07.032(7), in lieu of the sale of surplus personal property as provided by section 2.07.032 hereof, the city council may consider, solicit and act upon written requests for the donation or trade of surplus personal property with a local governmental entity, volunteer organizations conducting operations within the city, or other public agencies as defined by the United States General Services Agency ("qualified entities"). Preference for the donation or trade of surplus personal property shall be given in the following order:

- (1) Qualified entities operating within the incorporated limits of the city;
- (2) Qualified entities located within Uvalde County; and
- (3) All other qualified entities.

(Ordinance 2009-13, sec. 3, adopted 11/23/2009)

Secs. 2.07.034–2.07.060 Reserved

Division 3. Investment of Public Funds***Sec. 2.07.061 Authorized investments**

From this time forward, and unless changed by future councils, the city will invest its surplus funds in a combination of bank CDs and TexPool investments, with no percentage limit being placed on either instrument. (Ordinance 2020-09 adopted 12/21/2020)

ARTICLE 2.08 TAXATION**Division 1. Generally****Secs. 2.08.001–2.08.030 Reserved****Division 2. Property Tax†****Sec. 2.08.031 Penalty to defray costs of collection of delinquent taxes**

Ad valorem taxes that remain delinquent on July 1 of the year in which they become delinquent shall incur an additional penalty to defray costs of collection, said penalty to be in the amount of fifteen percent (15%) of the amount of taxes, penalty and interest due the city, which fee shall be an authorized collection expense. (Ordinance adopted 1/11/1982)

State law reference—Imposition of penalty for collection of delinquent taxes, V.T.C.A., Tax Code, secs. 33.01, 33.07, 33.08.

Secs. 2.08.032–2.08.060 Reserved**Division 3. Sales and Use Tax******Sec. 2.08.061 Sales and use tax elections**

Ordinances calling elections as well as those certifying election results for the imposition of sales and use taxes are on file in the office of the city secretary. (Ordinance adopting Code)

Sec. 2.08.062 Tax on gas and electricity for residential use

The city, by majority vote of its governing body, hereby votes to retain the taxes authorized by the Local Sales and Use Tax Act (V.T.C.A., Tax Code, chapter 321) on the receipts from the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption of, gas and electricity for residential use, as authorized by section 6 of House Bill No. 1, Acts 1978, 65th Legislature, Second Called Session. (Ordinance 349 adopted 4/9/1979; Ordinance adopting Code)

* **State law references**—Public Funds Investment Act, V.T.C.A., Government Code, ch. 2256; Public Funds Collateral Act, V.T.C.A., Government Code, ch. 2257.

† **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.

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

State law reference—Authority of municipality to impose tax on sales of gas and electricity, V.T.C.A., Tax Code, sec. 321.105.

Secs. 2.08.063–2.08.090 Reserved

Division 4. Hotel Occupancy Tax[†]

Sec. 2.08.091 Definitions

The following words, terms and phrases are defined as follows:

Consideration. The cost of the room in a hotel only if the room is ordinarily used for sleeping, and not including the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.

Hotel. Any building or buildings in which the public may, for a consideration, obtain sleeping accommodations, including hotels, motels, tourists homes, houses or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but not including hospitals, sanitariums or nursing homes.

Occupancy. The use or possession, or the right to the use or possession, of any room or rooms in a hotel if the room is one which is ordinarily used for sleeping and if the occupant is other than a permanent resident as hereinafter defined.

Occupant. Anyone who, for a consideration, uses, possesses, or has a right to use or possess any room or rooms in a hotel under any lease, concession permit, right of access, license, contract or agreement other than a permanent resident as hereinafter defined.

Permanent resident. Any occupant who has or shall have the right to occupancy of any room or rooms in a hotel for at least thirty (30) consecutive days during the calendar year or preceding year.

Person. Any individual, company, corporation or association owning, operating, managing or controlling any hotel.

Quarterly period. The regular calendar quarters of the year, the first quarter being composed of the months of October, November and December; the second quarter being the months of January, February and March; the third quarter being the months of April, May, and June; and the fourth quarter being the months of July, August, and September.

Tax assessor-collector. The tax assessor and collector for purposes of this division shall be the city secretary. The city secretary shall act as the collecting agency for this hotel/motel tax.

(Ordinance adopted 11/8/1999, sec. 20.01)

Sec. 2.08.092 Tax levied; amount; exceptions

(a) There is hereby levied a tax of six percent (6%) of the price paid for a room in a hotel on every person who, under a lease, concession, permit, right of access, license, contract, or

[†] **State law reference**—Municipal hotel occupancy taxes, V.T.C.A., Tax Code, ch. 351.

agreement, pays for the use or possession or for the right to the or possession of a room that is in a hotel, costs \$2.00 or more each day, and is ordinarily used for sleeping. The price of a room in a hotel does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the person except those services related to the cleaning and readying of the room for possession.

(b) Exceptions are as follows:

- (1) No tax shall be imposed upon a permanent resident.
- (2) No tax shall be imposed for federal or state employees traveling on official business.
- (3) No tax shall be imposed for diplomatic personnel who present a tax exemption card issued by the United States Department of State.
- (4) No tax shall be imposed for federal or state military personnel traveling on official military business. This exemption does not cover military staff on leave or between stations.

(Ordinance adopted 11/8/1999, sec. 20.02)

Sec. 2.08.093 Collection

(a) Every person owning, operating, managing or controlling any hotel shall collect the tax levied by this division for the city.

(b) The hotel operator shall be entitled to one percent (1%) of the hotel occupancy tax revenues collected as reimbursement for the operator's administrative costs for collecting the tax. However, as hereinbelow provided, this reimbursement may be forfeited at the discretion of the city if the hotel operator fails to timely pay over the tax or timely file a report as required by the city or files a false report with the city.

(Ordinance adopted 11/8/1999, sec. 20.03)

Sec. 2.08.094 Quarterly reports and payment

On the last day of the month following each quarterly period (beginning the last day the month following the second quarterly period of calendar year 1999), every person required to collect the tax imposed hereby shall file a report with the assessor-collector of taxes showing the price paid for all room occupancies in the preceding quarter, the amount of the tax collected on such occupancies, and any other information the assessor-collector may reasonably require. Such person shall pay the tax due on such occupancies at the time of filing such report. The report shall be in a form prescribed by the assessor-collector. The assessor-collector is hereby authorized and directed to do all such things necessary or convenient to carry out the terms of this division. The assessor-collector shall have the authority to request and receive within a reasonable time documentation for information contained in the report to the city by the hotel. (Ordinance adopted 11/8/1999, sec. 20.04)

Sec. 2.08.095 Rules and regulations; access to books and records

The assessor-collector shall have the power to make such rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby, and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required by this division, and the amount of taxes due under the provisions of this division. (Ordinance adopted 11/8/1999, sec. 20.05)

Sec. 2.08.096 Penalty and interest on delinquent tax; criminal penalty

(a) If any person shall fail to file a report as required herein or shall file a false report or shall fail to pay to the tax assessor-collector the tax as imposed herein when said report or payment is due, he shall forfeit five percent (5%) of the amount due as penalty, and after the first thirty (30) days, he shall forfeit an additional five percent (5%) of such tax. However, such penalty shall never be less than one dollar (\$1.00). Delinquent taxes shall draw interest at the rate of ten percent (10%) per annum beginning sixty (60) days from the due date.

(b) Any person violating any of the provisions of this division, including hotel operators who fail to collect the tax, fail to file a return, file a false return, or who are delinquent in their tax payment, shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed five hundred dollars (\$500.00), and each twenty-four (24) hours of any such violation shall constitute a separate offense.

(Ordinance adopted 11/8/1999, sec. 20.06)

Sec. 2.08.097 Additional actions for violations

The city is hereby authorized to take the following actions against any person required to collect the tax imposed hereby and pay the collection over to the city and who has failed to file a report, or filed a false report, or failed to pay the tax when due:

- (1) Require the forfeiture of any revenue the city allowed the hotel operator to retain for its cost of collecting the tax;
- (2) Bring suit against the hotel for noncompliance;
- (3) Bring suit against the hotel seeking any other remedies provided under Texas law; and/or
- (4) Recover attorney fees against any person violating any provision of this division.

(Ordinance adopted 11/8/1999, sec. 20.07)

Sec. 2.08.098 Additional authorization to bring suit

The city attorney is hereby authorized to bring suit against any person required to collect the tax imposed hereby and required to pay the collection over to the city and who has failed to file a report, or filed a false report, or failed to pay the tax when due. Such suit may seek to collect such tax not paid or to enjoin such person from operating a hotel in the city until the tax is paid or the report is filed or both, as applicable and as provided in the injunction. (Ordinance adopted 11/8/1999, sec. 20.08)

Sec. 2.08.099 Use of revenue

(a) The revenue derived from any hotel occupancy tax imposed and levied by this division may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

- (1) The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities (as such is defined in V.A.T.S. Tax Code, section 351.001);
- (2) The furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- (3) Advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- (4) The encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and
- (5) Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - (A) Which are at or in the immediate vicinity of convention center facilities; or
 - (B) Which are located elsewhere in the municipality or its vicinity that would be frequented by tourists, convention delegates, or other visitors to the municipality.

(b) Revenue derived from the hotel occupancy tax shall be expended only in a manner which directly enhances and promotes tourism and the convention and hotel industry as hereinbefore delineated. Such revenue shall not be used for the general revenue purposes or general governmental operations of the municipality which are not directly related to promoting the hotel and convention industry or tourism in the municipality.

(Ordinance adopted 11/8/1999, sec. 20.09)

Sec. 2.08.100 Delegation of management of funded programs; accountability; records

(a) The city council may, by contract, delegate to a person, including another governmental entity or a private organization, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax. The city council shall approve in writing in advance the annual budget of the entity to which it delegates those functions, and shall require the entity to make periodic reports to the city council at least annually listing the expenditures made by the entity of revenue from the tax provided by the municipality.

- (b) The entity must maintain the revenue provided by the municipality from the tax in a separate account established for that purpose and may not commingle that revenue with any other money or maintain it in any other account.
- (c) The municipality may not delegate to any person or entity the management or supervision of its convention and visitors programs and activities funded with revenue from the hotel occupancy tax other than by contract as provided herein.
- (d) The approval by the city council of the annual budget of the entity to which these functions are delegated creates a fiduciary duty in the person or entity with respect to the revenue provided by the municipality to the person or entity under the contract.
- (e) A person or entity with whom the municipality contracts to conduct authorized activities shall maintain complete and accurate financial records of each expenditure of hotel occupancy tax revenue made by the person or entity and, on request of the city council or other person, shall make the records available for inspection and review.
- (f) Hotel occupancy tax revenue may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and serving of expenditures hereinbefore authorized. The portion of the total administrative costs for activities for which hotel occupancy tax revenue may be used may not exceed the administrative costs actually incurred in conducting the authorized activities.
- (g) Hotel occupancy tax revenue may not be spent for travel for a person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of the person's job in an efficient and professional manner.

(Ordinance adopted 11/8/1999, sec. 20.10)

CHAPTER 3

ANIMAL CONTROL

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ARTICLE 3.01 GENERAL PROVISIONS***Sec. 3.01.001 Authorization**

The city mayor or his designate is hereby authorized and directed to implement the applicable provisions of this chapter upon his determination that such implementation is necessary to protect the public welfare and safety. (Ordinance 1996-01 adopted 2/19/1996)

Sec. 3.01.002 Applicability

The provisions of this chapter shall apply to all persons, associations, corporations or other legal form of entity. (Ordinance 1996-01 adopted 2/19/1996)

Sec. 3.01.003 Animal control officer

(a) Position established. There is hereby created the position of animal control officer for the city, who shall be appointed by the mayor with the authority and approval of the city council. The animal control officer shall be a person professionally competent by experience and training to enforce all animal control ordinance violations and applicable animal control sections of state law. The animal control officer shall report to the mayor and may hold the position concurrently with another appointed position in the city. The animal control officer shall have all authority granted under municipal ordinance and state law. Such officer shall while performing the duties prescribed herein wear insignia identifying the individual as the city animal control officer.

(b) Duties.

- (1) The animal control officer shall perform the following duties:
 - (A) Supervise and administer all animal control rules and regulations identified in this section, state law and other ordinances of the city.
 - (B) Supervise and administer animal control and rabies programs in the city.
 - (C) Perform such other duties as may be required by the city council.
 - (D) Issue notices of violation to individuals or entities for violation of municipal ordinance, state law, or any other regulation, administrative rule, or other law, which the animal control officer may lawfully enforce.
 - (E) The animal control officer and municipal police officers are authorized to enter and shall have the right and duty to enter private property to examine violations of municipal animal control ordinances and state law.
 - (F) Perform any duty which an animal control officer may lawfully perform under municipal ordinance or state law.
- (2) City police officers shall as requested assist the animal control officer in the performance of the duties prescribed by this section, and shall issue citations for

* **State law references**—Authority of governing body 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.

violations of municipal ordinances and state law upon the written complaint of the animal control officer.

(c) Required training. The individual appointed pursuant to this section may not perform the duties of an animal control officer unless the person (i) completes a basic animal control course under Texas Health and Safety Code chapter 829 not later than the first anniversary of the date the person assumes animal control duties, or (ii) has completed a personnel training course on or before June 30, 2008, under Texas Health and Safety Code section 823.004 as it existed on that date. Additionally, the animal control officer must complete 30 hours of continuing education under Texas Health and Safety Code chapter 829 during each three-year period following: (i) the date the person completes the basic animal control course, or (8) June 30, 2008, if the person completed a personnel training course under Texas Health and Safety Code Ann. section 823.004.

(Ordinance 2009-03 adopted 2/9/2009)

Sec. 3.01.004 Releasing animal from trap

It shall be a violation for any person to release any trapped animal, whether the animal is in a trap on city property or on private property. Any person who shall be convicted of such a violation will be subject to fine from one dollar (\$1.00) to two hundred dollars (\$200.00). (Ordinance 2005-04, sec. 2004-1.410, adopted 5/23/2005)

ARTICLE 3.02 DOGS AND CATS*

Division 1. Generally

Sec. 3.02.001 Penalty

The permitting of dogs or cats to violate any of the herein listed sections on dogs or cats within the city limits is prohibited, and any person who shall willfully permit any dog or cat, the property of such person, to violate the herein listed sections on dogs or cats within the city limits shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each violation, and each day so permitting such violation(s) shall be deemed a separate offense. (Ordinance 1996-01, sec. 1996-1.300, adopted 2/19/1996)

Sec. 3.02.002 Dogs

(a) Definitions. As used in this section:

At large means off the premises of the owner, and not under the control of the owner, a member of the owner's immediate family or a person responsible for the dog either by leash, cord, chain or otherwise.

Dog means both the male and female of the canine species.

* **State law references**—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033; rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.

Owner means any person or persons, firm, association or corporation owning, keeping or harboring a dog and/or in any way responsible for a dog.

(b) Dogs at large. It shall be unlawful for the owner of any dog, or any other person having control of any dog, to permit such dog to run at large within the city limits, and every person owning a dog or being in control of a dog shall keep such dog, by otherwise enclosing such dog, or by keeping such dog on a chain or leash under the control of such owner or some other person.

(c) Dogs injuring persons or damaging property. It shall be unlawful for the owner of a dog or the person in possession of a dog to permit such dog to injure any person or damage the property of any person within the city.

(d) Trespassing. It shall be unlawful for any person owning a dog to fail to exercise ordinary care and control of his or her dog to prevent it from molesting passersby, attacking persons or other domestic animals, running through or across cultivated gardens, or trespassing upon private property in such manner as to damage, destroy or partially destroy, litter, or to overturn, spill or drag the contents from any trash or garbage container, or to defecate or urinate on such property or any appurtenances thereto.

(e) Barking dogs.

(1) A person commits an offense if the person knowingly keeps, possesses, or harbors any dog which habitually barks or howls to the degree that it causes material distress or discomfort to persons of ordinary sensibilities in the neighborhood.

(2) Whenever the police department receives a complaint that a dog is continually or habitually barking or howling to the degree that it causes material distress or discomfort to persons of ordinary sensibilities in the neighborhood, the department shall notify the owner of the dog that a complaint has been received, and that the owner should take whatever action is necessary to quell the barking or howling.

(3) If the warning to the owner prescribed in subsection (2) is ineffective, then upon the subsequent filing of a verified complaint by the complainant, the department shall cite the owner to appear in municipal court and answer the alleged violation.

(f) Authority to kill rabid or vicious dogs. The city police, any peace officer or other person authorized by the city shall have the right and authority to kill any rabid dog, or any dog on the streets of the city which shall manifest a disposition to bite or injure any person.

(Ordinance 1996-01, sec. 1996-1.000, adopted 2/19/1996)

Sec. 3.02.003 Cats

(a) Definitions. As used in this section:

Cat means both the male and female of the feline species.

Owner means any person or persons, firm, association or corporation owning, keeping or harboring a cat and/or in any way responsible for a cat.

(b) Cats injuring persons or damaging property. It shall be unlawful for the owner of a cat or the person in possession of a cat to permit such cat to injure any person or damage the property of any person within the city.

(c) Authority to kill rabid or vicious cats. The city police, any peace officer or any other person authorized by the city shall have the right and authority to kill any rabid cat, or any cat on the streets of the city which shall manifest a disposition to bite or injure any person.

(Ordinance 1996-01, sec. 1996-1.100, adopted 2/19/1996)

Sec. 3.02.004 Rabies vaccination required

All dogs and cats kept within the city limits of above the age of three (3) months shall be vaccinated annually against rabies with a 3-year vaccine by a licensed veterinarian. Each veterinarian who vaccinates a dog or cat against rabies shall issue a certificate of vaccination to the owner of such animal at the time such animal is vaccinated, stating thereon the name of the owner, a brief description of such animal, and the date of vaccination. The veterinarian shall furnish the owner of such animal a numbered tag indicating the year of vaccination, which tag shall be attached to a collar and securely fastened around the neck of such animal. (Ordinance 1996-01, sec. 1996-1.200, adopted 2/19/1996)

State law reference—Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.

Sec. 3.02.005 Observation of biting dog or cat for rabies

(a) At any time a person is bitten by a dog or cat, the animal shall be taken by the city and placed with a veterinary facility for a ten (10) day period for the purpose of observation to determine whether or not the animal has rabies. The owner of the animal shall be responsible for all costs incurred by the city for the retention and observation of the animal.

(b) When the owner is known, an attempt shall be made to notify the owner immediately upon the taking of the animal. Once the owner is notified, he will then be given the opportunity to put up cash money in advance to cover the veterinary bill and any other expense associated with the animal for the mandatory ten-day observation period. The money shall be deposited with the city secretary and a receipt shall be issued to the person.

(c) In the event the owner of the dog or cat does not want to pay for the expenses, that person shall still be liable for costs incurred to have the animal immediately processed. The city may then proceed to have the animal immediately processed and the head sent for testing for rabies.

(d) If the animal is untagged and has no known owner, the animal will be immediately processed and the head sent for testing for rabies.

(Ordinance 2005-04, sec. 2004-1.400, adopted 5/23/2005)

State law reference—Quarantine of animals, V.T.C.A., Health and Safety Code, sec. 826.042.

Secs. 3.02.006–3.02.030 Reserved

Division 2. Impoundment

Sec. 3.02.031 Generally

(a) The city, through its authorized designate, shall impound at the City of Uvalde animal shelter on Garden Street, Uvalde, or the City of Sabinal utility yard, Sabinal, all dogs and cats captured that are in violation of any of the sections in this article on dog and cats within the city.

(b) However, any time a person is bitten by a dog or cat, the animal will be taken to a veterinary and held 10 days for observation; costs are to be paid by the owner. If the dog or cat is untagged and has no known owner, the animal will be destroyed immediately and processed for rabies analysis.

(Ordinance 1996-01, sec. 1996-1.400, adopted 2/19/1996)

Sec. 3.02.032 Notice of impoundment; holding period; disposition of unredeemed animals

(a) When a dog or cat is captured and impounded, a notice shall be posted at the city office, describing thereon such and stating that such dog or cat shall be killed unless redeemed and reclaimed by the rightful owner or someone acting for the owner. In addition to the above public notice, if the impounded animal bears a collar, tag or license identifying its owner, the owner shall be promptly notified of the impoundment of the animal.

(b) The impounded animal shall be held for a period of up to three (3) days during which time the owner may reclaim the animal upon payment to the city of the fees and costs hereinafter provided.

(c) Upon the expiration of three (3) days from the date of impoundment, or in the case of an identifiable animal, upon the expiration of three (3) days from the date of notice to its owner, if the impounded animal has not been reclaimed by its owner it shall be humanely euthanized, or placed for adoption in a suitable home.

(Ordinance 1996-01, sec. 1996-1.500, adopted 2/19/1996)

Sec. 3.02.033 Redemption by owner; fees

The owner of an impounded dog or cat may reclaim the dog or cat at any time prior to its euthanization or adoption in accordance with the following procedures:

- (1) The owner shall pay to the city an impoundment fee as set forth in the fee schedule in appendix A of this code for the animal's reasonable maintenance and upkeep.
- (2) The owner shall be assessed a flat fee in the amount set forth in the fee schedule in appendix A of this code to cover transportation to an out-of-town facility, if necessary.
- (3) The owner shall produce a current vaccination certificate showing the animal to have been vaccinated against rabies.
- (4) If the owner cannot produce a current vaccination certificate, the dog or cat shall not be released unless the owner deposits with the city, in cash, the sum set forth in the fee schedule in appendix A of this code, which shall be refunded to the owner only

upon presentation by the owner, within five (5) days from the date of the animal's release, of a current vaccination certificate. If the owner does not make a deposit, the dog shall be held and disposed of as provided in sections 3.02.031 and 3.02.032.

(Ordinance 1996-01, sec. 1996-1.600, adopted 2/19/1996; Ordinance adopting Code)

ARTICLE 3.03 HOGS*

Sec. 3.03.001 Definitions

As used in this article:

Hog means both the male and female of the swine species.

Owner means any person or persons, firm, association or corporation owning, keeping or harboring a hog.

(Ordinance 1996-01, sec. 1996-1.701, adopted 2/19/1996)

Sec. 3.03.002 Penalty

It shall be unlawful to do or perform any act prohibited in this article; and it shall be unlawful to fail to do or perform any act required in this article. Upon conviction, any violation hereof shall be punished by fine of not less than one dollar (\$1.00) nor more than two dollars (\$200.00) for each violation. Each day's violation hereof shall constitute a separate offense. (Ordinance 1996-01, sec. 1996-1.706, adopted 2/19/1996)

Sec. 3.03.003 Keeping restricted

It shall be unlawful to keep or maintain swine within the corporate limits of the city except at the specific times, locations, and in accordance with the provisions of this article. (Ordinance 1996-01, sec. 1996-1.702, adopted 2/19/1996)

Sec. 3.03.004 Allowable locations and time period

During the time period beginning with August 1 of each calendar year, extending to and including February 28 of the next calendar year, of each year, it shall be lawful for swine to be kept within the city limits provided that such swine may be kept and maintained at only the following locations and further provided that such locations meet all of the requirements specified hereinbelow:

- (1) The home of an FFA member who is under the supervision of a high school vocational agricultural teacher, provided such property meets the specific requirements set out hereinbelow.
- (2) The home of a 4-H member who is under the supervision of the Uvalde County agricultural agent, provided the property meets the requirements set out hereinbelow.

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

- (3) Such other site location which is not the home of an FHA or 4-H member who is under the direct supervision of a high school agricultural teacher or a Uvalde County agricultural agent, and such site has been previously approved by such teacher or agent, and additionally meets all requirements specified below.

(Ordinance 1996-01, sec. 1996-1.703, adopted 2/19/1996)

Sec. 3.03.005 Pen and site requirements

To be qualified under this article for the maintenance of swine within the city limits, a property location must be a location specified in section 3.03.004 above and must additionally meet all of the following requirements:

- (1) Contain two or more acres of land upon which the residential premises of the FFA or 4-H member are located and upon which the swine shall be located, for property locations under subsection (1) or (2) in section 3.03.004 above, containing two or more acres of land, which acreage is owned by one individual or family.
- (2) Have pens in place of a size that provides a minimum of 100 square feet per hog, and additionally the pen must be covered with a roof having a minimum of twenty-five (25) square feet per hog. Such pens must be equipped with self-watering facilities, and be so constructed so as to have drainage and protection provided to the outside of the pen.
- (3) The pens must be located so that they are a minimum of 200 feet from the property line of any property owned or occupied by anyone other than those persons keeping or maintaining the swine.

(Ordinance 1996-01, sec. 1996-1.704, adopted 2/19/1996)

Sec. 3.03.006 Additional requirements

In addition to meeting the above site requirements during the period of swine raising permitted hereunder, the following practices are additionally required to be observed:

- (1) All swine must be grain fed.
- (2) No hog wallows shall be permitted to be maintained or develop.
- (3) Open and adjacent areas must be kept clean.
- (4) A maximum number of five (5) hogs shall be permitted at any one property site location.
- (5) The names, locations, and a record of swine projects will be kept by FFA and 4-H advisers for reference and a copy filed with the appropriate city officials.
- (6) Each additional person desiring to maintain swine in accordance with this article shall, before bringing such swine into the city limits, first obtain a written permit from either the FFA or 4-H adviser, stating in such permit that the particular person is

under the individual adviser's supervision and is participating in a swine raising project, that the property location has been personally inspected by the adviser and complies with the requirements of this article, and further listing the name of the person under supervision and the address of the swine location site. Such individual participant shall then submit such permits to the city as a prerequisite to bringing such swine into the city.

(Ordinance 1996-01, sec. 1996-1.705, adopted 2/19/1996)

ARTICLE 3.04 FOWL

Sec. 3.04.001 **Penalty**

Any person who shall fail to correctly confine any chickens, turkeys, guinea fowl, pea fowl, ducks or geese, or knowingly keep unconfined any such chickens, guinea fowl, pea fowl, ducks or geese, upon any premises located within the city limits belonging to such person, leased by such person, or under the control of such person is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each violation, and each day of so keeping such chickens, turkeys, guinea fowl, peafowl, ducks or geese shall be deemed a separate offense. (Ordinance 1996-01, sec. 1996-1.803, adopted 2/19/1996)

Sec. 3.04.002 **Keeping restricted**

The keeping of chickens, turkeys, guinea fowl, pea fowl, ducks or geese within the corporate limits of the city, except as hereinafter provided, is prohibited. (Ordinance 1996-01, sec. 1996-1.801, adopted 2/19/1996)

Sec. 3.04.003 **Maximum number; confinement**

The keeping of the fowl above enumerated shall not be deemed a violation of this chapter provided that the total number of fowl so kept does not exceed twenty (20), and provided further that such fowl be continuously confined in coops or pens in such a fashion that they be confined to the premises owned by or controlled by the person keeping such fowl. (Ordinance 1996-01, sec. 1996-1.803, adopted 2/19/1996)

ARTICLE 3.05 LIVESTOCK*

Sec. 3.05.001 **Definitions**

As used in this article:

Adequate enclosure shall include but not be limited to the following: fence, pen, cage, corral or stockade, etc. Said enclosure shall be considered "adequate" if, and only if, it contains the

* **State law references**—Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, sec. 215.026(b); estrays, V.T.C.A., Agriculture Code, ch. 142.

livestock on the person's property at all times, and is kept in good repair so as to avoid the possibility of livestock running at large and damaging another person's property.

At large means off the premises of the owner, and not under the control of the owner, a member of the owner's immediate family or a person responsible for the livestock.

Livestock means both the male and female of any cattle, horses, mules, donkeys, swine, sheep or goats.

Person means any person or persons, firm, association or corporation owning, keeping or harboring the livestock and/or any way responsible for the livestock.

(Ordinance 1996-01, sec. 1996-1.901, adopted 2/19/1996)

Sec. 3.05.002 Penalty

It shall be unlawful to do or perform any act prohibited or fail to do or perform any act required in this article. Upon conviction, any violation hereof shall be punished by fine of not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each violation. Each day's violation hereof shall constitute a separate offense. (Ordinance 1996-01, sec. 1996-1.905, adopted 2/19/1996)

Sec. 3.05.003 Livestock running at large

It shall be unlawful for any person to permit any livestock, as defined in this article, to run at large within the city limits. (Ordinance 1996-01, sec. 1996-1.902, adopted 2/19/1996)

Sec. 3.05.004 Grazing of animals on street, sidewalk or alley

It shall be unlawful for any person to stake any kind of livestock, as defined in this article, in such a manner that it may graze on any sidewalk, street or alley within the city limits. (Ordinance 1996-01, sec. 1996-1.903, adopted 2/19/1996)

Sec. 3.05.005 Enclosure

It shall be unlawful if any person does not have and maintain an adequate enclosure, as defined in this article, for their respective livestock. (Ordinance 1996-01, sec. 1996-1.904, adopted 2/19/1996)

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. Plumbing Code*****Sec. 4.02.031 Adoption**

A certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Plumbing Code, 2015 edition, including appendix chapters, published by the International Code Council, is hereby adopted as the plumbing code for the city for 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 therein provided, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions and terms of such International Plumbing Code, 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary, are hereby referred to, adopted and made part of this section as if fully set out in this section. (Ordinance 2016-03, sec. 2, adopted 4/11/2015)

Sec. 4.02.032 Amendments

The following sections are hereby revised. The International Plumbing Code, 2015 edition, is hereby amended as follows:

- (1) Each reference to “jurisdiction” or location for (insertion of name of jurisdiction) shall mean the City of Sabinal, Texas.

(Ordinance 2016-03, sec. 3, adopted 4/11/2015)

Sec. 4.02.033 Penalty

Any person or entity violating any provision of this division shall be guilty of a misdemeanor and fined an amount not to exceed five hundred dollars (\$500.00), with each day or fractional part thereof for which a violation exists constituting a separate offense. Such penalty shall be in addition to all other remedies provided herein. To the extent of any conflict between this section and a penalty and a provision in the codes adopted herein, such penalty provision shall be amended and this section shall control. (Ordinance 2016-03, sec. 4, adopted 4/11/2015)

Sec. 4.02.034 Plumber’s license; permits; inspections

* **State law references**—Municipal plumbing ordinances and permits, V.T.C.A., Occupations Code, sec. 1301.551; 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.

(a) License and permit required. All plumbers, both local and out of town, operating in the corporate limits of the city, are required to have a license from the local plumbing inspector, the cost of such license to be as set forth in the fee schedule in appendix A of this code. Before starting any job of work a permit must be secured from the plumbing inspector for that particular contract.

(b) Violations. The failure to comply with this section shall be the surrender of the license for a period of three months for a first offense, and the permanent surrender of the license for a second offense.

(c) Inspections. An inspection fee as set forth in the fee schedule in appendix A of this code will be charged for inspecting any installation or repairs of plumbing fixtures and septic tanks, and sewer connections. All such installations and repairs must be inspected and approved by the city plumbing inspector before using same.

