
City of Brownsboro

Code of Ordinances

Current through Ordinance 2020-005 adopted 11/16/20

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1.01 CODE OF ORDINANCES^{*1}

Sec. 1.01.001 Adoption

There is hereby adopted the Code of Ordinances of the City of Brownsboro, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc. (Ordinance adopting 2021 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 Brownsboro, Texas," and may be so cited. (1981 Code, sec. 1.1; Ordinance adopting 2021 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. (1981 Code, sec. 1.2; Ordinance adopting 2021 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 Brownsboro, 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 Brownsboro, 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.

Council. Whenever the term “council” or “city council” or “the council” is used, it shall mean the city council of the City of Brownsboro, 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 Henderson, 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.

(1981 Code, sec. 1.3; Ordinance adopting 2021 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. (1981 Code, sec. 1.6; Ordinance adopting 2021 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 2021 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. (1981 Code, sec. 1.4; Ordinance adopting 2021 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 2021 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.

(1981 Code, sec. 1.5; Ordinance adopting 2021 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 MANAGEMENT²

Sec. 1.02.001 National Incident Management System adopted

The city council hereby adopts the National Incident Management System dated March 1, 2004. (Ordinance 2007-004 adopted 8/10/07; Ordinance 2007-004 adopted 12/12/13)

ARTICLE 1.03 MUNICIPAL COURT³

Division 1. Generally

Secs. 1.03.001–1.03.030 Reserved

Division 2. City Prosecutor^{*4*}

Sec. 1.03.031 Office established

The position of prosecutor of the municipal court of the city is hereby established and the person occupying said position shall be known as the city prosecutor. Said position may be filled by the city attorney. (1981 Code, sec. 13.1)

Sec. 1.03.032 Appointment; compensation

The city prosecutor shall be appointed by the city council, and he shall be paid such compensation for his services as may be provided by the city council. (1981 Code, sec. 13.2)

Sec. 1.03.033 Term of office

The city prosecutor shall serve for an indefinite term, and his services may be terminated at any time by the city council. (1981 Code, sec. 13.3)

Sec. 1.03.034 Duties

The duties and responsibilities of the city prosecutor shall be as follows:

- (1) To assist in the preparation of all complaints to be used in the municipal court.
- (2) To prosecute all cases in the municipal court.
- (3) To assist in the preparation of records for cases appealed from the municipal court.
- (4) To perform such other duties in connection with the operation of the municipal court as may be fixed by the city council.

(1981 Code, sec. 13.4)

Secs. 1.03.035–1.03.060 Reserved

Division 3. Fees, Costs and Special Expenses^{*5*}

Sec. 1.03.061 Building security fund

(a) Established. There shall be established a special fund to be known as the “municipal court building security fund.”

(b) Payment into fund.

- (1) Every defendant convicted for a misdemeanor offense in the municipal court of the city on or after October 11, 2007, shall be required to pay a building security fee as set forth in the fee schedule in [appendix A](#) of this code as a cost of court.
- (2) As used herein, a person is considered “convicted” if:
 - (A) Judgment, sentence, or both are imposed on the person;
 - (B) The person receives community supervision, including deferred adjudication community supervision; or

(C) The court defers final disposition or imposition of the judgment and sentence.

(c) Collection and administration.

(1) The court clerk shall collect the court costs as established herein and shall pay them to the municipal treasurer, or to any other official who discharges the duties commonly designated to the municipal treasurer, for deposit in a fund to be known as the municipal court building security fund.

(2) The municipal court building security fund shall be administered by or under the direction of the city council.

(d) Use of funds. The funds collected as set forth herein may be used only to finance those items as specified in V.T.C.A., Code of Criminal Procedure, article 102.017, when used for the purpose of providing building security enhancements for the municipal court.

(Ordinance 2007-006 adopted 10/11/07; Ordinance adopting 2021 Code)

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

Sec. 1.03.062 Technology fund

(a) Established. There shall be established a special fund to be known as the “municipal court technology fund.”

(b) Payment into fund.

(1) Every defendant convicted for a misdemeanor offense in the municipal court of the city on or after October 11, 2007, shall be required to pay a technology fee as set forth in the fee schedule in [appendix A](#) of this code as a cost of court.

(2) As used herein, a person is considered “convicted” if:

(A) Judgment, sentence, or both are imposed on the person;

(B) The person receives community supervision, including deferred adjudication community supervision; or

(C) The court defers final disposition or imposition of the judgment and sentence.

(c) Collection and administration.

(1) The court clerk shall collect the court costs as established herein and shall pay them to the municipal treasurer, or to any other official who discharges the duties commonly designated to the municipal treasurer, for deposit in a fund to be known as the municipal court technology fund.

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

(d) Use of funds. The funds collected as set forth herein may be used only to finance those items as specified in V.T.C.A., Code of Criminal Procedure, article 102.0172, when used for the purpose of providing technological enhancements for the municipal court.

(Ordinance 2007-007 adopted 10/11/07; Ordinance adopting 2021 Code)

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

CHAPTER 2

ADMINISTRATION AND PERSONNEL

ARTICLE 2.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 2.02 POLICE^{*1}

Division 1. Generally

Sec. 2.02.001 Arrest without warrant

(a) Authorized.

(1) A police officer of the city may arrest an offender, without a warrant, for any offense committed in his presence or within his view.

(2) A police officer of the city may arrest, without warrant, when a felony or breach of the peace has been committed in the presence or within the view of a magistrate, and such magistrate verbally orders the arrest of the offender.

(3) A police officer of the city may arrest, without warrant, persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten to or are about to commit some offense against the laws of the city or state.

(4) Where it is shown by satisfactory proof to a police officer of the city, upon the representation of a credible person, that a felony has been committed, and that the offender is about to escape, so that there is no time to procure a warrant, such officer may, without warrant, pursue and arrest the accused.

(b) Procedures.

(1) In all cases of the arrest of any person without a warrant, the policeman making the arrest shall bring that person forthwith before the municipal court, if in session, and if the court be not in session, the policeman shall commit such person to the county jail, there to be safely kept in custody until the court shall be in session, when such person shall be taken forthwith before the court and there to be tried according to law; provided that the chief of police, or any policeman duly authorized, may take good and sufficient bail from such offender for his appearance before the municipal court.

(2) It shall be the duty of every policeman to make arrests, without a warrant, when a state law or city ordinance has been violated in his presence; but in making such arrests, and in conveying the offender to the county jail, he shall use only such force as is necessary to effect his purpose.

(1981 Code, secs. 10.1, 16.1; Ordinance adopting 2021 Code)

State law reference—Authority to make arrest without warrant, Tex. Code Crim. Proc. art. 14.01 et seq.

Sec. 2.02.002 Courteous behavior required of officers

It shall be the duty of all policemen to treat all city officers, as well as other persons with whom they come in

contact in the discharge of their duties, in a courteous and respectful manner. (1981 Code, sec. 16.3)

Secs. 2.02.003–2.02.030 Reserved

Division 2. Police Reserve²

Sec. 2.02.031 Established

An auxiliary police force to be known as the police reserve is hereby established, such force to be separate and distinct from the police department. (1981 Code, sec. 16.4)

Sec. 2.02.032 Powers of chief of police

(a) The chief of police shall be the head of the police reserve and the members of the reserve shall be under the authority, control and command of the chief of police, subject to all of the provisions of the ordinances of the city and this division.

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

(1981 Code, sec. 16.5; Ordinance adopting 2021 Code)

Sec. 2.02.033 Composition

The police reserve force shall be composed of personnel who have volunteered to join the organization and whose applications for membership have been accepted and who have complied with all the rules, regulations and orders provided for the conduct and control of the members thereof. It shall be composed of not more than twenty (20) members. (1981 Code, sec. 16.6)

Sec. 2.02.034 Diminishing or expanding membership

The chief of police may by order diminish or expand the membership of the police reserve force as exigency may require, within the limit established by section 2.02.033. (1981 Code, sec. 16.7)

Sec. 2.02.035 Application for membership

Application for membership in the police reserve shall be filed with the police department. Such application shall be on a form prescribed by the chief of police. (1981 Code, sec. 16.8)

Sec. 2.02.036 Applicant's qualifications and references

Each applicant for membership in the police reserve shall furnish satisfactory proof of good character, temperate habits, freedom from communicable diseases and physical ability to perform the duties of the position for which he seeks appointment. (1981 Code, sec. 16.9)

Sec. 2.02.037 Oath

Every police reserve shall subscribe to an oath that he will observe and obey the Constitution of the United States, the constitution of this state, and the laws of this nation, this state and this city and that he will carry out the duties of a member of the police reserve force to the best of his ability. (1981 Code, sec. 16.10)

Sec. 2.02.038 Duties

The duties of the police reserve force, subject at all times to the direction, supervision and control of the chief of police, shall be to assist the regular members of the police department in the enforcement of law and

the maintenance of peace and order during the periods of emergency designated by the chief of police. The chief may prescribe other duties than those mentioned herein to be performed by the police reserve force, not inconsistent with the provisions of this division. (1981 Code, sec. 16.11)

Sec. 2.02.039 Power to arrest

A member of the police reserve force shall have the following powers of arrest and none other:

- (1) He may arrest only while on active duty.
- (2) He may arrest for a breach of the peace or a felony committed in his presence.
- (3) He may arrest a person who he knows as a fact has committed a felony even though it was not committed in his presence.
- (4) He may arrest when a felony has in fact been committed, when he has reasonable cause for believing the person arrested has committed it.
- (5) He may lend physical aid to any regular member of the police department in making any lawful arrest, when authorized by the chief of police or requested by any regular member of the police department.

(1981 Code, sec. 16.12)

Sec. 2.02.040 Entry upon private property

No member of the police reserve force shall break into or otherwise forcefully enter upon private property or enter the dwelling or habitation of another person without the consent of a member of the police department who then and there requests his aid in the enforcement of the law. (1981 Code, sec. 16.13)

Sec. 2.02.041 Termination of membership

(a) Membership of any person in the police reserve may be terminated by the chief of police at any time for any cause deemed sufficient by the chief of police, and any member may resign from the police reserve at any time, but it shall be his duty to notify the chief of his resignation.

(b) In addition to the penalties provided by law, any violation of law under color of the performance of his duty as a member of the police reserve force, and any breach of the rules and regulations established by the chief of police, shall subject any member to summary expulsion and the fact thereof may be published at the order of the chief.

(1981 Code, sec. 16.14)

ARTICLE 2.03 TAXATION

Division 1. Generally

Secs. 2.03.001–2.03.030 Reserved

Division 2. Sales and Use Tax^{*3}

Sec. 2.03.031 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 2021 Code)

CHAPTER 3

ANIMAL CONTROL

ARTICLE 3.01 GENERAL PROVISIONS^{*1}

Sec. 3.01.001 Animals running at large; vicious animals

(a) All dogs, livestock, fowl, or dangerous wild animals running astray within the city limits are declared a public nuisance.

(b) It is unlawful for any person, without regard to mental state, to suffer or permit any animal to run astray within the city limits.

(c) If any dog attacks or attempts to attack any other dog or other animal while such dog is at large, or chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a vicious dog and to have vicious propensities and tendencies.

(d) The police department of the city or animal control officer is authorized to impound any dog, livestock, fowl or dangerous animal running astray within the city limits. Such animal will be transported and held at an animal shelter. Fees due to the animal shelter shall be paid by owner of such animal. The officer is also authorized to issue a written warning to said owner of a large animal. On a second offense the owner may be assessed a fine of not less than \$50.00 or more than \$500.00 depending on the number and severity of the violation(s).

(e) In addition, if a dog or animal is judged to be a vicious animal or have vicious propensities and tendencies, or the owner, [sic] after monetary fines have been imposed, said animal(s) may be impounded at the owner's expense. Impoundment may not exceed more than five calendar days before being returned to the owner or being disposed of.

(Ordinance 2001-002 adopted 12/13/01; Ordinance 2001-002 adopted 4/12/07; Ordinance adopting 2021 Code)

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

Sec. 3.01.002 Dangerous wild animals

Dangerous wild animals, as defined in V.T.C.A., Health and Safety Code, section 822.101, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 822, subchapter E, section 822.101 et seq. (Ordinance adopting 2021 Code)

Sec. 3.01.003 Dangerous dogs

Dangerous dogs, as defined in V.T.C.A., Health and Safety Code, section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 822, subchapter D, section 822.041 et seq. (Ordinance adopting 2021 Code)

CHAPTER 4

BUILDING REGULATIONS

ARTICLE 4.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS^{*1}

Division 1. Generally

Sec. 4.02.001 Title, scope and purpose

(a) These provisions shall be known as the residential code for one- and two-family dwellings of the city, and shall be cited as such and will be referred to herein as “this code.”

(b) The provisions of the International Residential Code for one- and two-family dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

(c) The purpose of this code is to provide minimum requirements to safeguard life or limb, health and public welfare.

(Ordinance 2002-005 adopted --/02)

Sec. 4.02.002 Existing structures; repairs, additions and alterations

(a) The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the city for the general safety and welfare of the occupants and the public.

(b) Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(Ordinance 2002-005 adopted --/02)

Sec. 4.02.003 Liability

The secretary for the city, a member of the city council, or any other employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage occurring to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by a legal representative of the city until the final termination of the proceedings. The city officials or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code. (Ordinance 2002-005 adopted --/02)

Sec. 4.02.004 Permits

(a) Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the

code, or to cause such work to be done, shall first make application to the city and obtain the required permit.

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

(1) Building.

(A) One-story detached accessory structures, provided the floor space does not exceed 200 square feet (18.58 m²).

(B) Fences not over 6 feet (1829 mm) high.

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

(D) Water tanks supported directly above grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

(E) Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

(F) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(G) Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

(H) Swings and other playground equipment accessory to a one- or two-family dwelling.

(I) Window awnings supported by an exterior wall.

(2) Electrical work.

(A) Repairs and maintenance. A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(3) Gas work.

(A) Portable heating, cooking or clothes drying appliances.

(B) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(4) Mechanical work.

(A) Portable heating appliances.

(B) Portable ventilation appliances.

(C) Portable cooling units.

(D) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

(E) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(F) Portable evaporative coolers.

(G) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746w) or less.

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

(6) Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the city.

(7) Repairs. Application or notice to the city is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or loadbearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, nor shall ordinary repairs include [addition] to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(8) Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering, or other related equipment that is under the ownership and control of public service agencies by established right.

(c) Application for permit.

(1) To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the city for that purpose.

(2) Such application shall:

(A) Identify and describe the work to be covered by the permit for which application is made.

(B) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

(C) Indicate the use and occupancy for which the proposed work is intended.

(D) Be signed by the applicant, or the applicant's authorized agent.

(E) Give such other data and information as required by the application.

(d) Action on application. The city shall examine, or cause to be examined, applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the city shall reject such application in writing, stating the reasons thereof. If the city is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the city shall issue a permit therefor as soon as practicable.

(e) Time limit on application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the city official is authorized to grant one or more extensions of time for additional periods, not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(f) Suspension or revocation. The city is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(g) Placement of permit on work site. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

(Ordinance 2002-005 adopted --/02)

Sec. 4.02.005 Responsibility for compliance

It shall be the duty of every person who performs work for the installation or repair of buildings, structures, or electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code. (Ordinance 2002-005 adopted --/02)

Sec. 4.02.006 Fees

(a) Payment. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(b) Fee schedule. Fees are as set forth in the fee schedule in [appendix A](#) of this code.

(Ordinance 2002-005 adopted --/02; Ordinance adopting 2021 Code)

Sec. 4.02.007 Types and areas of inspections; connection to utilities

(a) Inspection and certification. All construction must be in compliance with the International Residential Code and must be endorsed and certified by a state and/or federal licensed crafts person(s) before building(s) may be occupied. Endorsement and certification areas are included on the permit application.

(b) Approval required prior to connection of utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the city.

(c) Temporary connection of utilities. The city shall have the authority to authorize and approve the temporary connection of the building or system to the utility source of energy, fuel or power.

(Ordinance 2002-005 adopted --/02)

Secs. 4.02.008–4.02.030 Reserved

Division 2. Technical Codes

Part I. In General

Sec. 4.02.031 Technical codes adopted

The city council hereby adopts the following technical codes, which are on file in the city secretary's office and are in effect in the city in their entirety:

- (1) The International Property Maintenance Code;
- (2) The Housing Code;
- (3) The International Building Code;
- (4) The International Residential Code;
- (5) The International Plumbing Code;
- (6) The International Mechanical Code;
- (7) The International Fuel Gas Code;
- (8) The National Electrical Code;
- (9) The Uniform Code for the Abatement of Dangerous Buildings, 1985 edition, as amended in this chapter.

(Ordinance 2011-002, sec. 20/71, adopted 6/9/11)

Secs. 4.02.032–4.02.060 Reserved

Part II. Residential Code

Sec. 4.02.061 Adopted

That certain document, copies of which are on file in the office of the city secretary, being marked and designated as the International Residential Code, including appendix chapters, as published by the International Code Council, is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three (3) stories in height in the city, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2000 edition, published by the International Code Council, on file in the office of the city, are hereby referred to, adopted and made a part hereof as if fully set out in this division. (Ordinance 2002-005, sec. 1, adopted --/02)

Sec. 4.02.062 Amendments

The following sections are hereby revised:

Section R101.1. Insert: City of Brownsboro, Texas.

Section R301.1. Insert: Modified to include commercial buildings.

(Ordinance 2002-005, sec. 2, adopted --/02)

ARTICLE 4.03 SUBSTANDARD AND DANGEROUS BUILDINGS^{*2}

Sec. 4.03.001 Definitions

For all purposes herein, certain terms, phrases, words and their derivatives shall be construed as specified in this code or as specified in the building code, as adopted and as amended. Where a conflict exists, the building code controls. Where terms are not defined, they shall have their ordinary accepted meanings within the context within which they are used. Merriam-Webster's Dictionary, Unabridged, copyright 1998, shall be considered as providing ordinary accepted meanings. Words in the singular include the feminine and the

feminine the masculine. Whenever the words “dwelling unit,” “premises,” and “structure” are used herein, they shall be construed as though they were followed by the words “or any part thereof.”

Accessory building or structure means a building or structure devoted to uses incidental and accessory to the main use and can be either attached or detached, such as an attached garage, storage area, carport, detached garage, shed, or outbuilding. An accessory building may only exist in conjunction with a primary structure except as otherwise provided in this article.

Appropriate authority means that person within the governmental structure of the city who is charged with the administration of the appropriate code.

Approved means authorized by the local or state authority having such administrative authority.

Ashes means the residue from the burning of combustible materials.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building code means the building code officially adopted by the city council, or other such codes officially designated by the city council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Dilapidated means no longer adequate for the purpose or use for which it was originally intended, or as otherwise defined in this chapter.

Dwelling means any enclosed space wholly or partly used or intended to be used for human habitation, living, sleeping, cooking, and eating and shall include any outhouse or appurtenance belonging thereto. Industrialized housing and modular construction which conform to nationally accepted industry standards, as defined by HUD, and used or intended for use for living, sleeping, cooking, and eating purposes, shall be classified as dwellings.

Dwelling unit means a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for human occupancy such as living, sleeping, cooking, and eating purposes.

Egress means an arrangement of exit facilities to assure a safe means of exit from buildings.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

Grade means the natural surface of the ground, or ground surface after completion of any change in contour.

Habitable room means a room or enclosed floor space within a dwelling used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundry rooms, pantries, foyers, closets, storage spaces or communication corridors.

Heating device means all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices capable of converting fuel to heat energy or of transferring heat from one ambient to another and approved by Underwriters' Laboratories, Inc., the American Gas Association or other nationally recognized testing laboratory.

Household means one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities.

HUD means the federal Department of Housing and Urban Development.

Let for occupancy means to permit possession or occupancy of a dwelling, dwelling unit, building or structure by a person who shall be legal owner or not be legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for

the sale of land.

Maintenance means repair and other acts to prevent a decline in the condition of ground, structures, and equipment such that the condition does not fall below the standards established by this code and other applicable statutes, codes and ordinances.

Multiple dwelling means any dwelling containing more than two dwelling units.

Occupant means any person living and/or sleeping in a dwelling unit or having possession of a space within a building.

Operating condition means free of leaks, safe, sanitary, and in good working order, in the manner intended.

Operator means any person who has charge, care, custody, control, or management of a building, or part thereof, in which dwelling units are let for occupancy.

Owner means any person who, alone, or jointly or severally with others:

- (1) Has legal title to any premises, dwelling or dwelling unit, with or without actual possession thereof; or
- (2) Has charge, care, custody or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. Where owners are siblings, relatives or family members, not individually identified on any legal document of record, after a due diligence search as provided herein, notice to one owner shall be deemed notice to all owners.

Person means any individual, corporation, organization, partnership, association, or any other legal entity.

Plumbing fixture means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises.

Premises means a platted lot or part thereof or unplatted lot or tract of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure or other structure thereon.

Properly connected means connected in accordance with all applicable codes and ordinances of the city; the alteration or replacement of any connection in good working order and not constituting a hazard to life and health.

