

ARTICLE 1.01
CODE OF ORDINANCES

§ 1.01.001. Adoption.

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

§ 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 Stratford, Texas,” and may be so cited.
(Ordinance adopting Code)

§ 1.01.003. Catchlines of articles, divisions and sections.

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

§ 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 Stratford, 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 Stratford, 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.

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

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

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.

May. The word “may” is permissive.

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

Must and shall. Each is mandatory.

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

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.”

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.

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.

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

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

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. 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.

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.

Year. The word “year” shall mean a calendar year.
(Ordinance adopting Code)

§ 1.01.005. Severability of parts of code.

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

(Ordinance adopting Code)

§ 1.01.006. Repeal of ordinances.

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

(Ordinance adopting Code)

§ 1.01.007. Amendments or additions to code.

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

(Ordinance adopting Code)

§ 1.01.008. Supplementation of code.

- (a) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.
- (c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
 - (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this section,” “this subsection,” etc., as the case may be; and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

(Ordinance adopting Code)

§ 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, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).
 - (c) 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 one dollar (\$1.00) or more than two hundred dollars (\$200.00) plus such other penalties and costs as may be provided by such subtitle C.
 - (d) 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. Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.
 - (e) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
 - (f) 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.
 - (g) 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.
- (Ordinance adopting Code)

**ARTICLE 1.02
ADMINISTRATION**

**DIVISION 1
Generally**

§ 1.02.001. Capitalization policy.

- (a) Capital assets categories and thresholds. Capital assets categories and thresholds will be:
- (1) Land/land improvements: Any amount.
 - (2) Buildings/building improvements: \$15,000.00.
 - (3) Facilities and other improvements: \$15,000.00.
 - (4) Infrastructure: \$15,000.00.
 - (5) Personal property: \$5,000.00.
 - (6) Leasehold improvements: \$15,000.00.
- (b) Definitions. For clarification purposes of this policy, the above items are generally defined as, but not expressly limited to, the following definitions:
- (1) Land/land improvements. Land/land improvements is the purchase price or fair market value at time of gift, any commissions, professional fees, land excavation, fill, grading, drainage, demolition of existing buildings (less salvage), property removal (relocation or reconstruction) of others (railroad, telephone, and power lines), date of purchase accrued mortgage interest and any unpaid taxes and right-of-way cost.
 - (2) Building. A building is a structure that is permanently attached to the land, has a roof, [and] is partially or completely enclosed by walls. A building improvement must extend the life of the building or increase the value of the building. Examples of capitalized building improvements are structural changes and installation or upgrade of roofing, heating and cooling systems, electrical, etc.
 - (3) Facilities. Facilities are considered to be assets built, installed or established to enhance the quality or facilitate the use of land for a specific purpose. Facility improvements are considered to be fencing, landscaping, parking lots, recreation areas, septic systems, and pavilions.
 - (4) Infrastructure. Infrastructure is usually considered stationary and can be preserved for a significantly greater number of years than most capital assets. They are often linear and continuous in nature. Infrastructure improvements should extend the useful life and/or increase the value by 25% of the original cost or life period. Examples of infrastructure are streets, curbs, gutters, sidewalks, fire hydrants, bridges, dams, drainage facilities, radio towers, water mains and distribution lines, light systems and signage.
 - (5) Personal property. Personal property is fixed or movable tangible assets to be used for operations that the life of extends beyond one year. Examples of personal property are vehicles, other motor vehicles, furnishings and equipment.
 - (6) Leasehold improvements. Leasehold improvements are the construction of new buildings or improvements made to existing structures by the lessee, who has the right to use these leasehold improvements over the term of the lease.

(Ordinance 04-09-15 adopted 9/15/04)

§ 1.02.002. through § 1.02.030. (Reserved)

DIVISION 2
Claims Against City

§ 1.02.031. Notice required.

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

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

(Ordinance 249, sec. 1, adopted 8/7/86)

§ 1.02.032. Refusal by council required prior to suit.

No suit of any nature whatsoever shall be instituted or maintained against the city unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the city council for redress, satisfaction, compensation or relief, as the case may be, and that the same was by vote of the city council refused.

(Ordinance 249, sec. 2, adopted 8/7/86)

§ 1.02.033. Service of notice.

All notices required by this division shall be effectuated by serving them upon the city secretary at the following location: Stratford City Hall, 518 North Third, Stratford, Texas. All such notices shall be effective only when actually received in the office of the person named above.