(Ordinance adopted 4/12/1940; Ordinance adopting Code)

ARTICLE 4.03 UNSAFE BUILDINGS*

Sec. 4.03.001 Purpose and applicability

This article is remedial in purpose and shall be construed to secure the prevention and abatement of hazards incident to the construction, alteration, repair, removal, use and maintenance of buildings. This article applies equally to all buildings, regardless of the date of their construction. The definition of “building” includes all or any part of a building or structure. (Ordinance 2009-02, sec. 3, adopted 2/23/2009)

Sec. 4.03.002 Prohibited acts

(a) It is unlawful for the owner of a building to maintain the building in a manner that allows the building to become or remain an unsafe building.

(b) It is unlawful for any person to remove any form of unsafe building notice attached to a building by the code compliance officer.

(c) The city declares that “unsafe buildings” constitute a public nuisance and it shall be unlawful to maintain such structures in the city.

(Ordinance 2009-02, sec. 4, adopted 2/23/2009)

Sec. 4.03.003 Unsafe building defined

If a building fails to meet the following minimum standards for continued use and occupancy, it is considered an “unsafe building” and a public nuisance. Whenever that term is used in this article, it means:

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

- (1) The building is dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare, more specifically defined as follows:
 - (A) The foundation or the vertical or horizontal supporting members are damaged or deteriorated to the extent that the building may collapse from its own weight or from the effects of wind, rain or other natural forces;
 - (B) The exterior roof, walls or flooring is damaged, dilapidated or decayed to the extent that the elements and vermin are not sealed out from the building's occupants or contents;
 - (C) Any part of the building is so attached that, from its own weight or from the effects of wind, rain or other natural forces, it may fall and injure occupants of the building, other persons or other property;
 - (D) The condition of the electrical, gas, mechanical or plumbing system serving the building poses a manifest hazard to the building's occupants, other persons or other property; or
 - (E) The building has been damaged by fire, wind, water, vandalism or other causes to the extent that it poses a hazard to the occupants of the building, other persons or other property;
- (2) Regardless of its structural condition, if the building is unoccupied by its owner, lessee or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (3) If the building is boarded up, fenced or otherwise secured in any manner but:
 - (A) The building constitutes a danger to the public even though secured from entry; or
 - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) of this section.

(Ordinance 2009-02, sec. 5, adopted 2/23/2009)

Sec. 4.03.004 Inspection and initial notice

- (a) The code compliance officer will respond to all complaints that a building is in violation of this article by inspecting the building.
- (b) After initially determining that a building is unsafe, the building official will issue an initial notice of unsafe building to the owner of the building. The city will use its best efforts to determine the identity and address of any owner, lienholder or mortgagee of the building through the records of county clerks and other sources available to the city.

- (1) For the purpose of this section, the term “owner” shall mean any real person, corporation, partnership, association, or other entity that shall then be in control of the building.
 - (2) Control shall be presumed where any person or entity of the types described in subsection (b)(1) is the assessed party or payor of real property taxes for the building.
- (c) An initial notice of unsafe building will contain the following information:
- (1) The street address of the building;
 - (2) A description of the conditions that make the building an unsafe building;
 - (3) A request that the building be vacated within ten days if it is occupied and cannot be repaired within that time;
 - (4) A request that the owner obtain a permit within ten days for the repair or demolition of the building. The owner will have 30 days to complete repairs, unless the owner or lienholder establishes that the work cannot reasonably be performed within 30 days;
 - (5) A statement that the owner may request a public hearing on whether the building is unsafe by submitting a written request to the building official within ten days.
- (d) The initial notice will be given to the owner in one of the following ways:
- (1) By personally serving the owner with a copy;
 - (2) By certified mail, return receipt requested, addressed to the owner at the owner’s post office address; or
 - (3) If personal service cannot be obtained and the owner’s post office address is unknown, by either publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located, or by posting the notice on or near the front door of the building.

(Ordinance 2009-02, sec. 6, adopted 2/23/2009)

Sec. 4.03.005 Failure to comply with initial notice; request for hearing; notice of hearing

- (a) If the owner of a building fails to comply with a request in an initial notice to vacate or obtain a permit for a building under this article, the building official may schedule a public hearing on the building or pursue other enforcement action regarding the building. If the owner of a building responds to an initial notice by requesting a public hearing, the building official will schedule a public hearing on the building.
- (b) Notice of a public hearing will be given to the owner of the building and to each mortgagee and lienholder having an interest in the building or in the property on which the building is located, in a manner described in section 4.03.004(d).
- (c) The notice will contain the following:

- (1) The street address of the building;
 - (2) A description of the conditions that make the building an unsafe building;
 - (3) A statement that the issues at the hearing will be whether the building is an unsafe building and, if so, whether the building should be vacated, secured, repaired or demolished and, if so, within what time periods these activities should be completed;
 - (4) A statement that if the building is not vacated, secured, repaired or demolished in accordance with an order entered after the hearing, the city may vacate, secure, repair or demolish the building and assess a lien for expenses incurred; and
 - (5) A statement that the owner, lienholder or mortgagee is required to submit, at the hearing, proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- (d) The city may file notice of the hearing in the official public records of real property in the county in which the property is located. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of interest in the property who acquire the interest after the filing of the notice, and constitutes notice of the hearing. The notice will contain the following:
- (1) Name and address of the owner of the affected property, if that information can be determined from a reasonable search of the instruments on file in the county clerk's office;
 - (2) A legal description of the affected property; and
 - (3) A description of the hearing.

(Ordinance 2009-02, sec. 7, adopted 2/23/2009)

Sec. 4.03.006 Conduct of hearing; issuance of order

- (a) Public hearings under this article will be held before the municipal court judge.
- (b) The issues at a hearing will be limited to those described in section 4.03.005(c)(3). The building official, the owner and any mortgagee or lienholder of the building and other interested persons may address these issues at the hearing.
- (c) Disputed fact issues will be determined by a preponderance of the evidence.
- (d) If a building is found to be an unsafe building, the judge will order that the building be vacated, secured, repaired or demolished.
- (e) The judge will require the owner, lienholder or mortgagee of the building to, within 30 days:
 - (1) Secure the building from unauthorized entry; or

- (2) Repair, remove or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (f) If the judge allows the owner, lienholder or mortgagee more than 30 days to repair, remove or demolish the building, the judge will establish specific time schedules for the commencement and performance of the work and will require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
- (g) The judge may not allow the owner, lienholder or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
 - (1) Submits a detailed plan and time schedule for the work at the hearing; and
 - (2) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (h) If the judge allows the owner, lienholder or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the judge will require the owner, lienholder or mortgagee to regularly submit progress reports to the city to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the municipal court judge.
- (i) A copy of the order will be given to the owner and any lienholder or mortgagee of record of the property in a manner described in section 4.03.004(d).
- (j) Within ten days after the date the order is issued, the city will:
 - (1) File a copy of the order in the city secretary's office; and
 - (2) Publish in a newspaper of general circulation in the city a notice containing:
 - (A) The street address or legal description of the property;
 - (B) The date of the hearing;
 - (C) A brief statement indicating the results of the order; and
 - (D) Instructions stating where a complete copy of the order may be obtained.

(Ordinance 2009-02, sec. 8, adopted 2/23/2009)

Sec. 4.03.007 Notice of public hearing on noncompliance with order

- (a) If any part of an order issued under section 4.03.006 is not complied with by the owner or by any mortgagee or lienholder, the building official will schedule a public hearing on the issue of failure to comply with the court order.
- (b) Notice of the public hearing will be given in accordance with section 4.03.005.

- (c) The notice will contain the following:
 - (1) The street address of the building;
 - (2) The date and content of the court order;
 - (3) A statement that the issue at the hearing will be limited to whether the owner of the building complied with the court order; and
 - (4) A statement that, if the court finds that the building owner did not comply with the court order, the court will order the building official to vacate, secure, repair or demolish the building and assess a lien for expenses incurred.

(Ordinance 2009-02, sec. 9, adopted 2/23/2009)

Sec. 4.03.008 Finding of noncompliance with order; remedial action by city

- (a) Public hearings under this article will be held before the municipal court judge.
- (b) The issues at the hearing will be limited to those described in section 4.03.005(c)(3). The building official, the owner and any mortgagee or lienholder of the building and other interested persons may address these issues at the hearing.
- (c) Disputed fact issues will be determined by a preponderance of the evidence.
- (d) If the court finds that the building owner did not comply with the previous court order, the court will order that the building official will take, or cause to be taken, the previously ordered remedial action.
- (e) Any repairs caused by the code compliance officer will be limited to the removal or correction of hazardous conditions and the securing of the building against unauthorized entry.
- (f) The code compliance officer will certify the amount of the city's expenses for remedial action to the city secretary for billing to the owner.
- (g) The city council may assess the expenses as a lien against the property on which the building is or was located, on a form approved by the city attorney. The lien is a privileged lien, subordinate only to tax liens.

(Ordinance 2009-02, sec. 10, adopted 2/23/2009)

Sec. 4.03.009 Guidelines for remedial action

- (a) The criteria within this section are guidelines for the municipal court judge to use in determining the remedial action to be ordered for an unsafe building.
- (b) If the condition of a building poses a manifest hazard to the occupants of the building, it shall be vacated.
- (c) If an unsafe building is to be repaired and is vacant, it shall be secured against unauthorized entry.

(Ordinance 2009-02, sec. 11, adopted 2/23/2009)

Sec. 4.03.010 Refused or unclaimed notice

Wherever in this article the city is required to mail a notice to the owner, occupant, or other person to abate an unsafe building, or any other “public nuisance,” and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected and the notice shall be conclusively presumed as delivered to the addressee. (Ordinance 2009-02, sec. 12, adopted 2/23/2009)

Sec. 4.03.011 Subsequent violations within one year

The city may, without notice, take any action authorized by this article and assess its expenses if:

- (1) A notice of violation/notice to abate was given to the owner, occupant, or other person within the preceding one-year period;
- (2) The prior notice of violation/notice to abate was served upon such owner, occupant, or other person in any manner authorized herein;
- (3) The prior notice of violation/notice to abate informed the owner, occupant, or other person that if such person committed another violation of the same kind or nature that poses a threat to the public health and safety on or before the first anniversary of the date of notice, that the city without further notice may correct the violation at the owner, occupant, or other person’s expense and assess its expenses against the property of such person;
- (4) The violation is of the same kind and nature as that described in the prior notice; and
- (5) The city has not been informed by the owner, occupant, or other person of a change in property ownership.

(Ordinance 2009-02, sec. 13, adopted 2/23/2009)

Sec. 4.03.012 Responsible officials

Wherever in this article reference is made to the duties of a certain official named herein, that designated official of the city who has duties corresponding to those of the official named herein shall be deemed to be the responsible official insofar as enforcement of the provisions of this article; provided, however, that the code compliance officer is appointed as the building official for the city. (Ordinance 2009-02, sec. 14, adopted 2/23/2009)

ARTICLE 4.04 FLOOD DAMAGE PREVENTION*

* **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.

Sec. 4.04.001 Statutory authorization, findings of fact, purpose and methods

(a) Statutory authorization. The legislature of the state has in the Flood Control Insurance Act, Texas Water Code, section 16.315, 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;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone 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 2010-03, art. 1, adopted 6/14/2010)

Sec. 4.04.002 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.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the 1 percent annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 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 1 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 rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equalling or exceeding that level in any given year - also called the base flood.

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

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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 to 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, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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 elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the administrator, where the boundaries of the flood, [and] mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as zones A, M, and/or E.

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

Flood insurance study (FIS). See “Flood elevation study.”

Floodplain or flood-prone 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.

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 area 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.

Floodproofing means any combination of structural and non-structural 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.

Floodway. See “Regulatory floodway.”

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.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See “Area of special flood hazard.”

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, for floodplain management purposes, 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 term 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 to assure safe living 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 means a grant of relief by a community from the terms of a floodplain management regulation. (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 2010-03, art. 2, adopted 6/14/2010)

Sec. 4.04.003 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.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the flood insurance rate map (FIRM) or flood hazard boundary map (FHBM), Uvalde County Map 45463C0528E, dated November 04, 2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(c) Establishment of development permit. A floodplain 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, easement, covenant, or deed restriction 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 hereunder.

(Ordinance 2010-03, art. 3, adopted 6/14/2010)

Sec. 4.04.004 Administration

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

(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 to ensure that the proposed building site project, 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 water development board (TWDB), and also the state commission on environmental quality (TCEQ), 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 4.04.003(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 4.04.005.

(c) Permit procedures.

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to,

plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. 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 4.04.005(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 subsection (b)(1) of this section.
- (2) Approval or denial of a floodplain 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.

(d) Variance procedures.

- (1) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (2) The appeal board 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 appeal board 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 1/2 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 1/2 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 appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 4.04.001(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 which 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 (i) the criteria outlined in subsections (d)(1) through (9) of this section are met, and (ii) 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 2010-03, art. 4, adopted 6/14/2010)

Sec. 4.04.005 Provisions for flood hazard reduction; penalty

(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 4.04.003(b), section 4.04.004(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 4.04.004(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 on separate walls having a total net area of not less than 1 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 1 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 FIRM shall be installed using methods and practices that 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.

(c) Standards for subdivision proposals.

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 4.04.001(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 floodplain development permit requirements of section 4.04.003(c) and section 4.04.004(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 4.04.003(b) or section 4.04.004(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) Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00

for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the governing body from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance 2010-03, art. 5, adopted 6/14/2010)

ARTICLE 4.05 SIGNS*

Division 1 Generally

Secs. 4.05.001–4.05.040 Reserved

Division 2. Changeable Electronic Variable Message Signs (CEVMS)

Sec. 4.05.041 Definitions

Changeable electronic variable message sign (CEVMS) means a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administration as the national standard.

Off-premises sign means any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premises sign means any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises are used for business purposes.

Sign code application area means the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by section 42.021 of the Local Government Code.

(Ordinance 2008-02, sec. 1, adopted 4/14/2008)

Sec. 4.05.042 Prohibitions

(a) New off-premises signs. From and after the effective date, no new construction permit shall be issued or written permission granted for the erection of an off-premises sign, including but not limited to a new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the sign code application area.

* **State law references**—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216; regulation of outdoor signs in municipality's extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 216.902.

(b) General prohibition. From and after the effective date, no CEVMS shall be allowed within the sign code application area.

(Ordinance 2008-02, sec. 2, adopted 4/14/2008)

Sec. 4.05.043 Penalty

Any individual, organization, group, or legally recognized entity of any type whatsoever violating the provisions of section 4.05.042 shall be guilty of a misdemeanor and assessed a fine of not less than \$25.00 nor more than \$200.00. Each day that such violation continues shall be deemed a separate offense and be punishable as such. (Ordinance 2008-02, sec. 3, adopted 4/14/2008)

CHAPTER 5

BUSINESS REGULATIONS

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ARTICLE 5.01 GENERAL PROVISIONS

Sec. 5.01.001 Notification of fibre-optic cable installations; map; line markers

(a) All utility companies and their contractors shall notify the city, in writing, of their intent and the schedule of installation of all fibre-optic lines in the city.

(b) An “as-built” map shall be furnished to the city at the completion of every such project. Each line shall also be clearly marked with a three-inch (3") white PVC pipe upright, extending a minimum of five feet (5') above ground. The top twelve inches (12") shall be of a contrasting color, either as a part of the post or a separate sign attached to the upright, with the company name and telephone numbers indelibly imprinted for line locates and/or emergencies, and no more than three hundred feet intervals between markers.

(Ordinance 1999-10 adopted 9/13/1999)

ARTICLE 5.02 ALCOHOLIC BEVERAGES*

Division 1. Generally

Sec. 5.02.001 Penalty

Any person, firm or corporation violating any of the provisions of this article shall be punished by a penalty of a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense. (Ordinance 2017-06, sec. 6, adopted 11/27/2017)

Sec. 5.02.002 Sale near church or school

It shall be unlawful for any licensed dealer or any person to sell an alcoholic beverage within three hundred (300) feet of any church, school, or other educational institution. The measurement of the distance between the place of business where alcoholic beverages are sold and the church 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 school or other educational institution shall be from the nearest property line of the school to the nearest doorway by which the public may enter the place of business, along street lines and in a direct line across intersections; for any permit or license covering premises where minors are prohibited from entering the premises, the measurement of the distance between the premises and a school or other educational institution shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections; and whether such applicant desires to do business as a manufacturer, a general distributor, a local distributor or a retail dealer. (Ordinance 2017-06, sec. 5, adopted 11/27/2017)

State law reference—Sale near church, school or hospital, V.T.C.A., Alcoholic Beverage Code, sec. 109.33.

* **State law reference**—Local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code, sec. 109.31 et seq.

Sec. 5.02.003 Hours of sale and consumption

(a) The hours of sale of alcoholic beverages within the city limits are set as standard hours as follows: Monday through Friday 7 a.m. to midnight; Saturday 7 a.m. to 1 a.m. (Sunday morning); Sunday noon to midnight (10 a.m. to noon only in conjunction with the service of food, or at a winery, fair, festival, concert, or sports venue). No late hours permit allowed.

(b) The hours of consumption of alcoholic beverages in a public place within the city limits are set as standard hours as follows: Monday through Friday 7 a.m. to 12:15 a.m., Saturday 7 a.m. to 1:15 a.m.; Sunday noon to 12:15 a.m. Exception: Consumption is legal between 10 a.m. and noon on Sunday at an on-premises establishment when alcohol is sold along with the service of food to a customer, or at a winery, fair, festival, concert, or sports venue.

(Ordinance 2017-06 adopted 3/12/2018)

State law reference—Hours of sale and consumption, V.T.C.A., Alcoholic Beverage Code, ch. 105.

Secs. 5.02.004–5.02.030 Reserved**Division 2. Permit or License*****Sec. 5.02.031 Required; annual fee**

(a) It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any beer, wine or other alcoholic beverage within the city without having first paid an annual city permit fee in the amount set forth in the fee schedule in appendix A of this code.

(b) Such permit fee shall be paid to the city secretary annually. The city secretary shall issue a receipt for the permit fee and keep a record of the same in the city secretary's office. All receipts issued for the payment of permit fees under the terms of this section shall terminate at midnight on the day before the anniversary date of their issuance, and no receipt shall be issued covering a term longer than one (1) year. All fees are nonrefundable.

(Ordinance 2017-06, sec. 2, adopted 11/27/2017; Ordinance adopting Code)

Sec. 5.02.032 Processing of application

Before the city secretary shall sign any application for a permit or license under the Texas ABC, or any annual renewal, such application shall be submitted to the appropriate city departments to ensure that the application complies with all city ordinances and regulations and [is] for establishments located in a wet area. (Ordinance 2017-06, sec. 3, adopted 11/27/2017)

Sec. 5.02.033 Contents of application

* **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.

Any person desiring to manufacture, sell or distribute an alcoholic beverage within the corporate limits of the city shall file with the city secretary an application, made under oath, for a license so to do. Such application shall state the following:

- (1) The name and address of the applicant;
- (2) The address where such applicant desires to manufacture, sell or distribute alcohol; whether or not the principal business of the applicant is the sale of alcohol;
- (3) Whether or not the place of business of the applicant where such alcohol is to be sold is within three hundred (300) feet of any church, school or other educational institution, the measurement of the distance between the place of business where alcoholic beverages are sold and the church 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 school or other educational institution shall be from the nearest property line of the school to the nearest doorway by which the public may enter the place of business, along street lines and in a direct line across intersections; for any permit or license covering premises where minors are prohibited from entering the premises, the measurement of the distance between the premises and a school or other educational institution shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections; and whether such applicant desires to do business as a manufacturer, a general distributor, a local distributor or a retail dealer.

(Ordinance 2017-06, sec. 4, adopted 11/27/2017)

ARTICLE 5.03 ITINERANT VENDORS*

Sec. 5.03.001 Definition

The term “itinerant vendor” means and includes all persons, firms and corporations, as well as their agents and employees, who engage in the temporary or transient business in the city of selling, or offering for sale, any goods, or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof; and who for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease, or occupy any room or space in any building, structure, or other enclosure, vacant lot or any other property whatever, in the city, in, through, or from which any goods, or merchandise, may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof. The word “temporary” as used above means any such business transacted or conducted in the city for which definite arrangements have not been made for the hire, rental or lease of premises for at least one month in or upon which such business is to be operated or conducted. The word “transient” as used above means any such business of any such itinerant vendor as may be operated or conducted by persons, firms or corporations, or by their agents and employees, who reside away from the city, or who have their headquarters in places other than the city, or who move stocks of goods or merchandise or samples thereof into the city with the purpose or intention of removing them or the unsold portion thereof away from the city before the expiration

* **State law reference**—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.

of one month. Provided, however, that the term “itinerant vendor,” as defined herein, shall not include or be construed to include anyone engaged in interstate commerce nor anyone upon whom the provisions of this article would impose a direct and unlawful burden on interstate commerce. (Ordinance adopted 8/2/1939, sec. I)

Sec. 5.03.002 Penalty

Any person violating any of the provisions of this article shall upon conviction be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and each sale, offer for sale, or exhibition for purpose of taking orders for the sale thereof shall be separate offense. (Ordinance adopted 8/2/1939, sec. VII)

Sec. 5.03.003 Enforcement

The duly constituted authorities of the city, including the chief of police, assessor and collector of taxes, and others having the duty of enforcing the ordinances of the city, shall enforce the provisions hereof and allow no “itinerant vendor” as herein defined to conduct his business without full compliance herewith. (Ordinance adopted 8/2/1939, sec. VI)

Sec. 5.03.004 License required; application; fee

It shall be unlawful for any itinerant vendor to sell, offer for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods or merchandise in the city, without first obtaining a license permit as herein provided for. The tax collector and city secretary shall issue to any itinerant vendor a license permit authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof, in the city, his goods or merchandise only after such itinerant vendor shall have fully complied with all provisions of this article and made payment of the sum set forth in the fee schedule in appendix A of this code for said license permit, which sum shall be compensation to the city for the services herein required of it and to enable the city to partially defray the expenses of the enforcement of the provisions of this article; provided:

- (1) The itinerant vendor shall make application to the tax collector and city secretary, which application shall be in the form of an affidavit stating the full name and address of the itinerant vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a firm;
- (2) Before said license permit shall issue, the application therefor must be accompanied by:
 - (A) A statement showing the kind and character of the goods or merchandise to be sold, offered for sale, or exhibited.
 - (B) A certified copy of the charter if the itinerant vendor be a corporation incorporated under the laws of the state.
 - (C) A certified copy of its permit to do business in Texas if the itinerant vendor be a corporation incorporated under the laws of some state other than Texas.

(Ordinance adopted 8/2/1939, sec. II; Ordinance adopting Code)

Sec. 5.03.005 License not transferable

The license permit provided for herein shall not be transferable nor give authority to more than one person to conduct a business as an “itinerant vendor,” but any person having obtained such license may have the assistance of one or more persons in conducting said business. (Ordinance adopted 8/2/1939, sec. III)

Sec. 5.03.006 Duration of license; display

The license permit as provided for herein shall continue for one (1) day. Each day such sale or exhibit is held in the city the vendor shall procure a license from the city secretary and tax collector for the sale or exhibit to be held by him. Such license permit shall be prominently displayed in a conspicuous place on the premises where such sale or exhibit is being conducted and shall remain so displayed so long as any goods or merchandise are being sold or exhibited. (Ordinance adopted 8/2/1939, sec. IV)

Sec. 5.03.007 Exemptions

This article is not and shall not be held to be applicable to:

- (1) 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 goods or merchandise.
- (2) Vendors of farm produce, poultry, stock or agricultural products in their natural state that are the products of the vendor’s own personal labor.
- (3) Sales of goods or merchandise donated by owners thereof, the proceeds whereof to be applied to any charitable or philanthropic purpose.

(Ordinance adopted 8/2/1939, sec. V)

CHAPTER 6

FIRE PREVENTION AND PROTECTION

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ARTICLE 6.01 GENERAL PROVISIONS*

(Reserved)

ARTICLE 6.02 FIREWORKS†

Sec. 6.02.001 Certain fireworks prohibited

(a) No person may sell, detonate, ignite, or in any way use fireworks classified under 49 CFR 173.100(2) as “skyrockets with sticks” and “missiles with fins” in any portion of the city.

(b) This section does not prohibit:

- (1) Common fireworks, small in size, classified as class C explosives;
- (2) Large fireworks devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and classified as class B explosives by the U.S. Department of Transportation. (Texas Occupations Code, chapter 2154)

(c) A person commits an offense if the person knowingly or intentionally violates a prohibition established by this section. An offense under this section is a class C misdemeanor.

(Ordinance 2006-07 adopted 6/26/2006)

ARTICLE 6.03 OUTDOOR BURNING**

Sec. 6.03.001 Penalty

Any person violating any provision of this article shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day a violation occurs is a separate offense. (Ordinance 2002-04, sec. 7, adopted 2/21/2002)

Sec. 6.03.002 General prohibition; exceptions; restrictions

(a) General prohibition. No person may cause, suffer, allow, or permit any outdoor burning within the city limits except as provided for in subsection (b) of this section.

(b) Exceptions. Outdoor burning is authorized in each of the following instances:

* **State law references**—Municipal fire protection, V.T.C.A., Local Government Code, ch. 342; authority to establish fire regulations, V.T.C.A., Local Government Code, sec. 342.003; fire, V.T.C.A., Health and Safety Code, ch. 791 et seq.

† **State law references**—Authority of municipality to regulate use of fireworks, V.T.C.A., Local Government Code, sec. 342.003; state regulation of fireworks and fireworks displays, V.T.C.A., Occupations Code, ch. 2154; authority of city to prohibit or further regulate fireworks, V.T.C.A., Occupations Code, sec. 2154.004.

** **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.

- (1) Pursuant to a written grant of authority from the state commission on environmental quality, who, before granting such authority, must determine that there is no practical alternative to outdoor burning, and the burning will not cause or contribute to a violation of any federal primary or secondary ambient air standard;
 - (2) Outdoor burning for the purpose of training firefighting personnel;
 - (3) Outdoor burning consisting of campfires and fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather;
 - (4) Outdoor burning of diseased animals when burning is the most effective means of controlling the spread of disease; and
 - (5) Outdoor burning of hydrocarbons from pipeline breaks and oil spills may be allowed upon proper notification to the city and the state commission on environmental quality if it is determined that the burning is necessary to protect the public welfare.
- (c) **Restrictions.** Burning shall not be commenced when the surface wind is predicted to be less than six (6) mph or greater than (23) mph during the burning period and shall only commence after 9:00 a.m. and be completely consumed by 5:00 p.m.

(Ordinance 2002-04, sec. 1, adopted 2/21/2002)

Sec. 6.03.003 Depositing material capable of igniting spontaneously

No disposal or deposit of any material capable of igniting spontaneously is allowed outdoors except where the disposal or deposit is made pursuant to a specific grant of authority by the state commission on environmental quality. (Ordinance 2002-04, sec. 2, adopted 2/21/2002)

Sec. 6.03.004 Liability; compliance with other laws

The authority to conduct outdoor burning under the exceptions as provided for in this article does not exempt or excuse the person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction even though the burning is otherwise in compliance with this article. The city does not accept responsibility for the conduct of such outdoor burning activities even if in compliance with this article. (Ordinance 2002-04, sec. 3, adopted 2/21/2002)

Sec. 6.03.005 False alarms

It shall be unlawful for any person or persons to give or cause to be given any false alarm with reference to the existence of any fire within the corporate limits of the city. (Ordinance 2002-04, sec. 4, adopted 2/21/2002)

Sec. 6.03.006 Permit required

It is unlawful to burn trash or other material within the city without a permit issued by the fire marshal. (Ordinance 2002-04, sec. 5, adopted 2/21/2002)

Sec. 6.03.007 Burning industrial waste or hazardous materials

No industrial waste or hazardous materials shall be burned within the city or within the extraterritorial jurisdiction of the city, nor shall any of such materials be burned, whether within such areas or not, under such conditions that gaseous residue thereof capable of injuring plant life or irritating skin of human beings or affecting the health of human beings or of domestic animals, or of damaging or discoloring the surface of buildings, is emitted and allowed to drift over or across the territorial limits of the city or any portion thereof. (Ordinance 2002-04, sec. 6, adopted 2/21/2002)

ARTICLE 6.04 LIQUEFIED PETROLEUM GAS**Sec. 6.04.001 Penalty**

Any person, firm or corporation violating any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction for violation thereof shall be fined in any sum not to exceed \$25.00, and each day of use and/or operation of any such equipment, without having first secured the approval of the city inspector, shall constitute a separate offense. (Ordinance adopted 6/4/1940, sec. 8)

Sec. 6.04.002 Piping, equipment and storage

(a) Standards for piping and equipment; storage of gas inside of or underneath building. All persons, firms, or corporations who may, from and after the effective date of this article, install or equip any residence, business house, or apartment house, or any other building, located and situated within the corporate limits of the city, with any installation or equipment designed to use as a fuel any form of manufactured and/or liquefied petroleum gases, shall use in any such installation (whether for domestic or industrial use) only a standard grade of pipe and/or piping, and all appliances used in connection with any such installation shall be a standard grade and type of equipment. Any system which uses any form of manufactured and/or liquefied gases must bear the label of approval and/or listing of the Underwriters' Laboratories. The storage of any liquefied petroleum gases in any container, either above ground and/or underground, is prohibited inside of and/or underneath any building in the corporate limits of the city.

(b) "Standard grade" defined. The term "standard grade" as used herein shall mean that grade of article which is accepted by dealers in such equipment and recognized as complying with all fire law regulations.

(c) Installation and repair of equipment. Any such equipment as provided for shall be installed and/or repaired in a workmanlike manner which shall comply with all laws and/or regulations of the city, and the regulations of the National Board of Fire Underwriters and the National Fire Protection Association.

(d) Approval of equipment. When any such equipment is installed as herein provided, same shall not be placed in operation or used by any person unless and until said installation has been approved as complying with this article by the city.

(e) Inspection of installation. Any person, firm or corporation installing any such equipment as herein provided shall secure approval of same as complying with the requirements of this article

by the city inspector, as herein provided for, and shall, upon requesting such inspection for approval, pay an inspection fee as set forth in the fee schedule in appendix A of this code, for each piece of equipment, to cover the cost of inspection.