Public nuisance means the following:

- (1) The physical condition or use of any premises regarded as a public nuisance at common law or as defined elsewhere in this code;
- (2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- (3) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure as to endanger life, limb or property;
- (4) Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered

ineffective, or the required precautions against unauthorized use or entry have not been provided;

(5) Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises;

(6) Is dangerous to the physical health or safety of an occupant or other person; or

(7) Because of violations of this chapter, the state of disrepair is such that it could reasonably cause injury, damage, or harm to a considerable portion of the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community, which condition would be substantially offensive and annoying to persons of ordinary sensibilities living in the community.

Public sewer means a sewer operated by a public authority or public utility and available for public use.

Rat harborage means any conditions or place where rats can live, nest, or seek shelter.

Refuse means a heterogeneous accumulation of worn-out, used, broken, rejected or worthless materials, including, but not limited to, garbage, rubbish, paper or litter and other decayable or nondecayable matter.

Rubbish means nonputrescible solid wastes (excluding ashes) consisting of either:

(1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or

(2) Noncombustible wastes such as tin cans or glass crockery.

Safety means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

Sanitary means any condition of good order and cleanliness that precludes the probability of disease transmission.

Structure means that which is built or constructed, an edifice, building, or fence of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

Uninhabitable, dangerous or substandard structure means any dwelling, dwelling unit, building or structure which has any or all of the defects and deficiencies as defined herein.

(Ordinance 2011-002, sec. 20/101, adopted 6/9/11)

Sec. 4.03.002 Penalties

(a) Criminal penalty.

(1) A person who violates a provision of this article, or who fails to perform an act required of him by this article, commits a misdemeanor offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(2) An offense under this article is punishable by a fine not to exceed \$2,000.00.

(3) Allegation and evidence of a culpable mental state is not required for an offense under this article.

(b) Civil penalty.

(1) The city may, in accordance with chapter 54, subtitle B, of the Texas Local Government Code, as amended, bring a civil action against a person violating a provision of this article relating to dangerously damaged or deteriorated structures or improvements or for conditions caused by accumulations of trash, garbage, refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(2) The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000.00 for each day or portion of a day during which the violation is committed, continued, or permitted by the owner or occupant of the property, as provided in this article.

(3) The city, by order of the city council, may assess and recover a civil penalty against a property owner, if the owner fails to take the requisite action as ordered by the city council, after a hearing on the matter. The civil penalty may not exceed \$1,000.00 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, an amount not to exceed \$10.00 a day for each violation, if the city proves:

(A) The property owner was notified of the requirements of this article and the owner's need to comply with requirements; and

(B) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.

(4) A determination by the city council which involves the establishment of an amount and duration of a civil penalty shall be final and binding and constitute prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with the established penalty.

(5) To enforce any civil penalty under this section, the city secretary must file in the district clerk's office in which the municipality and property is located, a certified copy of the order of the city council establishing the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

(c) Other available remedies. The city shall have all other available remedies at law and in equity to enforce the provisions of this article.

(d) Municipal court proceedings not affected. Action taken by the city under this article shall not affect the ability of the city to proceed under the jurisdiction of the city's municipal court.

(Ordinance 2011-002, sec. 20/102, adopted 6/9/11)

Sec. 4.03.003 Designation of official

All references to the duties of certain officials shall be to the official designated by the city who shall be the chief of police or code compliance officer of the city, and those he designates to act under his authority (collectively known as the "code compliance officer"). If he so desires, the mayor may designate an official to perform such duties as are assigned to devote such personnel under his direction to the extent necessary to accomplish enforcement of the provisions of this article. (Ordinance 2011-002, sec. 20/103, adopted 6/9/11)

Sec. 4.03.004 Intent

The city declares every substandard building or structure as herein defined to be a public nuisance and subject to repair, vacation, or demolition to abate such nuisance as herein provided in order to protect the health, safety and welfare of the occupants and the public health. (Ordinance 2011-002, sec. 20/104, adopted 6/9/11)

Sec. 4.03.005 Inspections; right of entry

(a) For the purpose of ascertaining whether violations of this article exist, the code compliance officer is authorized to inspect:

- (1) The exterior of a structure and premises which contain no structure; and
- (2) The interior of a structure, if permission of the owner, occupant, or person in control is given. If such entry is refused, the code compliance officer shall have every recourse provided by law, including, but not limited to, an administrative search warrant or an injunction to secure entry.

(b) If the structure is unoccupied and open for unauthorized entry or use, and/or the owner, occupant, or person in control cannot be identified or located, the code compliance officer may enter the property to the extent allowed by law.

(Ordinance 2011-002, sec. 20/105, adopted 6/9/11)

Sec. 4.03.006 Notice of violation

(a) Generally. Whenever the code compliance officer has inspected or caused to be inspected any structure or lot and has found and determined that such structure or lot is substandard, he may commence proceedings to cause repair, rehabilitation, vacation, or demolition of the structure or lot.

(b) Notice to abate. The code compliance officer shall issue a notice to abate a substandard structure or lot. The notice shall contain:

- (1) The street address or a legal description sufficient for identification of the premises upon which the structure is located;
- (2) A description of the violations that are present at the building;
- (3) A statement of that the city will vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time set out in this article;
- (4) A statement advising that a notice of hearing is forthcoming and a description of the hearing. The hearing shall provide the city council the means to consider or determine whether a structure or lot complies with the standards set forth herein and to consider or determine whether a structure or lot must be repaired or demolished, as set forth in the notice by the code compliance officer; and
- (5) Statements advising that if the owners of record are in full agreement with a demolition order, and if the owners are financially unable to abate such nuisance, then the owners of record may grant the city written permission to abate said nuisance, and in doing so shall grant the city a lien against the real property as described in this article.

(c) Notice of hearing. The code compliance officer shall give notice of a public hearing to all known owners, lienholders, or mortgagees for the city council to consider or determine whether a structure or lot complies with this article and to consider or determine whether a structure or lot must be repaired, secured or demolished. The notice shall be mailed and posted as provided herein, and published in the official newspaper of the city on one occasion, on or before the tenth day before the date of the hearing. The notice of hearing shall contain:

- (1) The name and address of the owner of the affected property, if known;
- (2) A legal description of the property, or as the physical address;
- (3) A description of the hearing;
- (4) The date, time, and place of the public hearing. This date shall be established not less than

ten days from the date of the notice;

(5) A statement advising that securing the required permits and physically commencing the required action shall be considered as intent to comply with the notice to abate, and that the hearing shall be temporarily postponed. Should abatement halt, or not progress at a rate determined to be reasonable by the code compliance officer, the hearing shall be recalled; and

(6) A statement that the owner, lienholder, or mortgagees will be 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) Service of notices and orders. The written notice of the notice to abate, the notice of hearing and any supplemental notices or orders shall be served upon the owner, lessor, lienholder, and mortgagees of record and occupant, if different than the owner of the structure or lot. Service of these notices and orders shall be upon all persons entitled thereto either personally or by mailing a copy of such notice by certified mail, return receipt requested, and an optional second copy by regular mail, to each such person at his address as it appears on the county tax rolls, or as discovered by due diligence, as defined by subsections (d)(1) through (6) of this section, and the notice shall be posted on the front door of each improvement situated on the affected property or as close to the front door as practical. The following of these procedures shall be prima facie evidence of notification. If a certified notice is returned as "refused" or "unclaimed," the validity of the notice is not affected, and the notice shall be deemed delivered. The city has satisfied the requirements of this section to make a diligent effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the city searches the following records:

- (1) County real property records of the county in which the building is located;
- (2) Appraisal district records of the appraisal district in which the building is located;
- (3) Records of the secretary of the state;
- (4) Assumed name records of the county in which the building is located;
- (5) City tax records; and
- (6) City utility records.

(e) Filing of notices and orders with county. A copy of the notice and any notices, or such orders as may be issued pursuant to these provisions, shall be filed with the county deed records in the county where the property is located. The notice must contain the 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 office of the county clerk, or upon a due diligence search as set forth herein, a legal description of the affected property, and a description of the proceeding. The filing of said notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of said notice, and constitutes notice of said hearing, on any subsequent recipient of any interest in the property who acquires such interest after the filing of said notice or filing of any said orders.

(Ordinance 2011-002, sec. 20/106, adopted 6/9/11)

Sec. 4.03.007 Public hearing by city council

(a) Conduct of hearing; issuance of order. During an officially convened meeting, the city council shall hold a public hearing on each case and shall hear such testimony as may be presented by any department of the city, the code compliance officer, or the owner, occupant, mortgagee or any other person having an interest in such building to determine whether a building complies with the standards of this article. The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to perform the work. After all testimony has been received, the public hearing shall be closed and the city council shall deliberate on the case in open session. The city

council shall make written findings of fact from testimony offered as to whether the building complies with the standards of this code.

(1) After the meeting, if a building is found in violation of standards set forth in this article, the city council may order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided herein. The city council also may order that the occupants be relocated within a reasonable time, at the cost of the owner, lienholders or mortgagees. The city council reserves the right to determine what a reasonable amount of time to perform the ordered work is or what a reasonable amount of time to relocate occupants is.

(2) The city council may require the owner, lienholder, or mortgagee of the building to, within 30 days:

(A) Secure the building from unauthorized entry or use; or

(B) Repair, remove, or demolish the building, unless the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days.

If the city council allows the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the city council shall establish specific schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in an approved manner from unauthorized entry while the work is being performed, as determined by the city council.

(3) The city council 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:

(A) Submits a detailed plan and time schedule for the work at the hearing; and

(B) Establishes at the hearing that the work cannot justifiably be completed within 90 days because of the scope and complexity of the work.

If the city council 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 city council shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the code compliance officer and to the city council to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of work. The order may require that the owner, lienholder, or mortgagee appear before the city council to demonstrate compliance with the time schedule.

(b) Requirements after meeting. After the meeting, the secretary for the city council shall, within ten days after the date the order is issued:

(1) File a copy of the order in the office of the city secretary;

(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; and

(3) Promptly mail by certified mail, return receipt requested, and optional second copy by regular mail, a copy of the order to the owner, any lienholders, and any mortgagees of the building, as determined by due diligence, as defined in this article.

(Ordinance 2011-002, sec. 20/107, adopted 6/9/11)

Sec. 4.03.008 Posting of placard on uninhabitable, dangerous buildings

(a) If the code compliance officer shall, upon inspection of any building within the city, find the same to be uninhabitable and dangerous, he shall place a placard on the uninhabitable and dangerous building reading as follows:

WARNING

This building has been found to be an UNINHABITABLE AND DANGEROUS STRUCTURE by the code compliance officer. This building is to be vacated immediately. This placard is to remain on the structure until it is repaired or demolished in accordance with the notice dated _____ which has been mailed to all known persons having an interest in this building or property as shown by the County Clerk of Henderson County. It is a violation of section 4.03.008(b), punishable by a fine up to \$2000.00, for anyone to remove this placard until such notice has been complied with.

Signed _____

Code Compliance Officer or Designee

(b) No person shall occupy any building posted with such placard nor shall any person deface, destroy or remove any such placard. It is a violation of this subsection, punishable by a fine up to \$2000.00, for anyone to remove this placard until such notice has been complied with.

(c) The placard shall be posted on the front door or as near to the front door as practicable on the uninhabitable and dangerous dwelling or a building to which it relates.

(d) When the placard has been posted, the owner or occupant of the uninhabitable and dangerous dwelling or a building shall render it secure from entry by unauthorized persons.

(e) The city shall send notice as required pursuant to section 4.03.006.

(Ordinance 2011-002, sec. 20/108, adopted 6/9/11)

Sec. 4.03.009 Authority to secure unoccupied, unsecured, substandard or open buildings and structures

(a) Purpose. The owner or person in control of an unoccupied structure shall ensure that the building is in such condition that an unauthorized person cannot enter the structure through missing or unlocked doors or windows or through other openings into the building. The city may secure unoccupied, unsecured structures, or structures occupied by persons who do not have the right of possession of the building. A lien may be filed on real property to assure the cost of securing the structure as set forth herein.

(b) Definitions.

(1) An unsecured structure is hereby defined to be any structure or building that currently has no occupant with the right of possession of the building and which has missing or unlocked doors or windows or other unsecured openings into the building through which unauthorized persons can enter. Any unoccupied, unsecured structure or building is hereby declared to be a danger to public health and safety and is hereby declared to be a public nuisance.

(2) An unoccupied structure is hereby defined to be any structure or building that appears

vacant or abandoned as evidenced by: no active utility account, absence of personalty, general conditions of neglect and any other substantiated evidence of vacancy or abandonment that may be presented by the code compliance officer.

(c) City may secure. The code compliance officer may secure a building that:

- (1) Violates the standards of this chapter; and
- (2) Is an unsecured structure.

This authority is in addition to that regarding substandard buildings.

(d) Notice.

(1) Before the 11th day after the date the building is secured, the code compliance officer shall give notice to the owner of record by:

- (A) Personally serving the owner with written notice;
- (B) Sending a copy of the notice by certified mail, return receipt requested, and an optional copy by regular mail, at the owner's post office or physical address;
- (C) Publishing the notice at least twice within a ten-day period in the city's official newspaper if personal service cannot be obtained and the owner's post office or physical address is unknown; or
- (D) Posting the notice on or near the front door of the building if personal service cannot be obtained or the owner's post office or physical address is unknown.

(2) The notice must contain the following:

- (A) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (B) A description of the violation of this chapter that is present at the building;
- (C) A statement that the city will secure or has secured, as the case may be, the building; and
- (D) An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing of the building.

(3) The city shall conduct a hearing before the city council at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within 30 days after the date the city secures the building, the owner files with the city secretary a written request for the hearing. The city shall conduct the hearing within 20 days after the date the request is filed.

(e) Method of securing. The securing of windows, doors, or any other opening allowing access to an unsecured, unoccupied structure shall be done with such material and in such a fashion as to effectively bar entrance to the structure, including, but not limited to, plywood, lumber, steel, replacement glass, nails, screws, and bolts. The use of cardboard, tar paper, window and door screens or any other material that will not effectively prevent entrance shall not be deemed sufficient in securing a structure.

(Ordinance 2011-002, sec. 20/109, adopted 6/9/11)

Sec. 4.03.010 Emergency cases

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless an uninhabitable and dangerous building is immediately repaired, vacated or demolished, the code compliance officer shall cause the immediate repair, vacation or demolition of such uninhabitable and dangerous building or dwelling. The costs of such emergency repair, vacation, demolition or other compliance shall be collected in the same manner as provided in [section 4.03.012](#). (Ordinance 2011-002, sec. 20/110, adopted 6/9/11)

Sec. 4.03.011 Remedies; failure to comply with notice or order

If, after the expiration of the time allotted under [section 4.03.007](#), the owner fails to satisfy any requirement or mandate set forth therein, the city may:

- (1) Proceed with the hearing, in the absence of the owner if the city sent the proper notices and performed the requisite due diligence to ascertain the owners, lienholders and mortgagees of the property;
- (2) Vacate, remove, secure or demolish, or cause to be vacated, removed, secured or demolished, the building and/or relocate the occupants at his own expense, should the owner fail to do so within the allotted time. The expense may be assessed as a lien against the property as allowed by law;
- (3) Repair or cause to be repaired the building only to the extent necessary to bring the structure into compliance with the minimum standards and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds the minimum standards, as defined by this code, and expenses may be assessed, as provided in [section 4.03.012](#); or
- (4) Assess a civil penalty against the property owner for failure to repair, remove, demolish, or secure the building, as provided in this article.

(Ordinance 2011-002, sec. 20/111, adopted 6/9/11)

Sec. 4.03.012 Collection of city's expenses; lien

(a) Generally. If the city does or causes to be done any work pursuant to a city council order, including, but not limited to, the abatement, repair, demolition, or securing of a structure or lot, or the abatement of any conditions caused by accumulation of refuse, vegetation or other matter, the city may proceed to secure payment for actual costs and as otherwise allowed by law. The code compliance officer shall keep an itemized account of any expenses incurred in abating, repairing, demolishing, or securing of a structure or lot or in abating any other condition on the property.

(b) Lien. The actual cost of abating, repairing, demolishing, or securing a structure or lot, or abating any other condition on the property, shall become due and payable upon the completion of the repairing, demolishing, or securing of the structure or other abatement procedure. The city may assess the expenses on and the city has a lien against the property on which the building was located. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county. The notice shall contain: the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the property on which the building was located, the amount of owner or other person having an interest the legal title to the property reimburses the city for the expenses [sic]. All such charges shall bear interest at the rate of ten percent per annum from the date the owner of the real property receives the aforementioned notice of demand for payment of such charges. The city may bring suit in a court of competent jurisdiction to foreclose its liens and collect all monies and fees due. The written statement of such charges, or a certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien.

(c) Homesteads. Real property protected by the state constitution as a homestead shall not be subject to assessment of liens resulting in expenses involved in the abatement, repair, or demolition or in securing a

structure or lot as described in the process of this article.

(Ordinance 2011-002, sec. 20/112, adopted 6/9/11)

ARTICLE 4.04 FLOOD DAMAGE PREVENTION^{*3}

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 2010-003, art. 1, adopted 5/13/10; Ordinance 2007-001-A, art. 1, adopted 11/21/16)

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 equaling 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.

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.

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.

Floodway. See “Regulatory floodway” [sic].

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 2010-003, art. 2, adopted 5/13/10; Ordinance 2007-001-A, art. 2, adopted 11/21/16)

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), Community Number 480325, dated April 5, 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 2010-003, art. 3, adopted 5/13/10; Ordinance 2007-001-A, art. 3, adopted 11/21/16)

Sec. 4.04.004 Administration

(a) Designation of floodplain administrator. The city building inspector 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 city council shall hear and render judgment on requests for variances from the requirements of this article.

(2) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

(3) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.

(4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 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 city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article ([section 4.04.001\(c\)](#)).

(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:

(A) The criteria outlined in subsections (d)(1) through (9) of this section are met; and

(B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 2010-003, art. 4, adopted 5/13/10; Ordinance 2007-001-A, art. 4, adopted 11/21/16; Ordinance adopting 2021 Code)

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 improvement 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 in accordance with the general penalty provided in [section 1.01.009](#) for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city council from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance 2010-003, art. 5, adopted 5/13/10; Ordinance 2007-001-A, art. 5, adopted 11/21/16; Ordinance adopting 2021 Code)

ARTICLE 4.05 SIGNS⁴

Sec. 4.05.001 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 Administrator as the national standard.

Off-premises outdoor advertising sign means a sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property on which the sign is located, also called a "billboard." The following shall not be considered an off-premises sign:

- (1) Directional or official signs authorized by law;
- (2) Real estate signs;
- (3) On-premises signs (a sign that advertises the primary goods or services sold or taking place upon the premises on which the sign is located).

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 2004-001, sec. I, adopted 2/12/04; Ordinance 2004-001 adopted 5/8/08)

Sec. 4.05.002 Penalty

Any person or entity that erects or places such an off-premises outdoor advertising sign following the passing of this article shall be found to be in violation of this article and shall be fined not less than \$100.00 and no more than \$200.00. The city may further pursue all relief, equitable and legal, to which it is entitled in a court of competent jurisdiction. (Ordinance 2004-001, sec. III, adopted 2/12/04)

Sec. 4.05.003 Prohibitions

(a) Off-premises signs in city limits. By the passing of this article [Ordinance 2004-001 adopted 2/12/04], the city is hereby prohibiting the erection or placement of an off-premises outdoors advertising sign on any street, highway, or access road within the city limits.

(b) Existing off-premises signs. Any off-premises outdoor advertising sign that is already in existence shall not be affected by the passing of this article. Any off-premises outdoor advertising sign in existence before the passing of this article [Ordinance 2004-001 adopted 2/12/04] may not be updated or renewed, and after the present lease period or rental period has expired, said lease shall not be renewed at any point thereafter.

(c) Prohibition of new off-premises signs in sign code application area. From and after the effective date [Ordinance 2004-001 adopted 5/8/08], no new construction permit shall be issued for erection of an off-premises sign, including but not limited to a new off-premises CEVMS or conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the sign code application area.

(d) Prohibition of changeable electronic variable message signs. From and after the effective date, no

CEVMS shall be allowed within the sign code application area.

(Ordinance 2004-001, sec. II, adopted 2/12/04; Ordinance 2004-001 adopted 5/8/08)

CHAPTER 5

BUSINESS REGULATIONS

ARTICLE 5.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 5.02 ALCOHOLIC BEVERAGES^{*1}

Sec. 5.02.001 Definitions

Alcoholic beverage means alcohol, or any beverage containing more than one-half percent (1/2%) alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted. (Section 1.04, Texas Alcoholic Beverage Code)

Distilled spirits is as defined by section 1.04, Texas Alcoholic Beverage Code.

Liquor means any alcoholic beverage containing alcohol in excess of four percent (4%) by weight. Proof that an alcoholic beverage is alcohol, spirits of wine, whiskey, liquor, wine, brandy, gin, ale, malt liquor, tequila, mescal or habanera is prima facie evidence that substance is liquor. (Section 1.04, Texas Alcoholic Beverage Code)

Permittee means a person who is the holder of a permit provided for in this article and code from the state.