(Ordinance 249, sec. 3, adopted 8/7/86; Ordinance adopting Code)

§ 1.02.034. Waiver of requirements.

Neither the mayor, a city councilman nor any other officer or employee of the city shall have the authority to waive any of the provisions of this division.

(Ordinance 249, sec. 4, adopted 8/7/86)

§ 1.02.035. Notice to be sworn.

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

(Ordinance 249, sec. 5, adopted 8/7/86)

**ARTICLE 1.03
CITY COUNCIL**

§ 1.03.001. Time of meetings.

The city council shall hold a regular meeting at 6:00 p.m. on the fourth Tuesday of every month.
(1977 Code, sec. 1-1; Ordinance adopting Code)

ARTICLE 1.04
EMERGENCY MANAGEMENT

DIVISION 1
Generally

§ 1.04.001. National Incident Management system adopted.

(a) The city council hereby establishes and adopts the National Incident Management System (NIMS) as the standard command and control for incident management which will be used by the city during emergency operations.

(b) To the extent possible, the city will fully integrate NIMS in with its emergency management operations by no later than October 1, 2006.

(Ordinance adopted 7/18/05)

§ 1.04.002. through § 1.04.030. (Reserved)

DIVISION 2
Emergency Management Program

§ 1.04.031. Operational organization.

- (a) There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.
 - (b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
 - (c) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this division. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
 - (d) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.
- (Ordinance 252, sec. 1, adopted 11/20/86)

§ 1.04.032. Powers and duties of emergency management director.

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

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

of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the county-wide coordination of emergency management efforts.

- (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
 - (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
 - (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
 - (13) Other requirements as specified in the Texas Disaster Act of 1975 (V.T.C.A., Government Code, chapter 418).
- (Ordinance 252, sec. 2, adopted 11/20/86)

§ 1.04.033. Emergency management plan.

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

(Ordinance 252, sec. 3, adopted 11/20/86)

§ 1.04.034. Interjurisdictional program.

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

(Ordinance 252, sec. 4, adopted 11/20/86)

§ 1.04.035. Override.

At all times when the orders, rules, and regulations made and promulgated pursuant to this division shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

(Ordinance 252, sec. 5, adopted 11/20/86)

§ 1.04.036. Liability.

This division is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety, and neither the city, the agents and representatives of the city nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this division shall be liable for any damage sustained to persons as the result of said activity. Any person owning or

controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purposes of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for the loss of, or damage to, the property of such person.
(Ordinance 252, sec. 6, adopted 11/20/86)

§ 1.04.037. Commitment of funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this division without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement, or otherwise without prior and specific approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property.
(Ordinance 252, sec. 7, adopted 11/20/86)

§ 1.04.038. Offenses; penalty.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this division, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this division.
 - (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city unless authority to do so has been granted to such person by the proper officials.
 - (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this division and shall be subject to the penalties imposed by this division.
 - (d) Convictions for violations of the provisions of this division shall be punishable by a fine not to exceed \$1,000.00 or six months in jail or both such fine and jail confinement. (class B misdemeanor).
- (Ordinance 252, sec. 8, adopted 11/20/86)

§ 1.05.001

**ARTICLE 1.05
CEMETERIES**

§ 1.05.001

**DIVISION 1
Generally**

§ 1.05.001. through § 1.05.030. (Reserved)

DIVISION 2
Stratford Memorial Cemetery

§ 1.05.031. Permits.

- (a) Required. A permit shall be required for any and all work performed within the Stratford Memorial Cemetery with the exception of the placement of temporary floral arrangements, cut flowers, or routine lot maintenance.
- (b) Application. Permit applications shall be made to city hall. A fee as set forth in the fee schedule in appendix A of this code must be submitted with the application. The city reserves the right to inspect the site and receive full details on any proposed work prior to issuing a cemetery permit. Any permit applications requesting deviation from the cemetery rules and regulations will be rejected.
- (c) Violations; penalty. Any work done within the Stratford Memorial Cemetery without a permit or beyond the permit parameters shall be removed or redone. Any cost incurred will be the responsibility of the lot owner(s). In addition, violators of the cemetery rules and regulations will be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
- (Ordinance 191, sec. I, adopted 9/28/10)

§ 1.05.032. Purpose of rules; applicability.