(Ordinance adopted 6/4/1940, secs. 1–5; Ordinance adopting Code)

Sec. 6.04.003 Tank trucks and trailers used for transportation of gas

All tank trucks and tank trailers used for the transportation of liquefied petroleum gas within the city shall be so constructed and operated as to comply with the regulations for the design, construction and/or operation of automobile tank trucks and tank trailers for the transportation of liquefied petroleum gases as approved by the National Board of Fire Underwriters and the National Fire Protection Association. Any person, firm, or corporation who shall operate or cause to be operated any tank truck and/or tank trailer used for the purpose of transporting liquefied petroleum gas within the corporate limits of the city shall keep any such equipment in good condition at all times, and upon the development of any defect that would create a hazard to persons or property, said tank truck or tank trailer shall be removed from the streets of the city until such defects have been repaired, or faulty equipment replaced, and any such tank trucks and tank trailers shall be subject to inspection by the proper authorities at any time. (Ordinance adopted 6/4/1940, sec. 6)

Sec. 6.04.004 Treatment with malodorant

All liquefied petroleum gas sold within the city shall be treated with a malodorant in such quantities as required by state law to create an odor easily detected in case of leaks in piping and/or equipment. (Ordinance adopted 6/4/1940, sec. 7)

CHAPTER 7

HEALTH AND SANITATION

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ARTICLE 7.01 GENERAL PROVISIONS***(Reserved)****ARTICLE 7.02 SMOKING†****Sec. 7.02.001 Smoking prohibited in city buildings**

(a) All enclosed city buildings, including the city hall, the emergency medical services building, the Boy Scout building, the library, and the senior citizens building, are smoke-free buildings in the city.

(b) Violators will be charged a fine of between \$1.00 and \$200.00 for each violation, at the discretion of the municipal judge.

(Ordinance 2005-07 adopted 7/11/2005)

ARTICLE 7.03 FOOD SERVICE ESTABLISHMENTS****Division 1. Generally****Secs. 7.03.001–7.03.030 Reserved****Division 2. Food Handler's Certificate****Sec. 7.03.031 Definitions**

Food handler means a person who prepares or serves food or drink for consumption by the public.

Health department means the Uvalde City-County Health Department.

(Ordinance 1992-02, sec. 1, adopted 6/8/1992)

Sec. 7.03.032 Certificate required

A food handler is required to obtain and maintain in his or her place of business or employment a current food handler's certificate from the health department. A certificate is current if the date of issuance is not more than two (2) years old. (Ordinance 1992-02, sec. 2, adopted 6/8/1992)

* **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; authority of city to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002.

† **State law reference**—Smoking tobacco in certain public places or conveyances, V.T.C.A., Penal Code, sec. 48.01.

** **State law reference**—Regulation of food service establishments, retail food stores, mobile food units, and roadside food vendors, V.T.C.A., Health and Safety Code, ch. 437.

Sec. 7.03.033 Issuance; training program

(a) An applicant for a food handler's certificate must attend a food handler's in-service program conducted by the health department if the application is for an original certificate, or a refresher course conducted by the health department if the application is for a renewal certificate. In addition, an applicant for an original or renewal certificate must take a Mantoux TB skin test or X-ray, and the result of the test must be negative.

(b) The health department may from time to time prescribe fees for the issuance of a certificate, which shall be used to help defray the expenses of administering this division. When the applicant has met the requirements of subsection (a) of this section, and paid the fees prescribed by the health department, the health department shall issue a certificate to the applicant dated on the date of issuance.

(Ordinance 1992-02, sec. 3, adopted 6/8/1992)

ARTICLE 7.04 WEEDS, TRASH AND OTHER NUISANCES***Division 1. Generally****Sec. 7.04.001 Weeds and trash**

It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the city to allow weeds to grow upon the premises, or trash or rubbish to accumulate upon said premises, to such an extent as is reasonably calculated to create a fire hazard or calculated to become injurious to the health of the citizens of the city, and either act is hereby declared to constitute a public nuisance. (Ordinance 2001-10, sec. 1-1, adopted 10/8/2001)

Sec. 7.04.002 Inspections

The chief of police, or other duly appointed health officer, shall inspect the vacant lots and all other premises in the city and direct cleansing of any building, establishment, lot or yard or ground from filth, carrion or other impure or unwholesome matter of any kind in accordance with this article. (Ordinance 2001-10, sec. 1-2, adopted 10/8/2001)

Secs. 7.04.003–7.04.030 Reserved**Division 2. Nuisances****Sec. 7.04.031 Definitions**

In this division, the following definitions shall apply:

Garbage means decayable waste, including vegetable, animal and fish offal and animal and fish carcasses, and other filth, carrion, or other impure or unwholesome matter.

* **State law references**—Municipal regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342; authority of city to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002.

Premises means any privately owned property in the city, including vacant land or a building designed or used for residential, commercial, business, industrial or religious purposes. The term includes a yard, ground, walk, driveway, porch, steps, or other structure appurtenant to the property.

Refuse means garbage, rubbish, paper, and other decayable and nondecayable waste.

Rubbish means nondecayable waste.

Weeds means all rank and uncultivated vegetable growth that:

- (1) Has grown to more than ten (10) inches in height; or
- (2) May create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds.

(Ordinance 2001-10, sec. 1-16, adopted 10/8/2001)

Sec. 7.04.032 Public nuisances prohibited

(a) A public nuisance is:

- (1) Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
- (2) Keeping, storing, or accumulating rubbish, including worn-out, wrecked, or discarded motor vehicles or parts of motor vehicles, appliances, scrap metal, or tires, on premises for ten (10) days or more unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
- (3) Keeping, storing or accumulating refuse on premises unless the refuse is entirely contained in a closed receptacle; or
- (4) Allowing weeds to grow on premises.

(b) A person may not cause or allow a public nuisance under this section on any premises.

(Ordinance 2001-10, sec. 1-17, adopted 10/8/2001)

Sec. 7.04.033 Violations; criminal penalty

(a) A person commits an offense if:

- (1) The person violates section 7.04.032(b); and
- (2) The nuisance remains unabated after the tenth day after the date on which the person receives notices from a city official, agent, or employee to abate the nuisance.

(b) An offense under this section is punishable by a fine of not more than two hundred dollars (\$200.00).

(c) Each day a violation occurs is a separate offense.

(Ordinance 2001-10, sec. 1-18, adopted 10/8/2001)

Sec. 7.04.034 Civil enforcement; notice; abatement by city

(a) Abatement by city. If an owner of premises does not abate a public nuisance under section 7.04.032 on the premises within ten (10) days after notice of a violation, the city may:

- (1) Do the work or make the improvements necessary to abate the public nuisance; and
- (2) Pay for the work done or improvements made and charge the expenses to the owner of the premises.

(b) Notice of violation; abatement without notice. Notice of a violation must be given by the city as follows:

- (1) Personally to the owner of the premises in writing;
- (2) By letter addressed to the owner at the owner's post office address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) If personal service cannot be obtained or the post office address of the owner is unknown:
 - (A) By publication twice within ten (10) consecutive days in the official publication of the city, which shall be the Uvalde Leader News newspaper;
 - (B) By posting the notice on or near the front door of each building on the premises to which the violation relates; or
 - (C) By posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates, if the premises contain no buildings.

(c) Refused or unclaimed notice. If the city mails a notice to a property owner in accordance with subsection (b)(2) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(d) Subsequent violations within one year. The city may, without notice, take any action authorized by subsections (a)(1) and (a)(2) of this section and assess its expenses as provided in section 7.04.035 if:

- (1) A notice of violation was given to the owner of the premises within the preceding one-year period;
- (2) The prior notice of violation was given by regular mail and certified mail, return receipt requested, and by a posting of the notice on the property;
- (3) The prior notice of violation informed the owner of the premises that if the owner committed another violation of the same kind or nature that poses a danger to the

public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the premises;

- (4) The violation is of the same kind or nature as that described in the prior notice of violation and poses a danger to the public health and safety; and
- (5) The city has not been informed in writing by the owner of an ownership change.

(e) Work by private contractor. The city may contract with a private contractor to do the work or make the improvements authorized by subsection (a)(1) of this section and may indemnify the contractor against liability for claims or damages that are not caused by the contractor's negligence or deliberate wrongful acts.

(Ordinance 2001-10, sec. 1-19, adopted 10/8/2001)

Sec. 7.04.035 Assessment of city's expenses; lien

(a) The city may assess expenses incurred under section 7.04.034 against the real estate on which the work is done or improvements made. The charge for cleaning and clearing work shall be as set forth in the fee schedule in appendix A of this code. A minimum of one hour shall be charged and shall be collected pursuant to the terms and provisions of this article.

(b) To obtain a lien against the property, the mayor, or municipal official designated by the mayor, must file a statement of expenses with the county clerk, to secure repayment of the expenses and interest at the rate of ten (10) percent per year on the amount due from the date of payment by the city. The statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.

(c) The lien provided by subsection (b) of this section is inferior only to:

- (1) Tax liens; and
- (2) Liens for street improvements.

(d) The city may bring a suit for foreclosure in the name of the city to recover the expenses and interest due.

(e) 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.

(f) The remedy provided in this section is in addition to the criminal penalty provided in section 7.04.033.

(Ordinance 2001-10, sec. 1-20, adopted 10/8/2001; Ordinance adopting Code)

ARTICLE 7.05 HAZARDOUS MATERIALS

Sec. 7.05.001 Definition

For the purposes of this article, “hazardous materials” is defined as a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. Such materials may include but are not limited to the following types of products, to wit:

- (1) Explosives including any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified.
- (2) Flammable liquids, meaning any liquid which gives off flammable vapors. Pyroforic liquids that become self-igniting when exposed to air.
- (3) Flammable solids including any solid material, other than one classified as an explosive, which, under conditions incident to transportation, is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard, such as, not by way of limitation, but by way of example only, certain metallic hydrides, metallic sodium and potassium, and certain oily fabrics, processed meals, and nitrocellulose products.
- (4) Oxidizing material, meaning any substance such as a chlorate, permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.
- (5) Acids and other corrosive liquids which includes those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action, or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fires when in contact with organic matter or with certain chemicals.
- (6) Flammable compressed gas which is any compressed gas so classified by section 173.300 of the regulations of the Department of Transportation governing the transportation of dangerous articles in tank motor vehicles, dated September, 1967.
- (7) Nonflammable compressed gas which is any compressed gas which is poisonous to human beings or which has asphyxiating or toxic effect to human beings.
- (8) Poisons and etiologic agents.
- (9) All other products or materials determined to be hazardous by the Secretary of Transportation pursuant to the regulations of the United States or the United States Department of Transportation.

(Ordinance 2004-04, sec. 7, adopted 2/9/2004)

Sec. 7.05.002 Penalty

Any person violating any provision of this article shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day a violation occurs is a separate offense. (Ordinance 2004-04, sec. 8, adopted 2/9/2004)

Sec. 7.05.003 Routes for transport vehicles

(a) Designated streets. Except as provided for in subsection (b) of this section, it shall be unlawful for any person, firm, or corporation to drive or cause to be driven, or operate or maintain, any eighteen-wheeler motor vehicle, motor truck, trailer, or any other vehicle having thereon, or attached thereto, a tank or tanks or other receptacle used for the carrying of hazardous materials, over any street or streets, alley or alleys, within the corporate limits of the city, except the hereinafter specifically designated streets, to wit:

- (1) U.S. Highway 90;
- (2) State Highway 127; and
- (3) State Highway 187;

provided however, that such other streets may be traveled upon as are from time to time designated by ordinance as hazardous materials truck routes by the city council, and marked by visible markers and signs, when, in the opinion of the city council, the safety of the property and its citizens demands.

(b) Exceptions. It shall be an exception to subsection (a) of this section if said transport is being made for the purpose of delivery to a business located within the city limits, for the purpose of delivery to [from] a business located outside the city limits, or for deliveries to be made from a business located within the city limits.

(Ordinance 2004-04, sec. 1, adopted 2/9/2004)

State law reference—Routing of hazardous materials, V.T.C.A., Transportation Code, sec. 644.201 et seq.

Sec. 7.05.004 Parking of transport vehicles

It shall be unlawful for any person, firm or corporation to park or cause to be parked on any street or alley within the corporate limits of the city any motor vehicle, trailer, or other vehicle having thereon, or attached thereto, a tank or tanks or other receptacles used for the carrying of hazardous materials, whether loaded, partially loaded, or empty of such products. This section shall not apply to any vehicle's stopping on any of the designated streets at filling stations for service, or warehouses for storage, or breakdown of such vehicles on such streets. (Ordinance 2004-04, sec. 2, adopted 2/9/2004)

Sec. 7.05.005 Unattended trucks

No operator of any truck used for the transportation of industrial waste or hazardous materials in bulk shall at any time leave such truck unattended upon any highway, street, or public thoroughfare within the corporate limits of the city, including sleeping. (Ordinance 2004-04, sec. 3, adopted 2/9/2004)

Sec. 7.05.006 Burning

No industrial waste or hazardous materials shall be burned within the city, nor shall any of such materials be burned, whether within such areas or not, under such conditions that gaseous residue thereof capable of injuring plant life or irritating skin of human beings or affecting the health of human beings or of domestic animals, or of damaging or discoloring the surface of buildings, is emitted and allowed to drift over or across the territorial limits of the city or any portion thereof. (Ordinance 2004-04, sec. 4, adopted 2/9/2004)

Sec. 7.05.007 Prohibited dumping or storage

No industrial waste or hazardous materials, or other materials capable of polluting water wells, public or private, or of injuring crops, cropland, grass, and other vegetation, livestock or wildlife, or of injuring human health, or that of domestic animals, through the air or by direct contact, shall be emptied, dumped, stored, kept, held or put into open pits, tanks, ditches, lagoons, or earthen levees or behind dikes within the territorial limits of the city or within its extraterritorial jurisdiction. (Ordinance 2004-04, sec. 5, adopted 2/9/2004)

Sec. 7.05.008 Use or storage of materials releasing contaminants into air

The use and storage of toxic solvents, pastes, and/or compounds and substances which upon ignition, evaporation, and/or combustion release emissions and contaminants into the air and atmosphere which are dangerous to the health and safety of persons located in the vicinity or at the site of the emission are prohibited within a one hundred fifty (150) foot radius of any residence or customary place of human habitation. Such compounds and substances shall include but not be limited to any liquid mixture of binders such as alkyd, nitrocellulose, acrylic or oil, and flammable and combustible solvents such as hydrocarbon, ester, ketone, or alcohol, as well as all forms of paint thinners resins, epoxies, and other like materials. (Ordinance 2004-04, sec. 6, adopted 2/9/2004)

CHAPTER 8

OFFENSES AND ADDITIONAL PROVISIONS

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ARTICLE 8.01 GENERAL PROVISIONS

Sec. 8.01.001 Depositing rubbish upon alley or vacant lot

(a) Offenses. It shall be unlawful for any person or persons to throw, place or pile any tin cans, wire, iron, rocks or any rubbish of whatsoever nature in or upon any alleys or vacant lots within the corporate limits of the city.

(b) Penalty. Any person or persons violating any of the provisions of this section shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined in any sum not to exceed twenty-five dollars (\$25.00).

(Ordinance adopted 3/3/1937)

State law reference—Texas Litter Abatement Act, V.T.C.A., Health and Safety Code, ch. 365.

Sec. 8.01.002 Depositing or distributing advertising matter

(a) Offenses. It is hereby made unlawful for any person to distribute or throw, or cause to be distributed or thrown, at the residence, or in the residence yard, lawn, or premises, of any person in the city any pamphlet, dodger, or advertising matter, without the consent of the head of the family residing at such place, or to place in or on any automobile, truck, or other vehicle on the streets or alleys of the city or to distribute to persons on the said streets or to place on said streets in any manner.

(b) Penalty; distributing indecent reading matter. Any person violating any of the provisions of this section shall be punished by fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each separate offense; and if the prosecution be with reference to the distribution of advertising matter, and the same is shown upon trial to contain indecent reading matter, or matter unfit to be read by children, the penalty shall be not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

(c) Ignorance of contents no defense. It shall be no mitigation of the penalty for the accused to show that he was ignorant of the contents of such advertising matter.

(Ordinance 106 adopted 11/6/1934)

Sec. 8.01.003 Climbing water tower or tank

(a) Offenses. It shall be unlawful for any person or persons, other than those persons engaged in the construction of the water tank, or these persons who shall have control of the water system of the city or those in the employ of the city, to climb the water tower or tank.

(b) Penalty. Any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not less than one dollar (\$1.00) nor more than ten dollars (\$10.00), and in case of or those having control of such children shall be held responsible and subject to such fine as may be imposed on said child.

(Ordinance adopted 12/6/1923)

ARTICLE 8.02 MINORS**Division 1. Generally****Secs. 8.02.001–8.02.030 Reserved****Division 2. Curfew*****Sec. 8.02.031 Definitions**

Emergency shall include but not be limited to a fire, a natural disaster, an automobile accident, or obtaining immediate medical care for another person.

Guardian means any person to whom custody of a minor has been given by a court order.

Minor means any person less than 17 years of age and over nine years of age.

Parent means a person who is the natural or adoptive parent of a person. As used herein, “parent” shall also include a court-appointed guardian or other person 18 years of age or older, authorized by the parent, by a court order, or by the court-appointed guardian to have the care and custody of a person.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(Ordinance 2016-03, sec. 1 (2016-01), adopted 5/23/2016)

Sec. 8.02.032 Offenses

(a) It shall be unlawful for a child to purposefully remain, walk, run, stand, drive, or ride about in or upon any public place in the city between the hours of 10:00 p.m. and 6:00 a.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and 12:00 a.m. (midnight) and 6:00 a.m. on any Friday or Saturday.

(b) It shall be unlawful for a child to purposefully remain, walk, run, stand, drive, or ride about in or upon any public place in the city during school days between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday.

(c) It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsections (a) and (b) hereof.

(Ordinance 2016-03, sec. 1 (2016-02), adopted 5/23/2016)

Sec. 8.02.033 Defenses

* **State law references**—Juvenile curfew in general-law municipality, V.T.C.A., Local Government Code, sec. 341.905; review of juvenile curfew order or ordinance, V.T.C.A., Local Government Code, sec. 370.002; children taken into custody for violation of juvenile curfew or order, Tex. Code Crim. Proc., art. 45.059.

It is a defense to prosecution under section 8.02.032 that:

- (1) The minor was accompanied by his or her parent;
- (2) The minor was accompanied by another adult approved by the parents;
- (3) The minor was on an emergency errand;
- (4) The minor was attending a school, government-sponsored, or religious activity or is going to or coming from a school, religious, or government-sponsored activity without detour or stop;
- (5) The minor was engaged in lawful employment or volunteer work at a recognized charity institution or is going to or coming directly from such activity without detour or stop;
- (6) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;
- (7) The minor was upon an errand directed by his or her parent;
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route;
- (9) The minor was married or had been married or had the disabilities of minority removed in accordance with V.T.C.A., Family Code chapter 31; and
- (10) With respect to section 8.02.032(b), that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor is enrolled, or that the minor has graduated from high school or received a high school equivalency certificate, or that the minor has permission to be absent from school or be in a public place from an authorized school official. In the case of a child being educated in a home school, a parent shall be deemed a school official.

(Ordinance 2016-03, sec. 1 (2016-03), adopted 5/23/2016)

Sec. 8.02.034 Enforcement procedure

(a) Any police officer, upon finding a minor in violation of section 8.02.032 hereof, shall determine the name and address of the minor, and the name and address of his or her parent(s) or guardian(s). The minor's parent(s) or guardian(s) shall be notified and required to pick up their child and a warning notice shall be issued to the minor and the parent(s) or guardian(s) of the minor advising of the fact that the minor was found in violation of this division, and soliciting cooperation in the future.

(b) Any police officer, upon finding a minor in violation of section 8.02.032 hereof, who has previously been found in violation and issued a warning as provided for in subsection (a) above, shall transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family

Code title 3. In addition, a complaint will be filed against the parents in the municipal court for violation of section 8.02.032(c). The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violations of this division by either the minor or by any parent or guardian.

(Ordinance 2016-03, sec. 1 (2016-04), adopted 5/23/2016)

Sec. 8.02.035 Penalty

(a) Any minor violating the provisions of this division shall be guilty of a class C misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of V.T.C.A, Family Code title 3.

(b) A parent of a minor violating this division shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(c) In assessing punishment for either a parent or a child, the municipal court judges are encouraged to consider the community service program.

(Ordinance 2016-03, sec. 1 (2016-05), adopted 5/23/2016)

Sec. 8.02.036 Triennial review

(a) Within three (3) years of the adoption, modification or renewal of this division, the police chief shall review the ordinance, prepare a written report and make recommendations to the city council concerning its effectiveness and continuing need. The report shall review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy.

(b) After presentation of the police chief's report to the city council as required by subsection (a) of this section, the city shall:

- (1) Make a determination on the need to continue the ordinance or order; and
- (2) Abolish, continue, or modify the ordinance.

(Ordinance 2016-03, sec. 1 (2016-06), adopted 5/23/2016)

ARTICLE 8.03 NOISE

Sec. 8.03.001 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime hours means the hours from 6:00 a.m. on one day and 11:00 p.m. the same day for properties or areas located in the city limits.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of:

- (1) Preventing or alleviating the physical trauma or property damage threatened or caused by an emergency;
- (2) Restoring property to a safe condition following a fire, accident, or natural disaster;
- (3) Protecting persons or property from exposure to danger; or
- (4) Restoring public utilities.

Nighttime hours means the hours between 11:01 p.m. on one day and 5:59 a.m. the following day for properties or areas located in the city limits.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Property line means, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, hotel or motel room, office, or any other type of occupancy from that of other occupants.

(Ordinance 2007-04, sec. 1, adopted 5/8/2006)

Sec. 8.03.002 Penalty

It shall be unlawful to do or perform any act prohibited in this article, and it shall be unlawful to fail to do or perform any act required in this article. Hearings under this article will be held before a municipal court judge. Upon conviction of any violation hereof, the defendant shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day shall constitute a separate distinct violation. (Ordinance 2007-04, sec. 9, adopted 5/8/2006)

Sec. 8.03.003 General prohibitions

(a) Loud, unnecessary or unusual noise. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or unusual, the following factors shall be considered: time of day; proximity to residential properties; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and whether the noise is subject to being controlled without unreasonable effort or expense to the maker of the noise.

(b) Exceeding maximum permitted sound levels. It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound that either exceeds the maximum permitted sound levels specified in this article, or otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

(c) Pouring slab, demolition of building, or use of commercial power tools. It shall be unlawful for any person to pour a slab, demolish a building, or utilize any commercial or industrial power tools before 6 a.m. or after 11 p.m. on any day without having notified all persons within 200 feet from the property line in relationship to the property upon which the pouring, demolition or use of tools is to take place at least five (5) days prior to such activity. Proof of such notice shall be kept by the maker of such noise. No building permit shall be issued in the absence of such notice. This prohibition shall not apply to emergency work.

(d) Enumerated acts. The acts enumerated in the following sections of this article, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

(e) Exceptions. This article shall not apply to any public utility or the city.

(Ordinance 2007-04, sec. 2, adopted 5/8/2006)

Sec. 8.03.004 Noisy vehicles; idling vehicles

(a) The use of any motor vehicle so out of repair or so extra loaded that it creates any loud and unreasonable or unusual (that is, not standard equipment for the type vehicle, or which violates state regulations for equipment or emissions) grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.

(b) No person shall operate or allow an engine of any sort of motor vehicle, except emergency equipment or vehicles then located at a permitted public event or parade, to idle for more than one (1) hour.

(Ordinance 2007-04, sec. 3, adopted 5/8/2006)

Sec. 8.03.005 Amplified sound

(a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, microphone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet or more from a vehicle shall be presumed to be violative of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet or more from the property line of a property or premises in which the amplification is located shall be presumed to be violative of this section.

(b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that (i) the motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound during daytime hours, for an event or function, and (ii) the use is in compliance with all other provisions of this article.

(Ordinance 2007-04, sec. 4, adopted 5/8/2006)

Sec. 8.03.006 Noisy animals

(a) The keeping of any animal that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this article, regardless of whether the sound so created by said animal is within the permissible levels specified in section [8.03.007 of this] this article.

(b) In any prosecution for a violation of this section, the fact that any loud animal noise which disturbed any person and which occurs in residential areas either:

- (1) During nighttime hours; or
- (2) When none of the residents who reside at the place where the animal or bird is being kept are at home:

shall create a presumption that such noise was in violation of this article.

(c) In any prosecution for a violation of this section, the fact that any animal has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations and/or the receipt of two or more complaints from more than one household within a two-month period, shall create a presumption that such noise was in violation of this article.

(Ordinance 2007-04, sec. 5, adopted 5/8/2006)

Sec. 8.03.007 Maximum permissible sound levels

(a) In addition to the violations established by the preceding sections of this article, no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that when measured as provided in this article exceeds 85 dB(A) during daytime hours and 70 dB(A) during nighttime hours. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(b) Regardless of the measurable dB(A) level established above and measured as provided in section 8.03.008, the generator of any sound of such a nature as to cause persons occupying or using any property other than the property upon which the sound is being generated to experience physically detectable sound, vibrations or resonance at a distance of fifty (50) feet from the source of the sound (measured as set out below) caused by the sound shall also be prima facie

evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(Ordinance 2007-04, sec. 6, adopted 5/8/2006)

Sec. 8.03.008 Method of sound measurement

Whenever portions of this article prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. (Ordinance 2007-04, sec. 7, adopted 5/8/2006)

Sec. 8.03.009 Defenses

The following defenses shall apply to any offense established in this article, and the same must be specifically pled by anyone charged with a violation:

- (1) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or regulation of any governmental entity or agency.
- (2) The sound was produced by an authorized emergency vehicle.
- (3) The sound was produced by emergency work.
- (4) The sound was generated:
 - (A) At a lawfully scheduled stadium event;
 - (B) By a parade and spectators and participants on the parade route during a lawful parade;
 - (C) By a pyrotechnic display that was inspected and approved by the city; or
 - (D) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the city.
- (5) The sound was produced by the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, which activity did not produce a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received.
- (6) The sound was produced by railroad equipment in operation on railroad rights-of-way.

- (7) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. when the sound is being produced for the maintenance or upkeep of the property on which it was operated.
- (8) The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours for the zone in which the church is located.
- (9) The sound was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic, band and school entertainment practice or events.

(Ordinance 2007-04, sec. 8, adopted 5/8/2006)

ARTICLE 8.04 WEAPONS*

Sec. 8.04.001 Carrying concealed handgun in city hall or utility yard

- (a) It shall be illegal, under the criminal trespass statute [Penal Code section] 30.05, for any person, not authorized as a regular or reserve police officer of the state, to carry a concealed handgun into the city hall or the city utility yard.
- (b) Signs shall be posted at the entrances to the city hall and the city utility yard prohibiting the carrying of concealed handguns by unauthorized individuals.
- (c) Individuals violating the criminal trespass provision ([Penal Code section] 30.05) will be charged with the offense, which is a class A misdemeanor. Those found guilty of violating section 30.05 will be assessed punishment appropriate to the violation, as denoted in the Penal Code, a fine not to exceed \$4,000.00, and/or one year or less incarceration.

(Ordinance 1996-02 adopted 3/11/1996)

ARTICLE 8.05 SYNTHETIC CANNABINOIDS

Sec. 8.05.001 Generally

The use, possession, sale, ingestion or smoking of illegal smoking products and ingestion devices as hereinafter defined is prohibited within the city limits. The violation of any section provided for herein shall be a strict liability offense which does not require the showing of a culpable mental state. (Ordinance 2011-01, sec. 1, adopted 11/13/2011)

* **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.

Sec. 8.05.002 Definitions

Illegal smoking product means any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one or more of the following chemicals:

- (1) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;
- (2) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol (also known as CP47,497) and homologues;
- (3) (6aS,10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol) (also known as HU-211 or Dexamabinol);
- (4) 1-pentyl-3-(1-naphthoyl) indole (also known as JWH-018); or
- (5) Butyl-3-(1-naphthoyl) indole (also known as JWH-073).

Ingestion device means equipment, a product or material that is used or intended for use in ingesting, inhaling, or otherwise introducing an illegal smoking product into the human body, including:

- (1) A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;
- (2) A water pipe;
- (3) A carburetion tube or device;
- (4) A smoking or carburetion mask;
- (5) A chamber pipe;
- (6) A carburetor pipe;
- (7) An electric pipe;
- (8) An air-driven pipe;
- (9) A chillum;
- (10) A bong; or
- (11) An ice pipe or chiller.

Person means an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

(Ordinance 2011-01, sec. 2, adopted 11/13/2011)

Sec. 8.05.003 Penalty

Any person, firm or corporation violating any of the provisions or terms of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00) for each offense, with each and every day of violation being deemed to constitute a separate offense. (Ordinance 2011-01, sec. 9, adopted 11/13/2011)

Sec. 8.05.004 Sale, offer, gift, display or possession of illegal smoking product

It shall be unlawful for any person to use, possess, purchase, barter, give, publicly display, sell or offer for sale any illegal smoking product. (Ordinance 2011-01, sec. 3, adopted 11/13/2011)

Sec. 8.05.005 Use or possession of ingestion device

(a) It shall be unlawful for any person to use or possess with intent to use an ingestion device to inject, ingest, inhale or otherwise introduce into the human body an illegal smoking product.

(b) It shall not be an offense under subsection (a) of this section for any person to use or possess an ingestion device without the presence (including, but not limited to, trace amounts and/or residue) of an illegal smoking product.

(c) It shall not be an offense under subsection (a) of this section for any person to offer for sale or sell an ingestion device in a retail establishment, provided such ingestion device does not contain the presence (including, but not limited to, trace amounts and/or residue) of an illegal smoking product.

(Ordinance 2011-01, sec. 4, adopted 11/13/2011)

**ARTICLE 8.06 IMPOUNDMENT AND SALE OF VEHICLES OR OTHER PROPERTY
LEFT IN PUBLIC PLACE**

Sec. 8.06.001 Declaration of nuisance; impoundment authorized

Any vehicle or other property or obstruction, placed, left standing, parked, erected or lying in violation of any ordinance of the city or left unattended for more than forty-eight (48) continuous hours in or on any public street, alley, sidewalk, park, or other public place of the city is declared to be a nuisance, and any such property when so found shall be removed summarily by any police officer of the city and kept until redeemed or sold as herein provided. (Ordinance adopted 5/14/1984, sec. 1)

Sec. 8.06.002 Lien on impounded property

The city shall have a lien on such impounded personal property for all costs incurred in impounding, storing and advertising such property and such lien shall be prior and superior to all other liens of every kind, save and except liens for ad valorem taxes, and the city may retain possession thereof until all costs are paid and may sell the same as herein provided. (Ordinance adopted 5/14/1984, sec. 2)

Sec. 8.06.003 Redemption of impounded property

The owner or any person legally entitled to possession of such impounded personal property may redeem the same as follows:

- (1) Before sale: By paying the city officer the impounding fee and any other actual expenses incurred by the city in impounding and keeping the impounded property, as determined by the city officer.
- (2) After sale: By paying to the buyer at the auction sale double the amount paid by him for such personal property and any reasonable expenses incurred by him for keeping the same; provided that the said property must be redeemed from the auction buyer within thirty (30) days after the date of the auction sale, excluding the date of sale; otherwise, title to said property shall become absolute in the auction buyer.