(Ordinance 2010-001 adopted 4/8/10; Ordinance adopting 2021 Code)

Sec. 5.02.002 Violations

Violation of this article and/or the state code will be subject to the specific penalties as authorized by the state and the city, resulting in any or all the following: fines, forfeiture of permit(s), and possible confinement. (Ordinance 2010-001, sec. 6, adopted 4/8/10)

Sec. 5.02.003 Permitted uses

(a) The sale of alcoholic beverages for off-premises consumption shall only be permitted by neighborhood convenience centers that derive fifteen percent or more of its gross revenue from the sale of nonalcoholic products and products not subject to motor fuel tax.

(b) Beer and wine retail sales for off-premises consumption (no drive-through of alcohol sales) and prepackaged alcoholic beverage retail sales for off-premises consumption (no drive-through of alcohol sales) and holding an alcoholic beverage permit issued by the city secretary will be allowed to operate only in areas that are zoned commercial or zones designated by the city council.

(c) Beer and wine retail sales for off-premises consumption (drive-through of alcohol sales) and prepackaged alcoholic beverage retail sales for off-premises consumption (drive-through of alcohol sales) are not permitted in any district.

(d) The sale of alcoholic beverages for on-premises consumption shall only be permitted by restaurants or hotel/motels where such uses are permitted and which hold a food and beverage certificate and the

restaurant or hotel/motel's revenue from the sale of alcoholic beverages shall be less than fifty percent of its gross revenue.

(e) Beer, wine and mixed beverage sales for on-premises consumption will be allowed to operate only in areas that are zoned commercial/business zones.

(f) Any business, existing or new, that desires to sell any alcoholic beverage within the city limits must obtain an alcoholic beverage permit issued by the city.

(Ordinance 2010-001a, sec. 1, adopted 10/10/13)

Sec. 5.02.004 Sale near school, church or hospital

(a) It shall be unlawful for any dealer to sell alcoholic beverages for off-premises consumption from or at a place of business within the city within 300 feet of a church, public or private school or hospital.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door and in a direct line across intersections.

(c) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the place of business to the property line of the school and in a direct line across intersections.

(Ordinance 2010-001a, sec. 2, adopted 10/10/13; Ordinance adopting 2021 Code)

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

Sec. 5.02.005 Sale near day-care center or child-care facility

(a) It shall be unlawful for any holder of a wine and beer retailer's permit, mixed beverage permit, retail dealer's on-premises license or brew pub license who does not hold a food and beverage certificate to sell alcoholic beverages from or at a place of business within the city within 300 feet of a day-care or child-care facility.

(b) This section does not apply to a foster group home, foster family home, family home, agency group home or agency home.

(c) The measurement of the distance between the place of business where alcoholic beverages are sold and the day-care center or child-care facility shall be in a direct line from the property line of the day-care center or child-care facility to the property line of the place of business and in a direct line across intersections.

(Ordinance 2010-001a, sec. 3, adopted 10/10/13; Ordinance adopting 2021 Code)

State law reference—Sale near day-care center or child-care facility, V.T.C.A., Alcoholic Beverage Code, sec. 109.331.

Sec. 5.02.006 Variances from distance requirements

The city council may allow variances to the above-mentioned distance regulations as permitted by state law if the city council determines that the enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines it is in the best interest of the community. Applications for variances shall be made to the city secretary and an application fee as set forth in the fee schedule in [appendix A](#) of this code shall be paid concurrently with the application. (Ordinance 2010-001a, sec. 4, adopted 10/10/13; Ordinance adopting 2021 Code)

Sec. 5.02.007 Sale prohibited in residential areas

It shall be unlawful for any person or dealer to sell alcoholic beverages on residential lots, tracts, or parcels of land zoned as residential within the city. (Ordinance 2010-001a, sec. 5, adopted 10/10/13)

Sec. 5.02.008 Signage

(a) No person may erect or maintain a billboard, electric sign, or any outdoor advertising in violation of any ordinance of the city or this article.

(b) No person shall erect or maintain a billboard, electric sign, or any outdoor advertising for the sale or consumption of an alcoholic beverage within the city limits.

(c) No person shall erect, post or display any signs for the sale or consumption of alcoholic beverages or other forms of advertisement inside the alcoholic beverage establishment if same can be viewed from a public street.

(Ordinance 2010-001a, sec. 7, adopted 10/10/13)

State law reference—Permissible outdoor advertising, V.T.C.A., Alcoholic Beverage Code, sec. 108.52.

Sec. 5.02.009 Local license and permit fees; application processing fee

(a) Annual fee for on-premises consumption. For on-premises consumption, the city hereby levies an annual fee in the sum set forth in the fee schedule in [appendix A](#) of this code, as authorized by the Texas Alcoholic Beverage Code, except a temporary or agent's beer license issued for premises locations within the corporate limits of the city.

(b) Annual fee for off-premises consumption. For off-premises consumption, the city hereby levies an annual fee in the sum set forth in the fee schedule in [appendix A](#) of this code, as authorized by the Texas Alcoholic Beverage Code, except a temporary or agent's beer license issued for premises locations within the corporate limits of the city.

(c) Administrative processing fee for new applications. There is hereby levied an administrative processing fee as set forth in the fee schedule in [appendix A](#) of this code for acceptance, review and verification of all new applications.

(d) Payment; receipt. All payments shall be made to the city along with the submission of the application. The city shall issue a receipt for display with the state license or permit on the licensed or permitted premises.

(Ordinance 2010-001a, sec. 8, adopted 10/10/13; Ordinance adopting 2021 Code)

State law references—Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code, sec. 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code, sec. 61.36.

Sec. 5.02.010 Times for permitted sales

Sales will be permitted by convenience stores, grocery stores, and liquor stores located in authorized zone(s) as determined by the city council. The current business zone is Highway 31, east and west, within the city limits.

(1) Convenience stores and/or grocery stores:

(A) Monday through Friday: 7:00 a.m. to 12:00 p.m. midnight.

(B) Saturday: 7:00 a.m. to 1:00 a.m. (Sunday).

(C) Sunday: 12:00 noon to 12:00 p.m. midnight.

(2) Liquor store(s):

(A) Monday through Saturday: 10:00 a.m. to 9:00 p.m.

(B) Liquor stores are prohibited from selling liquor on New Year's Day and Christmas Day. If New Year's Day or Christmas Day falls on a Sunday, then the prohibition applies to the following Monday.

(Ordinance 2010-001, sec. 5, adopted 4/8/10)

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

Sec. 5.02.011 Consumption of alcoholic beverage or possession of open container in public park or near school

(a) A person commits an offense if the person possesses an open container or consumes an alcoholic beverage in a public park.

(b) A person commits an offense if the person possesses an open container or consumes an alcoholic beverage on a public street, public alley, public sidewalk or public park and is within 1,000 feet of the property line of a facility that is a public or private school including a parochial school that provides all or any part of pre-kindergarten through twelfth grade.

(c) This section does not apply to the possession of an open container or the consumption at an event duly authorized by the city council and held in compliance with all applicable provisions of this article.

(d) The definitions in this article shall apply for purposes of this section.

(Ordinance 2010-001a, sec. 6, adopted 10/10/13)

State law reference—Consumption of alcoholic beverages near schools, V.T.C.A., Alcoholic Beverage Code, sec. 101.75.

ARTICLE 5.03 GARAGE SALES AND ESTATE SALES

Sec. 5.03.001 Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Estate sale. The offering for sale of personal property belonging to the estate of persons disposing of the estate on the premises where the sale is being conducted.

Garage sale. The offering for sale of personal property belonging to the person or persons residing on the premises where the sale is being conducted. Such personal property must not have been purchased for resale.

(Ordinance 2001-001, sec. A, adopted 10/11/07; Ordinance 2001-001, sec. A, adopted 8/13/09)

Sec. 5.03.002 Penalty

Any violation(s) of the limitations in this article may result in the owner and/or resident being issued a fine of not less than \$25.00 nor more than \$200.00. (Ordinance 2001-001, sec. E, adopted 10/11/07; Ordinance 2001-001, sec. E, adopted 8/13/09)

Sec. 5.03.003 Time and length of sale; limit on number of sales

- (a) Limit on number of sales. Garage sales may be held by the same persons or household no more than three (3) times per year, being January 1st to December 31st of a given year.
- (b) Time and length of sale. Garage sales may proceed for no more than four (4) consecutive days between the hours of sunrise and sunset.
- (c) Rain check policy. If a sale has to be canceled due to inclement weather, the city must be notified on the next business day in order to reschedule the sale. If notice is not given to the city on the next business day the sale will be charged to annual limit of garage sales allowed.

(Ordinance 2001-001, sec. B, adopted 10/11/07; Ordinance 2001-001, sec. B, adopted 8/13/09)

Sec. 5.03.004 Conduct of sale

Sales shall conducted in such a manner so as not to cause or create a disturbance or nuisance in the neighborhood. (Ordinance 2001-001, sec. C, adopted 10/11/07; Ordinance 2001-001, sec. C, adopted 8/13/09)

Sec. 5.03.005 Permit required; signs

- (a) No garage sale shall be conducted without a written permit from the city. There is no fee for the permit.
- (b) Permit numbers shall be on each garage sale sign.
- (c) To reduce the proliferation of signs, provide a mechanism for the code compliance [officer] to easily identify permitted garage sales, and regulate the number of garage sales conducted each year, the city shall require the use of signs from the city, which shall be considered a permit, to include the address of the garage sale and date(s) such sale is to be conducted, written in permanent marker.
- (d) Garage sale signs must be posted on private property only, with permission from the property owner. Signs shall not be posted on utility poles, street rights-of-way, or any public property.
- (e) Garage sale signs must not be posted more than 24 hours before the first day of the sale, and must be removed within three (3) days after the last day of the sale.
- (f) Garage sale signs shall not cause undue traffic congestion.
- (g) It shall be the duty of the persons conducting the garage sale to remove all accessories to the sale after its completion and restore the premises to the state and condition that existed prior to the sale.
- (h) Garage sale permits may be obtained from 7:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. Monday through Friday only.

(Ordinance 2001-001, sec. D, adopted 10/11/07; Ordinance 2001-001, sec. D, adopted 8/13/09)

ARTICLE 5.04 PEDDLERS, SOLICITORS AND ITINERANT VENDORS²

Sec. 5.04.001 Definitions

The following words and phrases shall have the meanings respectively ascribed to them in this section:

Charitable purpose means philanthropic or other nonprofit objectives, including the benefit of poor, needy, sick or handicapped persons; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization; or the benefit of any educational institution.

Political purpose means any form of communication related to a political issue, a particular candidate to a position or non-partisan office, or a political committee, as defined by state law, or to a political party.

Religious purpose means the use of money or property for the support of a church, religious society or other religious sect or order.

Solicitation means engaging in or attempting to engage in home solicitation transactions. This term does not include solicitation or fund-raising of any sort by a political, religious or charitable institution or group, unless indicated otherwise.

(Ordinance adopted 4/12/07, sec. 15.1; Ordinance adopted 11/8/12, sec. 15.1)

Sec. 5.04.002 Penalty

Any person violating any of the provisions of this article shall be subject to a fine in accordance with the general penalty provided in [section 1.01.009](#) upon conviction in the municipal court, and each and every violation of this article shall constitute a separate offense. (Ordinance adopted 4/12/07, sec. 15.13; Ordinance adopted 11/8/12, sec. 15.13; Ordinance adopting 2021 Code)

Sec. 5.04.003 Exemptions

(a) The provisions of this article shall not apply to commercial agents or drummers dealing with local business establishments in the usual course of business.

(b) The provisions of this article shall not apply to insurance salesmen, real estate salesmen and others licensed by the state.

(Ordinance adopted 4/12/07, sec. 15.14; Ordinance adopted 11/8/12, sec. 15.14)

Sec. 5.04.004 Permit required

It shall be unlawful for any person to peddle, hawk, sell, solicit or take orders for, or offer to take orders for any services, wares, merchandise or goods, including magazines and photographs, on the streets and sidewalks, or from door to door, within the city, without having first obtained a permit therefor from the city. This includes roadside vendors of fruits and produce, and/or firewood or any other products for sale of profit. (Ordinance adopted 4/12/07, sec. 15.2; Ordinance adopted 11/8/12, sec. 15.2)

Sec. 5.04.005 Application for permit

Each application for a permit required by this article shall be in writing under oath and shall set out the following:

- (1) Name and date of birth of the applicant, with his permanent address.
- (2) Name and address of the firm or persons he represents.
- (3) The kind, type and character of goods or services he proposes to offer for sale.
- (4) Name and addresses of five persons as references.
- (5) How often the applicant will solicit during the year.
- (6) The names of the cities where the applicant has worked within the previous thirty (30) days.
- (7) Whether or not the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude.
- (8) The applicant must provide a photo I.D.

(Ordinance adopted 4/12/07, sec. 15.3; Ordinance adopted 11/8/12, sec. 15.3)

Sec. 5.04.006 Fees

(a) Investigation fee. A fee as set forth in the fee schedule in [appendix A](#) of this code shall be charged for investigation, which shall not be prorated and shall be paid at the time application is made and shall not be returned to the applicant regardless of whether a permit is issued or denied.

(b) Permit fee. If issued, a fee as set forth in the fee schedule in [appendix A](#) will be assessed for the permit.

(Ordinance adopted 4/12/07, sec. 15.4; Ordinance adopted 11/8/12, sec. 15.4; Ordinance adopting 2021 Code)

Sec. 5.04.007 Investigation of applicant

It shall be the duty of the city police department to investigate each applicant and make a report thereon to the city secretary before issuance of a permit. (Ordinance adopted 4/12/07, sec. 15.5; Ordinance adopted 11/8/12, sec. 15.5)

Sec. 5.04.008 Issuance of permit

It shall be the duty of the city secretary to issue or refuse to issue such permit not earlier than two (2) days and not later than two (2) weeks from the time the application therefor is received by the city secretary. (Ordinance adopted 4/12/07, sec. 15.6; Ordinance adopted 11/8/12, sec. 15.6)

Sec. 5.04.009 Revocation of permit

If, after the permit required by this article has been issued, the city secretary or other official of the city finds that the permit was obtained by false representation in the application, it may be revoked. (Ordinance adopted 4/12/07, sec. 15.7; Ordinance adopted 11/8/12, sec. 15.7)

Sec. 5.04.010 Appeals

If the city secretary refuses to issue the permit required by this article, the applicant shall have the right to appeal to the city council at its next regular meeting. (Ordinance adopted 4/12/07, sec. 15.8; Ordinance adopted 11/8/12, sec. 15.8)

Sec. 5.04.011 Permit to be carried on person

It shall be unlawful for any person to sell or solicit in the city without carrying the permit required by this article on his person while engaged in such soliciting or selling. Such permit shall be personal to the applicant and shall not be reproduced, assigned, or transferred to any other person. Any such attempted transfer or reproduction shall render the permit void. (Ordinance adopted 4/12/07, sec. 15.9; Ordinance adopted 11/8/12, sec. 15.9)

Sec. 5.04.012 Permit may be waived for certain groups

Permits can be waived for a bona fide political, religious or charitable institution or group at the discretion of the city secretary. (Ordinance adopted 4/12/07, sec. 15.10; Ordinance adopted 11/8/12, sec. 15.10)

Sec. 5.04.013 Solicitation hours

Solicitors shall conduct solicitation activities only on Monday through Saturday. Solicitors shall not conduct solicitation activities (i) before 9:00 a.m. or (ii) after 6:00 p.m. or sunset on any day, whichever is earlier. "Sunset" means the time of day identified by the National Weather Service as the time for sunset on that day in the town. No solicitation, including solicitation by any institution or group organized for a political, religious or charitable purpose, or individuals engaging in such activities on behalf of any such institution or group, shall be permitted between sunset and 9:00 a.m. the following day. (Ordinance adopted 4/12/07, sec. 15.11; Ordinance adopted 11/8/12, sec. 15.11; Ordinance adopting 2021 Code)

Sec. 5.04.014 Soliciting on posted premises

All solicitation, including solicitation or fundraising activities by any institution or group organized for a political, religious or charitable purpose, or individuals engaging in such activities on behalf of any such institution or group, is strictly prohibited on premises with a posted notice indicating that any or all solicitors are not welcome or invited onto the premises. (Ordinance adopted 4/12/07, sec. 15.12; Ordinance adopted 11/8/12, sec. 15.12)

ARTICLE 5.05 MOTOR VEHICLE WRECKING YARDS³

Sec. 5.05.001 Definition

Motor vehicle wrecking yard means any lot or premises upon which used or wrecked motor vehicles are dismantled for the purpose of obtaining parts therefrom or where wrecked motor vehicles, bodies, parts or equipment are stored or kept. (1981 Code, sec. 5.12)

Sec. 5.05.002 General standards

It shall be unlawful for any person to establish, operate or maintain, or cause to be established, operated or maintained, any motor vehicle wrecking yard or business unless the same shall provide and conform to the following minimum standards and requirements:

- (1) No building shall be located closer to the street right-of-way than is permitted by state law and/or zoning regulations of the city.
- (2) No motor vehicle body, frame, part or accessory shall be displayed within the front yard or side yard setback area.
- (3) The owner or operator of each motor vehicle wrecking yard shall enclose the entire area back of the front yard and side yard setback area with a solid fence of wood or masonry construction of a height of eight (8) feet. Such fence shall be constructed along the property line and along the building setback line on each motor vehicle wrecking yard.
- (4) No motor vehicle bodies, frames, parts or accessories shall be stacked or permitted to exceed a height of seven (7) feet at any location on the lot or premises used for a motor vehicle wrecking yard except inside of a building or structure with four walls and a roof.

(1981 Code, sec. 5.13)

Sec. 5.05.003 Signs

Each sign located upon a motor vehicle wrecking yard lot or premises shall comply with the sign regulations of the city. (1981 Code, sec. 5.14)

Sec. 5.05.004 Compliance with applicable regulations

Each motor vehicle wrecking yard shall comply with this code and other applicable ordinances of the city. (1981 Code, sec. 5.15)

Sec. 5.05.005 Compliance by yards existing on September 1, 1981

(a) Each motor vehicle wrecking yard or business existing in the city on September 1, 1981 shall reduce the height of all motor vehicle bodies, frames and accessories not enclosed within a building within ninety (90) days from such date on all property being used as a motor vehicle wrecking yard within one hundred (100) feet of any adjoining property zoned a dwelling district use under the zoning regulations.

(b) Each existing motor vehicle wrecking yard shall construct the fence required by this article within one year from September 1, 1981. All property not fenced within one year as required by this section shall be

deemed to be abandoned as a motor vehicle wrecking yard use.

(c) Each motor vehicle wrecking yard or business existing in the city on September 1, 1981 shall conform to all of the standards and requirements set forth in this article within one year from such date.

(1981 Code, sec. 5.16)

CHAPTER 6

FIRE PREVENTION AND PROTECTION

ARTICLE 6.01 GENERAL PROVISIONS^{*1}

Sec. 6.01.001 Mobile service units for dispensing motor fuel

(a) Restrictions. It shall be unlawful for any person within the corporate limits of the city to dispense from any mobile service unit, vehicle tank truck, or other mobile device any flammable liquid used as motor fuel, as an act of retail sale, into the fuel tank of any motor vehicle parked on any off-street parking facility or into the fuel tank of any motor vehicle parked on any public street.

(b) Penalty. Every violation of this section shall constitute a misdemeanor, and upon conviction shall be punishable by a fine in accordance with the general penalty provided in [section 1.01.009](#).

(1981 Code, sec. 11.2; Ordinance adopting 2021 Code)

State law reference—Flammable liquids, V.T.C.A., Health and Safety Code, ch. 753.

ARTICLE 6.02 FIRE MARSHAL

Sec. 6.02.001 Duty to investigate fires

The fire marshal shall investigate the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. (1981 Code, sec. 11.3)

Sec. 6.02.002 Taking of testimony; administration of oaths

(a) The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing.

(b) The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

(1981 Code, sec. 11.4)

Sec. 6.02.003 Authority to summon witnesses and require production of documents

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is, by the provisions of this article, a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. (1981 Code, sec. 11.5)

Sec. 6.02.004 Investigations may be private; sequestering witnesses

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. (1981 Code, sec. 11.6)

Sec. 6.02.005 Duty when evidence indicates crime in connection with fire

If the fire marshal is of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with any fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case. (1981 Code, sec. 11.7)

Sec. 6.02.006 Misconduct of witnesses

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter under investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation, shall be deemed guilty of a misdemeanor, and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted. (1981 Code, sec. 11.8)

Sec. 6.02.007 Right of entry on premises where fire has occurred

The fire marshal shall have the authority at all times of day or night, when necessary in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion. (1981 Code, sec. 11.10)

Sec. 6.02.008 Records of fires

The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article. (1981 Code, sec. 11.11)

Sec. 6.02.009 Inspections for fire hazards; removal or repair of dangerous conditions

The fire marshal, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, monthly or more often, to enter upon and make, or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of such building or premises. If such owner or occupant deems himself aggrieved by such order, he may, within five (5) days, appeal to the city mayor, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant. Any owner or

occupant who fails or refuses to comply with such order shall be deemed guilty of a misdemeanor. Every day's maintenance of any of the conditions covered by such order shall be a distinct and separate offense. (1981 Code, sec. 11.9)

ARTICLE 6.03 OPEN BURNING²

Sec. 6.03.001 Actions prohibited

(a) Burn bans. During periods of time in which the county institutes a total burn ban for the entire county, the city prohibits any outdoor burning, and it shall be unlawful for any person to cause, suffer, allow, or permit any outdoor burning in the city for the duration of the burn ban, except as provided in subsection (b)(2) of this section.