It is not the plan of the Stratford Memorial Cemetery to incorporate anything in their rules and regulations that will not be to the interests of all property owners concerned. Their enforcement will help protect the cemetery and create and preserve its beauty. The following rules and regulations are hereby adopted as the rules and regulations of the Stratford Memorial Cemetery, and all owners of lots, all visitors and those performing work within the cemetery shall be subject to said rules and regulations, amendments or alterations, as shall be adopted from time to time.

(Ordinance 191, sec. II(1), adopted 9/28/10)

§ 1.05.033. Obedience to rules.

All persons entering the cemetery shall obey all rules and regulations adopted by the cemetery.

(Ordinance 191, sec. II(2), adopted 9/28/10)

§ 1.05.034. Liability.

The Stratford Memorial Cemetery will not be liable for any act of lot owners, visitors or trespassers within the cemetery for any damage to person or property within the cemetery, nor shall it be liable for any damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots or any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

(Ordinance 191, sec. II(3), adopted 9/28/10)

§ 1.05.035. Reservation of rights.

The Stratford Memorial Cemetery reserves the right to lay, maintain and operate, or alter or change pipelines, sprinkler systems, drainage, roads, etc. The cemetery reserves the right of ingress and egress over the lots for the purpose of passage to and from other lots.

(Ordinance 191, sec. II(4), adopted 9/28/10)

§ 1.05.036. Responsibilities of lot owners; interments generally.

- (a) The Stratford Memorial Cemetery will care for and maintain all roads, grass, vegetation, shrubbery and improvements belonging to the cemetery, but lot owners are to care for and maintain all monuments erected

on their lots.

- (b) No interment of a body, other than that of a human being, will be permitted in the cemetery.
- (c) The burial of more than one body in a casket in the same grave is strictly prohibited, except in the case of a mother and infant child, or twin children, or two children at the same time, or in terms of the approved cremated remains. Only three cremated remains will be allowed in a single gravesite, with the appropriate stone marker for each one.
- (d) A second interment will not be allowed on any lot in the cemetery against which lot there are unpaid accounts.
- (e) All graves will be water compacted, as weather permits.
- (f) All graves will be sodded level, and no permanent mounding will be allowed on any grave.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.037. Interment of cremated remains.

It is the policy of the Stratford Cemetery to allow for the disposition of cremated remains. Cremated remains must be buried in an approved container made for such use. The remains may be buried in a plot alone or in a plot occupied by another deceased family member provided that the remains are clearly and permanently identified and appropriately marked. Only three cremated remains will be allowed on a single gravesite. Cremated remains will not be scattered within the confines of the cemetery.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.038. Improvements on lots.

- (a) Permanent planting of trees and shrubs is to be made by the Stratford Memorial Cemetery, and any further permanent planting will be permitted only on consent of the cemetery superintendent. Such additional planting is usually not considered desirable or necessary.
- (b) No lot or grave space may be decorated by its owner or others with any tree or shrub, nor may trees or shrubs already planted thereon be disturbed in any way without first obtaining the consent of the superintendent.
- (c) No lot or parcel of ground in the Stratford Memorial Cemetery may be defined by any kind of fencing, coping, railing, curbing, hedge or embankment, nor may any lot be filled above the established grade.
- (d) No curbing, grave cover, wire arches and trellises shall be placed on any lot or grave on the Mary Riffe Addition as well as the Mary Riffe Addition Unit II. This includes wind chimes and wire yard art decorations.
- (e) To protect the grounds from injury by inexperienced or irresponsible workmen, to insure good work, and especially to improve the lot, the Stratford Memorial Cemetery reserves the right to supervise all foundations for monuments, markers, or other superstructures and to approve all excavation, digging the graves, grading and sodding of lots performed by others.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.039. Foundations.

- (a) Foundations will be required for all monuments, markers, and structures of every description placed on lots, a six (6) inch border being required on foundations having upright monuments. From the rule, there will be no deviation.
- (b) All foundations are to be constructed of granite, or stone spalls, concrete or Portland cement, and when completed the surface shall be ground level.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.040. Conduct of contractors and workmen.

- (a) Workmen engaged in the erection of monuments, markers, etc., would be subject to the rules and regulations of the Stratford Memorial Cemetery, and their employers will be held accountable for any violations thereon by them.
- (b) In depositing or moving materials for monuments to lots situated apart from the main drives, the intervening lots must not be unnecessarily trespassed upon. Planks or other means of protection are required to be laid on the grass over which machinery or heavy materials are to be moved to protect the lots from injury.
- (c) Workmen must suspend their labors when in the immediate vicinity of a funeral until the conclusion of all services.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.041. Monuments and memorials.