(Ordinance adopted 5/14/1984, sec. 3)

Sec. 8.06.004 Property to be sold

When any personal property, other than motor vehicles, is not redeemed within sixty (60) days after being impounded, and when any motor vehicle is not redeemed after compliance by the city officer with the provisions of section 8.06.006 hereof, the city officer shall sell the same at public auction to satisfy the lien of the city. (Ordinance adopted 5/14/1984, sec. 4)

Sec. 8.06.005 Procedure for sale of property other than motor vehicles

Before selling such personal property, other than motor vehicles, the city officer shall post two notices thereof, one at the courthouse door of Uvalde County and one at the Center Street entrance of the city hall in Sabinal, and shall cause a copy thereof to be published in a weekly newspaper of general circulation in the city, once a week for two consecutive weeks, the date of the first publication to be at least fourteen (14) days prior to the day of the auction sale. The notice of the sale shall describe the impounded property, state that the same is unredeemed, state that the same will be sold at public auction, designate the place of sale and state a time and date of sale which shall not be less than fourteen (14) days from the date of posting such notices as herein required. (Ordinance adopted 5/14/1984, sec. 5)

Sec. 8.06.006 Procedure for sale of motor vehicles

(a) When any motor vehicle has not been redeemed within thirty (30) days from the date of its impounding, it shall be the duty of the city officer to submit to the state department of motor vehicles, and similar agency of the proper state when the vehicle is from another state, all information in his possession concerning said vehicle and to request that said department supply to him all information the records of the department contain on said vehicle.

(b) Immediately on receipt of such information from said department the city officer shall notify the owner and lienholder as shown by the records of said department by registered mail with return receipt requested that said vehicle has been impounded and of the provisions of this article in regard to redemption and sale of impounded property.

(c) In the event a motor vehicle has not been redeemed within fifteen (15) days from receipt of the return receipt or notice of non-delivery of said registered mail, the city officer shall prepare a notice of sale of such vehicle, in the manner described in the preceding section, shall send a copy of said notice to the owner and lienholders, as shown by the records of said department of motor vehicles, by registered mail, and shall post and advertise said notice in the manner required in the preceding section. Notice by registered mail to the address shown on the records of said department of motor vehicles shall constitute notice of the pending sale to such owner and lienholders.

(d) When the city officer is unable to ascertain the names of the owner and lienholders, and the motor vehicle has not been redeemed within forty-five (45) days from its impounding, no notice of sale other than posting and advertising as herein prescribed shall be required.

(Ordinance adopted 5/14/1984, sec. 6)

Sec. 8.06.007 Conduct of sale

When any impounded property, including motor vehicles, is not redeemed by the date and time designated in said notice of sale, the city officer shall sell such property at public auction, and, as city auctioneer, shall execute a bill of sale of said property to the purchaser thereof; provided, he shall not execute or deliver any but a conditional bill of sale unless and until the title of said buyer has become absolute by an expiration of thirty (30) days in time, exclusive of the day of sale, without being redeemed by the owner of the impounded property. (Ordinance adopted 5/14/1984, sec. 7)

Sec. 8.06.008 Disposition of proceeds of sale

After deducting the impounding fee and all other actual expenses incurred by the city in impounding, storing and selling of said property, as determined by the city officer, not to exceed a reasonable amount for each impounded article, he shall pay the balance of the proceeds of such sale, if any, to the owner of the property. If the owner fails to call for such proceeds they shall be paid into the city treasury. Within six (6) months after such auction sale, the owner may apply in writing to the city officer, and upon satisfactory proof of ownership shall be entitled to receive the amount of the proceeds delivered to the city treasury. (Ordinance adopted 5/14/1984, sec. 8)

Sec. 8.06.009 Junk

Impounded property which is offered for sale at public auction in accordance with the procedure herein prescribed, and upon which no person bids, shall thereafter be sold or otherwise disposed of as junk. Money received for junk property shall be disposed of in the same manner as proceeds from an auction sale under this article. (Ordinance adopted 5/14/1984, sec. 9)

Sec. 8.06.010 Records and fees

(a) The city officer shall keep a record book which contains: a description of all property impounded, the date and time of such impounding, the date notices of sale were posted and advertised and mailed to owners and lienholders, the return of receipts of registered notices, the date of the sale at auction, the amount realized for each article at such sale, the name and address of the owner and lienholders if known, the name and address of the auction buyer, and any such other information as he may deem necessary.

(b) The fees charged under this article and paid into the city treasury shall be the costs incurred for implementing the following:

- (1) For taking and impounding any personal property.
- (2) For preparing and publishing advertisements of sale of each article.
- (3) For selling each article.
- (4) For posting notices of sale relating to any one article.

(Ordinance adopted 5/14/1984, sec. 10)

ARTICLE 8.07 JUNKED VEHICLES*

Sec. 8.07.001 Adoption of state law

For the purpose of establishing procedures, rules and regulations to be followed in the handling, abatement, and removal of junked vehicles and parts of junked vehicles from private property or a public right-of-way in the city, there are hereby adopted and incorporated herein by reference the following sections of the Texas Transportation Code, subchapter E (Junked Vehicles: Public Nuisance; Abatement), and all amendments thereto:

- 683.71 Definitions
- 683.72 Junked Vehicle Declared to be Public Nuisance
- 683.73 Offense
- 683.74 Authority to Abate Nuisance; Procedures
- 683.75 Notice
- 683.76 Hearing
- 683.77 Inapplicability of Subchapter
- 683.78 Junked Vehicle Disposal

(Ordinance 2002-02, sec. 1-1, adopted 1/24/2002)

Sec. 8.07.002 Definitions

Junked vehicle means a vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it:
 - (A) An unexpired license plate; or
 - (B) A valid motor vehicle inspection certificate; and
- (2) Is:
 - (A) Wrecked, dismantled or partially dismantled, or discarded; or

* **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.

- (B) Inoperable and has remained inoperable for more than 72 consecutive hours if the vehicle is on public property, or 30 consecutive days, if the vehicle is on private property.

(Ordinance 2002-02, sec. 1-9, adopted 1/24/2002)

Sec. 8.07.003 Inspections; right of entry

The chief of police, or other duly appointed health officer, shall inspect the vacant lots and all other premises in the city for junked vehicles and ascertain the ownership of the junked vehicle and ownership of the property where the junked vehicle is located. Said officer shall have the right to enter the private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance. (Ordinance 2002-02, sec. 1-2, adopted 1/24/2002)

Sec. 8.07.004 Junked vehicles declared public nuisance

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of the city; and
- (7) Is a public nuisance.

(Ordinance 2002-02, sec. 1-3, adopted 1/24/2002)

Sec. 8.07.005 Offenses; penalty

- (a) A person commits an offense if the person maintains a public nuisance described by section 8.07.004.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the nuisance upon conviction.

(Ordinance 2002-02, sec. 1-4, adopted 1/24/2002)

Sec. 8.07.006 Notice to abate

(a) Prior to the removal of a junked vehicle or part thereof, notice shall be given of the nuisance by certified mail with a five-day return requested to the last known registered owner of the nuisance, each lienholder of record of the nuisance, and the owner or occupant of the property where the nuisance is located; or if the nuisance is located on a public right-of-way, notice shall be given to the property owner adjacent to the right-of-way where the nuisance is located.

(b) 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 mailed; and
- (2) Any request for a hearing must be made before that 10-day period expires. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered to the owner.

(c) In the event the 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.

(Ordinance 2002-02, sec. 1-5, adopted 1/24/2002)

Sec. 8.07.007 Public hearing

(a) The governing body of the city or a board, commission, or official designated by the city council shall conduct hearings on any nuisance cases which may come before it. In the event a hearing is requested by a person for whom notice is required, the hearing shall be held not earlier than the 11th day after the date of the service of the notice.

(b) At the hearing, the junked vehicle is presumed to be inoperable, unless demonstrated otherwise by the owner.

(c) A resolution or order requiring the removal of the nuisance must include the following information, if available: the vehicle's (i) description, (ii) vehicle identification number, and (iii) license plate number.

(Ordinance 2002-02, sec. 1-6, adopted 1/24/2002)

Sec. 8.07.008 Exceptions

(a) This article shall not apply to a vehicle or vehicle part that is:

- (1) Completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
- (2) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or 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.

(b) In this section:

Antique vehicle means a passenger car or truck that is at least 25 years old.

Motor vehicle collector means a person who owns one or more antique or special interest vehicles, and acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Ordinance 2002-02, sec. 1-7, adopted 1/24/2002)

Sec. 8.07.009 Disposal

A junked vehicle or part of a junked vehicle may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the city. (Ordinance 2002-02, sec. 1-8, adopted 1/24/2002)

CHAPTER 9

PLANNING AND DEVELOPMENT REGULATIONS

Article 9.01	General Provisions	9-3
Article 9.02	Planning and Zoning Commission	9-3

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ARTICLE 9.01 GENERAL PROVISIONS*

Sec. 9.01.001 Review of requests for building permits

(a) Until the adoption of a comprehensive zoning ordinance by the city, all requests for building permits shall be first submitted to the city planning and zoning commission for a report and recommendation before same may be granted by the building inspector.

(b) In case of an adverse report and recommendation by the city planning and zoning commission, same may be overruled by the city council by a majority vote.

(c) The city planning and zoning commission shall act promptly on all such requests for building permits and, in case any such request is not acted upon within ten days, then such requests shall be deemed to have been approved by the city planning and zoning commission, and shall be granted unless denied by the city council.

(Ordinance adopted 8/5/1953)

ARTICLE 9.02 PLANNING AND ZONING COMMISSION†

Sec. 9.02.001 Established; appointment and term of members

There is hereby created and established for the city a planning and zoning commission, which shall be composed of three (3) members. The members shall be resident citizens, taxpayers and qualified voters of the city, all of whom shall be appointed by the mayor subject to confirmation by the governing body to serve for terms of two (2) years. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. All expired terms shall be filled for terms as provided for the original appointments and in the same manner. Members of the commission may be removed by the mayor, with the consent of the governing body, after public hearing and for cause assigned in writing. The members of the commission shall serve without compensation. (Ordinance adopted 8/5/1953, sec. 1)

Sec. 9.02.002 Officers; expenses; rules, regulations and bylaws

The planning and zoning commission shall elect a chairman and vice-chairman from its membership and shall have power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the commission and to pay for their services and such other necessary expenses, provided that the cost of such services shall not exceed the amount appropriated by the governing body for the use of the commission. It shall also have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council, and same shall be subject to approval by the council. Such bylaws shall include, among other items, provisions for:

- (1) Regular and special meetings, open to the public;
- (2) Records of its proceedings, to be open for inspection by the public;

* **State law references**—Planning and zoning generally, V.T.C.A., Local Government Code, chs. 211, 212, 371.

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

- (3) Reporting to the governing body and the public, from time to time and annually; and
- (4) The holding of public hearings on its recommendations.

(Ordinance adopted 8/5/1953, sec. 2)

Sec. 9.02.003 Powers and duties

The planning and zoning commission shall have the power and it shall be its duty to make and recommend for adoption a master plan, as a whole or in parts, for the future development and redevelopment of the municipality and its environs, and shall have power and it shall be its duty to prepare a comprehensive plan and ordinance for zoning the city in accordance with chapter 283, Acts of the Regular Session of the Legislature, 1927. The commission shall perform such other duties as may be prescribed by ordinance or state law. (Ordinance adopted 8/5/1953, sec. 3)

CHAPTER 10

**STREETS, PARKS AND OTHER PUBLIC WAYS AND
PLACES**

Article 10.01 General Provisions 10-3

Article 10.02 Parks and Recreation..... 10-5

Article 10.03 Events or Functions on City Property 10-7

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ARTICLE 10.01 GENERAL PROVISIONS***Sec. 10.01.001 Buildings, fences or other encroachments on public property**

(a) New encroachments prohibited. No individual or entity shall construct, operate, maintain, or use any new temporary or fixed building, fence or other structure (hereinafter “encroachment”) in, on, or upon a municipal alley, street, or other public property or right-of-way within the city except as specifically authorized by the city council. All unauthorized encroachments are declared a public nuisance and ordered by the city to be abated. The city police department shall enforce the provisions of this section and shall order any person or entity that has placed or constructed any unauthorized encroachments in, on, or upon a municipal street, alley or other right-of-way to abate and remove same at their cost. Modification in any manner of an encroachment authorized as provided by subsection (c) of this section shall be considered a “new” encroachment for the purposes of this section.

(b) Removal by city. The city may remove any unauthorized encroachment upon a municipal alley, street or other public way by any lawful means if a person or entity ordered to abate and remove the encroachment fails or refuses to do so. All costs of removal, costs of court and other reimbursable expenses shall be charged to the person or entity responsible for placement of the encroachment and may be assessed and collected from such person, persons, or entity responsible for the placement of the encroachment in any manner authorized by law.

(c) Limited authorization for existing encroachments. An individual or entity wishing to authorize an encroachment in existence as of the effective date of this section in, on, or upon a city right-of-way must submit a written application to the city secretary. The application shall describe the nature and location of the encroachment with specificity suitable to the city. In addition, the applicant shall submit a nonrefundable application fee in the amount set forth in the fee schedule in appendix A of this code. A copy of the license application form is attached as exhibit A to Ordinance 2009-12. The city council may approve the application if it finds that the encroachment will not pose a public health or safety hazard to the city and will not impede or impair the city’s ability to reach, maintain and repair a public utility or provide for the public’s health, safety, morals, or general welfare. After public notice and hearing, the city council may authorize a license agreement with the individual or entity applicant by a two-thirds majority vote. Nothing in this section shall ever be construed as authorizing the placement of a new encroachment, or authorizing the modification of a previously approved encroachment in any manner whatsoever.

(d) License agreement. Along with the license application, and the application fee, the applicant shall execute an encroachment license agreement, which acknowledges that, should the license be granted, the applicant shall indemnify and hold the city harmless for any injury or property damage that may occur as a result of the granting of the license. The mayor shall be authorized to execute the license agreement attached as exhibit B to Ordinance 2009-12 on behalf of the city upon approval of the city council in the manner provided by subsection (c) hereof.

(e) Denial or revocation of license. The city council may deny a license application whenever it deems such denial is in the public interest to safeguard the public’s health, safety, morals, or general welfare. The city council may revoke a license granted herein whenever it deems such

* **State law references**—Municipal streets, alleys, etc., V.T.C.A., Transportation Code, ch. 311; use of municipal streets and sidewalks for public conveniences and amenities or for private uses, V.T.C.A., Transportation Code, ch. 316..

revocation is required based upon the standard for denial of a license application. Revocation of a previously approved encroachment shall be effective upon the simple majority vote of the city council.

(f) Penalty. Any person or entity that fails to abate or remove an unauthorized encroachment shall be guilty of a misdemeanor and fined not less than \$200.00 nor more than \$2,000.00, with each day or portion thereof of continuing violation considered a separate offense.

(Ordinance 2009-12 adopted 10/12/2009; Ordinance adopting Code)

Sec. 10.01.002 Permit for placing property on sidewalk or right-of-way

(a) Permit required; restrictions on placement. It shall hereafter be unlawful for any person or entity to place upon a public sidewalk any property or other object unless the person or entity places such property or object upon a public sidewalk or other public right-of-way pursuant to the terms of a valid permit granted in writing by the city to allow certain conduct to occur which would otherwise constitute a violation of this section. Any person or entity that violates this section without a proper permit will be subject to appropriate penalty as set forth in this section. A permit issued pursuant to this section may not authorize any person or entity to violate any other applicable law, and may not allow any item to be placed within forty (40) inches of a curb located at the transition from a raised public sidewalk to a public street or alley.

(b) Application for permit; term; revocation. The city council directs the city secretary and staff to develop a permit application to be approved as to form by the mayor, which application must be completed by the applicant and approved in writing by the mayor before a permit may be issued to the applicant. A completed application shall be reviewed by the mayor or their designee, who may request additional information from the applicant as needed prior to rendering a decision, and a determination regarding the application must be made within 14 days from the date the completed application is received by the city secretary. Applicants are eligible to apply for a permit only if they have a legal ownership interest in the operation of the local business named in their permit application. A permit issued pursuant to this section may stipulate special conditions appropriate to the circumstances of the permit and the permit holder, and shall expire one year from the date of issuance, but may be renewed at the discretion of the city upon request by the permit holder. A permit may be revoked by the city if the permit holder is found to be in violation of the terms of the permit, regardless of whether a citation has been issued for such violation, and the permit holder shall be deemed solely responsible for ensuring compliance with the terms of the permit so long as such permit remains effective. The permit application shall be incorporated by reference as part of the permit, and must include the following elements:

- (1) Applicant's name;
- (2) Applicant's home address;
- (3) Applicant's telephone number and email address;
- (4) Name and address of the local business entity owned by the applicant;
- (5) Description of the proposed nonconforming use, e.g., objects or merchandise to be placed upon a public sidewalk or other right-of-way;

- (6) Application fee in the amount set forth in the fee schedule in appendix A of this code, which must be paid to the city upon submittal of each application for a new permit or renewal of an existing permit;
 - (7) Effective date and expiration date for the permit;
 - (8) Any other information or element deemed necessary by the city secretary to effectuate the purpose of this section.
- (c) **Enforcement; penalty.** Any person or entity found to be in violation of this section or in violation of the terms of a permit issued to them pursuant to this section may be cited for a misdemeanor offense by a city police officer or other city official charged with enforcing the city's ordinances, and upon a finding of guilty shall be subject to a fine in an amount not to exceed \$200.00 per day for each day that a violation is determined to have occurred, in addition to any other remedies available to the city in law or equity.

(Ordinance 2020-01 adopted 3/9/2020; Ordinance adopting Code)

ARTICLE 10.02 PARKS AND RECREATION*

Sec. 10.02.001 Possession or consumption of alcoholic beverages in parks and recreational areas

- (a) **General prohibition.** Except as is hereinafter provided, it is unlawful for any person to consume, or to possess with the intention of consuming, any alcoholic beverage in or upon any city-owned park, playground, or recreational area within and without the corporate limits of the city, including Live Oak Park and any other city-owned parks or recreational areas.
- (b) **Defenses.** It is a defense to prosecution hereunder that a person charged with consuming, or with possession with intent to consume, an alcoholic beverage in or upon any such park or other area was at the time of commission of the act:
- (1) The holder of a valid permit issued by the city council, authorizing the consumption of alcoholic beverages in any such park or other area where the act was committed; or
 - (2) A guest, invitee, employee, or member of the holder of a valid permit issued by the city council, authorizing the consumption of alcoholic beverages in any such park or other area where the act was committed.
- (c) **Permit.**
- (1) **Generally.** The city council shall, upon the application of any qualified person, association, or corporation, and payment by the applicant of such fees as may be prescribed by the city council, issue or caused to be issued to the applicant a permit authorizing the applicant and his or its guests, invitees, employees, and members to

* **State law reference**—Authority to acquire and maintain parks, museums and historic sites, V.T.C.A., Local Government Code, ch. 331.

consume any alcoholic beverages not otherwise prohibited by law, in the park or other area on the date and during the hours stated in the permit.

- (2) Application; qualified applicants. A qualified applicant for a permit shall be any person who has attained the age of twenty-one (21) years or any association or corporation whose members, officers, or directors have all attained the age of twenty-one (21) years, who has paid the fees, if any, prescribed for the issuance of a permit, and who has not previously violated the terms of a permit issued to such applicant hereunder. An application for a permit to consume need not be in a particular form, but shall state the name and address of the applicant (and the name of the president if the applicant is an association or corporation); the date, hours, and park or other recreational area for which the permit is requested; and that the applicant has not previously been convicted of violating the terms of a permit issued to the applicant hereunder.
 - (3) Date and hours.
 - (A) The date for which the permit is requested shall only be:
 - (i) A holiday recognized or declared by the Congress of the United States, the legislature of the state, or the city council;
 - (ii) A day generally commemorated by any ethnic group in observance or recognition of a tradition or holiday in its country of origin; or
 - (iii) Any other day approved by the city council.
 - (B) The hours requested may be any hours during which consumption of alcoholic beverages is lawful under the Texas Alcoholic Beverage Code.
 - (4) Restrictions. No applicant to whom a permit is issued hereunder shall have any right by reason thereof to sell or offer for sale any alcoholic beverages. No permit holder shall for any reason exclude or attempt to exclude any persons from coming into and using the park or other area covered by the permit, nor shall a permit holder charge or attempt to charge any person a fee for admission to the park or other area during the period of time covered by the permit.
 - (5) Responsibilities of permit holder; inspection of permit. The permit holder or an authorized representative of the permit holder shall remain at the park or other area covered by the permit during the permit period, shall have the permit available for inspection, and shall produce the same for inspection upon request by any police officer.
- (d) Penalty.
 - (1) An offense under this section is punishable, upon conviction, by a fine not to exceed five hundred dollars (\$500.00) plus court costs.
 - (2) It shall not be a defense to the prosecution of an individual hereunder that the prohibited conduct was performed in behalf of an association or corporation.

(Ordinance 2000-05 adopted 8/14/2000)

Sec. 10.02.002 Dumping trash at Live Oak Park

- (a) Dumping of trash shall be forbidden at Live Oak Park unless the person or persons are using the park for a function or activity.
- (b) Violators of this section shall be charged a fine ranging between \$25.00 and \$200.00.

(Ordinance 2001-02 adopted 2/12/2001)

Sec. 10.02.003 Placing structures or personal property in Live Oak Park; removal of certain existing structures

- (a) Removal of certain existing structures. The city council authorizes the mayor of the city to immediately instruct and order the removal of the windmill, the building/structure, and the corral located at Veteran's Memorial Live Oak Park. The structures shall be removed within ten (10) days of written notice from the city to the owners. In lieu of removal, the owners may within the same ten (10) day time period donate the structures to the city, or to another group suitable to the city. The mayor may in writing extend the time period for the removal or donation of the structures up to thirty (30) additional days from the date of the initial written notice, and up to sixty (60) additional days thereafter with city council approval. Any individual or entities removing said structures shall provide proof to the city of suitable and appropriate liability insurance and execute a waiver of liability and indemnity agreement with the city prior to removal. Any license, agreement, or permission previously granted for the placement or location of the structures or property at Veterans Memorial Live Oak Park is revoked and rescinded.
- (b) Written agreement required. No private individual or entity may locate or place any structures or personal property in, on or upon Veteran's Memorial Live Oak Park without a written agreement approved by the city council. All privately owned structures and personal property located at Veteran's Memorial Live Oak Park without a written agreement from the city are declared a public nuisance.
- (c) Removal of unauthorized structures. The city will order all unauthorized structures placed upon municipal property immediately abated and removed at the owner's expense.
- (d) Penalty; enforcement. Any individual or legally recognized entity, organization, or group that violates any term or condition of this section shall be guilty of a misdemeanor and upon conviction in the city municipal court fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) per offense, with each day or fractional part thereof of continuing offense considered a separate violation and subject to the imposition of a separate fine. The chief of police is authorized to order and assure compliance and enforcement of this section.

(Ordinance 2009-14 adopted 11/9/2009)

ARTICLE 10.03 EVENTS OR FUNCTIONS ON CITY PROPERTY

Sec. 10.03.001 Security officers

(a) Applicability. In order to protect the public and city property, it shall be mandatory for all persons and organizations who wish to have any event or function taking place in the city or other area under the jurisdiction of the city to have security officers when the following two requirements are met:

- (1) Any time a pavilion or other location is used for a public or private function at Live Oak Park or any other city-owned property; and
- (2) Alcohol will be consumed or allowed at the event or function.

(b) Designation of security officers. All security officers who work at these events shall be licensed peace officers of the state designated and chosen by the chief of police for the city.

(c) Rate of pay; payment of fees. Security officers shall be paid at the rate of \$25.00 per hour. All alcohol permits and security fees must be paid 14 days in advance of said event or function, or the event will not be allowed by the city. This subsection shall be subject to review and change every 2 years from the date this ordinance goes into effect.

(d) Enforcement of laws. Any and all violations of the law found by the security officers at these events or functions shall be filed with the city municipal court, unless said violations require filing in courts of higher jurisdiction such as the county or district court.

(e) Number of security officers. Two paid security officers shall be required for all events and functions having less than 500 people in attendance. For events with more than 500 people in attendance, three paid security officers will be required.

(f) Penalty.

- (1) A person who violates subsection (a) of this section commits an offense.
- (2) An offense under this section is a class C misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00).

(Ordinance 2003-06A adopted 10/22/2007; Ordinance 2003-06B adopted 3/8/2010)

CHAPTER 11

TRAFFIC AND VEHICLES

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ARTICLE 11.01 GENERAL PROVISIONS***Sec. 11.01.001 Use of compression brakes****(a) Prohibition; exemptions.**

- (1) No person shall within the city use a motor vehicle brake which is in any way activated or operated by the compression of the engine to assist in slowing or braking.
- (2) Governmental vehicles engaged in actual emergency duties are exempt from the application of subsection (1).

(b) Signage. The city shall cause the placement of signage at each boundary of the city limits in substantially the following form:

ENGINE BRAKES PROHIBITED
ORDINANCE NO. 2014-05

(c) Penalty. Any person violating any provision of this section shall be guilty of a misdemeanor and punished in the municipal court by a fine of not less than \$25.00 nor more than \$500.00.

(Ordinance 2014-05 adopted 9/22/2014)

Sec. 11.01.002 Skating on street or sidewalk

(a) Prohibition. It shall be unlawful for any person or persons to be guilty of skating on the streets or sidewalks of the city.

(b) Penalty. Any person violating any provision of this section shall be guilty of misdemeanor, and shall be punishable by a fine not to exceed \$100.00.

(Ordinance adopted 12/7/1927)

Sec. 11.01.003 Riding bicycle or skateboard on sidewalk

(a) Definitions. In this section, the following definitions shall apply:

Adult. An individual seventeen (17) years of age or older.

Bicycle. Shall have the same meaning assigned by Texas Transportation Code section 541.201(2), as it exists or may be amended, and includes a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

Child. Any individual under seventeen (17) years of age.

* **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.

Parent. The natural or adoptive parent or court-appointed guardian or conservator of a child.

Sidewalk. The portion of a street that is between a curb or lateral line of a roadway and the adjacent property line, and intended for pedestrian use. (Reference: Texas Transportation Code, section 541.302(16).)

Skateboard. Any wood board or metal board that has attached to it either plastic or steel rollers, and made for the purpose or use of skateboarding.

(b) Restrictions; penalty.

- (1) It is unlawful for any child or adult person to operate or ride a bicycle or skateboard on the following designated sidewalks in the city.
- (2) The designated sidewalks include the following: All sidewalks situated within the city.
- (3) It is unlawful for a parent to allow or permit a child to operate or ride a bicycle or skateboard on any sidewalk designated above.
- (4) It shall be presumed that a parent allowed a child to operate or ride a bicycle or skateboard in the prohibited area.
- (5) This section shall not apply to a person who may operate an electric personal assistive mobility device on a sidewalk. (Reference: Texas Transportation Code, section 551.203.)
- (6) Any person violating this section, upon conviction, shall be fined an amount not exceeding five hundred dollars (\$500.00). The purpose of this section is to promote safety and discourage the use of a bicycles and skateboards in unsafe areas. The courts may consider deferred dispositions under Texas Code of Criminal Procedure section 45.051, as it exists or may be amended, whenever the circumstances warrant deferred dispositions.

(c) Violations. Any person, firm, corporation or business entity violating this section, if deemed guilty, and upon conviction thereof, shall be fined as set forth herein. Each unlawful act or continuing day's violation under this section shall constitute a separate offense. The penal provision imposed under this section shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

(Ordinance 2005-05 adopted 6/10/2005)

Sec. 11.01.004 Use of utility vehicles by city employees

(a) Definitions.

Public property means property owned or leased by the city.

Streets and ways shall include public boulevards, avenues, courts, lanes, alleys, cul-de-sacs, drives, roads and corners under the jurisdiction of the city.

Utility vehicle means a motor vehicle that is not a golf cart or lawn mower and is:

- (1) Equipped with side-by-side seating for the use of the operator and a passenger;
- (2) Designed to propel itself with at least four tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use only; and
- (4) Designed by the manufacturer primarily for utility work and not for recreational purposes.

(b) Operation limited to city employees; traffic safety. The operation of municipally owned utility vehicles is authorized on all municipal streets, ways and city-owned public property. The operation of utility vehicles shall be limited to city employees engaged in official public business. The operator of a utility vehicle shall cause such operation to be confined primarily to alleys with operation on municipal streets to be confined to the extreme right-hand shoulder at a maximum speed of twenty-five (25) miles per hour.

(c) Operation prohibited on certain streets. Other than as necessary to cross a public highway to access a municipal street or way, utility vehicles may not be operated on U.S. Highway 90, [or] FM 127.

(d) Required equipment. Utility vehicles operated within the city must have the following equipment:

- (1) Headlamps;
- (2) Horn;
- (3) Tail lamps;
- (4) Reflectors;
- (5) Parking brake;
- (6) Slow-moving vehicle placard.

(e) Insurance. All utility vehicles operating within the city shall be insured for bodily injury and property damage liability equal to the amounts carried on municipal motor vehicles. All utility vehicles shall carry evidence of required insurance which shall be presented upon demand to law enforcement personnel.

(f) Driver's license required. Any person operating a utility vehicle within the city shall have a valid state-issued driver's license.

(g) Penalty. Any person operating a utility vehicle within the city in violation of this section shall be guilty of a misdemeanor and punished by a fine in the municipal court of not less than \$25.00 nor more than \$500.00 per offense.

(Ordinance 2013-13 adopted 9/23/2013)

ARTICLE 11.02 TRAFFIC REGULATIONS*

Sec. 11.02.001 Operation of vehicles generally

(a) Speed limit. It shall be unlawful for any person or persons to operate any vehicle upon any street, avenue, roadway or alley within the corporate limits of the city at a greater rate of speed than twenty miles per hour.

(b) Stopping and turning at intersection. All vehicles approaching the public highway shall stop before entering such highway or street and if with the intention of turning thereat shall, in turning to the right, keep to the right of the center of the street and in turning to the left shall run beyond the center of the highway before turning to the left. No U-turns are permitted between street intersections.

(c) Exceptions. This section shall not apply to the various members of the fire department while operating any of the firefighting equipment of the city, nor to officers of the law while responding to an emergency call, nor to any physician or hospital ambulance on an emergency call.

(d) Penalty. Any person violating any provisions of this section shall be guilty of misdemeanor and shall be punishable by a fine in any sum not exceeding one hundred dollars (\$100.00).

(Ordinance Book 5 page 233, secs. 1, 2, 5, 7, adopted --/--)

State law references—Prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352; turning at intersection, V.T.C.A., Transportation Code, sec. 545.101.