(b) Actions prohibited.

(1) A person violates this article if he burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.

(2) The following exceptions to subsection (a) and subsection (b)(1) of this section will apply:

(A) Burning may be conducted for the purpose of noncommercial cooking or heating in a device designed for such a purpose by the manufacturer, which [is designed] to contain all flames and/or sparks.

(B) Burning may be permitted in a manner approved by the fire chief, provided a firefighter is present if required by the fire chief and provided that the proposed outdoor burning meets all requirements for a specific exception to the prohibition on outdoor burning as allowed by chapter 111, title 30, Texas Administrative Code, as amended from time to time.

(Ordinance 2011-003, sec. 2, adopted 8/11/11)

Sec. 6.03.002 Noxious or offensive smoke

It shall be unlawful for any person within the city limits, in any way, to intentionally, negligently, recklessly, or carelessly burn or cause to be burned any combustible which causes noxious smoke or smoke of a significant quantity or quality to be released so as to inhibit the use and enjoyment of neighboring properties. Burning in violation of this section is hereby declared a nuisance and is hereby prohibited. (Ordinance 2011-003, sec. 3, adopted 8/11/11)

Sec. 6.03.003 Enforcement; penalty

The civil [and] criminal provisions of this article shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this article to interfere with a firefighter in the performance of his or her duties. As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire. If, in the opinion of the officer on the scene and/or the fire chief, the goal of prohibitions established by this article [sic], the officer may, at his discretion, notify the party about the provisions of this article and request compliance with it. In such instances, an entry of this notification shall be made in his log, and notice containing the date, time, and place of the warning shall be forwarded to the office of the city judge. At the discretion of the officer and/or fire chief, second or flagrant violations of this article may be prosecuted as a misdemeanor offense punishable by a fine in accordance with the general penalty provided in [section 1.01.009](#). (Ordinance 2011-003, sec. 4, adopted 8/11/11; Ordinance adopting 2021 Code)

HEALTH AND SANITATION

ARTICLE 7.01 GENERAL PROVISIONS^{*1}

Sec. 7.01.001 Definitions

City health officer. The city health officer or his authorized agent. (1981 Code, sec. 14.1)

ARTICLE 7.02 AMBULANCES^{†2}

Sec. 7.02.001 Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Emergency call. All calls and requests for ambulance service arising from a traffic accident on the streets of the city [or] on account of circumstances which are or are represented to be such as come within the general definition of the term “emergency,” whether such call be transmitted by a private individual by telephone or in person or whether such call be transmitted by radio or otherwise.

Motor vehicle. Every vehicle that is self-propelled.

Owner. Any person who holds the legal title of a motor vehicle, or has a legal right of possession thereof by the legal right of control of such vehicle.

Solicitor. Any person attending the scene of any traffic accident or motor vehicle collision on the streets of the city who solicits or attempts to solicit in any manner the business of transporting injured persons by ambulance.

Street. Any street, alley, avenue, lane, public property, square or highway within the city.

Vehicle. Every device in or by which any person or property may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(1981 Code, sec. 2.1)

Sec. 7.02.002 Emergency calls generally

It shall be unlawful for any person to drive or operate any ambulance on the streets of the city as an emergency vehicle, as such term is defined by the laws of the state, without first calling the police department of the city, and notifying the police department of the nature of the emergency run, the streets upon which such run is to be made and the location or address to which the emergency run is to be made, and first securing clearance from the police dispatcher to make the emergency run. The police dispatcher will authorize the first ambulance operator who calls to make an emergency run to a particular location and shall inform all subsequent persons who request clearance to make an emergency run to the same location or address that an emergency run is already being made to such location or address by another ambulance, except in cases where additional ambulances are needed. It shall be unlawful for an ambulance driver or operator to make an emergency ambulance run on the public streets of the city after being advised that another ambulance is already in the process of making an emergency run to a particular location or address. The provisions of this section shall not apply to an ambulance on an emergency run which originated from outside the city. (1981 Code, sec. 2.2)

Sec. 7.02.003 Emergency calls to traffic accidents

It shall be unlawful for any person to drive or operate any ambulance on the streets of the city on any

emergency call arising from a traffic accident on the streets of the city without first having called the city police department and having received permission from the police dispatcher to make the emergency call. The police dispatcher shall authorize the first ambulance operator who calls, [and] reports an emergency call, to make the call and shall inform all subsequent persons who report the call that the emergency call is already being made by the one who has called first, except in cases where additional ambulances are needed, in which case he shall authorize the making of such calls by such other ambulances as are needed. (1981 Code, sec. 2.3)

Sec. 7.02.004 Following police cars or other ambulances prohibited

It shall be unlawful for any person offering ambulance service to follow any police car which is traveling in response to a report of a motor vehicle collision or a traffic accident on the streets of the city or to follow any ambulance to or near the scene of a traffic accident or motor vehicle collision on the streets of the city. (1981 Code, sec. 2.4)

Sec. 7.02.005 Soliciting business at scene of traffic accident prohibited

No person offering ambulance service shall in any manner solicit on the streets of the city the business of transporting injured persons from the scene of a motor vehicle collision or traffic accident on the streets of the city. (1981 Code, sec. 2.5)

Sec. 7.02.006 Intercepting and using police department radio communications

No person in the business of furnishing ambulance service in the city, not being authorized by the sender of any radio message over the city police radio station, shall intercept any communication concerning traffic accidents on the streets of the city and divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication. No person, not being entitled thereto, shall receive or assist in receiving any such message emanating through the medium of the city police for his own benefit or for the benefit of another person in the business of furnishing ambulance service. (1981 Code, sec. 2.6)

Sec. 7.02.007 Authority of city to contract for services; billing for services

(a) The city is hereby authorized to enter into a contract with private companies for the furnishing of emergency ambulance service within the city.

(b) The city is hereby authorized to collect such bills and charges for the use of emergency ambulance service as may hereafter accrue to the city.

(c) The city treasurer is hereby authorized to bill users of emergency ambulance service, including the parents or guardians of minors which may use the service in the city, and to receive payments made to him by the users of emergency ambulance service or contractors operating such service by contract with the city.

(d) The city attorney is hereby authorized to institute civil action at law for the collection of emergency ambulance service bills and charges.

(e) Any person, including the parent or guardian of a minor, knowingly using the services of an emergency ambulance owned or operated by a person pursuant to contract with the city shall be liable to the city's contractor for the amount of charges specified in the contract between the city and such emergency ambulance contractor.

(1981 Code, sec. 2.7)

ARTICLE 7.03 UNSANITARY OR UNSIGHTLY CONDITIONS ON PRIVATE PROPERTY^{*3}

Sec. 7.03.001 Stagnant water

(a) It shall be unlawful for any person who shall own or occupy any lot in the city to permit or allow holes

or places on such lot where water may accumulate and become stagnant, or to permit same to remain thereon.

(b) It shall be unlawful for any person who shall own or occupy any lot in the city to permit or allow the accumulation of stagnant water thereon, or to permit the same to remain thereon.

(1981 Code, sec. 10.9)

Sec. 7.03.002 Accumulations of trash, down timber, etc.

It shall be unlawful for any person who shall own or occupy any house, building, establishment, lot or yard in the city to permit or allow any down timber or brush, tin cans, old clothes, sacks, or any trash or rubbish, carrion, filth or other impure or unwholesome matter to accumulate or remain thereon. (1981 Code, sec. 10.10)

Sec. 7.03.003 Weeds, brush and tall grasses

It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the city, to permit weeds, Johnson grass, brush or any objectionable or unsightly matter to grow to a greater height than twelve (12) inches upon any such real property within one hundred fifty (150) feet of any property line which abuts street rights-of-way, alleys, utility easements, subdivided additions, developed property or any buildings or other structures. (1981 Code, sec. 14.9)

Sec. 7.03.004 Maintenance of area between property line and curb line

It shall be the duty of any person to keep the area from the line of his property to the curb line next adjacent to it, if there be a curb line, and if not, then within ten (10) feet outside that property line, free and clear of the matter referred to in section 7.04.001. All vegetation not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement but shall be kept mowed. (1981 Code, sec. 14.10)

Sec. 7.03.005 Additional authority to abate dangerous weeds

(a) The city may abate, without notice, weeds that have grown higher than forty-eight (48) inches and are an immediate danger to the health, life, or safety of any person.

(b) Not later than the 10th day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 342.006 of the Health and Safety Code.

(c) The notice shall contain:

- (1) Identification, which is not required to be a legal description, of the property;
- (2) A description of the violations of this article that occurred on the property;
- (3) A statement that the city abated the weeds; and
- (4) An explanation of the property owner's right to request an administrative hearing related to the city's abatement of the weeds.

(d) The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.

(e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written

information relating to the city's abatement of the weeds.

(f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 342.007 of the Health and Safety Code. A lien created under this section is subject to the same conditions as a lien created under section 342.007 of the Health and Safety Code.

(g) The authority granted a city by this section is in addition to the authority granted by Health and Safety Code, section 342.006.

(Ordinance adopting 2021 Code)

State law reference—Additional authority to abate dangerous weeds without notice, V.T.C.A., Health and Safety Code, sec. 342.008.

Sec. 7.03.006 Notice to remove or remedy condition

(a) Whenever any condition described in this article is found to exist upon any lot or premises in the city, the mayor, the health officer or the city administrator shall notify the owner of such lot or premises to remove or remedy the condition within ten (10) days after the date of such notice.

(b) The notice must be given:

(1) Personally to the owner in writing;

(2) By letter addressed to the owner at the owner's 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:

(A) By publication at least once;

(B) By posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(4) If a municipality mails a notice to a property owner in accordance with this subsection, 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.

(1981 Code, sec. 10.12; Ordinance adopting 2021 Code)

Sec. 7.03.007 Removal or correction of condition by city

In the event the owner of any lot or premises fails to remove or remedy any condition described in this article within ten (10) days after notice has been given as provided in [section 7.03.006](#), the city may do whatever is necessary to remove or remedy the condition, or cause the same to be done, and charge the expenses incurred thereby to the owner of such lot or premises and such expenses shall be assessed against the real estate upon which the work was done. The doing of such work and the charging and assessing of the expenses thereof against the owner shall not relieve the owner or occupant of any such prosecution for violation of this article. (1981 Code, sec. 10.13)

Sec. 7.03.008 Collection of city's expenses; lien

The mayor or health officer shall file a statement of expenses incurred under [section 7.03.007](#) giving the amount of such expenses, and the date on which the work was done or improvements made, with the county clerk, and the city shall have a privileged lien on such lot or real estate upon which the work was

done or improvements made to secure the expenditures so made in accordance with V.T.C.A., Health and Safety Code, section 342.007, or appropriate statute related thereto, which lien shall be second only to tax liens and liens for street improvements. The amount of such expenses shall bear ten percent (10%) interest from the date such statement is filed. For any such expenditures and interest, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the city, and the statement of expenses so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements. (1981 Code, sec. 10.14)

CHAPTER 8

OFFENSES AND ADDITIONAL PROVISIONS

ARTICLE 8.01 GENERAL PROVISIONS^{*1}

Sec. 8.01.001 State penal code adopted

The Penal Code of the state is hereby adopted by reference and made a part of this code, insofar as it applies to municipalities and the jurisdiction of the municipal court of the city. (1981 Code, sec. 10.29; Ordinance adopting 2021 Code)

ARTICLE 8.02 MINORS

Division 1. Generally

Secs. 8.02.001–8.02.030 Reserved

Division 2. Curfew^{*2}

Sec. 8.02.031 Purpose

It is the express purpose of this division to deter criminal activity involving juveniles, reduce the number of juvenile crime victims, reduce injury from accidents involving juveniles, reduce the time police officers have to deal with juveniles, provide a more effective means and options to deal with gang-related violence and crime, reduce juvenile peer pressure to stay out late hours and assist parents in the control of their children. (Ordinance 2006-002, sec. 2, adopted 5/11/06)

Sec. 8.02.032 Definitions

For the purpose of this division, the words or terms will have the following meaning ascribed thereto:

Bodily injury means injury that creates a risk of loss of function or impairment of any part of the body.

Curfew hours means:

- (1) 11:00 p.m. until 6:00 a.m. on Sundays through Thursdays.
- (2) Midnight until 6:00 a.m. on Fridays and Saturdays.

Emergency means any unforeseen combination of events that results in immediate action, such as a fire, natural disaster, automobile accident or any event requiring emergency action to prevent injury or loss of life.

Establishment means any privately owned place of business to which the public is welcome, including, but not limited to, any place of amusement or entertainment.

Guardian means a person who, under court order, is appointed as the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a court or child protective services.

Minor means anyone under eighteen (18) years of age.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting an establishment.

Parent means a person who is a natural parent, adoptive parent, or stepparent of a minor, or a person over the age of 18 who is authorized by the parent or guardian to have care and custody of the minor.

Police department means the city police department and the officers of said department.

Public place means any place to which the public or a substantial group of the public has access and shall include, but not be limited to, streets, highways, [and] common areas of schools, hospitals, apartment complexes, mobile home parks, office buildings, restaurants, theaters, railroad tracks, game rooms, shopping centers or any other place that offers services or merchandise for sale.

Remain means to linger or stay, or fail to leave premises, when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(Ordinance 2006-002, sec. 3, adopted 5/11/06)

Sec. 8.02.033 Offenses

(a) It shall be an offense for any minor to knowingly remain, walk, run, or stand, or operate a motor vehicle or bicycle, in or upon any public place or on the premises of any establishment within the city during curfew hours.

(b) It shall be unlawful for the parent or guardian of a minor to knowingly permit or, by insufficient control, allow a minor to remain in or upon any public place or on the premises of any establishment within the city during curfew hours.

(c) It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of an establishment during curfew hours.

(Ordinance 2006-002, sec. 4, adopted 5/11/06)

Sec. 8.02.034 Defenses

(a) It shall be a defense to prosecution under [section 8.02.033](#) of this division that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) In a motor vehicle with the minor's parent or guardian;
- (3) Engaged in lawful employment activity, going directly to the employment activity, or returning directly to the minor's residence from the employment activity within 30 minutes of said activity;
- (4) Involved in an emergency;
- (5) Attending an official religious, school, government-sponsored, or civic activity supervised by adults and sponsored by a religious, educational, or governmental institution, civic organization, or similar entity, or traveling directly to or returning from any such religious, school, governmental, or civic activity within 30 minutes of the termination of the activity;
- (6) Engaged in, participating in, or traveling to or from any event, function, or activity for which

the application of [section 8.02.033](#) of this division would contravene the minor's rights protected by the United States Constitution, including, but not limited to, First Amendment rights such as free exercise of religion, freedom of speech, or the right of assembly;

(7) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code; or

(8) The minor has been given a special permit from the chief of police to be out during curfew hours.

(b) It is a defense to prosecution under [section 8.02.033](#)(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and the minor refused to leave.

(c) It is a defense to prosecution under [section 8.02.033](#) of this division that the minor had been directed by his or her parent or guardian to engage in a specific activity or to carry out expressed instructions, during the time that the minor is actually engaged in said activity.

(Ordinance 2006-002, sec. 5, adopted 5/11/06; Ordinance adopting 2021 Code)

Sec. 8.02.035 Enforcement

Before taking any enforcement action under this division, a police officer shall obtain the apparent offender's age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response or other circumstance, no defense in [section 8.02.034](#) is present. (Ordinance 2006-002, sec. 6, adopted 5/11/06)

Sec. 8.02.036 Penalties

(a) A person who violates or allows a violation of any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount in accordance with the general penalty provided in [section 1.01.009](#). Each day of violation shall constitute a separate offense.

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates [section 8.02.033](#)(a) of this division.

(Ordinance 2006-002, sec. 7, adopted 5/11/06; Ordinance adopting 2021 Code)

ARTICLE 8.03 NOISE^{*3}

Sec. 8.03.001 Noise detrimental to life or health

It shall be unlawful for any person to make, or cause to be made, noise of such character, intensity and duration as to be detrimental to life or health of an individual in the city. (1981 Code, sec. 6.1)

Sec. 8.03.002 Noise interfering with enjoyment of property or public peace and comfort

It shall be unlawful for any person to make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city which is offensive to the ordinary sensibilities of the inhabitants of the city, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort. (1981 Code, sec. 6.2)

Sec. 8.03.003 Unreasonably loud, disturbing and unnecessary noise

It shall be unlawful for any person to make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city. In this connection, bells and music boxes used on vehicles of ice cream vendors and similar vendors to attract children as patrons are exempt from the operation of this article;

except that such bells and music boxes may not be used between the hours of 12:30 p.m. and 3:00 p.m., and provided further that when used the bells and music boxes are not operated so loudly as to be offensive to the ordinary sensibilities of the inhabitants of the city and interfere with public peace and comfort or make the enjoyment of life or property uncomfortable. (1981 Code, sec. 6.3)

Sec. 8.03.004 Specific noises prohibited

The following acts, among others, are declared to create loud, disturbing and unnecessary noise, in violation of this article, but such enumeration shall not be deemed to be exclusive:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion, except as a danger signal, as may be required by state law, if another vehicle is backing, starting or turning in such a way as likely to cause a collision.
- (2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while in motion, except as a danger signal, as may be required by state law, if another vehicle is backing, starting or turning in such a way as likely to cause a collision.
- (3) The playing of any radio, phonograph or musical instrument in such a manner, or with such volume, as to disturb the peace, quiet, comfort or repose of persons in any dwelling, apartment, hotel or other type of residence.
- (4) The keeping of any animal or fowl which emits or makes an unreasonably loud, disturbing and unnecessary noise.
- (5) The use of any automobile, motorcycle or other vehicle so out of repair, or so loaded, which emits or creates loud or unnecessary grating, grinding or rattling noise.
- (6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger.
- (7) The discharge into the open air of the exhaust from any stationary steam engine or stationary internal combustion engine, except through a muffler or other device which will effectively and efficiently prevent loud or unusual noises, annoying smoke and the escape of gas or steam.
- (8) The discharge into the open air of the exhaust from any motor vehicle except through a muffler, or other device, which will effectively and efficiently prevent loud and unusual noises and annoying smoke.
- (9) The erection, including excavation, demolition, alteration or repair, of any building in a residential district, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety, for which a permit shall be obtained from the city secretary.
- (10) The creating of any unreasonably loud, disturbing and unnecessary noise on any street adjacent to any school, or court, which is in session, or adjacent to any hospital, provided that conspicuous signs are located in such streets indicating that schools, hospitals and courts are adjacent thereto.
- (11) The loading and unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers, or the sounding of any bell or gong attached to any building located on the premises which disturbs the quiet or repose of persons occupying adjoining property or those occupying property across any street or alley and within a two hundred foot radius.
- (12) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(13) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, sale or display of merchandise as to attract customers to any place of business.

(14) The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise, or any other purpose.

(1981 Code, sec. 6.4; Ordinance adopting 2021 Code)

Sec. 8.03.005 Use of bell, siren or whistle on vehicle

It shall be unlawful for any vehicle to be equipped with, or for any person to use, upon a vehicle, any bell, siren, or compression or exhaust whistle; except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, or compression or exhaust whistle. (1981 Code, sec. 6.5)

Sec. 8.03.006 Enforcement procedure for violations involving vehicles

Whenever any person is arrested for violating subsection (1), (2), (5), (8) or (14) of [section 8.03.004](#) or [section 8.03.005](#), the arresting officer shall take the violator's name, address, make of car and the registration or license number of the motor vehicle involved, and issue to such violator, in writing, on a form to be provided by the city, a notice to answer to the charge against him within not more than five days, during the hours and at the place specified in the notice. The officer shall thereupon have the violator give his written promise to answer as specified in the notice, and upon securing such written promise shall release such violator from custody. The arresting officer shall retain one copy of such notice to be delivered to the chief of police when the case shall have been disposed of, one copy to be delivered to the traffic violations bureau, and the third copy shall be delivered to the arrested party. (1981 Code, sec. 6.6)

ARTICLE 8.04 FIREARMS AND FIREWORKS⁴

Sec. 8.04.001 Purpose

The purpose of this article is to regulate the discharge of firearms and fireworks within the city in order to promote and enhance the safety and welfare of its inhabitants. This article is intended to protect the rights of landowners and interests of persons who use firearms in work and recreation while meeting these objectives. (Ordinance adopted 6/14/07)

Sec. 8.04.002 Definitions

Firearm. A "firearm" includes any instrument used in the propulsion of pellet, shot, slug, or bullet by the action of gunpowder, compressed air or gas exploded or released within it. (Ordinance adopted 6/14/07)

Sec. 8.04.003 Penalty

A first violation of this article shall be punishable by a penalty not to exceed \$250.00. Second and subsequent violations of this article shall be punishable by a penalty not to exceed \$500.00. (Ordinance adopted 6/14/07)

Sec. 8.04.004 Discharge of firearms and fireworks prohibited

It shall be unlawful for any person to fire or discharge any firearm or any fireworks within the city. (Ordinance adopted 6/14/07)

Sec. 8.04.005 Sale of fireworks prohibited

It shall be unlawful to sell any type of fireworks within the city limits. (Ordinance adopted 6/14/07)

Sec. 8.04.006 Exceptions

No provision of this article shall be construed to limit the authority to discharge a firearm by a person who is:

- (1) A law enforcement officer, or a government official, acting within the scope of his/her official duties.
- (2) Acting in lawful defense of a person or property.
- (3) Within the physical confines of a duly authorized firing range, rifle range, pistol range, target range, or shooting gallery between the hours of 9:00 a.m. and 7:00 p.m.
- (4) A member of the National Guard, veterans' organizations and similar organizations in connection with public ceremonials.
- (5) Discharging a firearm with blank cartridges for signaling purposes at athletic events.
- (6) Discharging a firearm with blank cartridges for theatrical purposes.
- (7) A property owner, or his authorized agent, engaged in commercial agriculture acting in lawful defense of his own crops from damage or destruction by wild animals.