- (a) While there is no desire to interfere with the preference of individuals in regard to the style of their monuments, in justice to the interest of the Stratford Memorial Cemetery, the management reserves to itself the right to prevent the placing of or remove any structure or object which they shall deem injurious to the general good appearance of the grounds and particularly to the adjoining lots.
- (b) All monuments, markers, or other memorial structures shall be constructed of granite, marble or standard bronze. The monument shall not be longer than 60% of the front footage of the lot(s) on which it is placed.
- (c) Any individuals or company must have a permit issued by the city before construction is permitted.
- (d) The cemetery superintendent has entire charge of the cemetery and is authorized to enforce all rules, to maintain order, to oversee all workmen, to inspect and when necessary to refuse entrance to all materials, and to insist upon the immediate removal of all trash and materials as soon as work is completed.
- (e) All surplus materials, tools, rubbish, etc., must be removed on completion of the work, or when directed by the cemetery superintendent.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.042. Grave markers.

It is the policy of the Stratford Memorial Cemetery that all gravesites be marked with a permanent stone marker. This marker must be placed at the gravesite within six months of interment. No wooden, metal or other marker will be approved as a permanent grave marker.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.043. Removal of items placed on lots.

- (a) The management will remove all dried and dead flowers, withered set pieces and shrubs and plants and other rubbish as soon as it becomes unsightly.
- (b) Funeral designs and floral pieces shall be removed as soon as they become withered or unsightly, and the manager of the cemetery may remove them when, in his judgment, it is for the best of the cemetery.
- (c) In no case will the Stratford Memorial Cemetery be responsible for articles which may be placed on lots.
- (d) No boxes, shells, toys, crockery, glassware, rocks, loose metal crosses, solar lights, horseshoe crosses, cans, plastic items of any kind or other objects will be permitted on any grave space, and if so placed will be removed at once.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.044. Special provisions for items placed at gravesite.

- (a) In an effort to allow family members to grieve in their own manner, the Stratford Memorial Cemetery will allow, for a period of 90 days from interment, items to be placed at that gravesite. At 80 days, the family will be notified by mail that they are to bring their gravesite into compliance and remove the unapproved items. If they do not, those items will be removed immediately.
- (b) As part of the memorial process at the Stratford Memorial Cemetery, there are times that special arrangements of flowers or wreaths may be placed at gravesite. For these seasonal or special arrangements, they may remain on the gravesite for a period of 30 days or less. If after 30 days the arrangement is not removed it will be removed immediately.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.045. Changes to rules.

The Stratford Memorial Cemetery reserves the right to alter and change these rules from time to time, as the betterment of the cemetery seems to warrant.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.046. Superintendent; caretaker.

The city administrator shall be the superintendent of the Stratford Memorial Cemetery as part of his regular duties. However, if deemed necessary, a caretaker may be hired part-time or full-time, as available funds will permit.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.047. Opening and closing graves.

It is the policy of the Stratford Memorial Cemetery that any person or persons employed or authorized to open and close graves in the Stratford Cemetery are to be careful in the performance of their work, to keep in mind the adjoining graves when opening and closing a new grave and avoid any trespassing over or across any other graves when it can be avoided, to keep in mind and be careful not to damage any placed headstones, curbing or water hydrants, and to clean up as carefully and neatly as possible any oil spills from the machinery used in said work and to remove such oil spilled and replace it with new topsoil.

(Ordinance 191, sec. II, adopted 9/28/10)

§ 1.05.048. Fee schedule.

Cemetery fees are as provided in appendix A to this code. Gravesites are required to be marked with a stone marker containing the name, date of birth and date of death. These stone markers are the sole responsibility of the plot owner.

(Ordinance 191, sec. II, adopted 9/28/10; Ordinance adopting Code)

§ 1.05.049. Fee waiver for city employees and retired city employees.

Any person(s) retired from the city or any employee who dies during employment with the city shall have the fee for opening and closing of his/her grave waived. Retirement and/or employment with the city shall be verified through the city secretary.