Sec. 11.02.002 Duties of drivers upon sounding of fire alarm

(a) It shall be unlawful for any person or persons (other than a member of the city volunteer fire department) to drive or operate an automobile, truck, buggy, wagon, or any other kind of vehicle, whether motor or horse drawn, upon any street within the corporate limits of the city, after a fire alarm has been sounded, until said fire department with their apparatus has reached the place of the fire, or has passed said street where such vehicles are parked. Owners or drivers of all vehicles, whether motor or horse drawn, must upon hearing a fire alarm immediately retire to the curb and remain there until after the fire apparatus has arrived at their destination, or has passed such vehicles that may be so parked.

(b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

(Ordinance adopted 11/7/1922)

* **State law reference**—Operation and movement of vehicles, V.T.C.A., Transportation Code, ch. 545.

State law reference—Vehicle approached by authorized emergency vehicle, V.T.C.A., Transportation Code, sec. 545.156.

Sec. 11.02.003 Stop when crossing railroad tracks; obedience to signal or watchman

(a) All persons, whether on foot, or horseback, or driving, or operating any automobile, truck, or any other vehicle whatsoever, and about to go upon, or cross, or attempt to cross, any railroad track or tracks within the city when and where a signalman, crossing flagman, or watchman, or alarm bell, or wig-wag signal, is maintained, shall obey the signals of any such signalman, crossing flagman, or watchman, and of said alarm bell or wig-wag signal, with respect to crossing or not crossing, or attempting to cross, or going upon said railroad track or tracks; and any person within the city who shall go upon any other railroad crossing shall do so at a speed of not exceeding six miles per hour and shall look and listen for approaching locomotives and cars before going upon or crossing said railroad track or tracks.

(b) Any person, whether on foot, or horseback, or driving or operating any automobile, truck, or any other vehicle whatsoever, who shall go upon or cross, or attempt to cross, any such railroad track or tracks at any crossing in the city where and when a signalman, or crossing flagman, or watchman, or alarm bell, or wig-wag signal, is maintained in violation or disregard of the signals of the signalman, or crossing flagman, or watchman, or of the alarm bell or wig-wag signal, shall be guilty of a violation of the law and of a misdemeanor and shall be fined in a sum of not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00).

(Ordinance adopted 7/4/1922)

State law reference—Obedience to signal indicating approach of train, V.T.C.A., Transportation Code, sec. 545.251.

Sec. 11.02.004 Driving through filling station without stopping

(a) It shall be unlawful for any person or persons to drive through any filling station without stopping, or upon or through the private property of said filling station, at any rate of speed whatever, without coming to a standstill, within the corporate limits of the city.

(b) Any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

(Ordinance adopted 3/3/1925)

ARTICLE 11.03 PARKING*

Sec. 11.03.001 Generally

(a) No parking areas. No person shall stop, stand or park a vehicle on the following designated areas:

* **State law references**—Authority to regulate parking, V.T.C.A., Transportation Code, sec. 542.202(2); stopping, standing and parking, V.T.C.A., Transportation Code, sec. 545.301 et seq.; privileged parking for persons with disabilities, V.T.C.A., Transportation Code, ch. 681.

- (1) On a sidewalk;
 - (2) Within an intersection;
 - (3) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (4) On any railroad track;
 - (5) At any place where official signs prohibit stopping;
 - (6) On a handicapped area that has been designated for handicapped parking.
- (b) Temporary parking. No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of a public or private driveway;
 - (2) Within fifteen (15) feet of a fire hydrant;
 - (3) Within twenty (20) feet of a crosswalk at an intersection;
 - (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
 - (5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);
 - (6) At any place where official signs prohibit standing.
- (c) Parking on two-way roads. Every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within eighteen (18) inches of the right-hand curb or edge of the roadway.
- (d) Parking on one-way roads. Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or edge of the roadway, or its left-hand wheels within eighteen (18) inches of the left-hand curb or edge of the roadway.
- (e) Signs prohibiting or restricting parking. The city with respect to roads and highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any road or highway where, in the opinion of the city, such stopping, standing or parking is dangerous to those using the road or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

(f) Enforcement. The chief of police and his deputies are hereby authorized and designated to enforce this section.

(g) Definitions. In this section, the following definitions shall apply:

Parking or park means the standing of a vehicle, whether occupied or not.

Stand or standing means the halting of a vehicle, whether occupied or not.

(h) Fine and court costs.

- (1) A person who violates this section commits an offense.
- (2) An offense under this section is a class C misdemeanor and punishable by a fine of thirteen dollars (\$13.00) and court costs of \$12.00 for a total amount of \$25.00.
- (3) If the fine and court costs are not paid within 30 days, a \$10.00 late fee shall be added to the total amount due.

(i) Exceptions.

- (1) It shall not be a violation of this section when a person parks a vehicle in a “no parking” area pursuant to the directions of a police officer.
- (2) It shall not be a violation of this section for a person to park a vehicle in a handicapped area if the car has a properly displayed handicapped parking permit which allows the vehicle to be parked in an area designated for handicapped parking.

(Ordinance 2002-06 adopted 9/30/2002)

State law references—Stopping, standing or parking prohibited in certain places, V.T.C.A., Transportation Code, sec. 545.302; additional parking regulations, V.T.C.A., Transportation Code, sec. 545.303.

Sec. 11.03.002 Commercial vehicles and trailers

(a) Definitions.

Commercial vehicle means any vehicle with a gross vehicle weight in excess of 10,000 pounds or carrying capacity exceeding one ton and used for the delivery of passengers, tools, or materials. A “recreational vehicle” is not considered a commercial vehicle.

Parking or standing means the standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the directions of a police officer or traffic sign or traffic signal.

Trailer means a device without motive power designed for carrying persons, animals, or property on its own structure and to be drawn by a vehicle with motive power. The term shall include, but not be limited to, a semi-trailer, utility trailer, travel trailer and boat trailer.

Truck means a “commercial vehicle.”

(b) Prohibited parking. No person shall park a commercial vehicle or trailer including but not limited to a truck tractor, farm tractor, road tractor, bus, trailer, boat trailer, semitrailer, pole trailer, house trailer, motor home, towable recreational vehicle, or special mobile equipment as defined in section 541.201 of the Texas Transportation Code, as amended, in the city limits of [on] Highway 90 (Fisher Road).

(c) Exceptions. Subsection (b) does not prohibit the parking of an emergency vehicle or vehicles owned, operated or leased by the city, the county, the state or a public utility, or vehicles used in the performance of services under contract of the city, the county, the state, or a public utility. This section shall further not apply to vehicles making a pickup or delivery or rendering some requested service at a location which abuts the street on which the vehicle is stopped or parked.

(d) Penalty. It shall be unlawful to do or perform any act prohibited in this section. Any person, firm, corporation or agent who shall violate a provision of this section, or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and punished by a fine not to exceed five hundred dollars (\$500.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed or continued.

(Ordinance 2007-06 adopted 3/26/2007)

ARTICLE 11.04 MOTOR-ASSISTED SCOOTERS AND GO-CARTS*

Sec. 11.04.001 Definitions

In this article, the following definitions shall apply:

Adult. An individual seventeen (17) years of age or older.

Child. Any individual under seventeen (17) years of age and who does not otherwise suffer from a medically determined disability where such disability interferes with the normal use of the individual's legs.

Go-cart. A motor vehicle that is:

- (1) Equipped with a seat for the use of the rider;
- (2) Designed to propel itself with four tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use by the operator only; and
- (4) Not designed by the manufacturer for farming, lawn care, or for the transporting of persons on a golf course.

Medically determined. Those facts which have been determined by a medical doctor.

* **State law reference**—Motor-assisted scooters, V.T.C.A., Transportation Code sec. 551.351 et seq.

Motor-assisted scooter. Shall have the same meaning assigned by Texas Transportation Code section 551.351, as it exists or may be amended, and includes a self-propelled device which has the following:

- (1) At least two wheels in contact with the ground during operation;
- (2) A braking system capable of stopping the device under typical operating conditions;
- (3) A gas or electric motor 40 cubic centimeters or less;
- (4) A deck designed to allow a person to stand or sit while operating the device; and
- (5) The ability to be propelled by human power alone.

Parent. The natural or adoptive parent or court-appointed guardian or conservator of a child.

Public way or public property. Real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including, but not limited to, a path, trail, sidewalk, alley, street or highway, and a public park facility.

(Ordinance 2005-04, sec. 2, adopted 6/10/2005)

Sec. 11.04.002 Operation prohibited on public way or public property

(a) Prohibited areas; responsibility of parent; exception.

- (1) It is unlawful for any child or adult person to operate or ride a motor-assisted scooter or go-cart on any public way or public property within the city, including but not limited to the following: path, trail, alley, sidewalk, public park facility, street or highway.
- (2) It is unlawful for a parent to allow or permit a child to operate or ride a motor-assisted scooter or go-cart on any public way or public property within the city, including but not limited to the following: path, trail, alley, sidewalk, public park facility, street or highway.
- (3) It is presumed that a parent allowed a child to operate or ride a motor-assisted scooter or go-cart in a prohibited area.
- (4) This section shall not apply to a parent when the child in question suffers from a medically determined disability and such disability interferes with the normal use of the child's legs.

(b) Penalty.

- (1) Any person violating this section, upon conviction, shall be fined an amount not exceeding five hundred dollars (\$500.00).
- (2) The purpose of this section is to promote safety and discourage the use of a motor-assisted scooters or go-carts in unsafe areas. The courts may consider deferred

dispositions under Texas Code of Criminal Procedure article 45.051, as it exists or may be amended, whenever the circumstances warrant deferred disposition.

(Ordinance 2005-04, sec. 3, adopted 6/10/2005)

Sec. 11.04.003 Violations

Any person, firm, corporation or business entity violating this article, if deemed guilty, and upon conviction thereof, shall be fined as set forth herein. Each unlawful act or continuing day's violation under this article shall constitute a separate offense. The penal provision imposed under this article shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law. (Ordinance 2005-04, sec. 6, adopted 6/10/2005)

CHAPTER 12

UTILITIES

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ARTICLE 12.01 GENERAL PROVISIONS***Sec. 12.01.001 Termination or refusal of service**

(a) Due date for payment of bill. The due date of the bill for utility service shall not be less than ten (10) days after issuance, or such other period of time as may be provided by order of the city council. The bill for utility service is delinquent if unpaid by the due date.

(b) Final past due notice. When a utility bill has become delinquent, the sixteenth day of the month, the city shall mail a “Final Past Due Notice” to the customer. A notice shall be mailed to the address shown as receiving the service, and one other address that may be listed as receiving the billing if such address is made a part of the account records and such a request is made, and shall state the amount due, and the scheduled turn-off date, which shall be approximately ten (10) calendar days after the notice is mailed, and shall contain the following message:

IMPORTANT. The monthly utility bill for this account was mailed to this address approximately sixteen (16) days ago. If you believe that the bill is incorrect, please contact the Utility Billing Clerk at 830-988-2218.

Service will be discontinued if the payment is not completed by 5:00 p.m. ten (10) calendar days after this notice is mailed.

Please disregard this notice if the bill has been paid.

IMPORTANTE. El obro mensual de utilidades para esta cuenta fue enviado ha esta direccion hace aproximadamente dieciseis (16) dias. Si usted cree que la factura es incorrecta, pongase en contacto con el clerigo de facturacion para utilidades al 830-988-2218.

El servicio sera descontinuado si acaso el pago no se ha hecho para las 5:00 p.m. diez (10) dias calendarios despues de que este aviso fue enviado.

Por favor ignore este aviso si su cobro fue pagado.

(c) Communication with city. If there is a problem paying the bill the consumer should notify the city before the ten (10) day period ends.

(d) Investigation of erroneous bill. If a consumer believes that the amount billed for utility services is erroneous, or if a customer believes he or she has been billed for services not actually rendered, the consumer’s complaint shall be investigated by the city staff and the results will be reported back to the consumer by the clerk. Corrections to the bill will be made whenever justified. The consumer may request a hearing with the clerk at this point if he or she believes that the investigation reports are in error or that the proposed adjustments are inaccurate.

* **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.

(e) Hearing before utility clerk. Upon receiving a request for hearing, the clerk shall schedule such a hearing to occur within two (2) business days following the receipt of such request, unless for good cause the consumer or the city requests additional time, in which case the hearing shall occur within five (5) business days from the receipt of such request. The consumer shall be advised of the date, time and place of the hearing; of his or her right to present documented evidence and to provide testimony by witness; that the city records pertaining to his or her account will be available; and that city utility personnel may also testify. All hearings before the utility clerk shall be informal, shall not be governed by the rules of evidence, and need not be recorded. At the conclusion of the hearing, the utility clerk shall orally announce her decision.

(f) Decision by utility clerk. If the utility clerk finds that the billing complained of is in error, or that the consumer has been billed for services not actually received, she shall take all appropriate action to correct or adjust the error. The utility clerk shall have no authority to take preventative or corrective action except in cases of erroneous billing. If the utility clerk's decision is adverse to the consumer, the consumer may petition the city council for review of the decision. The utility clerk shall notify the customer in writing of the deadline for requesting placement of the matter before the city council.

(g) Review by city council. In order to petition the city council for review of the decision, the consumer must request such appearance before the city council at the next regularly scheduled council meeting, and must specifically request in writing to be placed upon the agenda of said meeting. The city council shall not be required to meet in any emergency or special session in order to hear said appeals. Failure to timely and properly request such an appeal shall not be grounds for an extension of the termination date. The consumer has the same right to present evidence before the council as before the utility clerk, and the same procedures and guidelines apply thereto.

(h) Reasons for disconnection. Utility service may be disconnected for any of the following reasons:

- (1) Failure of the customer to pay a delinquent account or failure to comply with the terms of a deferred payment plan for installment payment for a delinquent account. (See subsection (n).)
- (2) Violation of the city's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation.
- (3) Failure to comply with the deposit or guaranty arrangements required by the deposit guidelines.
- (4) Without notice where a dangerous condition exists for as long as the condition exists.
- (5) Tampering with the city's meter or equipment by bypassing the meter, attempting to bypass the meter, striking the meter with any instrument or any other method to disable any meter.
- (6) Without notice when a "NSF" or "Account Closed" check is given in payment of any delinquent account, whether disconnected or not.

(i) Restrictions on disconnection. Utility service may not be disconnected for any of the following reasons:

- (1) Delinquency in payment for service by a previous unrelated occupant of the premises.
- (2) Failure to pay the charges arising from an over/under billing due to a faulty metering unless the meter has been tampered with or unless such over/under billing charges are due.
- (3) Failure to pay an estimated bill other than a bill rendered pursuant to the approved meter reading plan, unless the utility is unable to read the meter due to circumstances beyond its control.

(j) Times for disconnection. Unless a dangerous condition exists, or unless the customer requests the disconnection, service shall not be disconnected on a legal holiday or weekend or at such times when city personnel are not available to the public for the purpose of making collections and reconnecting service, but rather shall be on the first workday after the tenth day provided in subsection (b).

(k) Residents who are handicapped or seriously ill. No utility may disconnect a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in the deterioration of the medical condition of a handicapped or seriously ill person residing at the residence. Any customer seeking to avoid termination of service under this subsection must make a written request supported by a written statement from a licensed physician. Both the request and the statement shall be received by the utility not more than five (5) days after the date of delinquency of the bill. The prohibition against service termination provided by this subsection shall last twenty days from the date of the receipt by the utility of the request and statement or such lesser period as agreed upon by the utility and the customer. If the customer makes such a request they will sign an installment agreement which provides for payment of such service along with timely payments for subsequent monthly billing.

(l) Refusal of service. The city may decline to serve an applicant for whom service is available from previously installed facilities until such applicant has complied with the state and municipal regulations or for the following reasons:

- (1) Applicant's facilities are inadequate: If the applicant's installation or equipment is known to be hazardous or of such a character that satisfactory service cannot be given.
- (2) For indebtedness: If the applicant is indebted to the city for the same kind of service as that applied for; provided, however, that in the event that the indebtedness of the applicant for services in dispute is remedied by payment of the same, the applicant shall be served upon complying with the applicable deposit requirements.
- (3) Refusal to make deposit: For refusal to make a deposit if the applicant is required to make a deposit under these rules.

(m) Reinstatement of service.

- (1) Reconnection fee; restarting service illegally. In order to re-establish service, the consumer must pay a reconnection fee in the amount set forth in the fee schedule in appendix A of this code, the outstanding utility bill balance and any adjustments to the deposit that are required by this code. If an account that has been disconnected by reason of delinquency is not remedied within ten days, that is by paying the entire balance and reconnect fee, the consumer's delinquent account shall be terminated and the deposit shall be applied to the balance. Should the consumer then wish to reinstate service, he or she shall make deposits as applicable (two or three times the normal rate), as stated in section 12.01.002. Any person or persons who restart their service illegally will be charged as fee as set forth in the fee schedule in appendix A of this code in addition to all other balances due.
 - (2) Reconnection after hours. Disconnected services shall be reconnected after hours (turned off for nonpayment) for an additional payment as set forth in the fee schedule in appendix A of this code. Customers will have to appear at the utility office no later than 10:00 a.m. the next day to pay the additional fee and make payment arrangements. If they do not appear before 10:00 a.m., they will have to pay the additional fee and full payment of their account or be turned off again.
- (n) Deferred payment plan. The city may offer a deferred payment plan for delinquent residential accounts. If such a plan is offered, it shall conform to the following guidelines:
- (1) Every deferred payment plan entered into, due to the customer's inability to pay the outstanding bill in full, must provide that service will not be discontinued if the customer pays the current bill and ten percent (10%) of the original delinquent balance. Only one delinquent bill shall be allowed at any one time per customer or account.
 - (2) All deferred payment plans shall be in writing and shall state, immediately preceding the space provided for the customer's signature and in bold-face print, that: "If you are not satisfied with this agreement, do not sign. If you are satisfied with this agreement, you give up your right to dispute the amount due under the agreement except for the city's failure or refusal to comply with the terms of this agreement."
 - (3) If a customer for utility service has not fulfilled the terms of a deferred payment agreement or refuses to sign the written agreement, the city shall have the right to disconnect pursuant to the disconnection rules herein and, under such circumstances, it shall not be required to offer a subsequent negotiation of a deferred payment agreement prior to disconnection.

(Ordinance 2018-06 adopted 9/24/2018; Ordinance adopting Code)

Sec. 12.01.002 Deposit and connection fee for water and gas service

- (a) Amount of deposit. Unless otherwise provided herein, all residential utility customers must deposit the amount set forth in the fee schedule in appendix A of this code for water service and the amount set forth in the fee schedule for gas service prior to the delivery of any such service.
- (b) Reestablishment of service after termination; increase of deposit. Every applicant who has previously been a customer of the city and whose service has been terminated for nonpayment of bills and whose deposits have been applied to the delinquent account shall be required before

service is rendered to pay all his amounts due the utility, including the reconnect fee, and render new deposits, which shall be double the standard deposits. If the utilities be disconnected a second time, the deposits shall be increased to three times normal.

(c) Deposit for temporary or seasonal service. The city may require a deposit sufficient to reasonably protect it against the assumed risk, provided such a policy is applied in a uniform and nondiscriminatory manner.

(d) Connection fee. A fee as set forth in the fee schedule in appendix A of this code will be charged to turn on water and/or gas when service is instituted.

(Ordinance 1991-01 adopted 5/13/1991; Ordinance 2018-04 adopted 9/10/2018; Ordinance adopting Code)

Sec. 12.01.003 Selling or providing water or wastewater service

(a) Prohibition. No entities, corporations, joint ventures, partnerships, individuals, or other type of business entities shall have the right to sell or provide water or wastewater services to any business or individual within the city limits, unless permission is first granted by the city council.

(b) Penalty. Any person who violates this section commits a class C misdemeanor which shall be punishable by a fine of not more than two hundred dollars (\$200.00) plus applicable court costs per customer and per each day that the violation occurs.

(Ordinance 2004-02 adopted 1/12/2004)

Sec. 12.01.004 Discharging wastewater on public property or on top of ground

(a) No kitchen water, sewage, laundry water, wastewater from any filling station, wash rack or hydrants, or water-cooled air conditioners, or wastewater from any cellar or pit, shall be allowed to discharge into any street, alley, gutter or public place of whatsoever kind, or discharge on the top of the ground on any private premises in such manner that flies and mosquitoes might breed or odors become obnoxious to nearby residents.

(b) This section shall only be applicable to such cases and conditions as are not provided for by the ordinances of the city regulating the sanitary sewers of this city and connections therewith.

(Ordinance adopted 5/1/1951)

ARTICLE 12.02 WATER SERVICE*

Sec. 12.02.001 Water system generally; prohibited acts

(a) Superintendent of waterworks.

(1) There shall be appointed by the city council a superintendent of the waterworks, who shall be the administrative officer of the waterworks system, including all engine

* **State law reference**—Water supply in type A municipality, V.T.C.A., Local Government Code, sec. 552.015.

houses, engines, pumps, reservoirs, standpipes, elevated tanks, pipelines, hydrants, meters, wrenches, stopcocks, gate valves, fire plugs, testing equipment, and all other property and machinery used in or connected with the waterworks system. He shall have general supervision over all employees of the waterworks system and shall make frequent trips of inspection over all pipelines and all other property used in or connected with the waterworks system, and shall make all repairs deemed necessary and consistent with his duties.

- (2) He shall also report all violations of this article to the city council and shall forthwith proceed to have prosecuted offenders as set forth in this article or any amendment thereof.
 - (3) He shall also attend to and control the water supply and at all times see to the sufficiency thereof, and shall notify the community, unless emergency requires otherwise, of the necessity of shutting off any pipeline for the purpose of making repairs, extensions, connections, etc., should he know beforehand the necessity to so shut off the water from any line or lines of the system.
 - (4) In the performance of his duties as required by this section, the superintendent shall be subject at all times to the city ordinances, rules, and regulations. He shall serve for such term and receive such compensation as may be fixed by the governing body.
- (b) Prohibited acts. It shall be unlawful for any person or persons to do, commit or assist in committing any of the following things or acts in the city:
- (1) To open or close any fire hydrant or stop cock connected with the waterworks system of the city, or lift or remove the covers of any gate valves or shut-offs thereof, without the permission of the superintendent of the waterworks, except in case of fire, and then under the direction of officers of the fire department;
 - (2) To interfere with, destroy, deface, impair, injure, or wantonly force open any gate or door, or in any way whatsoever destroy, injure, or deface any part of any engine house, reservoir, standpipe, elevated tank, building or buildings, or appurtenances, fences, trees, shrubs, or fixtures or property appertaining to the waterworks system;
 - (3) To go upon or ascend the stairway or steps on any elevated water storage tank or standpipe of the waterworks system, except by permission of the waterworks superintendent;
 - (4) To place any telegraph, telephone, or electric light pole or any obstruction whatsoever within three feet of any fire hydrant;
 - (5) To resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from private connections on premises contrary to the city regulations or ordinances;
 - (6) To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, cock, valve, or other apparatus pertaining to the waterworks system, or to turn on or off without authority the water in any street hydrant or other water fixture, or to hitch or tie any animal thereto;

- (7) To make or permit to be made any connections with the main or service pipes of the waterworks system or to turn on or use the water of said system without first obtaining a permit therefor;
 - (8) To cover over or conceal from view any water valve box, service or meter box;
 - (9) To remove any water meter that has been placed by the city, or to in any manner change, interfere with or tamper with any water meter; providing that the provisions of this section shall not apply to the employees of the city when acting in their official capacity; or
 - (10) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule or ordinance governing the waterworks system.
- (c) Connection to system. It shall be unlawful for any person, firm, or corporation to make any connection to the mains or pipes of the waterworks system of the city without first making application to the city, stating fully the several and various uses for which water is wanted, giving the name of the owner of the property, the number of the lot and block, the name of the street and the house number. Upon the payment of the tapping fee, the superintendent shall make, or have made, the necessary connections and furnish a cast iron curb stop box and curb cock, the cost of which is included in the tapping fee, and every premises connected with any water main, or being supplied with any water from the city waterworks, shall have a separate service connection, curb stop box and curb cock. If the application is approved by _____, a permit will be issued. All fees and charges shall be paid for at amounts and rates fixed by this chapter or by resolution of the governing body.
- (d) Notice to discontinue service. Any person wishing to discontinue the use of water supplies from the waterworks system must give notice thereof to the city, otherwise the charge will be entered until such notice has been given. The change for shutting off and turning on of such service shall be as established by the city council, and no allowance will be made in any case for less than thirty days.
- (e) Reporting of violations, leaks, or waste of water. It shall be the duty of all employees of the city, including officers and members of the police force, to report to the superintendent of the waterworks system, upon blanks furnished for that purpose, any leaks or unnecessary waste of water that may come to their attention, also any violations of this article.
- (f) Meters. All meters, whether private or belonging to the waterworks system, shall be set by the employees of the city. If the meter gets out of order and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not.
- (g) Deposit. Each water consumer shall put up a meter deposit in the amount set forth in the fee schedule in appendix A of this code, which may be applied to the payment of any unpaid bills, and when so used the deposits shall be restored to the original amount. Any unused portion of the deposit shall be refunded at any time the account or service is discontinued.
- (h) Tapping charges. The tapping charges for connections with the city waterworks and laterals shall be as established by the city council.

(i) **Penalty.** Any person, firm, partnership, association of persons, or corporation, or any agent or employee thereof, who shall violate any of the rules, regulations or provisions of this section, or any part of it or portion thereof, by any act either of omission or commission, or cause the same to be done, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any amount not exceeding \$100.00 for each and every such violation. Each violation of each part or any part of this section shall be and constitute a separate offense, and where such violation is a continued act each day such violation is continued or permitted to continue shall be and constitute a separate offense and be punishable accordingly.

(Ordinance adopted 6/1/1948; Ordinance adopting Code)

Sec. 12.02.002 Rates and charges

Water rates and charges shall be as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-07 adopted 8/26/2019)

Sec. 12.02.003 Connections; city not liable for damage

(a) **Permit required.** The city requires that all potential users of the city's water services obtain a permit from the city prior to the installation of any utility connection to the city's water lines.

(b) **Installation of pipes or mains.** All pipes or mains for the extension of the water system of the city shall be laid under the management and control of the city or its authorized agents.

(c) **Standards for water service lines.** All water service lines shall be of such quality as specified and approved by the city.

(d) **City not liable for damage.** The city is not liable for any damage on account of leakage, breakage of pipes and/or malfunction of pipes resulting from an act of God or from any other cause not resulting from the negligence of the city.

(Ordinance 2006-11, sec. 2, adopted --/--)

Sec. 12.02.004 Service outside city

Subject to the availability of an adequate supply of municipal water and other conditions set forth herein, proposed out-of-city meter connections will be considered.

(1) **Single service residential customers.** Single service residential customers outside the city limits may apply for residential municipal water service. The service location must be located within a connectable distance to an existing water main of sufficient size and capacity for the requested service to be established by the city. Applicants for residential water service outside the corporate limits shall pay upon demand, and prior to connection, all actual and estimated costs as calculated by the city for the requested service connection and an outside readable water meter. All applications for out-of-city service are to be reviewed by the city's public works director ("director") for technical feasibility. The director is authorized to approve or deny individual requests for out-of-city residential service pursuant to the policy.

(2) **Developers and commercial customers.** Developers and other potential commercial customers applying for out-of-city service will be required to purchase and donate to

the city one (1) acre-foot of Edwards Aquifer water per metered connection and enter into utility extension agreements for new water mains or the extension of existing mains to accommodate out-of-city service. Developers and commercial customers shall not be permitted to connect to existing water mains. All such applications for out-of-city service are to be reviewed by the city's public works director ("director") for completeness of the application and for an assessment of technical feasibility. All applications by developers and other commercial customers for out-of-city water service shall be reviewed by the city council, with input from the director. The city council may approve, deny, or approve with conditions all applications, and may require any other agreements from the developer or commercial customer the city council determines are in the public interest.

(Ordinance 2009-04, sec. 1, adopted 2/23/2009)

Sec. 12.02.005 Service requirements; substandard or unauthorized connections

(a) Separate meters required; applicability of charges. Each separate residence or commercial establishment must have and pay for a separate approved outside readable water meter. Any residence or commercial establishment currently receiving or planning to receive water service, either directly or indirectly from the city, must apply for service, pay the required monthly charges and satisfy applicable minimum service standards established by the city. If more than one residence or commercial establishment is located on a tract of land, each residence or commercial establishment for which service is or is to be connected must pay the required monthly minimums and other charges at the established rate for service.

(b) Prohibited connections. Multiple connections of water lines to a single meter are not permitted. Water lines/connections will not be permitted to cross separately owned properties. The city shall assure that all water connections are individually metered and are installed with backflow prevention devices. Each residential and commercial water connection within and without the city shall be connected to a properly installed outside readable water meter.

(c) Service pipes. All water connections will be 3/4" pipe and shall be from the municipal water supply line to the customer's meter located at the property line. The customer is responsible for establishing a connection that is acceptable to the city from the service address to the outside readable water meter.

(d) Enforcement; removal of substandard or unauthorized connections. The city shall be authorized to enter upon and inspect any public or private property upon which a residence or commercial establishment is located as may be necessary to enforce compliance herewith. The city will disable, remove and bill the owner or occupant in care, custody or control of the property for all substandard or unauthorized connections, and may, as permitted by law, file a priority lien upon such property to secure payment for the removal of each unauthorized connection. Liens may be filed and perfected upon the real property where each unauthorized connection is removed in any manner permitted by law.