(Ordinance adopted 6/14/07)

ARTICLE 8.05 JUNKED VEHICLES^{*5}

Sec. 8.05.001 Definitions

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

Enforcement official. The official designated by the city authorized to enforce this article.

Junked vehicle. A vehicle that is self-propelled and:

- (1) Is wrecked, dismantled or partially dismantled, or discarded; or
- (2) Has remained inoperative for more than 30 consecutive days on private property or more than 72 hours on public property.

Motor vehicle collector. A person who:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle, or part of such vehicle, for personal use to restore and preserve an antique or special interest vehicle for historical interest.

Special interest vehicle. 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 adopting 2021 Code)

Sec. 8.05.002 Junked vehicles declared to be public nuisances; abatement

(a) 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.

(b) The city shall abate and remove a junked vehicle or parts of a junked vehicle as a public nuisance from private property, public property, or a public right-of-way in accordance with the definitions, provisions, and procedures contained in this article.

(Ordinance adopting 2021 Code)

Sec. 8.05.003 Offense

- (a) A person commits an offense if the person maintains a public nuisance described by [section 8.05.002](#).
- (b) An offense under this article is a misdemeanor punishable by a fine not to exceed \$200.00, or as otherwise allowed by Texas Transportation Code section 683.073(b).
- (c) The municipal court of the city shall order abatement and removal of the nuisance after conviction under this article.

(Ordinance adopting 2021 Code)

Sec. 8.05.004 Authority to abate nuisances; procedures

- (a) The enforcement officials are hereby authorized to enforce the provisions of, and to administer the procedures established in, this article. Enforcement officials are hereby authorized to enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
- (b) The municipal court of the city may issue necessary orders to enforce these procedures.

(Ordinance adopting 2021 Code)

Sec. 8.05.005 Abandoned vehicles

Any vehicle may be removed or required to be removed by the operator or person in charge of such vehicle in accordance with section 545.305 of the Texas Transportation Code, Removal of Unlawfully Stopped Vehicle, as the same now exists or as it may be amended from time to time. (Ordinance adopting 2021 Code)

Sec. 8.05.006 Notice

- (a) Upon determining that a junked vehicle or part of a junked vehicle exists in violation of this article, the enforcement official shall send a notice to abate by certified mail, return receipt requested, to:
 - (1) The last known registered owner of the nuisance;
 - (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of:

- (A) The property on which the nuisance is located; or
- (B) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) The notice must state that:

- (1) The nuisance must be abated and removed by the person receiving the notice not later than the 10th day after the date on which the notice was mailed;
- (2) Any request for a hearing must be made before the 10-day period expires; and
- (3) If the vehicle or vehicle part is not removed within that 10-day period and a hearing is not requested, the city will proceed in removing the vehicle or vehicle part.

(c) 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, hand delivered.

(d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

(Ordinance adopting 2021 Code)

Sec. 8.05.007 Hearing

(a) The municipal court of the city is hereby designated as the official to conduct hearings according to the procedures adopted pursuant to this article.

(b) If a hearing is requested by a person to whom notice is required to be sent under [section 8.05.006](#), the hearing shall be held not earlier than the 11th day after the date of the service of the notice.

(c) At the hearing, the vehicle in question is presumed, unless demonstrated otherwise by the owner, to be a junked vehicle.

(d) At the hearing, the court may determine that the vehicle or vehicle part at issue is a junked vehicle and order the nuisance to be removed or the court may determine the vehicle or vehicle part is not a junked vehicle and dismiss the proceeding. The person requesting the hearing shall be notified in writing of the determination within five business days after the hearing. If the court orders the person to remove the nuisance, the person shall have ten days to comply. If the person fails to comply within that time period, a citation will be issued for violation of [section 8.05.002](#).

(e) If the information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicle's:

- (1) Description;
- (2) Vehicle identification number; and
- (3) License plate number.

(Ordinance adopting 2021 Code)

Sec. 8.05.008 Abatement by city

If the person to whom notice was served under [section 8.05.006](#) does not remove the nuisance or request a hearing within ten days after the notice under [section 8.05.006](#) was mailed, or if the person does not remove the nuisance within ten days after a hearing held pursuant to [section 8.05.007](#), the city may take action to abate and remove the nuisance. (Ordinance adopting 2021 Code)

Sec. 8.05.009 Junked vehicle disposal

(a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by the city.

(b) The city may operate a disposal site if the city council determines that commercial disposition of junked vehicles is not available or is inadequate. The city may:

- (1) Finally dispose of a junked vehicle or vehicle part; or
- (2) Transfer it to another disposal site if the disposal is scrap or salvage only.

(Ordinance adopting 2021 Code)

Sec. 8.05.010 Effect of relocation or removal of vehicle

(a) Relocation of a junked vehicle or vehicle part(s) that is/are a nuisance to another location in the city by the owner or another person after a proceeding for the abatement and removal of the nuisance has commenced has no effect on the proceeding if the junked vehicle or vehicle part(s) constitute a nuisance at the new location.

(b) After a vehicle has been removed by the owner or another person subject to an order to abate issued under this article, the vehicle shall not be reconstructed or made operable.

(Ordinance adopting 2021 Code)

Sec. 8.05.011 Notice to department of transportation

The enforcement official shall give notice of the removal of the vehicle or vehicle part(s) to the state department of transportation identifying the vehicle or vehicle part(s) within five (5) days after the date of removal. (Ordinance adopting 2021 Code)

Sec. 8.05.012 Inapplicability of article

Procedures adopted under this article do not apply to a vehicle or vehicle part:

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

(Ordinance adopting 2021 Code)

PLANNING AND DEVELOPMENT REGULATIONS

ARTICLE 9.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 9.02 PLANNING AND ZONING ORDINANCE**1

Sec. 9.02.001 Adopted

The city's planning and zoning ordinance, Ordinance 011-08-18A, adopted by the city on October 21, 2000, as amended, is included at the end of this chapter as [exhibit A](#). Due to the nature of the ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting 2021 Code)

EXHIBIT A

PLANNING AND ZONING ORDINANCE

ARTICLE 1. SHORT TITLE

Sec. 1-1. TITLED: MAP ADOPTED

This ordinance shall be known as the "Zoning Ordinance for the City of Brownsboro, Texas." The map herein referred to is identified by the title, "Zoning Map of the City of Brownsboro, Texas" and all explanatory matter thereon is hereby adopted and made a part of this Article. (Ordinance 011-08-18a, sec. 1-1, adopted 10/21/00)

ARTICLE 2. PURPOSE

Sec. 2-1. STATED

I. Basic Goal. It is the intent of this chapter to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity and general welfare of the citizens of the City of Brownsboro, Texas.

II. Objectives. To achieve this end, these regulations are prepared with the above aims and goals in mind and are designed to (a) conserve the value of land, buildings and resources; (b) protect the character and maintain the stability of residential, commercial, and industrial areas; and (c) provide for the efficiency and economy in the process of development through the:

- A. Preservation, protection, development and conservation of the natural resources of land, water and air;
- B. Appropriate uses of land;
- C. Regulating the use and occupancy of buildings and land;
- D. Healthful and convenient distribution of population;
- E. Convenience of traffic and circulation of people and goods;

- F. Adequacy of public utilities and facilities;
- G. Protection, enhancement and perpetuation of specific community areas with special character, interest or value which represents and reflects elements of the City's cultural, social, economic, political, historical and architectural heritage.
- H. Promotion of the civic amenities of beauty and visual interest;
- I. Establishment of zoning districts which will regulate the location and use of buildings and other structures, water and land for trade, industry, residence and other purposes by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other spaces and the density of use.

III. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration given, among other things, to the character of the districts and their particular suitability for particular uses.

IV. These regulations are designed to:

- A. Lessen congestion in the streets;
- B. Secure safety from fire, panic, and other dangers;
- C. Promote health and general welfare;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land;
- F. Avoid undue concentration of land; and
- G. Facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements.

(Ordinance 011-08-18a, sec. 2-1, adopted 10/21/00)

ARTICLE 3. DEFINITION OF WORDS

Sec. 3-1 RULES FOR CONSTRUCTION OF LANGUAGE

I. For the purpose of the administration and enforcement of this chapter, and unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

- A. In case of any difference of meaning or implications between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.
- B. The word "SHALL" is always mandatory and not discretionary.
- C. The word "MAY" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "USED FOR" includes "ARRANGED FOR," "DESIGNED FOR," "MAINTAINED FOR," "PROVIDED FOR," or "OCCUPIED FOR."
- F. The word "PERSON" includes an individual, a corporation, a partnership, an unincorporated

association, or any other similar entity.

G. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction “AND,” “OR” or “EITHER ... OR,” the conjunction shall be interpreted as follows:

1. “AND” indicates that all the connected items, conditions provisions or events shall apply;
2. “OR” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;
3. “EITHER ... OR” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

H. The word “INCLUDES” shall not limit a term to the specified examples, but is intended to extend its meaning to all instances or circumstances of like kind or character.

(Ordinance 011-08-18a, sec. 3-1, adopted 10/21/00)

Sec. 3-2. GENERAL DEFINITIONS

For purposes of this chapter, the following terms or words shall be used in interpretation of the purpose and intent:

1. **ACCESS:** The primary means of ingress and egress to abutting property from a dedicated right-of-way.
2. **BLOCK FACE:** The portion of a block with a continuous frontage between two intersecting streets.
3. **BUILDABLE AREA:** That portion of a lot remaining after the required yards and setbacks have been provided.
4. **BUILDING:** Any structure, either temporary or permanent, having a roof, and used or built for the enclosure of [or] shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein.
 - a. **ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of the principal building on the same lot.
 - b. **PRINCIPAL BUILDING:** A building in which is conducted the principal use of the lot in which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport shed, garage, or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of any accessory building.
 - c. **PERMANENT BUILDING:** A building which is not equipped with wheels, or provisions for attachment for wheels, or skids for easy movement but is on pier and beam or concrete foundations; provided, however, this does not include metal or similar type buildings used for storage even when attached to concrete. On-site construction new material.
 - d. **TEMPORARY BUILDING:** A building which is equipped with wheels, or provisions for attachment for wheels, or skids for easy movement, but does not include mobile homes, travel trailers, or recreational vehicles. A temporary building shall be an accessory building as that is

defined by this Ordinance.

5. **BUILDING LINE:** The line established by yard or setback requirements outside of which no principal building may be erected.
6. **CENTERLINE:** The line midway between the street right-of-way lines or the surveyed and prescribed centerline established by the Texas Department of Highways and Public Transportation or City Engineer which may not be the line midway between the existing or proposed street right-of-way lines.
7. **COURT, GENERAL:** An open space, other than a yard, on the same lot with a building or structure, which is bounded on two (2) or more sides by the walls of such building or structure.
 - a. **OUTER COURT:** A court enclosed on three (3) sides by exterior walls of a building or structure, or by exterior walls and lot lines of which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.
 - b. **INNER COURT:** A court which is completely surrounded by a building or buildings.
8. **DENSITY:** An existing or protected relationship between allowable lot area per dwelling unit for a district and the land area zoned in each zoning district.
 - a. **GROSS DENSITY:** The determination of the number of dwelling units by dividing the total land zoned in each district by allowable lot area for that district.
 - b. **NET DENSITY:** The determination of the number of dwelling units by dividing that total land area zoned in each zoning district that is devoted only to residential uses by the allowable lot area for that district.
9. **FAMILY:** One (1) or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.
10. **FRONTAGE:** Distance measured along an abutting public street right-of-way.
11. **LOT:** A piece, parcel, tract or plot of land.
 - a. **LOT AREA:** The total horizontal area included within lot lines.
 - b. **LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
 - c. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.
 - d. **LOT LINE:** The boundary line of a lot.
 - 1) **FRONT:** That property line which abuts on a public street, or in the event the property abuts on two (2) or more streets it shall mean that property line abutting on a street which has been so designated by the owner at the time of his application for a building permit.
 - 2) **SIDE:** Any property line not a front lot line or a rear lot line. A side lot line separating a lot from a street in an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - 3) **REAR:** That boundary of a lot which is most distance from and is, or is most nearly, parallel to the front lot line.
 - e. **LOT OF RECORD:** A lot whose existence, location and dimensions have been legally

recorded or registered in a deed or on a plat prior to the effective date of this chapter.

f. LOT, CORNER: Lot bounded by [more] than one (1) intersecting street.

g. LOT, WIDTH: The mean horizontal distance between the side lot lines measured at the required distance from property line.

12. NONCONFORMING BUILDING OR STRUCTURE: A building or structure existing at the time of passage of this Ordinance or amendment, thereto, which does not conform to the property development regulations of area, height, lot coverage, yard setbacks, or other like requirements of the district in which it is located.

13. NONCONFORMING LOTS: Any single lot, tract or parcel of land in existence at the time of passage or amendment of this ordinance which does not meet the minimum dimensions, area, or other regulations of the district in which it is located.

14. NONCONFORMING USE: Any land use existing at the time of passage or amendment of this ordinance which does not conform to the provisions, requirements and regulations of the district in which it is located.

15. PROPERTY LINE: See LOT LINE.

16. PUBLIC BODY: Any government or governmental agency, board, commission, or authority of the City of Brownsboro, Henderson County, State of Texas, or the United States Government or any legally constituted district.

17. PUBLIC USE: The use of any land, water, or buildings by a public body for a public service or purpose.

18. RIGHT-OF-WAY: A strip of land or water acquired, dedicated or deeded to perpetual use of the public.

19. SEMI-PUBLIC BODY: Includes churches and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations and cultural activities.

20. SEMI-PUBLIC USE: The use of any land, water or building by a semi-public body.

21. SPECIAL EXCEPTION: A use that would not be appropriate generally or without restriction throughout a zoning district, but which if controlled as to number, area[,] location or relation to neighborhood, and approved through a public hearing of the Board of Adjustment would protect the public health, safety, welfare, moral order, comfort, convenience, appearance or prosperity. Such uses may be permitted in such zoning districts as special exception as outlined in the applicable zoning districts.

22. STREET: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, place or however otherwise designated but does not include driveways to buildings.

a. ALLEY: A public or private right-of-way, not more than thirty (30) feet in width, which affords a secondary means of public or private access to property abutting thereon.

23. STREET RIGHT-OF-WAY: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way is known, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way line.

24. STRUCTURAL ALTERATION: Any change except repair or replacement in the supporting members of a structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls of a structure.

25. **STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on ground, and having a height of four (4) inches or more except for patios, parking and loading facilities, walls or fences. (Also see ACCESSORY BUILDING)

26. **USABLE OPEN SPACE:** That part of the ground area (improved or unimproved), roof, balcony, or porch which is designed or intended for outdoor living, recreation or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking and loading areas or any other paved vehicular ways and facilities as well as all required minimum front yard areas.

27. **USE:** Any activity, functions, or purpose to which a parcel of land or building is put and shall include the words used, arranged, or occupied, for any purpose, including all residential, commercial business, industrial, public or any other use.

a. **ACCESSORY USE:** A use that is wholly incidental to and supportive of the principal use on the same lot.

b. **PRINCIPAL USE:** The primary purpose for which land or building is used as permitted by the applicable zoning district.

28. **VARIANCE:** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, for the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

29. **VEHICLE:** Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.

30. **YARD:** The open space existing on the same lot with a principal building; unoccupied and unobstructed by building from the ground upward, between the lot line and the building line.

a. **FRONT YARD:** A yard extending across the front of a [lot] between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building.

b. **REAR YARD:** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the front yard.

c. **SIDE YARD:** A yard extending from the front yard to the rear yard and being the minimum horizontal distance from the side lot line to the principal building.

d. **SIDE YARD STREET:** A yard adjacent to a street between the front and the rear lot line and being the minimum horizontal distance from the side lot line to the principal building.

31. **ZONING DISTRICT:** A portion of the territory of the City of Brownsboro, Texas within which certain uniform regulations and requirements or various combinations hereof apply under the provisions of this chapter.

32. **ZONING MAP:** The term zoning map shall mean the Official Zoning Ordinance of the City of Brownsboro, Texas (this chapter), including the zoning map and all amendments to such zoning ordinance and zoning map.

(Ordinance 011-08-18a, sec. 3-2, adopted 10/21/00)

Sec. 3-3. USE DEFINITIONS

1. **APARTMENT:** See DWELLING, MULTIPLE-FAMILY.

2. **AUTOMOTIVE REPAIR FACILITY (MAJOR):** An establishment used for mechanical engine overhaul, which includes the removal of engine, chassis, or body components for repair or replacement; and wherein the dispensing of gasoline may be included, but not gasoline service stations. Body and paint shops shall also be considered major automotive repair facilities.
3. **AUTOMOTIVE REPAIR FACILITY (MINOR):** An establishment used for servicing of automotive vehicle which includes activities such as oil changes, lubrication, dispensing of gasoline, tune-up, tire replacement and repair, and wheel alignment and balancing, but not overhaul, body or paint shops. Brake and transmission shops and gasoline service stations shall also be considered minor automotive repair facilities.
4. **BOARDING HOUSE:** An establishment with lodging for four (4) or more persons, where meals with or without compensation are regularly prepared and served to such lodgers, without service or ordering of individual portions from a menu.
5. **BUSINESS SERVICE ESTABLISHMENT:** Shall mean establishments providing supplies and services to business and professions and shall include copy service, blueprinting service, typing service, telephone answering service, office supply and stationary stores, delivery and messenger services, advertising agencies, direct mail service, detective agencies, employment agencies, collection agencies, and any other establishments offering goods or services of a similar nature, but not including establishments of research or light industrial nature.
6. **CHILD DAY-CARE CENTER:** A place, home, building or location where care is provided for six (6) or more children under the age of seventeen (17) years. Such term specifically includes nursery schools, kindergartens or any other facility caring for children during the day or night.
7. **CLINICS:** A medical office or group of offices, used for the care, diagnosis and treatment of sick and injured persons, and those in need of medical or surgical attention, but not involving overnight care on the premises. Clinics may include accessory facilities for retail sales or pharmaceuticals, and medical, optical or dental supplies.
8. **CONTRACTOR SHOPS AND YARDS:** Shall mean stores, fabrication and repair shops and yards for cabinet makers and carpenters, electrical contractors, electric sign contractors, glaziers, heating and sheetmetal contractors, linoleum and carpet contractors, painters, plumbers, roofers, tent and awning contractors, upholsterers, and any other concern of a similar nature, but not including concrete mixing or asphalt plants.
9. **DRY GOOD STORES:** Shall mean establishments selling clothing, linens, blankets, yardage, and notions and shall include: shoe repair stores, gift stores, notions stores, luggage stores, tailor shops, yardage stores, shoe stores, clothing stores, and other stores of a similar nature, but excluding variety stores, and department stores.
10. **DWELLING UNIT:** A "dwelling unit" consists of one (1) or more rooms which are arranged, designed or used as living quarters, including permanently installed individual bathrooms and complete kitchen facilities.
 - a. **DWELLING, SINGLE-FAMILY ATTACHED:** A structure designed as one dwelling unit at ground space and intended to be occupied exclusively by one (1) family and structurally connected [by] common walls or with separation of not more than one (1) inch from at least one (1) or more other dwelling units.
 - b. **DWELLING, SINGLE-FAMILY DETACHED:** A structure designed as one dwelling unit and intended to be occupied exclusively by one (1) family and structurally connected to no other dwelling unit.
 - c. **DWELLING, MULTIPLE-FAMILY:** A structure designed with more than one (1) dwelling unit with accommodations for each dwelling unit independent of each other and intended to be occupied by more than one (1) family.

11. **EATING ESTABLISHMENTS:** Shall mean establishments where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises, and shall include: restaurants, cafes, coffee shops, donut shops, ice cream parlors, soda fountains, hamburger and hot dog stands, sandwich shops, delicatessens, cafeterias, and drive-in restaurants.

a. **RESTAURANTS, CONVENTIONAL:** Counter stools, consisting of tables and/or booths, with the number of counter stools not exceeding the number of tables and/or booth seats; with all service indoors; and providing no service to persons in vehicles or walk-up windows; and shall include restaurants, cafeterias and other establishments of a similar nature.

b. **RESTAURANTS, IN and OUT SERVICE:** Specializing in short-order foods and beverages including the preparation of food to be taken out and consumed off the premises; may be a total counter stool operation or with any combination of counter stools and/or tables or booths; and no service provided to persons in vehicles. Establishments dispensing food service [at] windows for consumption either on the premises or off the premises are classified as "in and out service." Such establishments shall include cafes, coffee shops, donut shops, ice cream parlors, soda fountains, delicatessens, and other establishments of a similar nature.

c. **RESTAURANTS, DRIVE-INS:** Any restaurant serving food and/or beverages to persons in their vehicles for consumption on the premises.