(Ordinance 191, sec. II, adopted 9/28/10)

Chapter 2
ANIMAL CONTROL

ARTICLE 2.01
GENERAL PROVISIONS

§ 2.01.001. 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 Code)

ARTICLE 2.02
DOGS AND CATS

DIVISION 1
Generally

§ 2.02.001. Definitions.

For the purposes of this article, the following definitions shall apply:

Cat. Any member of the feline species of animals, either male or female.

Dog. Any member of the canine species of animals, either male or female.

Owner. Any person owning, keeping, harboring, or having control or custody of any dog or cat.
(1977 Code, sec. 2-1)

§ 2.02.002. Running at large prohibited.

It shall be unlawful for any owner of any dog or cat to permit or allow such dog or cat to run or be at large upon any public highway, street, alley, court, square, park, sidewalk, or any other public grounds or public property or any unfenced lot, tract, or parcel of land within the corporate limits of the city.
(1977 Code, sec. 2-3)

§ 2.02.003. Penalty for allowing animal to run at large.

Any owner, keeper, or custodian of a dog or cat who shall allow such dog or cat “at large” as such term is herein defined, whether on public or private property, shall be guilty of a misdemeanor, and shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
(1977 Code, sec. 2-15)

§ 2.02.004. Vicious or dangerous dogs or cats.

If any dog or cat within the city shall bite, scratch, or otherwise attack any person and the person so attacked was not at the time trespassing upon the property of the owner or person having control of such dog or cat, or if it cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such dog or cat, the municipal court of the city shall have the authority to order and hold a hearing, and if the court shall determine at such hearing that the dog or cat is vicious or dangerous to persons or other animals, the court may order that the dog or cat be kept muzzled, or that the dog or cat be kept within a sufficient enclosure, or that the dog or cat be delivered to the animal warden and by him destroyed.
(1977 Code, sec. 2-12)

§ 2.02.005. Noisy dogs.

Any person who shall harbor or keep on, in, or about his premises or premises under his control any dog which, by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed, or reasonably liable to be disturbed, shall be guilty of a misdemeanor, and shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
(1977 Code, sec. 2-17)

§ 2.02.006. through § 2.02.030. (Reserved)

DIVISION 2
Impoundment

§ 2.02.031. Impoundment of dogs or cats running at large.

It shall be the duty of the animal warden or other authorized officer to seize and impound, subject to the provisions of this article, all dogs or cats found running at large upon any public highway, street, alley, court, square, park, sidewalk, or any other public property or any unfenced lot, tract, or parcel of land within the corporate limits of the city, whether in the immediate presence of the owner or otherwise, and such animal warden or authorized officer is hereby authorized to enter upon any unfenced lot, tract, or parcel of land for the purpose of seizing and impounding any dog or cat running at large thereon.

(1977 Code, sec. 2-5)

§ 2.02.032. Registry of impounded dogs and cats.

The animal warden, when impounding a dog or cat, shall make a complete registry, entering the breed, color, and sex of such dog or cat and whether vaccinated and the place and the time of taking into custody. If licensed, he shall enter the name and address of the owner and the number of the vaccination tag. Vaccinated dogs shall be kept separate from unvaccinated dogs. Vaccinated cats shall be kept separate from unvaccinated cats.

(1977 Code, sec. 2-6)

§ 2.02.033. Disposition of unredeemed animals.

After the impounding of any cat or dog, if not redeemed within three (3) days from the date of impounding, the cat or dog shall be disposed of by sale or destruction.

(1977 Code, sec. 2-7)

§ 2.02.034. Fees.

The owner of any cat or dog impounded may redeem such cat or dog at any time prior to destruction or sale by the payment of an impounding fee and a daily shelter fee in the amount established in appendix A to this code for each day such cat or dog shall have been impounded.

(1977 Code, sec. 2-8; Ordinance adopting Code)

§ 2.02.035. Redemption prior to sale.

The owner of any unvaccinated dog or cat impounded may redeem such dog or cat at any time prior to sale or destruction by having such dog or cat duly vaccinated against rabies, and the payment of an impounding fee and a per day board fee in the amount established in appendix A to this code for each day such dog or cat is impounded.

(1977 Code, sec. 2-9; Ordinance adopting Code)

§ 2.02.036. Redemption from purchaser after sale.