(Ordinance 2009-04, sec. 2, adopted 2/23/2009)

Sec. 12.02.006 Violations; penalty

It shall be unlawful for any person or entity owing, occupying or in care, custody, or control of a residence or commercial establishment to cause or allow a connection to be maintained to a

municipal water main, private residence, or commercial establishment of any type from which city water may be obtained without the approval of the city, the installation of an approved water meter, and the payment of all applicable municipal fees and costs. Any person or entity violating any provision of this section shall be guilty of a misdemeanor and fined an amount not to exceed five hundred dollars (\$500.00), with each day or fractional part thereof for which a violation exists constituting a separate offense. In addition to any fine authorized by this section, such person or entity shall be ordered to pay the city for the repair, labor, and other costs incurred to remove the unauthorized connection. The invoices, bills, or other documents evidencing the costs for the removal and repair of an unauthorized connection shall constitute prima facie proof of the city's expenses and the charges therefor shall be presumed reasonable when accompanied by an affidavit attesting thereto. (Ordinance 2009-04, sec. 3, adopted 2/23/2009)

Sec. 12.02.007 Responsible officials

Wherever in this article reference is made to the duties of a certain official named herein, that designated official of the city who has duties corresponding to those of the official named herein shall be deemed to be the responsible official in so far as enforcement of the provisions of this article. (Ordinance 2009-04, sec. 4, adopted 2/23/2009)

Sec. 12.02.008 Waivers

The city shall provide a waiver application from the monthly minimum requirements of section 12.02.005 hereof for limited situations to in-city residential customers. Each applicant shall fill out the appropriate waiver form and file it with the city by September 1st of each year. All waiver forms will be reviewed by the city council before October 1st of that year to determine eligibility. If the city council determines an applicant is eligible, such applicant is waived from certain restrictions of this article as determined by the council. The waiver is good for the following October 1st through September 30th. Reapplication is necessary for each year. Failure to submit an application in a timely manner will cause the city to require all monthly minimums to be paid for the following year. Exceptions to this rule may only be granted by the city council. The waiver form used herein shall be the same as used in conjunction with article 12.03 of this chapter. (Ordinance 2009-04, sec. 5, adopted 2/23/2009)

ARTICLE 12.03 SEWER SERVICE*

Sec. 12.03.001 Rates

The rates for sewer service are as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-08, sec. 1, adopted 8/26/2019; Ordinance adopting Code)

Sec. 12.03.002 Septic tanks

No septic tanks will be allowed within the confines of the city unless the city sewer is not available. (Ordinance 2019-08, sec. 2, adopted 8/26/2019)

State law reference—On-site sewage disposal systems, V.T.C.A., Health and Safety Code, ch. 366.

* **State law references**—Provision of sanitary sewer system by municipality, V.T.C.A., Local Government Code, sec. 214.013; municipal power concerning sewers and privies, V.T.C.A., Health and Safety Code, secs. 342.002, 342.005 et seq.

Sec. 12.03.003 Cesspools prohibited

No cesspools will be allowed in the city. (Ordinance 2019-08, sec. 3, adopted 8/26/2019)

Sec. 12.03.004 Connections; city not liable for damage

- (a) Permit required. The city requires that all potential users of the city's sewer services obtain a permit from the city prior to the installation of any utility connections to the city's sewer lines.
- (b) Installation of pipes or mains. All pipes or mains for the extension of the sewer systems of the city shall be laid under the management and control of the city or its authorized agents.
- (c) Standards for sewer service lines. All sewer service lines shall be of such quality as specified and approved by the city.
- (d) City not liable for damage. The city is not liable for any damage on account of leakage, breakage of pipes and/or malfunction of pipes resulting from an act of God or from any other cause not resulting from the negligence of the city.

(Ordinance 2006-12, sec. 2, adopted --/--)

Sec. 12.03.005 Service requirements; unauthorized connections; unlawful deposit of waste

- (a) Use of public sewer required. Unless otherwise exempted or waived pursuant to this section, the owner of an establishment, house, building or property used for human occupancy, employment, recreation or industrial or commercial purpose shall install suitable facilities for conveying all industrial wastes, sanitary sewage and all other sewage to the proper public sewer. Connection to the public sewer shall be made under the terms of applicable regulations of the city.
- (b) Applicability of monthly charge. Each separate residence and/or business must pay the flat monthly charge set by the city for sewer services whether or not that residence is on a separate tract of land. If more than one residence is on one tract of land, each occupied residence must pay the flat monthly charge whether or not a separate water meter is in place. This will be determined from an on-site inspection by a city employee.
- (c) Unauthorized connections. It shall be unlawful for any person to make any tap or connection to the city's sewer system, or to establish and maintain sewer pipeline service in connection with the sewer system, except as provided in this article. It shall also be unlawful for any person to connect with the city's sewer system without first paying a charge based on the schedule of construction cost charges and fees as approved by the city.
- (d) Unlawful deposit of waste. It shall be unlawful for any person to place, deposit or permit to be deposited in any manner on public or private property within the city, or in any area under the jurisdiction of the city, any human excrement or other unacceptable waste, except as provided in this article.

(Ordinance 2006-12, sec. 3, adopted --/--)

Sec. 12.03.006 Penalty

It shall be unlawful to do or perform any act prohibited in this article, and it shall be unlawful to fail to do or perform any act required in this article. Hearings under this article will be held before a municipal court judge. Upon conviction of any violation hereof, the defendant shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day shall constitute a separate distinct violation. (Ordinance 2006-12, sec. 7, adopted --/--)

Sec. 12.03.007 Waivers

The city shall provide a waiver application process for limited situations. Each applicant shall fill out the appropriate waiver form and file it with the city by September 1st of each year. All waiver forms will be reviewed by the city council before October 1st of that year to determine eligibility. If the city council determines an applicant is eligible, such applicant is waived from certain restrictions of this article as determined by the council. The waiver is good for the following October 1st through September 30th. Reapplication is necessary for each year. Failure to submit an application in a timely manner will cause the city to require all fees to be paid for the following year. Exceptions to this rule may only be granted by the city council. (Ordinance 2006-12, sec. 9, adopted --/--)

ARTICLE 12.04 GAS SERVICE**Sec. 12.04.001 Rates**

Rates for gas service are as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-10, sec. 1, adopted 8/26/2019; Ordinance adopting Code)

Sec. 12.04.002 Connections; city not liable for damage

- (a) Permit required. The city requires that all potential users of the city's gas services obtain a permit from the city prior to the installation of any connections to the city's gas lines.
- (b) Installation of extensions. All extensions of the gas system of the city shall be laid under the management and control of the city or its authorized agents.
- (c) Standards for service lines. All gas service lines shall be of such quality as specified and approved by the city or its authorized agents.
- (d) City not liable for damage. The city is not liable for any damage on account of leakage, breakage of pipes and/or malfunction of pipes resulting from an act of God or from any other cause not resulting from the negligence of the city.

(Ordinance 2006-13, sec. 2, adopted --/--)

Sec. 12.04.003 Service requirements; unauthorized connections

- (a) Applicability of monthly charge. Each separate residence and/or business must pay the flat monthly charge set by the for gas services whether or not that residence is on a separate tract of land. If more than one residence is on one tract of land, each occupied residence must pay the flat

monthly charge whether or not a separate water meter is in place. This will be determined from an on-site inspection by a city employee.

(b) Unauthorized connections. It shall be unlawful for any person to make any connection to the city's gas system, or to establish and maintain gas service, except as provided in this article. It shall also be unlawful for any person to connect with the city's gas system without first paying a charge based on the schedule of construction cost charges and fees as approved by the city.

(Ordinance 2006-13, sec. 3, adopted --/--)

Sec. 12.04.004 Waivers

The city shall provide a waiver application process for limited situations. Each applicant shall fill out the appropriate waiver form and file it with the city by September 1st of each year. All waiver forms will be reviewed by the city council before October 1st of that year to determine eligibility. If the city council determines an applicant is eligible, such applicant is waived from certain restrictions of this article as determined by the council. The waiver is good for the following October 1st through September 30th. Reapplication is necessary for each year. Failure to submit an application in a timely manner will cause the city to require all fees to be paid for the following year. Exceptions to this rule may only be granted by the city council. (Ordinance 2006-13, sec. 6, adopted --/--)

ARTICLE 12.05 SOLID WASTE*

Division 1. Generally

Secs. 12.05.001–12.05.030 Reserved

Division 2. Collection

Sec. 12.05.031 Residential rate

The charge for picking up garbage from residences shall be as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-09, sec. 1, adopted 8/26/2019; Ordinance adopting Code)

Sec. 12.05.032 Business rates

Charges for picking up cans in the business area shall be as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-09, sec. 2, adopted 8/26/2019; Ordinance adopting Code)

Sec. 12.05.033 Dumpster rates

Charges for picking up commercial garbage from the city-constructed “dumpsters” will be as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-09, sec. 3, adopted 8/26/2019; Ordinance adopting Code)

* **State law references**—Municipal solid waste, V.T.C.A., Health and Safety Code, ch. 363; Solid Waste Disposal Act, V.T.C.A., Health and Safety Code, ch. 361.

Sec. 12.05.034 Exemption from charges

Residential and commercial waste generators shall be required to pay to have their garbage picked up on a regular basis. However, a resident requesting a water hook-up on property which generates no solid waste shall be granted with an exemption from garbage charges, so long as no inhabitable structure ever exists on the property. This will be determined from an on-site inspection by a city employee. The resident is also required to be paying and continue to pay for city utilities on an established residence. Current water deposits apply. The minimum water billing for these accounts will be \$18.50. (Ordinance 2019-09, sec. 4, adopted 8/26/2019)

Sec. 12.05.035 Rates for customers outside city limits

Rates for residences or small businesses lying out of the city limits will be as set forth in the fee schedule in appendix A of this code. (Ordinance 2019-09, sec. 5, adopted 8/26/2019; Ordinance adopting Code)

Sec. 12.05.036 Placement for collection; receptacles

Garbage which is proffered for pickup shall be placed in a regular place, which is determined by the city, for pickup on a regular day or days each week. Citizens will fill the ninety-gallon container first, with household trash only. Any overage of trash will be placed in cans not larger than thirty gallons, and shall be plastic or galvanized metal, with lids. On no condition will garbage department personnel dump fifty-five gallon drums or any receptacle larger than thirty gallons. Only household trash will be picked up on regular trash days. (Ordinance 2019-09, sec. 6, adopted 8/26/2019)

Sec. 12.05.037 Cardboard containers placed in recycling bins

All cardboard containers placed in recycling bins must be broken down by the business owner or agent. (Ordinance 2019-09, sec. 7, adopted 8/26/2019)

Sec. 12.05.038 More than one residence or business on one tract of land

Each separate residence and/or business must pay the flat monthly charge set by the city for garbage collection whether or not that residence is on a separate tract of land. If more than one residence is on one tract of land, each occupied residence must pay the flat monthly charge. This will be determined from an on-site inspection by a city employee. (Ordinance 2006-04, sec. 2, adopted 5/8/2006)

Sec. 12.05.039 Penalty

It shall be unlawful to do or perform any act prohibited in this division, and it shall be unlawful to fail to do or perform any act required in this division. Hearings under this division will be held before a municipal court judge. Upon conviction of any violation hereof, the defendant shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day shall constitute a separate distinct violation. (Ordinance 2006-04, sec. 5, adopted 5/8/2006)

Sec. 12.05.040 Waivers

The city shall provide a waiver application process for limited situations. Each applicant shall fill out the appropriate waiver form and file it with the city by September 1st of each year. All waiver forms will be reviewed by the city council before October 1st of that year to determine eligibility. If the city council determines an applicant is eligible, such applicant is waived from certain restrictions of this division determined by the council. The waiver is good for the following October 1st through September 30th. Reapplication is necessary for each year. Failure to submit an application in a timely manner will cause the city to require all fees to be paid for the following year. Exceptions to this rule may only be granted by the city council. (Ordinance 2006-14, sec. 7, adopted 3/-/2006)

Secs. 12.05.041–12.05.070 Reserved

Division 3. Landfill

Sec. 12.05.071 Applicability

The provisions of this division shall apply to all persons, associations, corporations, partnerships, joint ventures or other legal form of entity entitled to use the city landfill as an eligible user. All of the above entities must comply with the provisions of this division. (Ordinance 2013-14 adopted 12/2/2013)

Sec. 12.05.072 Definitions

The following definitions shall apply in the interpretation and enforcement of this division:

Brush. Tree trimmings, weeds, large hedge trimmings, shrubs, and trees not to exceed three (3) inches in diameter and cut into lengths not to exceed four (4) feet.

City landfill. The Sabinal transfer station (Type V) and Type IV brush and construction debris pit located west of the city on the Rylander Road.

Commercial hauler. Any person or legal entity that hauls garbage, brush or individual waste for money or other compensation.

Eligible user. All city utility users bearing a current utility bill (within the last 30 days) and proper identification (valid driver's license or social security card).

Garbage waste material. Rubbish, trash, kitchen, household, market or store wastes, ashes, paper and metal food containers, and small hedge and lawn trimmings.

Industrial waste. All of the solid residue or waste resulting from manufacturing, commercial or industrial operations or processes.

(Ordinance 2013-14, sec. 2001-1.000, adopted 12/2/2013)

Sec. 12.05.073 Prohibited acts

It shall be unlawful to commit any of the following:

- (1) A person who represents himself as an eligible user but in fact is not.

- (2) A person who dumps garbage within the city landfill during hours the city landfill is closed.
- (3) A person who violates any section of this division.
- (4) A person who assists in perpetrating a violation under this division.
- (5) Dumping putrescibles or any household type waste, including but not limited to styrofoam cups, glass, plastic, paper, or metal items, into the Type IV brush and construction debris pit.
- (6) Allowing items to fall as litter on the Rylander Road between the city limits and the landfill site.

(Ordinance 2013-14, sec. 2001-5.00, adopted 12/2/2013)

Sec. 12.05.074 Penalty

Upon conviction of any violation hereof, punishment will be in accordance with the current law as stipulated in Vernon's Texas Code Annotated (\$25.00 to \$200.00). Each separate violation shall constitute a separate offense. (Ordinance 2013-14, sec. 2001-6.000, adopted 12/2/2013)

Sec. 12.05.075 Use regulations

- (a) Commercial haulers are prohibited access to or use of the city landfill for any purpose or reason, unless terms are negotiated with the city.
- (b) All animals, including but not limited to horses and cows, are prohibited from being dumped at the Type IV (brush and construction debris) site.
- (c) All yard trimmings and construction debris originating out of the city limits and/or utility service area are prohibited from being dumped into the Type IV site.
- (d) All agricultural fencing materials are prohibited.
- (e) All loads taken to the city landfill site must be covered or restrained in some manner, preferably with a tarp, chicken wire or other material which will prevent littering on the road to the site. The landfill attendant will not accept uncovered loads.
- (f) All cardboard containers, whether from commercial or residential users, must be broken down before placing in recycling bins.

(Ordinance 2013-14, sec. 2001-2.000, adopted 12/2/2013)

Sec. 12.05.076 Fee schedule

The following rates will be charged to users of the landfill hauling garbage to the city landfill:

- (1) Any user of the city landfill who is not an eligible user as defined herein will be charged the rates set forth in the fee schedule in appendix A of this code.

(2) The following fees will be in addition to the above vehicular fees:

- (A) Animals: There will be a charge as set forth in the fee schedule in appendix A for any animal dumped which is not restricted by this division.
- (B) Tires: There will be a charge as set forth in fee schedule in appendix A, the fees being subject to change in consideration of charges charged by recyclers.

(Ordinance 2013-14, sec. 2001-3.000, adopted 12/2/2013; Ordinance adopting Code)

Sec. 12.05.077 Fees for eligible users

(a) All eligible users as defined herein will not be subject to the fee schedule quoted in section A5.007(a) and (b), but will use the city landfill at a charge as set forth in section A5.007(c) per trip into the Type IV portion of the landfill in addition to any tire disposal charges that may occur.

(b) An eligible user may designate an agent or employee to dump the garbage in their stead. Prior to dumping the garbage, the agent or employee must present to the gatekeeper at the city landfill a written authorization with current date from the eligible user directing the agent or employee to dump the garbage. In addition to the authorization, the agent or employee acting on behalf of the eligible user must present the same current utility bill and proper identification of the eligible user before the garbage is dumped.

(Ordinance 2013-14, sec. 3.200, adopted 12/2/2013; Ordinance adopting Code)

Sec. 12.05.078 Exceptions

(a) Emergencies. In the event of catastrophic occurrences, such as tornadoes, fire, hail storm or high winds, etc., the landfill will be open to city area residents in need of dumping at no charge. Such events warranting implementation of this emergency provision of this division will be determined by the city mayor at which time the mayor will designate dates during which the emergency provision will remain in effect.

(b) Dumping deer carcasses during white tail deer season. During any period when the white tail deer season is in effect in Uvalde County, there will be no charge to anyone dumping deer carcasses at the landfill, as long as the deer carcasses are dumped in the compactor.

(Ordinance 2013-14, sec. 2001-4.000, adopted 12/2/2013)

Sec. 12.05.079 Days and hours of operation

(a) The landfill will be open for dumping by eligible users on Tuesday, Wednesday, Thursday, Friday and Saturday of each week, with the hours of operation being from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m. each day the landfill is open.

(b) If any of the hours of operation fall on a designated city holiday, the landfill will not be open.

(Ordinance 2013-14, sec. 2001-7.000, adopted 12/2/2013)

Sec. 12.05.080 Scavenging

(a) Scavenger activities prohibited. No person shall be allowed to remove any kind of material, metal, tin, copper, aluminum, trash, rubbish or other item from the city dump. All such scavenger activities are prohibited and considered illegal and in violation of this section. Signs shall be placed at the dump ground stating that these activities are prohibited and that violators are subject to a two hundred dollar (\$200.00) fine for each occurrence.

(b) Enforcement. The city police and the dump ground personnel are hereby authorized and designated to enforce this section.

(c) Penalty.

(1) A person who violates this section commits an offense.

(2) An offense under this section is a class C misdemeanor and punishable by a fine of two hundred dollars (\$200.00) plus court costs.

(d) Exceptions. It shall not be considered a violation of this section for anyone who has a waste removal contract with the city to remove certain items from the dump ground.

(Ordinance 2002-05 adopted 9/9/2002)

ARTICLE 12.06 CROSS-CONNECTION CONTROL *

Sec. 12.06.001 Enforcement; penalty

Any person who violates this article is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$1.00 or more distinct violation so this ordinance [sic], the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge as set forth in the fee schedule in appendix A of this code, and any other cost incurred by the city in discontinuing service. In addition, suitable assurance must be given to the customer service inspector that the same action shall not be repeated while this article is in effect. Compliance with this article may also be sought through injunctive relief in the district court. (Ordinance 2009-05, sec. 4, adopted 4/13/2009; Ordinance adopting Code)

Sec. 12.06.002 Protection required

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 (TCEQ) rules and regulations for public water systems (290 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 290 Rules and this article. (Ordinance 2009-05, sec. 1(a), adopted 4/13/2009)

* **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. 12.06.003 Backflow prevention assembly installation, testing and maintenance

- (a) All backflow prevention assemblies shall be tested upon installation by a licensed 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 another 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.
- (e) Test gauges used for backflow prevention assembly testing shall be tested for accuracy at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current edition, or the University of Southern California Manual of Cross-Connection Control, current edition. The original gauge accuracy test form must be submitted to the city within five (5) working days after the gauge has been tested for accuracy.
- (f) A recognized backflow prevention assembly tester must hold a current license from the state commission on environmental quality ("commission").

(Ordinance 2009-05, sec. 1(b), adopted 4/13/2009)

Sec. 12.06.004 Customer service inspections

- (a) The customer shall allow his property to be inspected for possible cross-connection and other potential contamination hazards. These inspections shall be conducted by the water system or its designated agent prior to initiating new water service, when there is reason to believe that cross-connections or other potential contamination hazards exist, or after any major changes to the private water distribution facilities. The inspections shall be conducted during the water system's normal business hours.
- (b) 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 contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

(c) 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) Customer service inspectors that have been licensed by the state commission on environmental quality (TCEQ).

(d) 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 provides water for human use. A minimum of one lead test shall be performed for each inspection.

(Ordinance 2009-05, sec. 1(c), adopted 4/13/2009)

Sec. 12.06.005 Thermal expansion

(a) With the installation of backflow prevention assemblies at the service connection a “closed system” is created. This closed system could result in injury to the water system customer or damage to the customer’s property if adequate safety measures, such as the installation of thermal expansion tanks, are not implemented.

(b) Thermal expansion may cause damage ranging from leaking faucets to a ruptured water heater if the condition is not addressed.

(c) The city shall provide customers with information regarding thermal expansion when the city requires a backflow prevention assembly to be installed at the customer’s service connection. The city shall not accept any liability resulting from thermal expansion at a customer’s property.

(Ordinance 2009-05, sec. 1(d), adopted 4/13/2009)

Sec. 12.06.006 Fire hydrant protection

(a) An approved double check valve backflow prevention assembly (DCVA) or reduced pressure principle backflow prevention assembly (RPBA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

(b) An RPBA must be installed if any solution other than potable water can be introduced into the system.

(c) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant meter rentals shall meet the current requirements as provided for by the city.

(Ordinance 2009-05, sec. 1(e), adopted 4/13/2009)

ARTICLE 12.07 GREASE TRAPS

Sec. 12.07.001 Definitions

In this article, the following definitions shall apply:

Food service establishment. Any commercial premises, business, establishment, restaurant, and cafeteria of any type where food is manufactured or prepared for human consumption, sale, or resale.

- (1) The definition does not include a private residence engaged in the manufacture or consumption of food for noncommercial purposes.
- (2) The definition of commercial purposes shall include both for-profit and nonprofit activities.

Grease trap. A structure or mechanical device intended to cause or facilitate the interception and separation of free and emulsified oils, greases and settleable solids from wastewater prior to its discharge into the city's sanitary sewer collection system.

Person. Any natural person, association of persons, partnership, corporation and its agents or officers, or any other group chartered, organized, or recognized under the laws of the state.

(Ordinance 2007-07, sec. 1-5, adopted 4/23/2007)

Sec. 12.07.002 Penalty

(a) Any person who violates any provision contained in section 12.07.003 shall be guilty of an offense.

(b) An offense under this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

(c) Each day of violation constitutes a separate offense.

(Ordinance 2007-07, sec. 1-6, adopted 4/23/2007)

Sec. 12.07.003 Requirement to install and maintain

(a) No food service establishment shall be allowed to operate within the city which shall not have first installed a grease trap of sufficient capacity to prevent the discharge of grease into the city's sanitary sewer collection system.

(b) Grease traps shall be maintained in an efficient operating condition at all times.

(Ordinance 2007-07, sec. 1-1, adopted 4/23/2007)

Sec. 12.07.004 Exception

This article shall not apply to any food service establishment that serves only beverages and which does not discharge grease into the city's sanitary sewer collection system. (Ordinance 2007-07, sec. 1-2, adopted 4/23/2007)

Sec. 12.07.005 Enforcement

(a) The provisions of this article shall be enforced by a municipal police officer of the city, or the city's municipal code enforcement officer.

(b) The city public works director or the director's designee may perform inspections of any commercial food service facility required to comply with this article and provide a written report to the enforcing officer for compliance.

(Ordinance 2007-07, sec. 1-3, adopted 4/23/2007)

Sec. 12.07.006 Design

(a) The design and construction of the grease trap required in section 12.07.003 shall be in a form acceptable to the city.

(b) Where the city and the commercial food service establishment are unable to agree on the type, size, or construction of the grease trap, the city shall consult with its engineer to determine acceptable specifications for installation at the food service establishment.

(c) In making the determinations required under subsection (a) of this section, the city's engineer's specifications and requirements shall substantially conform with the required construction, installation, and maintenance of grease traps as contained and set forth in the uniform plumbing code adopted pursuant to Texas Occupations Code section 1301.255.

(Ordinance 2007-07, sec. 1-4, adopted 4/23/2007)

ARTICLE 12.08 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN***Sec. 12.08.001 Drought response stages**

(a) Determination by mayor; notification of public. The mayor, or his/her designee, shall monitor water supply and demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this plan, shall determine that a mild, moderate, or severe water shortage condition exists and shall implement the following notification procedures:

- (1) Notification of the public. The mayor shall notify the public by publication in the newspaper, direct mail to each customer, public service announcements, signs posted in public places and take-home fliers at schools.

(b) Stage 1 response - Mild water shortage conditions.

- (1) Voluntary water use restrictions.
 - (A) Water customers are requested to voluntarily limit the irrigation of landscaped areas only to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to 12:00 midnight on designated watering days.
 - (B) All operations of the city shall adhere to use restrictions prescribed for Stage 2 of the plan.
 - (C) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(c) Stage 2 response - Moderate water shortage conditions.

- (1) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - (A) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or a drip irrigation system.
 - (B) (i) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done

* **State law reference**—Drought contingency plans, V.T.C.A., Water Code, sec. 11.1272.

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

- (ii) At the determination of the mayor/city council, and as such time as soaking rains are received, restrictions may become Stage 1.
- (C) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- (D) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (E) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from fire hydrants for construction purposes may be allowed under special permit from the city.
- (F) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (G) The following uses of water are defined as non-essential and are prohibited:
 - (i) Wash-down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (ii) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (iii) Use of water for dust control;
 - (iv) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (v) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- (d) Stage 3 response - Severe water shortage conditions.
 - (1) Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - (A) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m.

and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets and drip irrigation only. The use of hose-end sprinklers is prohibited at all times.

- (B) Notwithstanding the provisions of subsection (A) hereof or any other provision of this article to the contrary, lawn watering by use of a hand-held hose is permitted at any time, on any day, and so long as a natural person is actually holding the hand-held hose at all times while it is being used.

(Ordinance 2013-09, sec. 1, adopted 8/12/2013)

Sec. 12.08.002 Offenses

It shall be unlawful for any person or legal entity to violate a mandatory term or provision of the water use restrictions imposed by the city water conservation and drought contingency plan. The commission of an offense described herein is a strict liability offense which shall not require proof of a culpable mental state. (Ordinance 2013-09, sec. 2, adopted 8/12/2013)

Sec. 12.08.003 Discontinuance of water service

(a) Authorized upon repeated violations. Any person or legal entity cited for two or more separate violations of the plan shall, upon due notice, be subject to discontinuance of municipal water service at the service address where such violations occur.

(b) Reconnection; additional deposit. Services discontinued in the manner provided by subsection (a) hereof shall be restored only upon payment of a reconnection charge in the amount provided in the fee schedule in appendix A of this code and any other costs incurred by the city in discontinuing service. In addition to the payment of reconnection fees, the city may require an additional municipal water service deposit not to exceed \$200.00 as security for the cost of service disconnections for future violations of the plan.

(Ordinance 2013-09, sec. 3, adopted 8/12/2013)

Sec. 12.08.004 Enforcement; penalty

Any person or legal entity violating any mandatory provision or term of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense, with each and every day of violation shall be being deemed to constitute a separate offense. The city police department shall enforce the provisions of this article. (Ordinance 2013-09, sec. 8, adopted 8/12/2013)

APPENDIX A

FEE SCHEDULE

Article A1.000	Miscellaneous Fees.....	A-3
Article A2.000	Animal Control Fees.....	A-3
Article A3.000	Building Related Fees.....	A-4
Article A4.000	Business Related Fees.....	A-4
Article A5.000	Utility Rates and Charges	A-4

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ARTICLE A1.000 MISCELLANEOUS FEES**Sec. A1.001 Insufficient funds checks**

Any person giving the city a check for any kind of services, charges, fees or taxes that is not negotiable, by reason of “insufficient funds” or “account closed,” shall have a charge of \$15.00 levied against them. (Ordinance 1990-3 adopted 11/22/1990)

Sec. A1.002 Police response to false alarm

The fee for police response to the fifth or any subsequent false alarm of the system in a calendar year is twenty-five dollars (\$25.00) for each such police response. (Ordinance 2004-11, sec. 1-5, adopted 8/9/2004)

Sec. A1.003 Municipal court fees

- (a) Failure to appear or violation of promise to appear: \$25.00.
- (b) Technology fund fee: \$4.00.
- (c) Building security fund fee: \$3.00.

(Ordinance 1997-10 adopted 9/8/1997; Ordinance 1999-11 adopted 9/13/1999; Ordinance adopted 9/14/2020)

Sec. A1.004 Cleaning of property

The charge for cleaning and clearing work under section 7.04.035 shall be \$50.00 per hour. A minimum of one hour shall be charged. (Ordinance 2001-10, sec. 1-20, adopted 10/8/2001)

Sec. A1.005 License for encroachment on public property

An individual or entity wishing to authorize an existing encroachment in, on, or upon a city right-of-way under section 10.01.001 must submit a nonrefundable application fee of \$150.00. (Ordinance 2009-12, sec. 3, adopted 10/12/2009)

Sec. A1.006 Permit to place object on sidewalk or right-of-way

The application fee for a permit to place property or an object upon a public sidewalk or other public right-of-way under section 10.01.002 shall be an amount not to exceed twelve dollars (\$12.00). (Ordinance 2020-01, sec. 3, adopted 3/9/2020)

ARTICLE A2.000 ANIMAL CONTROL FEES**Sec. A2.001 Impoundment fees**

Fees for reclaiming of impounded dog or cat:

- (1) An impoundment fee of twenty dollars (\$20.00), plus eight dollars (\$8.00) per day, or fraction thereof, of impoundment for the animal's reasonable maintenance and upkeep.
- (2) A flat fee of ten dollars (\$10.00) to cover transportation to an out-of-town facility, if necessary.
- (3) Deposit if the owner cannot produce a current vaccination certificate: Fifty dollars (\$50.00).

(Ordinance 1996-01, sec. 1996-1.600, adopted 2/19/1996)

ARTICLE A3.000 BUILDING RELATED FEES

Sec. A3.001 Plumber's license; inspection fee

- (a) All plumbers operating in the corporate limits of the city are required to have a license from the local plumbing inspector, the cost of such license to be one dollar (\$1.00).
- (b) An inspection fee of \$2.00 will be charged for inspecting any installation or repairs of plumbing fixtures and septic tanks, and sewer connections.

(Ordinance adopted 4/12/1940)

Sec. A3.002 Inspection of liquefied petroleum gas equipment

Any person installing equipment designed to use as a fuel any form of manufactured and/or liquefied petroleum gas shall pay an inspection fee of \$3.00 for each piece of equipment. (Ordinance adopted 6/4/1940, sec. 5)

ARTICLE A4.000 BUSINESS RELATED FEES

Sec. A4.001 Alcoholic beverage permit or license

The fee for a city permit to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any beer, wine or other alcoholic beverage shall be equal to one-half (1/2) of the state TABC current fee (not including the state surcharge) required by the Texas Alcoholic Beverage Code of every person that may be issued any permit or license or renew such permit or license by the state. (Ordinance 2017-06, sec. 2, adopted 11/27/2017)

Sec. A4.002 Itinerant vendor's license

The fee for an itinerant vendor's license is five dollars (\$5.00) per day. (Ordinance adopted 8/2/1939, sec. II)

ARTICLE A5.000 UTILITY RATES AND CHARGES

Sec. A5.001 Deposit and connection fee for water and gas service

- (a) Deposit. All residential utility customers must deposit \$150.00 for water service and \$150.00 for gas service prior to the delivery of any such service.
- (b) Connection fee. A fee of \$25.00 will be charged to turn on water and/or gas when service is instituted.

(Ordinance 1991-01 adopted 5/13/1991; Ordinance 2018-04 adopted 9/10/2018)

Sec. A5.002 Reconnection fee after termination of service; restarting service illegally

- (a) Reconnection fee. In order to re-establish service, the consumer must pay a reconnection fee of \$25.00, the outstanding utility bill balance and any adjustments to the deposit.
- (b) Restarting service illegally. Any person or persons who restart their service illegally will be charged \$50.00 in addition to all other balances due.
- (c) Reconnection after hours. Disconnected services shall be reconnected after hours (turned off for nonpayment) for an additional payment of \$25.00.