12. **FINANCIAL INSTITUTIONS:** Shall mean establishments and offices offering financial services or counsel and shall include full service banks, saving and loan institutions, stockbroker's offices and any other institutions of a similar nature.

13. **FOOD STORES:** Shall mean establishments selling food and/or drink products for consumption off the premises and shall include: convenience grocery stores, fruit and vegetable stores, bakeries, retail (limited preparation of products for on-premises sales), meat and fish stores, dairy product stores, butcher shops, candy stores, liquor and/or wine stores, and other stores of a similar nature but excluding supermarkets unless so stated.

14. **FURNITURE AND APPLIANCE STORES:** Shall mean stores selling new or used furniture or appliances and providing incidental service and maintenance and shall include new and used furniture stores, appliance stores, antique dealers, carpet and linoleum dealers, and other establishments of a similar nature.

15. **GARAGE (PUBLIC):** A building or other structure which provides parking or storage for motor vehicles, but not for commercial nor public utility vehicles or the dead storage of motor vehicles and some or all of which parking spaces are non-accessory off-street parking spaces limited to such spaces which are accessory to other uses on the same lot.

16. **HOUSEHOLD AND FAMILY SERVICE ESTABLISHMENTS:** Shall mean a store or shop providing for the selling, repairing and/or maintenance of articles of normal home or family use and shall include: cleaning and drying establishments, coin-operated laundries, lawn mower and saw sharpening, repair shops, smaller home appliance stores and repair shops, sewing machine stores, hardware stores, camera and photo supply stores, pet stores, art stores, music stores, pawnshops, florists, and any other shops of a similar nature.

17. **JUNKYARD:** An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires, bottle and vehicles.

18. **LIVING UNIT:** Shall have the same meaning as "DWELLING UNIT."

19. **MANUFACTURED HOUSING OR MANUFACTURED HOME:** A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a

permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by Title 24 Code of Federal Regulations Section 3282.8(g). Tex. Rev. Stat. Ann. art. 5221f section 3(9). For purposes of this Ordinance, "Manufactured Home," "Manufactured House," and "HUD-Code Manufactured Home" shall be deemed synonymous.

20. **MOBILE HOME:** A structure that was constructed before June 15, 1976 [June 1, 2006] transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems. Tex. Rev. Civ. Stat. Ann. art. 5221f sec. 3(17).

Editor's note—A handwritten change on Ordinance 011-08-18a changed the date in subsection 20, "Mobile Home" from June 15, 1976 to June 1, 2006.

21. **MOBILE HOME SUBDIVISION:** The division of a parcel of land into contiguous lots or parcels, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivisions, for the purpose of transfer of ownership and the subsequent placement of a mobile home on said lot or parcel for the establishment of a permanent residence.

22. **MODULAR HOME:** A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components, or (ii) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

23. **PERSONAL SERVICE ESTABLISHMENTS:** Shall mean establishments and offices offering services for the health and welfare of the individual and shall barber shops, beauty shops, and any other establishment of a similar nature, but not including any professional services.

24. **PROFESSIONAL SERVICES:** Shall mean services offered by doctors, lawyers, accountants, real estate brokers, insurance agents, land developers, engineers, architects, planners, computer systems analysts and any other individuals or groups offering professional services of a similar nature.

25. **RECREATIONAL AND SPORT STORES:** Shall mean establishments selling sporting goods, bicycles, and other sports and recreational sporting goods, bicycles, and other sports and recreation equipment and shall include: sporting goods stores, ski sales stores, water diving equipment stores, gun shops, bicycle shops including bicycle repair, toy stores and any other stores selling goods of a similar nature, but excluding motorized recreation vehicle sales and service.

26. **RECREATIONAL VEHICLE.** A recreational vehicle is a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, is self-propelled or permanently towable by a light-duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. See Part 24, Code of Federal Regulations, Section 3282.8(g). The use of a recreational vehicle as a permanent residential structure is prohibited within the city limits of the City of Brownsboro. In the event of a significant casualty loss to a principal residential structure which renders the residential structure uninhabitable and requires remodeling or reconstruction, a recreational vehicle may be used as a temporary residential structure for a period of up to six (6) months.

27. RESIDENCE: See DWELLING UNIT.
28. SALVAGE YARDS: See JUNKYARD.
29. SHOPPING CENTER: A group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking, loading and landscaping provided on the property.
30. TRAILER: See RECREATIONAL VEHICLE.
31. TOURIST HOME: A building or part thereof other than a hotel, motel, motor lodge or boarding house, where lodging accommodations are offered to the public and intended primarily for rental to transients for a daily charge.

(Ordinance 011-08-18a, sec. 3-3, adopted 10/21/00)

ARTICLE 4. ZONING DISTRICTS

Sec. 4-1. ESTABLISHMENT OF DISTRICTS

In order to classify, regulate and restrict the use of land, buildings and structures; to regulate the height, number of stories, and size of buildings; to regulate the size of yards, courts, and other open spaces; to regulate population density; to regulate the location and use of buildings, other structures, and land for business, industry, residential, and other purposes; and to promote the orderly urban growth within the corporate area of the city of Brownsboro, Texas, the following zones are established:

Single-Family Residential District (R-1)

Manufactured Housing Park District (MH- 1)

Central Business District (CBD)

(Ordinance 011-08-18a, sec. 4-1, adopted 10/21/00)

Sec. 4-2. DESIGNATION OF DISTRICT BOUNDARIES

The boundaries of each district are designed and established as shown on the Zoning Map of the city of Brownsboro, Texas. The regulations of this ordinance governing the use of land and buildings, the height of buildings, lot area, setbacks, lot coverage, parking and loading requirements are hereby included within the boundaries of each and every district shown on the Zoning Map. (Ordinance 011-08-18a, sec. 4-2, adopted 10/21/00)

Sec. 4-3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the various districts on the Zoning Map, the following rules shall apply:

1. Location of district boundary lines.
 - a. Centerlines. Boundaries indicated as approximately following the centerlines of streets, highways, avenues, and alleys shall be construed to follow such lines.
 - b. Lot lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - c. Corporate boundaries. Boundaries indicated as approximately following corporate boundaries shall be construed as following such corporate boundaries.
 - d. Railroad lines. Boundaries indicated as following railroad lines shall be construed to be

the centerline of the railroad right-of-way.

e. Water lines. Boundaries indicated as approximately the centerlines or borders of streams or other bodies of water shall be construed to follow such centerlines or borders.

f. Parallel lines. Boundaries that are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys or the centerlines or right-of-way lines of highways shall be construed as being parallel thereto and at such distance therefrom as indicated by the scale shown on the Zoning Map.

2. Uncertainties. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in case any other uncertainty exists, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of district boundaries.

3. Where a public road, street, avenue or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply.

4. Annexed areas. All territory hereafter annexed to the City of Brownsboro shall be temporarily classified as "R-1" Residential District, until permanent zoning is established by the City Council of the City of Brownsboro. The procedure for establishing permanent zoning of the annexed territory shall conform to the procedure established by law.

5. Special provisions for lots divided by district boundaries. Where any lot existing at the effective date of this Ordinance is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory structures, off-street parking and loading or other regulations apply, the provisions of the following subsection[s] shall apply:

a. Use regulations.

(1) If more than fifty (50) percent of the lot area of the lot is located in one of two (2) or more districts containing [sic] the majority lot area shall apply to the entire lot.

(2) If the lot is divided so that fifty (50) percent of the lot area lies within each of two (2) or more districts, the applicable use regulations of the more restrictive district shall apply to the entire lot.

b. Dimensional requirement regulations.

(1) If more than Fifty (50) percent of the lot area of the lot is located on one of two (2) or more districts, the dimensional requirement regulations applicable to the district containing the majority of the lot area shall apply to the entire lot.

(2) In cases where the lot is divided so that fifty (50) percent of the lot area lies within two (2) or more districts, the lot area, yard setback, height, lot coverage, and off-street parking and loading regulations and requirements for the more restrictive district shall apply to the entire lot.

(Ordinance 011-08-18a, sec. 4-3, adopted 10/21/00)

Sec. 4-4. APPLICATION OF DISTRICTS

1. Existing uses. In all districts after the effective date of this Ordinance:

a. The use of any existing building or other structure may be continued.

b. The use of any existing tract of land may be continued.

c. The enlargement, alteration, conversion, reconstruction[,] rehabilitation or relocation of any

existing building or other structure shall be in accordance with the dimensional requirements regulations of the district within which the property is located and other applicable requirements of this ordinance.

d. Every existing building hereafter enlarged, altered, reconstructed or relocated shall be on a lot herein defined, and in no case shall there be more than one principal building on one lot, unless otherwise provided for in this ordinance.

2. New uses.

a. In all districts after the effective date of this ordinance, any new building or parcel of land shall be used, constructed, or developed only in accordance with the use and dimensional requirement regulations of the district within which the property is located and other applicable requirements of this ordinance.

3. Uses not expressly provided for.

a. In a district where an application is made for a use not expressly permitted or prohibited, the City of Brownsboro Building Inspector (hereinafter "Building Inspector") shall determine that use which is expressly prohibited or permitted most closely similar or allied to that use requested. In the event any applicant or citizen objects to a determination made by the Building Inspector, such person or persons may appeal their case to the City of Brownsboro Zoning and Planning Committee.

(Ordinance 011-08-18a, sec. 4-4, adopted 10/21/00)

ARTICLE 5. SINGLE-FAMILY RESIDENTIAL (R-1)

Sec. 5-1. PURPOSE

The intent of this district is to provide for low density, single-family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to accomplish the following:

1. To protect and stabilize such future development to occur on vacant land with the natural characteristics of such land as are suitable for this type of development;
2. To provide policies which will encourage low density development to occur where public facilities and services are available which are conducive to residential development of such population densities; and
3. To discourage any activities not compatible with such residential development.

(Ordinance 011-08-18a, sec. 5-1, adopted 10/21/00)

Sec. 5-2. PERMITTED USES

1. Uses permitted by right.

- a. Single-family detached dwelling;
- b. Leasing or renting of rooms; limited, however, so that the number of tenants in each dwelling shall not exceed two (2);
- c. Public schools or private schools;

- d. Churches and other houses of worship.
 - e. Public parks.
2. Accessory structures permitted. Garages, carports, storage rooms, swimming pools, guest houses, and other structures which are customarily incidental to the principal structures.
3. Uses permitted by special exception.
- a. Child day-care centers (See [Section 3-3\(6\)](#));
 - b. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps.
 - c. Governmental buildings and services;
 - d. Semi-public recreational facilities and buildings.
4. Prohibited Uses.
- a. Mobile homes, as defined in [Section 3-3\(20\)](#);
 - b. HUD-Code Manufactured Homes, as defined in [Section 3-3\(19\)](#).
 - c. Recreational Vehicles, including trailers, as defined in [Section 3-3\(26\)](#).

(Ordinance 011-08-18a, sec. 5-2, adopted 10/21/00)

Sec. 5-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with [Section 5-4](#) where it applies, as well as to the following requirements:

- 1. Residential uses:
 - a. Minimum lot area: 5,000 Square Feet
 - b. Minimum lot width at building line: 50 feet
 - c. Minimum lot depth: 100 feet
 - d. Minimum yard setbacks
 - 1. Front: 20 feet
 - 2. Side, interior: 5 feet
 - 3. Side, street: 5 feet
 - 4. Rear: 5 feet
 - e. Maximum height of principal structures: 30 feet (not to exceed two stories)
 - f. Maximum percent of lot coverage: 70%
 - g. Minimum area of principal building: 800 square feet [1600 sq. ft.]

Editor's note—A handwritten change on Ordinance 011-08-18a changed the requirement in subsection 1.g, "Minimum area of principal building," from 800 square feet to 1600 square feet.

2. Accessory structures.

- a. No accessory structure, excluding fences or walls shall be closer than twenty (20) feet to any front property line or five (5) feet to any side or rear property line as measured from the overhang of the accessory structure;
- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

(Ordinance 011-08-18a, sec. 5-3, adopted 10/21/00)

Sec. 5-4. SPECIAL REGULATIONS

In addition to [Section 5-3](#), Dimensional Requirements, the following regulations shall apply where required:

1. Access (See [Section 8-2](#));
2. Nonconforming uses (See [Section 8-9](#));
3. Flood hazard area (See [Section 8-6](#)).

(Ordinance 011-08-18a, sec. 5-4, adopted 10/21/00)

ARTICLE 6. MANUFACTURED HOUSING DISTRICT (MH-1)

Sec. 6-1. PURPOSE

The intent of this district is to provide for manufactured housing park developments together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential surroundings of this nature. The district is specifically designed to accomplish the following in such developments:

1. To accommodate the housing needs of those residents who prefer manufactured housing living and of those who desire an economic alternative to conventional site-built living;
2. To encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development;
3. To avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative close access to major transportation arteries; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement;
4. To protect the manufactured housing district from encroachment by incompatible uses;
5. To insure that manufactured housing is located on lots that are of an adequate distance from one another to prevent hazardous conditions caused by man or nature.

As reflected on the Zoning Map for the City of Brownsboro, such District is designated as the areas known as "Rose Hall One" and "Rose Hall Two." "Rose Hall One" is that parcel of land so named in the City of Brownsboro fronted by Stewart Street that is presently used as a manufactured housing park. "Rose Hall Two" is that parcel of land so named in the City of Brownsboro that is fronted by Ingram Street.

(Ordinance 011-08-18a, sec. 6-1, adopted 10/21/00)

Sec. 6-2. PERMITTED USES

1. Uses permitted by right.

- a. HUD-Code Manufactured Homes (See [Section 3-3\(19\)](#));
 - b. Public schools or private schools offering curricula comparable to that of the public schools;
2. Accessory structures permitted.
- a. Garages, carports, storage rooms, and other structures which are customarily incidental to the principal structure;
 - b. Administrative and management office, club or game rooms, recreational facilities and uses and laundry facilities intended for use solely by the residents of the development and their guests; however, leasing or renting on same on a commercial basis is strictly prohibited.
3. Uses permitted by special exceptions.
- a. Child day-care centers (See [Section 3-3\(6\)](#));
 - b. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps;
 - c. Governmental buildings and services;
 - d. Semi-public recreational facilities and buildings.

(Ordinance 011-08-18a, sec. 6-2, adopted 10/21/00)

Sec. 6-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with [Section 6-4](#) where it applies, as well as to the following requirements:

1. Residential uses.
 - a. Minimum park size: 5 acres
 - (1) Maximum density: 8 units/acre
 - b. Minimum setback from park boundaries: 35 feet
 - c. Minimum lot area: 5,000 square feet
 - d. Minimum horizontal distance between mobile homes
 - (1) Side to side: 25 feet
 - (2) End to end: 15 feet
 - (3) Side to end: 15 feet
 - e. Minimum horizontal distance between the corners of adjacent mobile homes that do not face each other or overlap: 15 feet
 - f. Minimum horizontal distance between a mobile home and a mobile home park access or circulation drive: 25 feet
2. Accessory structures. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
3. Additional requirements.

a. Skirting. A skirt or apron which is continually and properly maintained shall be required to surround each mobile home between the bottom of the unit and the ground. All single and multi-section mobile homes shall comply with the following requirements:

- (1) Completely surround the structure from the base of the mobile home to the ground level beneath;
- (2) Be of material with similar appearance to the mobile home or be of masonry material;
- (3) Be weather-resistant material and material specifically designed by the mobile home manufacturers for skirting. Sheetmetal or scrap metal shall not to be construed as material specifically designed for use as skirting;
- (4) Be skirted in such way not to allow access to the underside of the mobile home for storage and/or trash accumulation, but access only for repair purposes to the mobile home;
- (5) Be approved at the time the building permit is issued.

b. Street or driveway improvements. All streets or driveways shall be paved, oiled, or graveled in such a manner as to clearly distinguish the road from playgrounds and parks.

c. Street lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of .2 footcandles.

d. Usable open space. A minimum of twenty (20) percent of the gross usable land area within the mobile home park boundaries shall be designed for use as an active and/or passive recreational area(s).

e. Parking. No parking shall be allowed on any mobile home park paved access or circulation drives.

(Ordinance 011-08-18a, sec. 6-3, adopted 10/21/00)

Sec. 6-4. SPECIAL REGULATIONS

In addition to [Section 6-3](#), Dimensional Requirements, the following regulations shall apply where required:

1. Access (See [Section 8-2](#));
2. Nonconforming uses (See [Section 8-9](#));
3. Flood hazard area (See [Section 8-6](#)).

(Ordinance 011-08-18a, sec. 6-4, adopted 10/21/00)

ARTICLE 7. CENTRAL BUSINESS DISTRICT (CBD)

Sec. 7-1. PURPOSE

The intent of this district is to provide for existing and potential office, business, and commercial facilities. The provisions of this district are intended to encourage general commercial development to occur along major arteries where sites are adequate for an integrated design of commercial and business establishments particularly adjacent to major intersections where such development can most adequately serve the needs of the residents of the Brownsboro and those of the traveling public without resorting to excessive quantities of strip development. Additionally, the provisions of this district are intended to discourage encroachment by

industrial, residential, or other uses considered capable of adversely affecting the general business characteristics of the Central Business District. As reflected in the City of Brownsboro Zoning Map, the Central Business District refers to that [property that] fronts that portion of Texas State Highway 31 that runs in an east-west direction in and through the city limits of Brownsboro, Henderson County, Texas. (Ordinance 011-08-18a, sec. 7-1, adopted 10/21/00)

Sec. 7-2. PERMITTED USES

1. Uses permitted by right.

- a. Retail-commercial sales and services:
 - (1) Food stores;
 - (2) Dry good stores;
 - (3) Household and family service stores;
 - (4) Recreation and sport stores;
 - (5) Drug stores and pharmacies;
 - (6) Business services establishments;
 - (7) Eating establishments;
 - (8) Vehicular and equipment sales and services;
 - (9) Lumber and building materials;
 - (10) Vehicular and equipment rentals;
 - (11) Contractor shops and yards;
 - (12) Furniture and appliance stores;
- b. Professional and personal services:
 - (1) Personal service establishments;
 - (2) Professional services;
 - (3) Financial institutions;
- c. Hotels, motels or motor lodges;
- d. Gasoline service stations and car washes
- e. Major and minor automotive repair facilities;
- f. Funeral homes and mortuaries;
- g. Churches and other houses of worship;
- h. Governmental buildings and facilities;
- i. Public and private utilities, excluding sanitary landfills, incinerators, refuse and trash dumps;
and

j. Hospitals and clinics.

2. Accessory structures permitted. Garages, storage rooms and other structures which are customarily incidental to the principal structure.

3. Uses permitted by special exception.

- a. Veterinary hospitals or clinics;
- b. Child day-care centers;
- c. Wholesale establishments and warehouses; and
- d. Nursing and convalescent homes.

(Ordinance 011-08-18a, sec. 7-2, adopted 10/21/00)

Sec. 7-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with [Section 7-4](#) where it applies, as well as to the following requirements:

1. Retail-commercial sales and services; Professional and personal services; Eating establishments; and financial institutions.

- a. Minimum lot area: No limitations
- b. Minimum frontage setbacks
 - 1) Front: 5 feet
 - 2) Side, street: 5 feet
 - 3) Side, interior
 - (a) where side yard abuts a residential district: 5 feet
 - (b) all interior side yards other than (a) above: 0 feet
- c. Maximum building height of principal structures: No limitations
- d. Maximum lot coverage: No limitations

2. Accessory structures. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

(Ordinance 011-08-18a, sec. 7-3, adopted 10/21/00)

Sec. 7-4. SPECIAL REGULATIONS

In addition to [Section 7-3](#), Dimensional Requirements, the following regulations shall apply where required.

1. Access (See [Section 8-2](#));
2. Nonconforming uses (See [Section 8-9](#));
3. Flood hazard areas ([Section 8-6](#)).

(Ordinance 011-08-18a, sec. 7-4, adopted 10/21/00)

ARTICLE 8. GENERAL PROVISIONS

Sec. 8-1. SCOPE

The provisions set forth in this Article apply to the entire corporate area of the City of Brownsboro, Texas and all zoning districts therein. (Ordinance 011-08-18a, sec. 8-1, adopted 10/21/00)

Sec. 8-2. ACCESS

1. Use of residentially zoned property for access. No residentially zoned land shall be used for driveway, walkway or access purposes to any land which is nonresidential zoned or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the time of adoption of this Ordinance which does not abut a public street.
2. Access to commercial uses. Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercially zoned property; provided, however, access may be permitted from any major collector or major thoroughfare and provided further, that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this Ordinance.
3. Facing of commercial uses. Commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial zone, and shall not face residential zones which may front on an intersecting or rear street adjacent to such commercial or industrial zone, except where property has been previously zoned commercial or industrial.

(Ordinance 011-08-18a, sec. 8-2, adopted 10/21/00)

Sec. 8-3. AUTHORITY TO ENTER UPON PRIVATE PROPERTY

The Building Inspector may, in the performance of his functions and duties under the provisions of the Ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this Ordinance. (Ordinance 011-08-18a, sec. 8-3, adopted 10/21/00)

Sec. 8-4. BOUNDARIES WHEN PUBLIC PROPERTY ABANDONED

1. For any public street or alley that is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning district(s) applicable shall apply to such ownership lines as determined by virtue of such abandonment.
2. For any public property other than streets or alleys, the regulations applicable to the zoning classifications which abut the abandoned property for the greatest number of lineal feet shall apply to the entire property. For purposes of this subsection, property separated by an intercepting street shall be deemed to abut said abandoned property along the centerline of such street right-of-way.

(Ordinance 011-08-18a, sec. 8-4, adopted 10/21/00)

Sec. 8-5. EXCEPTION TO HEIGHT LIMITS

Church spires, chimneys, fire, radio and television towers, smoke stacks, flagpoles, monuments and similar structures and their necessary mechanical appurtenance may be erected above the height limits herein established; however, the heights of these structures or appurtenance thereto shall not exceed the height limitations within any airport flight approach zones. (Ordinance 011-08-18a, sec. 8-5, adopted 10/21/00)

Sec. 8-6. FLOOD HAZARD AREAS

1. Flood hazard area shall include all area subject to inundation by floodwaters of the one hundred (100)

year frequency as delineated by the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map, as the case may be, issued by or on behalf of the Federal Insurance Administration, and approved by the Zoning and Planning Committee and City Council.

2. Development and/or use of any area subject to inundation according to (1) above shall comply with the regulations and requirements of the zoning district where such is located.

(Ordinance 011-08-18a, sec. 8-6, adopted 10/21/00)

Sec. 8-7. LIVING UNITS IN ZONES OTHER THAN RESIDENTIAL

Dwelling units shall not be permitted in any commercial or industrial districts except as otherwise provided for in this Ordinance. (Ordinance 011-08-18a, sec. 8-7, adopted 10/21/00)

Sec. 8-8. MINIMUM PROPERTY FRONTAGE

1. In all districts, no building or structure except as hereinafter provided shall be erected on a lot or parcel of land which does not abut a public street for the required minimum lot width of the district where such is located. However, a residential dwelling may be erected on a lot or parcel of land that abuts at least one public or private street for at least fifty (50) feet, except that a minimum street abutment of at least twenty-five (25) feet may apply to properties of an irregular shape bordering curving streets or cul-de-sacs provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.

2. Any building or structure existing on a lot or parcel of land in violation of the preceding paragraph prior to the effective date of this Section may be modified, enlarged or expanded; provided said modification, enlargement, or extension shall not be closer to any property line than the required side yard area applicable to the district within which such building or structure is located.

(Ordinance 011-08-18a, sec. 8-8, adopted 10/21/00)

Sec. 8-9. NONCONFORMING USES

1. General. Any lawful use of land or a building existing at the date of passage of this ordinance and located in a district in which it is not permitted under this ordinance, is hereby declared a nonconforming use, and not in violation of these regulations. However, such nonconforming use shall be subject to the regulations in this Article.

2. Certificate of Occupancy.

a. The owner of a nonconforming building or use shall certify by affidavit to the Building Inspector that the building or use was made nonconforming by passage of this Ordinance.

b. Upon acceptance of the affidavit the Building Inspector shall issue a Certificate of Occupancy for the nonconforming use of the building. Such certificate shall designate the location, nature and extent of such nonconforming use and any additional data necessary for issuance of said certificate.

c. If, upon review of the affidavit, any illegally established violation of previous or existing ordinances or codes is found, the Building Inspector shall not issue said certificate and shall declare such use to be in violation of this Ordinance and shall act accordingly.

d. Any use not in conformance with this Ordinance and on which no Certificate of Occupancy has been issued shall be presumed to be an violation of these zoning regulations and shall be treated accordingly.

3. Continuation of nonconforming use of land. Any use of land in legal existence prior to passage of this Ordinance may continue as to its specific use at the time of passage. This shall not, however, limit any other

authority of the City in controlling or abating nuisances, hazards or infringement on public well being.

4. Change of nonconforming use.

a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the Zoning and Planning Committee such new use:

- (1) will not extend the life of a nonconforming use;
- (2) will reduce traffic, sound, odor, smoke or number of employees;
- (3) will not include structural alteration or expansion; and
- (4) will improve the character and value of surrounding property.

Such change in use may be permitted only following formal application for change to the Board of Adjustment, which may then direct the Building Inspector to issue the necessary permits.

5. Restoration of nonconforming buildings.

a. Nonconforming buildings may be restored only if destruction caused by fire, explosion or act of God is Fifty percent (50%) or loss [less] of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the City.)

b. Any building whose destruction exceeds ten percent (10%) but less than fifty percent (50%) of its prior structural valuation must apply for a building permit for reconstruction within six (6) months and commence reconstruction within twelve (12) months of the date of destruction.

c. In lieu of such reconstruction, the nonconforming use shall be considered abandoned, and reconstruction of such building shall be permitted as a permitted use only.

6. Discontinuance or abandonment of nonconforming use. Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of one (1) year shall thereafter be required to conform to the provisions of this ordinance.

(Ordinance 011-08-18a, sec. 8-9, adopted 10/21/00)

Sec. 8-10. PERMITTED BUILDABLE AREA

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established for the principal structure and in required rear yards as may be otherwise provided for in these regulations. (Ordinance 011-08-18a, sec. 8-10, adopted 10/21/00)

ARTICLE 9. ADMINISTRATIVE AND ENFORCEMENT REGULATIONS

Sec. 9-1. OFFICIAL ZONING MAP

The Official Zoning Map of the City of Brownsboro shall be kept in the office of the City Secretary and one copy shall be maintained in the office of the Building Inspector. It shall be the duty of the City Secretary to keep the official map current, and the copies thereof, by entering on such maps any changes which the City Council may order by amendments to the Zoning Ordinance. The City Secretary, upon adoption of this Ordinance, shall affix a certificate identifying the map in the office as the Official Zoning Map of the City of Brownsboro. The City Secretary shall likewise identify the copies directed to the office of the Building Inspector as Building Inspector copies. (Ordinance 011-08-18a, sec. 9-1, adopted 10/21/00)

Sec. 9-2. ENFORCEMENT AND APPLICATION

1. Administrative official.

- a. The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Brownsboro.
- b. The Building Inspector, or any duly authorized person shall have the right to enter upon any premises at any reasonable time or [for] the purpose of making inspections of buildings on premises necessary carry out his duties in the enforcement of this ordinance.
- c. Whenever any construction work is being done contrary to the provisions of this ordinance, the Building Inspector may order the work stopped by written notice served on the owner or contractor doing or causing such work to be done. Any such person shall forthwith cease such work until authorized by the Building Inspector to proceed with the work.

2. Requirements for building permit. All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate and drawn to scale showing:

- a. The actual shape and dimension of the lot to be built upon;
- b. The exact sizes and location on the lot of any structure then existing;
- c. The lines within which the proposed structure are to be built or altered;
- d. The existing and intended use of each structure or part thereof;
- e. The number of families or housekeeping units the structure is designed to accommodate;
- f. Such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with this Ordinance.

One copy of such plot plans shall be returned to the applicant when the plan has been approved.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified, registered surveyor. The lot shall be staked out before construction is started.

3. Existing permits and private agreements. This ordinance is not intended to abrogate or annul:

- a. Any permits issued before the effective date of this Ordinance;
- b. Any easement, covenant or other private agreement.

4. Preserving rights in pending litigation. and violations under existing ordinances. By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a district where the actual use is a conforming one. Otherwise, such uses shall remain nonconforming uses, where recognized, or an illegal use as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Ordinance. Prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending may be proceeded upon in all respects.

5. Completion of authorized building. Nothing in this Ordinance or any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of passage of this Ordinance, provided such building was authorized by building permit prior to passage of this Ordinance and construction started within ninety (90) days of passage of this Ordinance. Any commitments made with reference to construction

of public utility buildings necessary for the proposed expansion of the City prior to the passage of this Ordinance shall be observed.

(Ordinance 011-08-18a, sec. 9-2, adopted 10/21/00)

Sec. 9-3 ZONING AND PLANNING COMMITTEE

The word "Committee" as used in this Ordinance shall be construed to mean the City of Brownsboro Zoning and Planning Committee. (Ordinance 011-08-18a, sec. 9-3, adopted 10/21/00)

CHAPTER 10

STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES

[This chapter reserved for future use.]

CHAPTER 11

TRAFFIC AND VEHICLES

ARTICLE 11.01 GENERAL PROVISIONS^{*1}

Sec. 11.01.001 Definitions

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Alley. A public thoroughfare which ordinarily affords only a second means of access to abutting property.

Authorized emergency vehicle. Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb loading zone. A space adjacent to the curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials.

Driver or operator. Every person who drives or is in actual physical control of a vehicle.

Freight curb loading zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle

may come in conflict. Where a street includes two (2) roadways, thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such streets shall be regarded as a separate intersection.

Laned roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Limited-access or controlled-access highway. Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Official time standard. Whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in this city.

Official traffic-control devices. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. When prohibited, the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Passenger curb loading zone. A place adjacent to a curb for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian. Any person afoot.

Police officer. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. Every way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner but not other persons.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Residence district. The territory contiguous to and including a street or highway not comprising a business district when the property on such street or highway, for a distance of three hundred (300) feet or more, is, in the main, improved with residences or residences and buildings in use for business.

Right-of-way. The privilege of the immediate use of the roadway.

Roadway. That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Stop. When required, means complete cessation of movement.

Stop, stopping or standing. When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracts.

(1981 Code, sec. 18.1)

Sec. 11.01.002 State motor vehicle code adopted

The motor vehicle laws of the state are hereby adopted by reference and made a part of this code, insofar as they apply to municipalities and the jurisdiction of the municipal court of the city. (1981 Code, sec. 18.2; Ordinance adopting 2021 Code)

Sec. 11.01.003 Vehicle equipment

It shall be unlawful for any person to operate any vehicle on any street, alley or other public way in the city unless such vehicle is equipped in accordance with all state laws governing vehicles, or to fail to use such equipment as required by such laws, or to use any equipment contrary to such laws. (1981 Code, sec. 18.10)

State law reference—Vehicle equipment, V.T.C.A., Transportation Code, ch. 547.

Sec. 11.01.004 Use of transmission brakes

(a) It shall be unlawful for any driver of a truck or truck-tractor to activate or use the unit's "transmission brake" within the city limits, except in an emergency situation.

(b) The term "emergency situation," for the purposes of this section, shall mean one in which there is imminent danger of collision with property, persons or animals.

(Ordinance 18.27 adopted 9/13/07)

ARTICLE 11.02 ADMINISTRATION AND ENFORCEMENT

Sec. 11.02.001 Duties of chief of police

It shall be the duty of the chief of police to conduct analysis of traffic accidents and to devise remedial measures, to conduct investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by this chapter and other traffic ordinances. (1981 Code, sec. 18.3)

Sec. 11.02.002 Authority of chief of police to make traffic regulations

The chief of police is hereby empowered to make regulations necessary to make effective the provisions of this chapter and other traffic ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days, nor shall it be effective until approved by the city council. (1981 Code, sec. 18.4)

Sec. 11.02.003 Duty of police officers to enforce traffic laws

It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city. (1981 Code, sec. 18.5)

Sec. 11.02.004 Authority of police officers to direct traffic

Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws. (1981 Code, sec. 18.6)

Sec. 11.02.005 Authority of officers of fire department to direct traffic at scene of fire

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (1981 Code, sec. 18.7)

Sec. 11.02.006 Obedience to traffic officers

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official given to direct or control traffic as authorized in this chapter. (1981 Code, sec. 18.8)

State law reference—Obedience to lawful order or direction of police officer or school crossing guard, V.T.C.A., Transportation Code, sec. 542.501.

Sec. 11.02.007 Fleeing from or attempting to evade police officer

(a) **Offense.** No person operating a motor vehicle upon a public street, alley or other place subject to the traffic jurisdiction and laws of the city shall flee from or seek to evade a police officer, after having received an indication from such officer, either by the blinking or flashing of red lights, the sounding of a siren or whistle, motioning by the officer or any other plain and unmistakable indication, that the officer is attempting to stop such person.

(b) **Penalty.** Any person violating any of the provisions of this section shall be subject to a fine in accordance with the general penalty provided in [section 1.01.009](#) for each offense.

(1981 Code, sec. 18.9; Ordinance adopting 2021 Code)

State law reference—Fleeing or attempting to elude police officer, V.T.C.A., Transportation Code, sec. 545.421.

Sec. 11.02.008 Applicability of chapter to drivers of government vehicles

The provisions of this chapter shall apply to the drivers of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted herein or by state statute. (1981 Code, sec. 18.20)

State law reference—Applicability of traffic laws to drivers of government vehicles, V.T.C.A., Transportation Code, sec. 542.002.

Sec. 11.02.009 Applicability of chapter to authorized emergency vehicles

(a) The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except that a driver, when operating any such vehicle in an emergency or in the immediate pursuit of an actual or suspected violator of the law, except when otherwise directed by a police officer, may:

- (1) Park or stand notwithstanding the provisions of this chapter.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Disregard regulations governing direction or movement or turning in specified directions so long as he does not endanger life or property.

(b) The exemptions granted above shall apply only when the driver of the vehicle sounds a siren, bell or exhaust whistle as may be reasonably necessary, and the vehicle displays a lighted red lamp visible from the front as a warning to others.

(1981 Code, sec. 18.21)

State law reference—Operation of authorized emergency vehicles, V.T.C.A., Transportation Code, ch. 546.

Sec. 11.02.010 Drivers' records

The police department shall maintain a suitable record of all traffic accidents, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned. Such reports shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the most recent five (5) year period. (1981 Code, sec. 18.24)

Sec. 11.02.011 Records of traffic violations

(a) The police department and the judge of the municipal court shall keep a record of all violations of this chapter and other traffic ordinances of the city and of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five (5) year period, and, from that time on, the record shall be maintained complete for at least the most recent five (5) year period.

(b) All forms for records of traffic violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records shall be public records.

(1981 Code, sec. 18.25)

ARTICLE 11.03 TRAFFIC-CONTROL DEVICES^{*2}

Sec. 11.03.001 Ratification of existing devices

All traffic-control signs, signals, devices, and markings placed or erected prior to the adoption of this code by the police department and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law. (1981 Code, sec. 18.87)

Sec. 11.03.002 Conformity with manual

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the state department of transportation. All signs and signals required under this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices. (1981 Code, sec. 18.78)

State law reference—Adoption of sign manual and specifications, V.T.C.A., Transportation Code, sec. 544.001.

Sec. 11.03.003 Powers and duties of chief of police

The chief of police shall place and maintain traffic-control signs, signals and devices when and as required under this chapter to make effective the provisions of this chapter, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this chapter or under state law, or to guide or warn traffic. It shall be the duty of the chief of police to supervise the installation and proper timing and maintenance of traffic-control devices. (1981 Code, sec. 18.79)

Sec. 11.03.004 Designation of crosswalks and safety zones; marking of traffic lanes

The chief of police is hereby authorized:

- (1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at any intersection where, in his opinion, there is a particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- (2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (3) To mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with this chapter and other traffic ordinances of the city.

(1981 Code, sec. 18.80)

Sec. 11.03.005 Obedience

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this chapter and other traffic ordinances of the city, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle. (1981 Code, sec. 18.81)

State law reference—Compliance with traffic-control device, V.T.C.A., Transportation Code, sec. 544.004.

Sec. 11.03.006 Enforcement if sign not in place

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (1981 Code, sec. 18.82)

State law reference—No enforcement against alleged violator if traffic-control device not in proper position or sufficiently legible, V.T.C.A., Transportation Code, sec. 544.004(b).

Sec. 11.03.007 Unauthorized signs, signals or markings

(a) No person shall place, maintain or display upon or in view of any road, street or highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad signal

or sign, and no person shall place or maintain nor shall any public authority permit upon any highway or street any traffic signal or sign bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection, upon private property adjacent to streets or highways, of signs giving useful directional information and of a type that cannot be mistaken for official signals.

(b) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the city is hereby empowered to remove the same or cause them to be removed without notice.

(1981 Code, sec. 18.88)

State law reference—Display of unauthorized signs, signals or markings, V.T.C.A., Transportation Code, sec. 544.006.

Sec. 11.03.008 Altering, injuring or removing

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any inscription, shield or insignia thereon or any part thereof. (1981 Code, sec. 18.89)

State law reference—Interference with traffic-control devices or railroad signs or signals, V.T.C.A., Transportation Code, sec. 544.005.

Sec. 11.03.009 Installation of traffic lights

The chief of police, as authorized by the city council from time to time, shall designate intersections at which traffic shall be controlled by electric traffic-control signals or lights and shall cause such signals or lights to be installed and maintained at such intersections. (1981 Code, sec. 18.83)

ARTICLE 11.04 SPEED REGULATIONS^{*3}

Sec. 11.04.001 General speed limit; reasonable and prudent speed required

(a) No person shall operate or drive any vehicle on any street within the city at a greater speed than twenty-five (25) miles per hour, unless signs are erected designating another speed in accordance with this article.

(b) Notwithstanding any other provision of this article, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with the legal requirements and the duty of all persons to use due care.

(1981 Code, sec. 18.100; Ordinance 2020-005 adopted 11/16/20)

State law references—Maximum speed requirement, V.T.C.A., Transportation Code, sec. 545.351; prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352.

Sec. 11.04.002 Reduced speed under certain conditions

The driver of every vehicle shall, consistent with the requirements of [section 11.04.001\(b\)](#), drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or street or highway conditions. (1981 Code, sec. 18.101)

Sec. 11.04.003 Maximum limit near school, church or hospital

The maximum speed limit within the same block of any school, church, or hospital shall be thirty-five (35) miles per hour, and, when signs are erected as provided in [section 11.04.005](#), it shall be unlawful for any person to drive any vehicle at a speed greater than such limit. (1981 Code, sec. 18.102)

Sec. 11.04.004 Driving at slow speed

No person shall drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. (1981 Code, sec. 18.103)

State law reference—Minimum speed regulations, V.T.C.A., Transportation Code, sec. 545.363.

Sec. 11.04.005 Signs

Whenever the speed limit of thirty (30) miles per hour, as prescribed by [section 11.04.001](#), is, by the provisions of this article or other ordinances of the city council, increased or decreased at any intersection or other place or upon any part of a street, the chief of police shall erect appropriate signs giving notice of such speed limit, and no such limit shall be effective unless such signs are erected at such intersection or other place or part of such street. (1981 Code, sec. 18.104)

Sec. 11.04.006 Exemptions

The provisions of this article regulating the speed of vehicles shall not apply to vehicles operated by the fire department or the city responding to calls, nor to police patrols, or ambulances responding to emergency calls. (1981 Code, sec. 18.105)

Sec. 11.04.007 Speed limits on specific streets

Ordinances authorizing the designation of speed zones on specific streets are not included in this code but are specifically saved from repeal upon adoption of this code. Such ordinances are on file in the city secretary's office. (Ordinance adopting 2021 Code)

ARTICLE 11.05 OPERATION OF VEHICLES IN ALLEYS

Sec. 11.05.001 Definitions

The following words and phrases in this article shall be defined as follows, to wit:

Alley. The entire width between property lines of every way or place other than a street having an official or legal name when any part thereof is open to public use as a matter of right and such way has a width of twenty-five (25) feet or less.

Intersection. The area embraced within the prolongation or connection of the lateral curblines, or if none, then the lateral boundary lines of the roadway, of a street or highway with an alley which join one another at or approximately at right angles, or the area within which vehicles travel upon different highways, or alleys joining with streets or highways, at any other angle which may come in conflict whether or not one said street or alley or highway crosses the other.

Park. Standing of a vehicle, either occupied or unoccupied, except temporarily while actually engaged in loading or unloading.

(1981 Code, sec. 18.71)

Sec. 11.05.002 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction will be subject to a fine in accordance with the general penalty provided in [section 1.01.009](#) for each offense. (1981 Code, sec. 18.76; Ordinance adopting 2021 Code)

Sec. 11.05.003 Speed limit

The maximum speed limit on any alley within the limits of the city shall be ten (10) miles per hour and it shall

hereafter be unlawful and an offense for any person to operate or drive any motor or other vehicle in any alley in the city to a greater speed than ten (10) miles per hour. (1981 Code, sec. 18.72)

Sec. 11.05.004 All-night parking prohibited; time limit for parking

All-night parking is prohibited. No person, except physicians on emergency calls, shall park a vehicle on any alley of the city for a period of time longer than thirty (30) minutes at any time. (1981 Code, sec. 18.75)

ARTICLE 11.06 OPERATION OF VEHICLES ON SHOPPING CENTER PROPERTY

Sec. 11.06.001 Speed limit

When signs have been posted upon shopping center property, no person shall operate or drive any motor vehicle or other vehicle upon any shopping center property at a greater speed than twenty (20) miles per hour, and any speed in excess of said limit shall be prima facie evidence that such speed is neither reasonable nor prudent, and is unlawful. (1981 Code, sec. 18.157)

Sec. 11.06.002 Stop signs

(a) The chief of police and such other person as may be designated by him is hereby authorized to determine and designate intersections, streets, highways and alleys with exits from shopping center property where particular hazards exist, and to determine whether motor vehicles shall stop at one or more exits from such shopping center, and shall erect a stop sign at every such exit where a stop is required.