(Ordinance 2018-06 adopted 9/24/2018)

Sec. A5.003 Water service

- (a) Rates for customers inside corporate limits.

- (1) Monthly minimum charge per connection for first 2,000 gallons of metered water consumption: \$15.00.
- (2) Volume charge for all consumption exceeding 2,000 gallons (per 1,000 gallons):
 - (A) 2,001 to 10,000 gallons: \$1.65.
 - (B) 10,001 gallons to 30,000 gallons: \$2.00.
 - (C) Over 30,000 gallons: \$2.50.

- (b) Rates for customers outside city limits. The monthly water charge for any customers (residential, commercial, apartment, mobile home park and other multi-unit dwelling) located outside the corporate limits of the city shall be:

- (1) Monthly minimum charge per connection for the first 2,000 gallons of metered water consumption: \$19.00.
- (2) Volume charge for all consumption exceeding 2,000 gallons:
 - (A) 2001 to 10,000 gallons: \$2.50.
 - (B) 10,001 gallons to 30,000 gallons: \$3.00.
 - (C) Over 30,000 gallons: \$3.75.

(c) Installation of meter. Installation of a water meter at an existing customer without a meter or a new customer shall be as follows:

- (1) Inside city limits: \$500.00.
- (2) Outside city limits: \$1,250.00.

Any customer outside the city limits must also pay to install the water line needed to supply water to the new customer.

(d) Edwards Aquifer management fee. All accounts will be charged a flat \$8.00 Edwards Aquifer management fee.

(e) Edwards Aquifer cost increase adjustments. Edwards Aquifer cost increase adjustments which are billed to the city will be passed directly to the customer. The method of such billing will be an administrative matter computed by city staff when such adjustment occurs and added to, decreased or deleted from the appropriate area of the customer bill.

(f) Charge for rereading meter. A charge of \$10.00 will be added to each customer's bill when the customer requests a "reread" and the original reading proves to be correct. If the reread proves the original reading to be in error, no charge will be made to the customer, and a corrected billing will be sent immediately.

(Ordinance 2019-07 adopted 8/26/2019)

Sec. A5.004 Sewer service

The rates for sewer service are as follows:

- (1) Residences.
 - (A) A flat monthly charge of \$39.00 per connection, allowing 10 outlets or drains. An additional monthly charge of \$18.00 will be added for every 10 outlets or drains thereafter. Anyone requiring more than 20 outlets or drains must have a second sewer line tap.
 - (B) Customers outside the city limits will have a flat monthly charge of \$20.00 per connection allowing 10 outlets or drains. An additional monthly charge of \$20.00 will be added for every 10 outlets or drains thereafter.
- (2) Businesses. A flat monthly charge of \$21.00 per business connection, allowing 10 outlets or drains. An additional \$20.00 will be added for every ten outlets thereafter. Anyone requiring more than twenty outlets or drains must have a second sewer line tap.

(Ordinance 2019-08, sec. 1, adopted 8/26/2019)

Sec. A5.005 Gas service

- (a) Gas rate base.

- (1) Minimum charge per connection of \$9.00 for residences for the first 1,000 cubic feet; minimum charge for businesses will be \$11.50.
 - (2) Pass-through charge will be \$7.68 plus charge of \$7.50 plus the city's cost per 1,000 cubic feet thereafter.
 - (3) Customers outside the city limits will have a \$10.50 surcharge added.
- (b) Charge for rereading meter. A charge of \$10.00 will be added to each customer's bill when the customer requests a "reread" and the original reading proves to be correct. If the reread proves the original reading to be in error, no charge will be made to the customer, and a corrected billing will be sent immediately.

(Ordinance 2019-10 adopted 8/26/2019)

Sec. A5.006 Garbage collection

- (a) Residences. The charge for picking up garbage from residences shall be \$26.00 per month.
- (b) Businesses. Charges for picking up cans in the business area shall be \$30.50 per month for once-a-week pickup of cans, and \$36.50 per month for twice-a-week pickup of cans.
- (c) Dumpsters. Charges for picking up commercial garbage from the city-constructed "dumpsters" will be \$125.50 for one dumpster once a week, \$170.50 for one dumpster twice a week, and \$320.50 for two dumpsters three times a week, due to the large amounts generated (four cubic yards per dumpster). One dumpster three times a week will be \$208.00.
- (d) Customers outside city limits.
 - (1) Residences. Residences lying out of the city limits will be collected at a rate of \$30.00 per month; however, it shall be mandatory for out of the city limits residences which use other city utilities to have garbage pickup.
 - (2) Businesses. Small businesses located out of the city limits shall have pickups at the rate of \$32.50 for once-a-week pickup or \$38.50 for twice-a-week pickup.

(Ordinance 2019-09, secs. 1–3, 5, adopted 8/26/2019)

Sec. A5.007 Landfill

- (a) Fees for persons not eligible user. Any user of the city landfill who is not an eligible user will be charged the following rates to haul garbage to the city landfill:
 - (1) Car trunk: There will be a charge of \$10.00 per trunk load.
 - (2) Pickup: There will be a charge of \$30.00 per pickup load.
 - (3) Any vehicle larger than a pick-up will be charged \$150.00 per load.
- (b) Additional fees. The following fees will be in addition to the above vehicular fees:

- (1) Animals: There will be a charge of \$1.00 for any animal dumped.
- (2) Tires: There will be a charge of \$3.00 for regular and \$5.00 for truck tires, the fees being subject to change in consideration of charges charged by recyclers. All tires exceeding 20" are prohibited.
- (c) Fee for eligible users. All eligible users will not be subject to the fee schedule quoted in subsections (a) and (b) above, but will use the city landfill at a charge of \$1.00 per trip into the Type IV portion of the landfill in addition to any tire disposal charges that may occur.

(Ordinance 2013-14, secs. 2001-3.000, 2001-3.200, adopted 12/2/2013)

Sec. A5.008 Reconnection charge when service discontinued for violation of cross-connection regulations

Services discontinued for violation of the cross-connection regulations shall be restored only upon payment of a reconnection charge of \$15.00, and any other cost incurred by the city in discontinuing service. (Ordinance 2009-05, sec. 4, adopted 4/13/2009)

APPENDIX B

ORDINANCE DISPOSITION TABLE

This table shows the location or gives the disposition of the ordinances within the Sabinal 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.
-/-/-		Gas franchise	NIC	
-/-/-		Traffic regulations		
		Sec. 1 Speed limit	Sec. 11.02.001(a)	
		Sec. 2 Stopping and turning; U-turns	Sec. 11.02.001(b)	
		Sec. 3 Parking on Center Street	NIC	
		Sec. 4 Parking on Rheiner Avenue	NIC	
		Sec. 5 Exceptions	Sec. 11.02.001(c)	
		Sec. 6 Parking near fire hydrant	Superseded by Ord. 2002-06	
		Sec. 7 Penalty	Sec. 11.02.001(d)	
-/-/-		Speed limits	Incomplete	
8/2/1921		Piling rubbish and trash in alley	Amnd. by Ord. adopted 3/3/1937	
12/6/1921		Tax on persons selling fireworks	Rpld. by Ordinance adopting Code	
4/4/1922		Parking vehicle or horse within ten feet of fire hydrant	Superseded by Ord. 2002-06	
7/4/1922		Obedience to railroad signals	Sec. 11.02.003	
11/7/1922		Stopping vehicle when fire alarm has sounded	Sec. 11.02.002	
12/5/1922		License for merchants, vendors, auctioneers, peddlers and hawkers	Superseded by Ord. adopted 8/2/1939	
4/-/1923		Separates office of tax collector and assessor and city marshal	Rpld. by Ord. adopted 3/10/1927	
10/3/1923		Illegal for anyone to wear a disguise (mask, etc.) in the city limits	Rpld. by Ordinance adopting Code	
12/6/1923		Climbing water tower	Sec. 8.01.003	
12/6/1923		Playing ball or other game in Railroad Park that will damage shrubs and grass	Superseded by Ord. adopted 12/6/1932	
2/3/1925		Digging holes in Center St. or Hwy. 90	Rpld. by Ordinance adopting Code	
3/3/1925		Driving through filling station without coming to complete stop	Sec. 11.02.004	
5/6/1925		Keeping swine	Superseded by Ord. adopted 1/30/1986	
3/1/1927		Designation of market place for selling produce; selling patent medicines, auto accessories, etc., on street	Rpld. by Ordinance adopting Code	

Ord. No.	Date	Description	Disposition	Supp. No.
	3/10/1927	Repeals ordinance abolishing office of city marshal; offices of city marshal and tax collector shall be one office	Superseded by Ord. adopted 4/7/1931	
	9/23/1927	Fire limits	Rpld. by Ordinance adopting Code	
	12/7/1927	Skating on streets or sidewalks	Sec. 11.02.002	
	1/24/1930	Installation of sanitary sewer and requirements for connections	Rpld. by Ordinance adopting Code	
105	2/19/1930	Grants franchise for gas system	NIC	
	2/19/1930	Connection to sewer system	Rpld. by Ordinance adopting Code	
	4/7/1931	Abolishes office of city marshal and tax assessor and collector; confers duties of marshal on county sheriff	Rpld. by Ordinance adopting Code	
101	11/6/1931	Street carnivals, medicine shows, tent shows, skating rinks, and similar amusements	Rpld. by Ordinance adopting Code	
	6/8/1932	Fire limits	Rpld. by Ordinance adopting Code	
	12/6/1932	Playing ball or other games in Railroad Park	Rpld. by Ordinance adopting Code	
104	2/7/1934	Amends sanitary ordinance (book 1, page 121); pit toilets	Rpld. by Ordinance adopting Code	
106	11/6/1934	Distribution of advertising matter	Sec. 8.01.002	
107	—/—/—	Closes and abandons portion of streets and alleys	NIC	
109	2/4/1936	Amends animal control; dog tags	Superseded by Ord. 1988-1	
110	6/2/1936	Tax levy, TY 1936	NIC	
	3/3/1937	Placing rubbish in alley or vacant lot	Sec. 8.01.001	
	9/7/1937	Tax levy	NIC	
111	6/13/1938	Board of equalization, TY 1938	NIC	
98	7/21/1938	Accepts provisions of title 28 Revised Civil Statutes	Sec. 2.01.001	
	8/17/1938	Tax levy	NIC	
	12/6/1938	Throwing fireworks or explosives into automobiles, buildings, or near pedestrians	Rpld. by Ordinance adopting Code	
	8/2/1939	Itinerant vendors		
		Sec. I Definitions	Sec. 5.03.001	
		Sec. II Itinerant vendor must have license; provisions	Secs. 5.03.004, A4.002	
		Sec. III License not transferable	Sec. 5.03.005	
		Sec. IV Duration of license	Sec. 5.03.006	
		Sec. V Exemptions	Sec. 5.03.007	
		Sec. VI Enforcement of ordinance	Sec. 5.03.003	
		Sec. VII Penalty	Sec. 5.03.002	
	8/2/1939	Addenda to itinerant vendors ordinance (fee)		
	8/21/1939	Building permits required for construction on Fisher Ave.	NIC	
	9/6/1939	Tax levy	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
	12/5/1939	Regulation of dairies and milk products	Rpld. by Ordinance adopting Code	
	4/12/1940	Plumber's license and inspections	Secs. 4.02.034, A3.001	
	5/7/1940	Parking on Center St.	NIC	
	6/4/1940	Liquefied petroleum gas		
		Sec. 1 Standards for piping and equipment	Sec. 6.04.002(a)	
		Sec. 2 "Standard grade" defined	Sec. 6.04.002(b)	
		Sec. 3 Installation and repair of equipment	Sec. 6.04.002(c)	
		Sec. 4 Approval of equipment required	Sec. 6.04.002(d)	
		Sec. 5 Inspection of equipment	Secs. 6.04.002(e), A3.002	
		Sec. 6 Tank trucks and trailers used for transporting gas	Sec. 6.04.003	
		Sec. 7 Treatment with malodorant	Sec. 6.04.004	
		Sec. 8 Penalty	Sec. 6.04.001	
	9/3/1940	Tax levy	NIC	
	9/4/1940	Amends liquefied petroleum gas ordinance (Ord. adopted 6/4/1940); permit for installation of equipment in fire limits	NIC	
	10/7/1941	Fire limits	Rpld. by Ordinance adopting Code	
	10/7/1941	Gross receipts tax on electric companies	Rpld. by Ordinance adopting Code	
	10/7/1941	Amends parking on Center St.	NIC	
	10/7/1941	Tax levy	NIC	
	1/15/1942	Warrants for construction of city hall	NIC	
	8/1/1944	Separate water connections	Superseded by Ord. adopted 6/1/1948	
	9/7/1944	Tax levy	NIC	
	2/5/1946	Parking on Center St.	NIC	
	8/6/1946	Obstruction of public right-of-way	Rpld. by Ord. 2020-01	
	1/7/1947	Grants Central Power and Light Company franchise	NIC	
	2/21/1947	Parking on Center St.	NIC	
	4/-/1947	Garbage and trash	Superseded by Ord. adopted 11/9/1970	
	9/7/1947	Tax levy	NIC	
	3/2/1948	Elections	Sec. 2.01.002	
	5/6/1948	Installation of highway traffic signal	NIC	
	6/1/1948	Waterworks system	Sec. 12.02.001	
	9/7/1948	School zone	NIC	
	8/2/1949	Tax levy	NIC	
	8/2/1950	Tax levy	NIC	
	9/5/1950	Telephone rates	NIC	
	5/1/1951	Amends Ord. 66, sanitary sewer ordinance; waste water not to be discharged on streets and alleys	Sec. 12.01.004	
	8/5/1953	Planning and zoning commission		
		Sec. 1 Created; membership	Sec. 9.01.001	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2 Chairman and vice-chairman; staff	Sec. 9.01.002	
	8/5/1953	Sec. 3 Powers and duties	Sec. 9.01.003	
	2/2/1954	Interim zoning ordinance	Sec. 9.01.001	
	2/2/1954	Recorder of corporation court	Superseded by Ord. 1990-5	
		Duties of city secretary, treasurer and tax assessor collector imposed on city recorder	Rpld. by Ordinance adopting Code	
	11/8/1955	Street maintenance agreement	NIC	
	6/11/1957	Southwestern Bell rates	NIC	
	9/8/1958	Amends Ord. 129; obstructions in right-of-way	Superseded by Ord. 2020-01	
	7/13/1959	Southwestern Bell Telephone company rates	NIC	
	4/11/1960	Central Power and Light Company franchise	NIC	
	9/12/1960	Civil defense	Superseded by Ord. 1999-03	
	4/10/1961	Fines for ordinance violations	Rpld. by Ordinance adopting Code	
	12/13/1962	Food establishment health certificates	Rpld. by Ordinance adopting Code	
	2/10/1964	Parking on Center St.	NIC	
	5/11/1964	Nuisance personal property	Superseded by Ord. adopted 5/14/1984	
	6/20/1966	Speed limits	NIC	
	6/12/1967	Telephone rates	NIC	
	5/13/1968	Parking on Hwy. 90	NIC	
	6/10/1968	Parking on Hwy 90	NIC	
	6/24/1968	Sales and use tax election results	NIC	
	—/—/1969	Street improvement assessments	NIC	
	5/11/1970	Sale of lots	NIC	
280	9/14/1970	Southwestern Bell franchise	NIC	
281	11/9/1970	Amends Southwestern Bell franchise	NIC	
	11/9/1970	Collection and disposal of garbage and refuse	Incomplete Rpld. by Ordinance adopting Code	
	1/21/1974	Amends gas rates	Superseded by Ord. adopted 3/10/1975	
	9/9/1974	Southwestern Bell Telephone rates	NIC	
	9/9/1974	Water rates	Rpld. by Ord. adopted 8/13/1979	
	10/14/1974	Off-premises sale of beer	Rpld. by Ordinance adopting Code	
	3/10/1975	Gas rates		
		Sec. 1 Rates	Superseded by Ord. adopted 10/11/1982	
		Sec. 2 Due date for payment	Superseded by Ord. 2018-06	
	1/14/1976	Application for federal assistance	NIC	
	5/11/1976	Tax levy	NIC	
451	3/14/1977	Central Power and Light Company rates	NIC	
	5/11/1977	Tax levy	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
349	4/9/1979	Retains residential gas and electricity sales tax	Sec. 2.08.062	
351	5/14/1979	Tax levy	NIC	
	6/25/1979	Possession or consumption of alcoholic beverages in city parks and recreational areas	Superseded by Ord. 351 adopted 11/8/1993	
	8/13/1979	Water rates	Rpld. by Ord. adopted 6/8/1981	
	9/8/1980	Tax levy	NIC	
	6/8/1981	Water rates	Rpld. by Ord. adopted 10/11/1982	
	10/14/1981	Tax levy	NIC	
	1/11/1982	Collection expenses in connection with delinquent ad valorem taxes	Sec. 2.08.031	
	7/28/1982	Central Power and Light Company rates	NIC	
	10/11/1982	Garbage collection rates	Superseded by Ord. adopted 11/12/1984	
	10/11/1982	Gas rates	Superseded by Ord. adopted 9/12/1988	
	10/11/1982	Sewer rates	Rpld. by Ord. adopted 9/8/1986	
	10/11/1982	Water rates	Rpld. by Ord. adopted 9/12/1988	
	11/11/1982	Tax levy	NIC	
	3/14/1983	Speed limit on Hwy 90	NIC	
	3/14/1983	Speed limit on Center St.	NIC	
	9/12/1983	Tax levy	NIC	
	5/14/1984	Removal and impoundment of nuisance personal property		
		Sec. 1 Declaring certain property a nuisance and authorizing impounding	Sec. 8.06.001	
		Sec. 2 Lien on impounded property	Sec. 8.06.002	
		Sec. 3 Redemption	Sec. 8.06.003	
		Sec. 4 Property to be sold	Sec. 8.06.004	
		Sec. 5 Procedure for property other than motor vehicles	Sec. 8.06.005	
		Sec. 6 Procedure for motor vehicles	Sec. 8.06.006	
		Sec. 7 Sale of property	Sec. 8.06.007	
		Sec. 8 Disposal of proceeds of sale	Sec. 8.06.008	
		Sec. 9 Junk	Sec. 8.06.009	
		Sec. 10 Records and fees	Sec. 8.06.010	
	9/10/1984	Tax levy	NIC	
	10/8/1984	Closes portion of street	NIC	
	10/8/1984	Curfew for minors	Superseded by Ord. 1996-04	
	11/12/1984	Garbage rates	Superseded by Ord. 1992-01	
	8/12/1985	Central Power and Light rate request	NIC	
	9/9/1985	Tax levy	NIC	
	12/9/1985	Central Power and Light rates	NIC	
	1/30/1986	Keeping of swine	Superseded by Ord. 1988-1	
	3/10/1986	Public utility commission action	NIC	
	5/12/1986	Center St. speed limit	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
	9/8/1986	Support of fair housing activities	Sec. 1.03.031	
	9/8/1986	Sewer rates	Rpld. by Ord. adopted 9/12/1988	
	9/24/1986	Tax levy	NIC	
	9/23/1987	Tax levy	NIC	
	9/12/1988	Tax levy	NIC	
	9/12/1988	Gas rates	Superseded by Ord. adopted 10/9/1989	
	9/12/1988	Sewer rates	Rpld. by Ord. adopted 10/9/1989	
	9/12/1988	Water rates	Rpld. by Ord. 1993-01	
	10/24/1988	Amends tax levy	NIC	
1988-1	11/14/1988	Animal control	Superseded by Ord. 1996-01	
1988-2	12/26/1988	Smoking in community room in city hall	Incomplete	
1989-1	1/9/1989	Termination of utilities	Superseded by Ord. 2005-07	
1989-2	1/9/1989	Deposits for utility services	Superseded by Ord. 2013-07	
1989-3	6/12/1989	Approves Central Power and Light rate schedules	NIC	
	9/28/1989	Tax levy	NIC	
	10/9/1989	Amends budget	NIC	
	10/9/1989	Gas rates	Superseded by Ord. 1993-03	
	10/9/1989	Sewer rates	Rpld. by Ord. 1990-8	
	10/24/1989	Amends tax levy	NIC	
	12/18/1989	Amends budget	NIC	
1990-1	1/22/1990	Participation in Texas Municipal Retirement System (TMRS)	NIC	
1990-2	1/22/1990	Cancels personal property taxes accrued on specific property	NIC	
1990-3	1/22/1990	Insufficient funds check policy	Secs. 2.01.004, A1.001	
89-3	3/12/1990	Budget amendment, FY 89-90	NIC	
1990-4	3/12/1990	Landfill regulations	Incomplete	
	3/12/1990	Amends tax levy	NIC	
1990-5	4/9/1990	Municipal court judge and clerk	Sec. 2.05.001	
1989-1-A	5/14/1990	Amends Ord. 1989-1; termination of utilities	Superseded by Ord. 2013-07	
1990-6	8/13/1990	No parking zone on Dunlap Ave.	NIC	
1990-7	9/10/1990	Revises Central Power and Light Company rates	NIC	
1990-8	10/8/1990	Sewer rates	Rpld. by Ord. 1993-02	
1990-9	10/10/1990	Tax levy	NIC	
1990-10	12/10/1990	Fire marshal	Rpld. by Ord. 1998-01	
1990-11	12/10/1990	Records management		
		Sec. 1 Definition of city records	Sec. 2.06.001	
		Sec. 2 Additional definitions	Sec. 2.06.002	
		Sec. 3 Records declared public property	Sec. 2.06.003	
		Sec. 4 Policy	Sec. 2.06.004	
		Sec. 5 Designation of records management officer	Sec. 2.06.005	
		Sec. 6 Records management plan to be developed; approval of plan; authority of plan	Sec. 2.06.006	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 7 Duties of records management officers	Sec. 2.06.007	
		Sec. 8 Duties and responsibilities of department heads	Sec. 2.06.008	
		Sec. 9 Designation of records liaison officer	Sec. 2.06.009	
		Sec. 10 Records control schedules to be developed; approval; filing with state	Sec. 2.06.010	
		Sec. 11 Implementation of records control schedules; destruction of records under schedule	Sec. 2.06.011	
		Sec. 12 Destruction of unscheduled records	Sec. 2.06.012	
		Sec. 13 Records center	Sec. 2.06.013	
1990-9	3/11/1991	Amends budget, FY 90-91	NIC	
1990-9	4/8/1991	Amends budget, FY 90-91	NIC	
1990-4	4/11/1991	Landfill regulations	Incomplete	
1991-01	5/13/1991	Utility deposits		
		A. Residential customers	Secs. 12.01.002(a), A5.001(a)	
		B. Reestablishment of credit	Sec. 12.01.002(b)	
		C. Amount of deposit for commercial service	Superseded by Ord. 2004-07	
		D. Deposits for temporary or seasonal service	Sec. 12.01.003(c)	
1991-02	5/13/1991	Termination of utilities	Superseded by Ord. 2013-07	
1991-04	9/5/1991	Tax levy	NIC	
1991-05	9/9/1991	TMRS updated service credits	NIC	
1991-06	1/13/1992	Rescinds all ordinances regulating train speeds	NIC	
1992-01	2/10/1992	Garbage collection rates	Amnd. by Ord. 1992-01 adopted 9/20/1993	
1992-02	6/8/1992	Food handler's code		
		Sec. 1 Definitions	Sec. 7.03.031	
		Sec. 2 Food handler's certificate	Sec. 7.03.032	
		Sec. 3 Issuance of certificate	Sec. 7.03.033	
1992-03	—/—/1992	Southwestern Bell Telephone rates	NIC	
1992-03A	9/3/1992	Adopts budget, FY 92-93	NIC	
1992-04	9/3/1992	Tax levy	NIC	
1991-07	9/14/1992	Amends budget, FY 91-92	NIC	
1993-01	8/23/1993	Water rates	Rpld. by Ord. 1997-04	
1993-02	8/23/1993	Sewer rates	Rpld. by Ord. 1997-06	
1993-03	8/23/1993	Gas rates	Superseded by Ord. 2000-01	
1990-4	9/13/1993	Landfill regulations	Incomplete	
1993-04	9/13/1993	Adopts budget, FY 93-94	NIC	
1993-05	9/13/1993	Tax levy	NIC	
1992-01	9/20/1993	Garbage collection rates	Superseded by Ord. 1997-07	
351	11/8/1993	Possession or consumption of alcoholic beverages in city parks and recreational areas	Superseded by Ord. 1994-03	
1991-03	11/8/1993	Security requirements for functions held in city-owned recreational facilities	Superseded by Ord. 1994-02	

Ord. No.	Date	Description	Disposition	Supp. No.
1994-02	5/9/1994	Central Power and Light Company rates	NIC	
1994-01	6/13/1994	Landfill regulations	Incomplete	
1994-02	7/11/1994	Security requirements for functions held in city-owned recreational facilities	Superseded	
1994-03	7/11/1994	Possession or consumption of alcoholic beverages in city parks and recreational areas	Superseded	
1994-04	3/14/1995	Adopts budget, FY 94-95	NIC	
1995-01	3/14/1995	Amends landfill regulations	Superseded	
1995-01	3/14/1995	Amends landfill regulations	Superseded	
1995-02	3/14/1995	TMRs; armed service members	NIC	
1995-04	9/12/1995	Adopts budget, FY 95-96	NIC	
1995-05	9/12/1995	Tax levy	NIC	
1995-06	10/10/1995	TMRs; updated service credits	NIC	
1995-07	11/20/1995	Denies Central Power rate change request	NIC	
1996-01	2/19/1996	Animal control		
		Authorization	Sec. 3.01.001	
		Application	Sec. 3.01.002	
		Sec. 1996-1.000 Dogs	Sec. 3.02.002	
		Sec. 1996-1.100 Cats	Sec. 3.02.003	
		Sec. 1996-1.200 Vaccination of dogs and cats required	Sec. 3.02.004	
		Sec. 1996-1.300 Penalty for dogs and cats	Sec. 3.02.001	
		Sec. 1996-1.400 Impoundment of dogs and cats	Sec. 3.02.031	
		Sec. 1996-1.500 Notice of impoundment; redemption or failure of	Sec. 3.02.032	
		Sec. 1996-1.600 Impoundment fees	Secs. 3.02.033, A2.001	
		Sec. 1996-1.700 Hogs		
		Sec. 1996-1.701 Definitions	Sec. 3.03.001	
		Sec. 1996-1.702 Rule	Sec. 3.03.003	
		Sec. 1996-1.703 Time period, exception and initial requirements	Sec. 3.03.004	
		Sec. 1996-1.704 Pen and additional site requirements	Sec. 3.03.005	
		Sec. 1996-1.705 Additional requirements	Sec. 3.03.006	
		Sec. 1996-1.706 Penalty	Sec. 3.03.002	
		Sec. 1996-1.800 Fowl		
		Sec. 1996-1.801 Rule	Sec. 3.04.002	
		Sec. 1996-1.802 Exceptions	Sec. 3.04.003	
		Sec. 1996-1.803 Penalty	Sec. 3.04.001	
		Sec. 1996-1.900 Livestock		
		Sec. 1996-1.901 Definitions	Sec. 3.05.001	
		Sec. 1996-1.902 Livestock running at large	Sec. 3.05.003	
		Sec. 1996-1.903 Grazing of animals on streets, sidewalks, etc. prohibited	Sec. 3.05.004	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 1996-1.904 Enclosure of livestock	Sec. 3.05.005	
1996-02	3/11/1996	Sec. 1996-1.905 Penalty Carrying concealed handgun in city hall or utility yard	Sec. 3.05.002 Sec. 8.04.001	
1996-03	5/14/1996	Ratifies Central Power and Light pilot program	NIC	
1996-04	5/14/1996	Curfew for minors	Superseded by Ord. 2016-03 adopted 5/23/2016	
1996-03	9/9/1996	Adopts budget, FY 96-97	NIC	
1996-04	9/9/1996	Tax levy, FY 96-97	NIC	
1997-01	1/13/1997	Pipeline alcohol misuse and controlled substances plan	NIC	
1997-02	6/9/1997	Fibre-optic cable installation	Superseded by Ord. 1999-10	
1997-03	6/9/1997	Negotiations for DOT maintenance building	NIC	
1997-04	7/10/1997	Water rates	Rpld. by Ord. 2001-01	
1997-06	9/8/1997	Sewer rates	Rpld. by Ord. 2003-02	
1997-07	9/8/1997	Garbage rates	Superseded by Ord. 2000-03	
1997-08	9/8/1997	Adopts budget, FY 97-98	NIC	
1997-09	—/—/1997	Tax levy	NIC	
1997-10	9/8/1997	Municipal court building security fund	Secs. 2.05.032, A1.003(c)	
1997-11	10/13/1997	Landfill regulations	Incomplete	
1997-13	11/10/1997	Central Power and Light Company rates	NIC	
1997-15	12/8/1997	Landfill regulations	Incomplete	
1998-01	1/12/1998	Repeals Ord. 1990-10; fire marshal	NIC	
1998-02	9/14/1998	Adopts budget, FY 98-99	NIC	
1998-03	—/—/1998	Tax levy	NIC	
1998-04	10/12/1998	Hotel occupancy tax (incomplete)	Rpld. by Ord. adopted 4/12/99	
1999-01	1/11/1999	TML benefits risk pool continuation of coverage agreement	NIC	
1999-02	3/8/1999	Opt out notice against Central Power and Light	NIC	
1999-03	3/8/1999	Emergency management	Superseded by Ord. 2003-08	
	4/12/1999	Hotel occupancy tax	Superseded by Ord. adopted 11/8/99	
1999-08	9/13/1999	Tax levy	NIC	
1999-06	9/13/1999	Pipeline alcohol misuse and controlled substances plan	NIC	
1999-07	9/13/1999	Adopts budget, FY 99-00	NIC	
1999-09	9/13/1999	Landfill regulations		
1999-10	9/13/1999	Fibre-optic cable installation	Sec. 5.01.001	
1999-11	9/13/1999	Municipal court technology fund	Secs. 2.05.033, A1.003(b)	
	11/8/1999	Hotel occupancy tax		
		Sec. 20.01 Definitions	Sec. 2.08.091	
		Sec. 20.02	Sec. 2.08.092	
		Sec. 20.03 Collection of tax	Sec. 2.08.093	
		Sec. 20.04 Quarterly reports to tax assessor-collector	Sec. 2.08.094	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 20.05 Rules and regulations of tax assessor-collector; access to books and records	Sec. 2.08.095	
		Sec. 20.06 Penalties	Sec. 2.08.096	
		Sec. 20.07 Additional penalties	Sec. 2.08.097	
		Sec. 20.08 Additional authorization to bring suit	Sec. 2.08.098	
		Sec. 20.09 Use of revenue derived from levy of hotel occupancy tax	Sec. 2.08.099	
		Sec. 20.10 Administrative requirements; accountability; keeping of records	Sec. 2.08.100	
2000-01	8/14/2000	Gas rates	Superseded by Ord. 2000-01	
2000-03	8/14/2000	Garbage collection rates	Incomplete	
2000-05	8/14/2000	Possession or consumption of alcoholic beverages in city parks and recreational areas	Sec. 10.02.001	
2000-06	9/28/2000	Adopts budget, FY 00-01	NIC	
2000-07	--/2000	Tax levy	NIC	
2000-08	10/9/2000	Gas rates	Superseded by Ord. 2003-04	
2001-01	1/8/2001	Water rates	Rpld. by Ord. 2002-12	
2001-03	1/15/2001	No parking on West Rheiner	NIC	
2001-04	1/15/2001	Designates handicapped parking area at church	NIC	
2001-02	2/12/2001	Dumping trash in Live Oak Park	Sec. 10.02.002	
2001-05	9/10/2001	Tax levy	NIC	
2001-06	--/2001	Adopts budget, FY 01-02	NIC	
2001-07	--/2001	Landfill regulations	Incomplete	
2001-08	9/10/2001	Garbage collection rates	Incomplete	
2001-09	10/8/2001	Garbage collection rates	Incomplete	
2001-10	10/8/2001	Property maintenance: grass, weeds, rubbish, etc.		
		Art. I In General		
		Sec. 1-1 Weeds and trash	Sec. 7.04.001	
		Sec. 1-2 Inspections	Sec. 7.04.002	
		Art. II Nuisances		
		Sec. 1-16 Definitions	Sec. 7.04.031	
		Sec. 1-17 Public nuisance prohibited	Sec. 7.04.032	
		Sec. 1-18 Criminal penalty	Sec. 7.04.033	
		Sec. 1-19 Civil enforcement, abatement by city; notice	Sec. 7.04.034	
		Sec. 1-20 Assessment of expenses; lien	Secs. 7.04.035, A1.004	
2001-11	--/2001	Releases claims against Central Power and Light	NIC	
2001-12	11/--/2001	Police	Superseded by Ord. 2004-11	
			Incomplete	
2002-02	1/24/2002	Junked vehicles		
		Sec. 1-1 Code adopted	Sec. 8.07.001	
		Sec. 1-2 Personnel authorized to investigate nuisances	Sec. 8.07.003	
		Sec. 1-3 Junked vehicle declared to be public nuisance	Sec. 8.07.004	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 1-4 Offense	Sec. 8.07.005	
		Sec. 1-5 Notice of nuisance	Sec. 8.07.006	
		Sec. 1-6 Public hearing	Sec. 8.07.007	
		Sec. 1-7 Ordinance not applicable in some cases	Sec. 8.07.008	
		Sec. 1-8 Disposal of junked vehicles	Sec. 8.07.009	
		Sec. 1-9 Definitions	Sec. 8.07.002	
2002-03	--/2002	Fireworks	Incomplete Per city, voided 5/2013	
2002-04	2/21/2002	Outdoor burning		
		Sec. 1 Outdoor burning prohibited	Sec. 6.03.002	
		Sec. 2 Disposal or depositing of spontaneously igniting material	Sec. 6.03.003	
		Sec. 3 Liability and compliance with other applicable laws	Sec. 6.03.004	
		Sec. 4 False alarms	Sec. 6.03.005	
		Sec. 5 Unlawful to burn trash	Sec. 6.03.006	
		Sec. 6 Unlawful to burn industrial waste or hazardous materials	Sec. 6.03.007	
		Sec. 7 Penalties	Sec. 6.03.001	
2002-05	7/18/2002	Flood damage prevention (incomplete)	Superseded by Ord. 2010-03	
2002-05	9/9/2002	Scavenger activities prohibited at dump grounds	Sec. 12.05.080	
2002-06	8/12/2002	Grease traps	Amnd. by Ord. 2007-07	
2002-06	9/30/2002	Parking ordinance	Sec. 11.03.001	
2002-07	--/2002	Tax levy	NIC	
2002-08	9/30/2002	Adopts budget, FY 02-03	NIC	
2002-09	9/30/2002	Amends budget, FY 01-02	NIC	
2002-10	10/14/2002	Racial profiling policy		
		Definition	Sec. 2.04.061	
		Examples of racial profiling	Sec. 2.04.062	
		Racial profiling prohibited	Sec. 2.04.063	
		Mandated collection of information	Sec. 2.04.064	
		Racial profiling complaint process	Sec. 2.04.065	
		Annual report of racial profiling data collected	Sec. 2.04.066	
		Public education	Sec. 2.04.067	
2002-12	10/14/2002	Water rates	Rpld. by Ord. 2003-01	
2003-01	3/10/2003	Water rates	Incomplete Rpld. by Ord. 2004-09	
2003-02	--/2003	Sewer rates	Incomplete Rpld. by Ord. 2003-10	
2003-04	3/10/2003	Gas rates	Superseded by Ord. 2004-10	
2003-06	5/12/2003	Security requirements for functions held in city-owned recreational facilities	Amnd. by Ord. 2003-06A	
2003-08	6/9/2003	Emergency management		
		Sec. 1 Organization	Sec. 1.02.001	
		Sec. 2 Emergency management director; powers and duties	Sec. 1.02.002	
		Sec. 3 Emergency management plan	Sec. 1.02.003	
		Sec. 4 Interjurisdictional program	Sec. 1.02.004	
		Sec. 5 Override	Sec. 1.02.005	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 6 Liability	Sec. 1.02.006	
		Sec. 7 Commitment of funds	Sec. 1.02.007	
		Sec. 8 Offenses; penalties	Sec. 1.02.008	
		Sec. 9 Severability	NIC	
		Sec. 10 Limitations	Sec. 1.02.009	
2003-09	9/18/2003	Garbage collection rates	Superseded by Ord. 2005-03	
2003-10	9/18/2003	Sewer rates	Rpld. by Ord. 2004-08	
2003-11	9/22/2003	Adopts budget, FY 03-04	NIC	
2003-12	9/22/2003	Tax levy	NIC	
2004-01	1/12/2004	Placement of traffic-control devices at specific intersections	NIC	
2004-02	1/12/2004	Providing water or wastewater service restricted	Sec. 12.01.003	
2006-05	1/12/2004	Placement of stop signs	NIC	
2004-04	2/9/2004	Hauling, dumping, storage and burning of hazardous materials		
		Sec. 1 Transport	Sec. 7.05.003	
		Sec. 2 Parking	Sec. 7.05.004	
		Sec. 3 Unattended trucks	Sec. 7.05.005	
		Sec. 4 Burning	Sec. 7.05.006	
		Sec. 5 Prohibited dumping or storage	Sec. 7.05.007	
		Sec. 6 Use and storage of hazardous materials	Sec. 7.05.008	
		Sec. 7 Definitions	Sec. 7.05.001	
		Sec. 8 Penalty	Sec. 7.05.002	
2004-06	3/8/2004	AEP electric rates	NIC	
2004-07	6/28/2004	Water and gas deposits and connection fee	Superseded by Ord. 2004-07(A)	
2004-06	7/12/2004	Amends Ord. 1996-01, adds sec. 1996-1.410; biting dog or biting cat	Amnd. by Ord. 2005-04 adopted 5/23/2005	
2004-08	7/26/2004	Sewer rates	Rpld. by Ord. 2005-09	
2004-09	7/26/2004	Water rates	Rpld. by Ord. 2005-08	
2004-11	8/9/2004	Police department; false alarm fees		
		Sec. 1-1 Established; appointment of chief of police	Sec. 2.04.031	
		Sec. 1-2 Bond for police officers	Sec. 2.04.032	
		Sec. 1-3 Powers and duties of chief	Sec. 2.04.033	
		Sec. 1-4 Number and appointment of policemen	Sec. 2.04.034	
		Sec. 1-5 False alarm fees	Secs. 2.04.035, A1.002	
2004-10	9/13/2004	Gas rates	Superseded by Ord. 2004-13	
2004-12	9/13/2004	Adopts budget, FY 04-05	NIC	
2004-13	9/27/2004	Tax levy	NIC	
2004-13	12/13/2004	Gas rates	Superseded by Ord. 2006-03	
2005-03	9/18/2005	Garbage collection rates	Superseded by Ord. 2005-10 adopted 9/12/2005	
2005-04	5/23/2005	Animal control		
		Sec. 2005-1.400 Biting dog or biting cat	Sec. 3.02.005	
		Sec. 2005-1410 Releasing trapped animal from trap	Sec. 3.01.004	
2005-04	6/10/2005	Motor assisted scooters and go-carts		

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 1 Findings incorporated	NIC	
		Sec. 2 Definitions	Sec. 11.04.001	
		Sec. 3 Prohibitions for motor-assisted scooters and go-carts	Sec. 11.04.002	
		Sec. 4 Savings/repealing clause	NIC	
		Sec. 5 Severability	NIC	
		Sec. 6 Penalty	Sec. 11.04.003	
2005-05	6/10/2005	Riding bicycles and skateboards on sidewalk	Sec. 11.01.003	
2005-07	7/11/2005	Smoke free city properties	Sec. 7.02.001	
2005-11	9/10/2005	Adopts budget, FY 05-06	NIC	
2005-13	9/10/2005	Landfill regulations	Incomplete	
2005-08	9/12/2005	Water rates	Superseded by Ord. 2006-01	
2005-09	9/12/2005	Sewer rates	Superseded by Ord. 2006-02	
2005-10	9/12/2005	Garbage collection rates	Superseded by Ords. 2006-04 and 2006-14	
2004-12	9/26/2005	Amends budget, FY 04-05	NIC	
2005-11	10/10/2005	Tax levy	NIC	
2006-01	5/8/2006	Water services and procedures	Superseded by Ords. 2006-09 and 2006-11	
2006-02	5/8/2006	Sewer services and procedures	Superseded by Ords. 2006-10 and 2006-12	
2006-03	5/8/2006	Gas services and procedures	Superseded by Ord. 2006-13	
2006-04	5/8/2006	Garbage collection rates, services and procedures		
		Sec. 1 Rates	Superseded by Ord. 2005-10 adopted 9/10/2007	
		Sec. 2 More than one residence or business on one tract of land	Sec. 12.05.038	
		Sec. 3 Exemption for property not generating solid waste	Superseded by Ord. 2005-10 adopted 9/10/2007	
		Sec. 4 Placement for collection	Superseded by Ord. 2005-10 adopted 9/10/2007	
		Sec. 5 Penalty	Sec. 12.05.039	
2007-04	5/8/2006	Noise and sound level regulation		
		Sec. 1 Definitions	Sec. 8.03.001	
		Sec. 2 General prohibitions	Sec. 8.03.003	
		Sec. 3 Noisy vehicles generally	Sec. 8.03.004	
		Sec. 4 Amplified sound	Sec. 8.03.005	
		Sec. 5 Noisy animals	Sec. 8.03.006	
		Sec. 6 Maximum permissible sound levels	Sec. 8.03.007	
		Sec. 7 Method of sound measurement	Sec. 8.03.008	
		Sec. 8 Defenses	Sec. 8.03.009	
		Sec. 9 Penalty	Sec. 8.03.002	
2006-07	6/26/2006	Fireworks	Sec. 6.02.001	
2006-08	8/14/2006	Restricted parking at nutrition center	NIC	
2006-09	9/11/2006	Water rates	Superseded by Ord. 2006-11	
2006-010	9/11/2006	Sewer rates	Superseded by Ord. 2006-12	
2005-11	9/25/2006	Amends budget, FY 05-06	NIC	
2006-11	—/—/2006	Water services and procedures		
		Sec. 1 Rates	Superseded by Ord. 2007-05	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2 Water service	Sec. 12.02.003	
		Sec. 3 Water service requirements	Superseded by Ord. 2009-04	
		Sec. 4 Right of city council to regulate rates and charges	NIC	
		Sec. 5 Billing of Edwards Aquifer cost increase adjustments	Superseded by Ord. 2007-05	
		Sec. 6 Reread charge	Superseded by Ord. 2007-05	
		Sec. 7 Penalty	Superseded by Ord. 2007-05	
2006-12	--/2006	Sewer services and procedures		
		Sec. 1 Rates	Superseded by Ord. 2006-12	
		Sec. 2 Sewer service	Sec. 12.03.004	
		Sec. 3 Sewer service requirements	Sec. 12.03.005	
		Sec. 4 Septic tanks	Superseded by Ord. 2006-12	
		Sec. 5 Cesspools prohibited	Superseded by Ord. 2006-12	
		Sec. 6 Right of city council to regulate rates	Superseded by Ord. 2006-12	
		Sec. 7 Penalty	Sec. 12.03.006	
		Sec. 8 Severability	NIC	
		Sec. 9 Waiver	Sec. 12.03.007	
2006-13	--/2006	Gas services and procedures		
		Sec. 1 Rates	Superseded by Ord. 2008-06	
		Sec. 2 Gas service	Sec. 12.04.002	
		Sec. 3 Gas service requirements	Sec. 12.04.003	
		Sec. 4 Right of city council to regulate rates	Superseded by Ord. 2008-06	
		Sec. 5 Charge for reread	Superseded by Ord. 2008-06	
		Sec. 6 Waiver	Sec. 12.04.004	
2006-14	3/--/2006	Garbage services and procedures		
		Sec. 1 Rates	Superseded by Ord. 2006-04	
		Sec. 2 Applicability of monthly charge	Superseded by Ord. 2006-04	
		Sec. 3 Exemption from charges	Superseded by Ord. 2006-04	
		Sec. 4 Placement for pickup; receptacles	Superseded by Ord. 2006-04	
		Sec. 5 Penalty	Superseded by Ord. 2006-04	
		Sec. 6 Severability	NIC	
		Sec. 7 Waiver	Sec. 12.05.040	
2006-15	9/25/2006	Adopts budget, FY 06-07	NIC	
2006-16	9/25/2006	Tax levy	NIC	
2006-17	10/9/2006	No parking zone	NIC	
2006-18	11/27/2006	Approves drug and alcohol workplace policy	NIC	
2006-19	11/27/2006	Designates no parking area	NIC	
2007-01	1/22/2007	Investment of public funds	Superseded by Ord. 2008-01	
2007-03	2/26/2007	AEP Texas Central Company rates	NIC	
2007-05	3/12/2007	Water rates	Superseded by Ord. 2010-07	
2007-06	3/26/2007	Parking commercial vehicles or trailers on Highway 90	Sec. 11.03.002	
2007-07	4/23/2007	Amends Ord. 2002-06; grease traps		
		Sec. 1-1 Requirement to install and maintain	Sec. 12.07.003	
		Sec. 1-2 Exception	Sec. 12.07.004	
		Sec. 1-3 Enforcement	Sec. 12.07.005	
		Sec. 1-4 Design	Sec. 12.07.006	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 1-5 Definitions	Sec. 12.07.001	
		Sec. 1-6 Offense established	Sec. 12.07.002	
2007-09	9/10/2007	Sewer rates	Rpld. by Ord. 2010-04	
2005-10	9/10/2007	Garbage collection rates	Superseded by Ord. 2008-05	
2007-11	9/27/2007	Adopts budget, FY 07-08	NIC	
2007-11A	--/2007	Amends budget, FY 07-08	NIC	
2007-13	10/1/2007	Ratifies adoption of budget	NIC	
2003-06A	10/22/2007	Security requirements for functions held in parks and other city-owned facilities	Sec. 10.03.001	
2007-14	10/22/2007	Designates official newspaper	NIC	
2007-15	12/10/2007	Right of entry on certain properties	NIC	
2008-01	1/14/2008	Investment of public funds	Superseded by Ord. 2009-01	
2008-02	4/14/2008	Electronic changeable message light emitting diode (LED) billboards		
		Sec. 1 Definitions	Sec. 4.05.041	
		Sec. 2 Prohibitions	Sec. 4.05.042	
		Sec. 3 Penalty	Sec. 4.05.043	
2008-03	5/5/2008	Purchase of land	NIC	
2004-07A	7/14/2008	Water and gas deposits and connection fee	Superseded by Ord. 2018-04	
2008-05	7/14/2008	Garbage collection rates	Superseded by Ord. 2012-15	
2008-06	8/11/2008	Gas rates	Superseded by Ord. 2018-03	
2005-13A	9/8/2008	Landfill regulations	Incomplete	
2008-07	9/15/2008	Adopts budget, FY 08-09	NIC	
2008-08	9/15/2008	Tax levy	NIC	
2008-09	12/8/2008	Placement of stop signs	NIC	
2009-01	1/12/2009	Investment of public funds	Superseded by Ord. 2010-01	
2009-03	2/9/2009	Animal control officer	Sec. 3.01.003	
2009-02	2/23/2009	Code compliance officer		
		Article I		
		Sec. 1 Code compliance officer	Amnd. by Ord. 2015-05	
		Sec. 2 Duties of the code compliance officer	Sec. 2.03.032	
		Article II Unsafe Buildings		
		Sec. 3 Unsafe building abatement-- Purpose	Sec. 4.03.001	
		Sec. 4 Prohibited acts	Sec. 4.03.002	
		Sec. 5 Unsafe building	Sec. 4.03.003	
		Sec. 6 Inspection and initial notice	Sec. 4.03.004	
		Sec. 7 Public hearing; notice	Sec. 4.03.005	
		Sec. 8 Public hearing; orders	Sec. 4.03.006	
		Sec. 9 Failure to comply with order; public hearing	Sec. 4.03.007	
		Sec. 10 Failure to comply with order; orders	Sec. 4.03.008	
		Sec. 11 Guidelines for remedial action	Sec. 4.03.009	
		Sec. 12 Service of notice	Sec. 4.03.010	
		Sec. 13 Noncompliance	Sec. 4.03.011	
		Sec. 14 References to certain officials	Sec. 4.03.012	
2009-04	2/23/2009	Water service		
		Sec. 1 Out of city policy	Sec. 12.02.004	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2 Meters	Sec. 12.02.005	
		Sec. 3 Penalty	Sec. 12.02.006	
		Sec. 4 Reference to certain officials	Sec. 12.02.007	
		Sec. 5 Waiver	Sec. 12.02.008	
2009-05	4/13/2009	Cross-connection control program		
		Sec. 1		
		a. General	Sec. 12.06.002	
		b. Backflow prevention assembly installation, testing and maintenance	Sec. 12.06.003	
		c. Customer service inspections	Sec. 12.06.004	
		d. Thermal expansion	Sec. 12.06.005	
		e. Fire hydrant protection	Sec. 12.06.006	
		Sec. 2 Repeal	NIC	
		Sec. 3 Severability	NIC	
		Sec. 4 Enforcement	Secs. 12.06.001, A5.008	
2009-06	8/10/2009	Citizen complaint procedure	Amnd. by Ord. 2009-06A	
1991-02(A)	8/27/2009	Termination of utilities; re-establishment of service	Superseded by Ord. 2013-07	
2009-07	9/14/2009	Curfew for minors	Superseded by Ord. 2016-03	
		Continues Ord. 1996-04	adopted 5/23/2016	
2009-08	9/29/2009	Adopts budget, FY 09-10	NIC	
2009-09	9/29/2009	Tax levy	NIC	
2009-12	10/12/2009	Encroachments on right-of-way	Secs. 10.01.001, A1.005	
2009-14	11/9/2009	Placing structures and personal property at Live Oak Park	Sec. 10.02.003	
2009-13	11/23/2009	City-owned surplus personal property		
		Sec. 1 Definition	Sec. 2.07.031	
		Sec. 2 Procedure	Sec. 2.07.032	
		Sec. 3 Other disposition	Sec. 2.07.033	
2010-01	2/22/2010	Investment of public funds	Superseded by Ord. 2011-03	
2003-06B	3/8/2010	Amends Ord. 2003-06, sec. 1-3; security officers for functions held in city-owned property; rate of pay	Sec. 10.03.001(c)	
2010-02	3/8/2010	Temporary variance for salvage/recycling center	NIC	
2009-06A	4/26/2010	Citizen complaint procedure	Sec. 2.01.003	
2010-03	6/14/2010	Flood damage prevention		
		Art. 1 Statutory authorization; findings of fact; purpose and methods	Sec. 4.04.001	
		Art. 2 Definitions	Sec. 4.04.002	
		Art. 3 General provisions	Sec. 4.04.003	
		Art. 4 Administration	Sec. 4.04.004	
		Art. 5 Provisions for flood hazard reduction	Sec. 4.04.005	
2010-04	9/27/2010	Sewer rates	Rpld. by Ord. 2010-04	
2010-06	9/27/2010	Tax levy	NIC	
2010-07	9/27/2010	Water rates	Superseded by Ord. 2014-06	
2010-11	9/30/2010	Adopts budget, FY 10-11	NIC	
2011-01	1/13/2011	Synthetic cannabinoids		
		Sec. 1 Offense	Sec. 8.05.001	
		Sec. 2 Definitions	Sec. 8.05.002	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 3 Sale, offer, gift, display or possession	Sec. 8.05.004	
		Sec. 4 Use or possession of ingestion devices	Sec. 8.05.005	
		Sec. 5 Public purpose	NIC	
		Sec. 6 Incorporation of recitals	NIC	
		Sec. 7 Repealer	NIC	
		Sec. 8 Severability	NIC	
		Sec. 9 Penalty	Sec. 8.05.003	
2011-02	1/24/2011	Sewer rates	Rpld. by Ord. 2019-08	
2011-03	2/14/2011	Investment of public funds	Superseded by Ord. 2012-01	
2011-04	3/14/2011	Adjusts speed limits	NIC	
2011-05	6/27/2011	Water conservation and drought contingency plan	Superseded by Ord. 2012-02	
2011-06	9/26/2011	Adopts budget, FY 11-12	NIC	
2011-07	9/29/2011	Tax levy	NIC	
2012-01	1/9/2012	Investment of public funds	Superseded by Ord. 2013-01	
2012-02	7/9/2012	Water conservation and drought contingency plan	Superseded by Ord. 2013-06	
2011-06A	9/24/2012	Amends budget, FY 11-12	NIC	
2012-03	9/24/2012	Tax levy	NIC	
2012-04	--/2013	Adopts budget, FY 12-13	NIC	
2012-14	9/24/2012	Curfew for minors	Superseded by Ord. 2016-03	
		Continues Ord. 2009-07	adopted 5/23/2016	
2012-15	10/8/2012	Garbage collection rates	Superseded by Ord. 2014-07	
2008-02A	10/22/2012	Grants variance from Ord. 2008-02; LED billboards	NIC	
2013-01	1/28/2013	Investment of public funds	Superseded by Ord. 2015-02	
2013-02	2/25/2013	No parking zones established	NIC	
2013-05	3/11/2013	Declares unopposed candidates	NIC	
2013-06	3/26/2013	Water conservation and drought contingency plan	Superseded by Ord. 2013-09	
2013-07	7/8/2013	Termination of utilities	Amnd. by Ord. 2016-05	
2013-09	8/12/2013	Water conservation and drought contingency plan		
		Sec. 1 Drought response stages	Sec. 12.08.001	
		Sec. 2 Offense	Sec. 12.08.002	
		Sec. 3 Discontinuance of water service	Sec. 12.08.003	
		Sec. 4 Public purpose	NIC	
		Sec. 5 Incorporation of recitals	NIC	
		Sec. 6 Repealer	NIC	
		Sec. 7 Severability	NIC	
		Sec. 8 Penalty	Sec. 12.08.004	
2012-04	9/23/2013	Amends budget, FY 12-13	NIC	
2013-10	9/23/2013	Tax levy	NIC	
2013-11	9/23/2013	Adopts budget, FY 13-14	NIC	
2013-13	9/23/2013	Operation of utility vehicles on street or public property		
		Sec. 1 Operation of utility vehicles	Sec. 11.01.004(a)-(f)	
		Sec. 2 Penalty	Sec. 11.01.004(g)	
2013-14	12/2/2013	Sanitary landfill regulations		
		Application	Sec. 12.05.071	
		Sec. 2001-1.000 Definitions	Sec. 12.05.072	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2001-2.000 Regulations	Sec. 12.05.075	
		Sec. 2001-3.000 Fee schedule	Secs. 12.05.076, A5.007(a), (b)	
		Sec. 2001-3.200 Exception to fee schedule	Secs. 12.05.077, A5.007(c)	
		Sec. 2001-4.000 Emergencies and exceptions	Sec. 12.05.078	
		Sec. 2001-5.000 Violation	Sec. 12.05.073	
		Sec. 2001-6.000 Penalty	Sec. 12.05.074	
		Sec. 2001-7.000 Days and hours of operation	Sec. 12.05.079	
		Sec. 2001-8.000 Miscellaneous	NIC	
2014-06	9/8/2014	Water rates	Superseded by Ord. 2018-02	
2014-07	9/8/2014	Garbage collection rates	Superseded by Ord. 2017-02	
2014-05	9/22/2014	Use of compression brakes	Sec. 11.01.001	
2014-09	9/22/2014	Adopts budget, FY 14-15	NIC	
2014-10	9/22/2014	Tax levy	NIC	
2015-02	3/23/2015	Cancels general election	NIC	
2016-03	4/11/2015	Adopts International Plumbing Code, 2015 edition		
		Sec. 1 Findings	NIC	
		Sec. 2 Adoption of International Plumbing Code and amendments	Sec. 4.02.031	
		Sec. 3 Revisions	Sec. 4.02.032	
		Sec. 4 Penalty	Sec. 4.02.033	
2015-01	4/27/2015	Mileage reimbursement for city employees	NIC	
2015-02	5/11/2015	Investment of public funds	Superseded by Ord. 2016-01	
2015-03	9/14/2015	Adopts budget, FY 15-16	NIC	
2015-04	9/14/2015	Tax levy	NIC	
2015-05	11/23/2015	Amends Ord. 2009-02, sec. 1, code compliance officer	Sec. 2.02.031	
2016-01	1/25/2016	Investment of public funds	Superseded by Ord. 2020-09	
2016-02	1/25/2016	Designates official newspaper	NIC	
2016-03	5/23/2016	Curfew for minors		
		Sec. 2016-01 Definitions	Sec. 8.02.031	
		Sec. 2016-02 Offenses	Sec. 8.02.032	
		Sec. 2016-03 Defenses	Sec. 8.02.033	
		Sec. 2016-04 Enforcement procedures	Sec. 8.02.034	
		Sec. 2016-05 Penalty	Sec. 8.02.035	
		Sec. 2016-06 Triennial review	Sec. 8.02.036	
2016-04	6/27/2016	Establishes no parking zone	NIC	
2016-05	7/-/2016	Amends Ord. 2013-07; termination of utility services	Superseded by Ord. 2018-06	
2016-06	9/12/2016	Abolishes drought watering restrictions until the end of 2016	NIC (temporary)	
2016-07	9/26/2016	Fines for violations of city ordinances	Sec. 2.01.005	
2016-08	9/29/2016	Adopts budget, FY 16-17	NIC	
2016-08	9/29/2016	Tax levy	NIC	
2016-09	9/29/2016	Ratifies adoption of budget	NIC	
2016-10	9/29/2016	Tax levy	NIC	
2017-02	3/27/2017	Garbage collection rates	Superseded by Ord. 2019-09	

Ord. No.	Date	Description	Disposition	Supp. No.
2017-04	9/25/2017	Tax levy	NIC	
2017-05	11/13/2017	Solid waste franchise	NIC	
2017-06	11/27/2017	Sale of alcoholic beverages		
		Sec. 1 Adopts finding	NIC	
		Sec. 2 Permit required and annual permit fee established	Secs. 5.02.031, A4.001	
		Sec. 3 Processing procedure established	Sec. 5.02.032	
		Sec. 4 Application	Sec. 5.02.033	
		Sec. 5 Sale near church or school	Sec. 5.02.002	
		Sec. 6 Penalty	Sec. 5.02.001	
2017-06	3/12/2018	Amends Ord, 2017-06 adopted 11/27/2017; sale and consumption of alcoholic beverages		
		Sec. 1 Adopts findings	NIC	
		Sec. 2 Hours of sale	Sec. 5.02.003(a)	
		Sec. 3 Hours of consumption	Sec. 5.02.003(b)	
2018-02	8/27/2018	Water rates	Rpld. by Ord. 2019-07	
2018-03	8/27/2018	Gas rates	Superseded by Ord. 2019-10	
2018-04	9/10/2018	Water and gas deposit and connection fee	Secs. 12.01.002(a), (d), A5.001	
2018-04	9/24/2018	Adopts budget, FY 18-19	NIC	
2018-05	9/24/2018	Tax levy	NIC	
2018-06	9/24/2018	Amends Ord. 2013-07; termination of utility services	Secs. 12.01.001, A5.002	
2019-01	4/8/2019	Cancels general election	NIC	
2019-06	5/13/2019	AEP Texas electric rates	NIC	
2019-07	9/23/2019	Adopts budget, FY 19-20	NIC	
2019-07	8/26/2019	Water rates and charges	Secs. 12.02.002, A5.003	
2019-07A	7/13/2020	Municipal court judge salary increase	NIC	
2019-08	9/23/2019	Tax rate, FY 19-20	NIC	
2019-08	8/26/2019	Sewer rates and charges	Secs. 12.03.001, A5.004	
		Sec. 1 Rate for sewer service	Secs. 12.03.001, A5.004	
		Sec. 2 Septic tanks	Sec. 12.03.002	
		Sec. 3 Cesspools	Sec. 12.03.003	
2019-09	8/26/2019	Garbage rates		
		Sec. 1 Monthly charge for residences	Secs. 12.05.031, A5.006(a)	
		Sec. 2 Monthly charge for businesses	Secs. 12.05.032, A5.006(b)	
		Sec. 3 Dumpster rate	Secs. 12.05.033, A5.006(c)	
		Sec. 4 Exemptions from charges	Sec. 12.05.034	
		Sec. 5 Rates for customers outside city limits	Secs. 12.05.035, A5.006(d)	
		Sec. 6 Placement for collection; receptacles	Sec. 12.05.036	
		Sec. 7 Cardboard containers placed in recycling bins	Sec. 12.05.037	
2019-10	8/26/2019	Gas rates	Secs. 12.04.001, A5.005	
	12/10/2019	Grants franchise	NIC	
2020-01	3/9/2020	Placing personal property on public right-of-way	Secs. 10.01.002, A1.006	
2020-02	3/-/2020	Postpones general election	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
2020-03	9/14/2020	Adopts budget, FY 20-21	NIC	
2020-04	9/14/2020	Tax levy, FY 20-21	NIC	
2020-07	9/14/2020	Adopts budget, FY 20-21	NIC	
2020-08	9/14/2020	Tax levy, FY 20-21	NIC	
	9/14/1920	Special fine for failure to appear or violation of promise to appear	Secs. 2.05.031, A1.003(a)	
2020-09	12/21/2020	Investment of public funds	Sec. 2.07.061	

*please note ordinances adopted prior to the 1920s were not included in this table (most were incomplete) and will be repealed by not including them in the new code.