(b) When stop signs have been erected as provided for herein at or near the exit from any shopping center, every driver of a motor vehicle or other vehicle shall stop such vehicle at said sign before proceeding.

(1981 Code, sec. 18.158)

Sec. 11.06.003 Negligent collision

No person driving or operating or in charge of any motor vehicle or any other vehicle shall by negligence cause or suffer or permit such vehicle to come in collision with any other vehicle of any nature whatsoever, or with any person or any other obstacle or object of whatever kind, in any shopping center in the city. Violation of this section shall be known as the offense of "negligent collision." (1981 Code, sec. 18.159)

ARTICLE 11.07 STOPPING, STANDING AND PARKING⁴

Sec. 11.07.001 Duties of driver when leaving vehicle unattended

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine and effectively setting the brakes thereon and, when standing upon any grade, turning the front wheels to the curb or side of the roadway. (1981 Code, sec. 18.116)

State law reference—Unattended vehicle, V.T.C.A., Transportation Code, sec. 545.404.

Sec. 11.07.002 Prohibited in specified places

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.

- (4) Within fifteen (15) feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within twenty (20) feet of a crosswalk at an intersection.
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located on the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the chief of police has indicated a different length by signs or markings.
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (10) Within twenty (20) feet of the drive 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 such entrance (when properly signposted).
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (14) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any prohibited area specified above or away from the curb such distance as is unlawful.

(1981 Code, sec. 18.117)

State law reference—Stopping, standing or parking prohibited in certain places, V.T.C.A., Transportation Code, sec. 545.302.

Sec. 11.07.003 Prohibited for certain purposes

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing, filling with gas or oil or repairing such vehicle, except repairs necessitated by an emergency.

(1981 Code, sec. 18.118)

Sec. 11.07.004 Ten feet of roadway to be left available for traffic

No person shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of width of either lane of a roadway for free movement of the vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

(1981 Code, sec. 18.119)

Sec. 11.07.005 Designation and marking of parking spaces and areas where parking is prohibited or limited

(a) The chief of police shall cause parking spaces to be maintained and marked off in and on such streets and parts thereof as may be designated by the city council from time to time and he shall cause spaces in which parking is prohibited to be maintained and marked off in and on such streets and parts thereof as may be designated by the city council from time to time. The chief of police shall also cause time limit parking areas to be maintained and marked off in and on such part or parts of streets as may be designated by the city council from time to time. All such spaces or areas shall be clearly indicated by appropriate signs or markings on the pavement.

(b) In areas designated as time limit parking areas, parking may be limited to any period prescribed by the city council, the same to be designated with clearly distinguishable markings or signs at both ends of the time limit area and at reasonable intervals between the beginning and ending of such time limit area, indicating the time allowed for parking in such area.

(c) Any time limit on parking established under this section shall apply on such days and between such hours as prescribed by the city council.

(1981 Code, sec. 18.123)

Sec. 11.07.006 Parking in prohibited areas: overtime parking

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or owned or operated by him or in his possession or under his control to be or remain in any space or area in which parking is prohibited as provided in section 11.07.005, or in a time limit parking area for a longer period of time than that designated by the marking on the street or by signs clearly visible. (1981 Code, sec. 18.124)

Sec. 11.07.007 Parallel and angle parking

(a) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway, except as otherwise provided in this section. On one-way streets, vehicles may be parked on the left side of the street, with the left-hand wheels within eighteen (18) inches of the curb or edge of the roadway, unless signs prohibit such parking.

(b) The chief of police, with approval of the city council, shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal aid or state highway in the city unless the state highway engineer has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railway tracks.

(c) Upon those streets which have been signed or marked for angle parking, no person shall stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or marking. Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

(1981 Code, sec. 18.125)

State law reference—Additional parking regulations, V.T.C.A., Transportation Code, sec. 545.303.

Sec. 11.07.008 Parking or standing in alley

No person shall park a vehicle within an alley in such a manner or under such conditions as to have available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (1981 Code, sec. 18.126)

Sec. 11.07.009 Overnight parking

Overnight parking for storage on any paved street is hereby prohibited. "Overnight parking for storage" is hereby defined as the habitual parking or storing of cars, trucks, tractors or other vehicles on paved streets during the hours from sundown to sunup, except temporarily disabled vehicles which are protected by flares or other approved signal devices. (1981 Code, sec. 18.127; Ordinance 2019-001 adopted --/--)

Sec. 11.07.010 Parking on residential streets

No parking [is permitted] on any residential streets within the city limits (except when loading and/or unloading or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer). (Ordinance 2019-001 adopted --/--)

Sec. 11.07.011 Impoundment of vehicles

(a) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage or parking lot designated or maintained by the police department or otherwise maintained by the city, under the circumstances hereinafter enumerated:

(1) When a vehicle upon a roadway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.

(2) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite obstruction to employees of the city engaged in cleaning the street upon which the vehicle is illegally parked, or when any vehicle is illegally parked and constitutes an obstruction on any of the city's water or sewer lines.

(4) If a nonresident of the city has failed on more than one occasion to comply with notice attached to an illegally parked vehicle owned by him, and warrants have been issued for his arrest but not served because of his absence, the police are authorized to impound his vehicle as provided in this section, when such vehicle is next found left unattended upon a street and illegally parked.

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department of transportation. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal, and the name of the garage or place where the vehicle is stored.

(d) In the event a vehicle is removed from a street under this section, the owner of same shall pay, in addition to the fine, if any, assessed against him, reasonable costs incurred in removing the vehicle from the street, and reasonable storage for the time the same is stored in a garage or parking lot.

(1981 Code, sec. 18.128)

State law reference—Removal of unlawfully stopped vehicle, V.T.C.A., Transportation Code, sec. 545.305.

Sec. 11.07.012 Presumption that owner of vehicle is responsible for offense

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (1981 Code, sec. 18.129)

State law reference—Presumption that owner of vehicle is responsible for offense, V.T.C.A., Transportation Code, sec. 545.308.

CHAPTER 12

UTILITIES

ARTICLE 12.01 GENERAL PROVISIONS¹

Sec. 12.01.001 Drilling of private water wells prohibited

Drilling or digging new wells for water use in the city limits is prohibited. (1981 Code, sec. 3.1)

Sec. 12.01.002 Water shortage emergencies

In the event that an emergency arises due to the failure of any part of the water system:

- (1) Consumers should be notified of the condition and requested to use only necessary amounts of water until notified otherwise.
- (2) In case of extreme emergency, large-scale consumers, such as car washing or similar commercial types of business using large amounts of water, must discontinue service until the state of emergency has been lifted by order of the city commission.
- (3) Any consumer failing to comply with the emergency request is subject to having the water meter disconnected, and/or subject to a fine in accordance with the general penalty provided in [section 1.01.009](#) per day, for each day that water consumption continues after being notified of the emergency.

(1981 Code, sec. 4.1; Ordinance adopting 2021 Code)

ARTICLE 12.02 COUNCIL APPROVAL OF RATE INCREASES

Sec. 12.02.001 Required

It shall be unlawful for any person furnishing, distributing or supplying gas, sewage facilities, water, telephone, or any other public service, commodities or conveniences to any of the inhabitants of the city to raise or increase the rates charged therefor, without first obtaining the consent or approval of the city council to such raise or increase. (1981 Code, sec. 12.1)

Sec. 12.02.002 Application

Any person desiring or proposing to increase or raise any of the rates charged the citizens of the city for any

public service of the character mentioned in [section 12.02.001](#) shall file with the council an application for authority to make such increase, specifying therein the authority or right under which such service is performed for the citizens of the city, the rate or rates which are currently being charged therefor, and the rate or rates which it is proposed to charge therefor. Such application shall also be accompanied by a complete statement, under oath, showing the alleged necessity for any such proposed increase or raise in rates and the reasonableness thereof. Such application shall also furnish to the city council such additional data or information as it may from time to time request in connection with the proposal to increase such rates, in order that the council may pass intelligently upon the merits of such application. (1981 Code, sec. 12.2)

Sec. 12.02.003 Hearing required; notice of hearing

When an application for a rate increase is filed with the city council under this article, it shall be the duty of the council to grant and hold a public hearing thereon, which hearing shall be held in some suitable place in the city on a date not less than ten (10) nor more than thirty (30) days from the date such application is filed. Public notice of the time, place and date of such proposed hearing shall be given by posting printed or written notice thereof at each of three (3) public places in the city, one of which shall be at the city hall, for a period of at least ten (10) days prior to the date fixed for such hearing. (1981 Code, sec. 12.3)

Sec. 12.02.004 Conduct of hearing

At the hearing provided for in [section 12.02.003](#), the city council shall hear and consider any and all protests and objections to the proposed rates and shall also hear and consider all material and proper evidence which may be presented by the applicant or by any other interested party, relating to the reasonableness and fairness of such proposed rates under the law and the facts. Such hearing may be adjourned from time to time if deemed proper or necessary by the council, until the entire matter of the proposed increase in rates has been fully investigated and considered by the council. (1981 Code, sec. 12.4)

Sec. 12.02.005 Ordinance authorizing increase

If, as the result of a hearing and investigation under this article, the city council considers and determines that the applicant is duly authorized and empowered to furnish the service for which he proposes to increase the rates, and that the rates under consideration should be raised or increased, the council shall pass an ordinance authorizing such increase as it may deem proper, not to exceed, however, the amount specified in the application filed with the council asking its permission and consent to make such increase. (1981 Code, sec. 12.5)

Sec. 12.02.006 Disconnection of service for refusal to pay unapproved rate

Any agent, employee or representative of any person who attempts in any manner whatever to disconnect or cut off any inhabitant of the city from a proper supply of gas, sewage, water or telephone facilities, on account of the failure or refusal of such inhabitant to pay any rate in excess of the rate approved by the council, shall be guilty of a misdemeanor. (1981 Code, sec. 12.6)

Sec. 12.02.007 Violations

Any person seeking and undertaking to increase or raise rates in violation of any of the terms of this article, or seeking to collect from any of the inhabitants of the city compensation for its services at a greater rate than has been approved by the city council, shall, at the option of the city council, forfeit his right and franchise to use any of the public streets or alleys of the city in connection with his business, and may be required by the council, at its option, to remove from such streets and alleys all of his material and equipment used in connection with the services rendered the citizens of the city, but such right to forfeit such rights, privileges and franchises shall not be deemed an exclusive remedy for the violation of this article, and the council may, at its option, pursue any other remedy provided by law or in equity. (1981 Code, sec. 12.7)

ARTICLE 12.03 RATES, CHARGES AND SERVICE POLICIES

Sec. 12.03.001 Water and sewer connection, reconnection and transfer fees; tap fees

The water and sewer connection, reconnecting and transfer fees, water tap fees, and sewer tap fees are as set forth in the fee schedule in [appendix A](#) of this code. (Ordinance 2006-001 adopted 1/12/06; Ordinance adopting 2021 Code)

Sec. 12.03.002 Water, sewer and garbage rates

The rates for water service, sewer service and garbage service are as set forth in the fee schedule in [appendix A](#) of this code. (Ordinance 2003-004 adopted 7/10/03; Ordinance 2011-005 adopted 9/12/11; Ordinance 2015-004, secs. I–III, adopted 10/8/15; Ordinance 2020-004, secs. I–III, adopted 10/19/20)

Sec. 12.03.003 Billing; late fee; termination of service; tampering with meter

(a) Due date. Water bills will be mailed out at the first of each month. Water bills are due by the 15th of each month.

(b) Late fee. After the 15th of the month the water bills are late. A late fee as set forth in the fee schedule in [appendix A](#) of this code will be added to bills which are late.

(c) Termination notice. On the 16th of the month a termination notice will be sent out. Customers will then have until the 25th of the month to pay the water bill and late fee.

(d) Termination of service. The 26th of the month [shall be the date for] termination of services.

(1) Water will be cut off.

(2) The bill must be paid in full along with the late fee and reconnection fee.

(3) The reconnection fee is as set forth in the fee schedule in [appendix A](#) of this code.

(e) Tampering with meter. Tampering with a meter after water is disconnected [is punishable by] a fine in accordance with the general penalty provided in [section 1.01.009](#) plus damages.

(Ordinance adopted 9/12/11; Ordinance adopting 2021 Code)

Sec. 12.03.004 Meters

Meters above standard (5/8" x 3/4") shall adhere to the AWWA Standards for Meter Size and Equivalence. Meter equivalents are calculated on a proportional basis and remain the same regardless of allowable rates. (Ordinance 2020-004 adopted 10/19/20)

ARTICLE 12.04 SOLID WASTE^{*2}

Sec. 12.04.001 Definitions

City health officer. The city health officer or his authorized agent.

Dry refuse or dry rubbish. Tin cans, papers, dry trash, pieces of wood, boxes, crates, tree limbs and excelsior or other packing materials, and other like materials and substances.

Garbage. Rubbish, trash, kitchen and household waste, prescribed waste including meat, vegetable and fruit refuse, hedge trimmings, lawn trimmings, and merchandise containers, whether of paper, wood or other materials.

(1981 Code, sec. 14.1)

Sec. 12.04.002 Receptacles required; placement for collection

(a) No person shall place or throw any garbage or dry refuse of any kind or character upon any street, sidewalk, alley, public way, parking lot or open space in the city, but all such garbage, refuse and rubbish shall be placed in a receptacle as hereinafter described, such receptacle to be placed on the front or rear of the premises or at some point accessible to the garbage collectors, and where not accessible to a paved alley shall be placed upon the front edge of the property so as to be accessible to garbage collectors. It shall be illegal to permit containers serving residential users to remain on the street right-of-way (front, side or rear) on days other than those designated for garbage and trash pickup. Receptacles shall be placed as provided herein no earlier than 6:00 p.m. on Sunday and removed no later than 6:00 p.m. on Tuesday.

(b) It shall be unlawful and an offense for any person, firm or corporation, or the person in charge of any residence, business or commercial establishment, to allow garbage, rubbish or refuse to be piled, placed or to accumulate on any sidewalk or street within the city. All such garbage, refuse and rubbish shall be placed in containers as provided for in this article.

(1981 Code, sec. 14.2; Ordinance adopting 2021 Code)

Sec. 12.04.003 Standards for receptacles

The owners or operators of every type of business and all occupants of residences or dwelling houses in the city shall deposit weekly any accumulation of garbage or refuse in a galvanized iron can or acceptable plastic container with a watertight cover, and such container shall have an adequate capacity not exceeding twenty (20) gallons each. Where equipment service containers are furnished by the city, deposits of garbage and trash shall be in such containers. (1981 Code, sec. 14.3)

Sec. 12.04.004 Frequency of collection

All garbage and refuse shall be collected and removed from every residence in the city at least once a week unless otherwise ordered by the city council. All garbage and refuse shall be collected and removed from every other occupancy on a schedule to be determined by the city council. (1981 Code, sec. 14.4)

Sec. 12.04.005 Disposal

All garbage and refuse shall be hauled and dumped by the sanitation department of the city in the city landfill, or at such other place or places as may be provided by the city council, and shall then be disposed of in such manner as may be directed by the city council. (1981 Code, sec. 14.5)

Sec. 12.04.006 Establishment of charges

The city shall charge for its services in removing garbage and refuse a reasonable amount to be set from time to time by the city council. (1981 Code, sec. 14.6)

Sec. 12.04.007 Collection of charges

The charges provided for herein shall be collected by the city council on a monthly basis. (1981 Code, sec. 14.7)

Sec. 12.04.008 Inspections and investigations

It shall be the duty of the city health officer, or the superintendent of the sanitation department of the city or his authorized agent, to make all necessary inspections and investigations of any and all premises, business establishments and private residences, to see that the terms of this article are complied with. (1981 Code, sec. 14.8)

FEE SCHEDULE

ARTICLE A1.000 MISCELLANEOUS FEES

Sec. A1.001 Municipal court fees

(a) Building security fee: \$3.00.

(b) Technology fee: \$4.00.

(Ordinance 2007-006 adopted 10/11/07; Ordinance 2007-007 adopted 10/11/07)

ARTICLE A2.000 BUILDING RELATED FEES

Sec. A2.002 Building permits

New building	\$500.00
New commercial building	\$800.00
Manufactured or mobile home (designated areas only)	\$150.00
Remodel (residential or commercial)	\$150.00
Yard sprinkler (residential or commercial)	\$25.00
Swimming pool (above or below ground)	\$25.00
Fence (permit required over 6 feet)	No fee
Storage building:	
200 sq. ft. or less	No fee
201 sq. ft. and up	\$25.00

(Ordinance 2002-005 adopted --/02)

ARTICLE A3.000 BUSINESS RELATED FEES

Sec. A3.001 Alcoholic beverages

(a) Application for variance from distance requirements. The fee for applications for variances under [section 5.02.006](#) is \$100.00.

(b) License and permit fees.

(1) Annual fee for on-premises consumption. For on-premises consumption, the annual fee shall be equal to fifty percent of the state's third renewal fee for a mixed beverage permit with a food and beverage certificate, and all other licenses required.

(2) Annual fee for off-premises consumption. For off-premises consumption, the annual fee shall be equal to fifty percent of the state's fee for a beer retailer's off-premises license, and all other licenses required.

(3) Administrative processing fee for new applications. There shall be a \$150.00 administrative processing fee for acceptance, review and verification of all new applications.

(Ordinance 2010-001a, secs. 4, 8, adopted 10/10/13)

Sec. A3.002 Peddlers, solicitors and itinerant vendors

(a) Investigation fee. A fee of twenty dollars (\$20.00) for investigation shall be charged, which shall not be prorated.

(b) Permit fee. If issued, a fee of \$10.00 per week, \$25.00 per month, and/or \$75.00 per year will be assessed for the permit.

(Ordinance adopted 4/12/07, sec. 15.4; Ordinance adopted 11/8/12, sec. 15.4)

ARTICLE A4.000 UTILITY RATES AND CHARGES

Sec. A4.001 Connection, reconnection and transfer fees

There shall be charged for connection, reconnecting and transfer fees the following rates:

(1) Connection fee: \$25.00.

(2) Transfer fee: \$35.00.

(Ordinance 2006-001 adopted 1/12/06; Ordinance adopting 2021 Code)

Sec. A4.002 Water and sewer taps

(a) Water taps. There shall be charged for water tap fees in the city the following rates:

	Inside City	Outside City
3/4" tap	\$600.00	\$750.00
1" tap	\$750.00	\$900.00
1-1/2" tap	\$1,100.00	\$1,250.00
2" tap	\$1,350.00	\$1,500.00

(b) Sewer taps. There shall be charged for sewer tap fees in the city the following rates:

	Inside City	Outside City
4" tap	\$600.00	\$850.00
6" tap	\$850.00	\$1,000.00

(Ordinance 2006-001 adopted 1/12/06)

Sec. A4.003 Water rates

There shall be charged for water service in the city for each month the following rates:

- (1) Residential rate (standard meters):
 - (A) First 2000 gallons: \$24.32.
 - (B) All over 2000 gallons: \$3.00 per thousand.
- (2) Commercial rate:
 - (A) First 2000 gallons: \$25.00.
 - (B) All over 2000 gallons: \$3.50 per thousand.
- (3) Residential rate outside city:
 - (A) First 2000 gallons: \$26.00.
 - (B) All over 2000 gallons: \$3.00 per thousand.

(Ordinance 2003-004 adopted 7/10/03; Ordinance 2011-005 adopted 9/12/11; Ordinance 2015-004, sec. I, adopted 10/8/15; Ordinance 2020-004, sec. I, adopted 10/19/20)

Sec. A4.004 Sewer rates

There shall be charged for sewer service in the city for each month the following rates:

- (1) Residential rate:
 - (A) First 2000 gallons: \$21.57.
 - (B) All over 2000 gallons: \$2.50 per thousand. 100% of water used.
- (2) Commercial rate: 100% of water used.

(Ordinance 2003-004 adopted 7/10/03; Ordinance 2011-005 adopted 9/12/11; Ordinance 2015-004, sec. II, adopted 10/8/15; Ordinance 2020-004, sec. II, adopted 10/19/20)

Sec. A4.005 Garbage rates

There shall be charged for garbage service in the city for each month the following rates:

(1) Residential rate: \$16.50.

(2) Senior citizens rate: \$16.50.

(Ordinance 2003-004 adopted 7/10/03; Ordinance 2011-005 adopted 9/12/11; Ordinance 2015-004, sec. III, adopted 10/8/15; Ordinance 2020-004, sec. III, adopted 10/19/20)

Sec. A4.006 Late fee; reconnection after termination of service

(a) A \$3.00 late fee will be added to water bills which are late.

(b) The reconnection fee after termination of service is \$35.00.

(Ordinance adopted 9/12/11)