The owner of any dog or cat at the time it is impounded may, within thirty (30) days after such dog or cat is sold, redeem the same from such purchaser by paying to him the amount of the purchase price paid by him to the animal warden, and in addition thereto the vaccination charges if any were incurred, and in addition thereto a charge in the amount established in appendix A to this code for the number of days from the date of sale to the date of redemption. At the end of thirty (30) days from the day the dog or cat is sold, the right to redeem shall expire.

(1977 Code, sec. 2-10; Ordinance adopting Code)

§ 2.02.037. Records; remittance of money collected.

The animal warden shall keep such records as required to show in detail the disposition of all animals impounded and the money collected by him and such other records as are required by the city council. All money collected

by the warden shall be delivered as required by the city council to the city secretary, who will deposit same in the general fund.

(1977 Code, sec. 2-11)

§ 2.02.038. through § 2.02.070. (Reserved)

§ 2.02.071. Wearing of tag required.

It shall be unlawful for any person to maintain a dog or cat more than six months of age on any premises within the corporate limits of the city unless such dog or cat wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for the dog or cat by a licensed veterinarian licensed to practice veterinary medicine in the state, showing the dog or cat has been within the current calendar year vaccinated against rabies. The provisions of this section shall not apply to dogs or cats less than six months old.

(1977 Code, sec. 2-4)

§ 2.02.072. Animals without collar and tag considered unvaccinated.

In the following sections, any impounded dog or cat without collar and tag attached showing it to be properly vaccinated will be considered as unvaccinated.

(1977 Code, sec. 2-2)

§ 2.02.073. Keeping unvaccinated animal.

Any owner who shall maintain or keep a dog or cat more than six months of age on any premises within the corporate limits of the city which has not been vaccinated as required by this article shall be guilty of a misdemeanor, and shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 2-13)

§ 2.02.074. Refusal to deliver unvaccinated animal for impounding.

Any person who shall refuse to deliver any unvaccinated dog or cat to the animal warden upon demand for impounding shall be guilty of a misdemeanor, and shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 2-14)

§ 2.02.075. Authority to inspect animals.

The animal warden shall have the right at any reasonable time to inspect any dog or cat to determine if the dog or cat is vaccinated as required by this article, and shall have the authority to enter any premises for such purpose, and it shall be unlawful for any person to refuse entrance to such animal warden or to impede, obstruct, or exclude the animal warden when attempting to enter such premises for the purpose of inspecting the dog or cat, and any person who shall refuse entrance or impede or obstruct the animal warden shall be guilty of a misdemeanor and shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 2-16)

§ 2.02.076. through § 2.02.090. (Reserved)

DIVISION 4
Dangerous Dogs

§ 2.02.091. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division:

Dangerous dog. A dog that:

- (1) Makes an unprovoked attack on a person or another dog that causes bodily injury and that occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. A domesticated animal that is a member of the canine family.

Owner. A person who owns or has custody or control of the dog.

Secure enclosure. A fenced area that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the city.

Unprovoked. With respect to an attack or attempt to attack by a dog, the dog was not hit, kicked, or struck by a person with any object or part of the attacked person's body nor was any part of the dog's body pulled, pinched, or squeezed or in any other manner provoked by the person attacked.

(Ordinance adopting Code)

§ 2.02.092. Requirements for owner.

- (a) Not later than the 30th day after a person learns that he or she is the owner of a dangerous dog, the person shall:
 - (1) Register the dangerous dog with the city;
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
 - (3) Muzzle the dog when it is outside the secure enclosure;
 - (4) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the city; and
 - (5) Have the dangerous dog spayed or neutered.
- (b) If a person reports an incident described by section 2.02.091 in the definition of a "dangerous dog," the city may investigate the incident. If, after receiving the sworn statements of any witnesses, the city determines the dog is a dangerous dog, he or she shall notify the owner of that fact.

- (c) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the city to the municipal court. An owner may appeal the decision of the municipal court in the same manner as for other civil cases.
- (d) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the city not later than the 30th day after the owner learns that the dog is a dangerous dog.
- (e) If, on the application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided herein, that the owner has failed to comply with subsection (a) or (d), the court shall order the city to seize the dog and shall issue a warrant authorizing the seizure. The city shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.
- (f) The owner shall pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dog.
- (g) The court shall order the city to humanely destroy the dog if the owner has not complied with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the city. The court shall order the city to return the dog to the owner if the owner complies with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the city.
- (h) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.
- (i) For purposes of this division, a person learns that the person is an owner of a dangerous dog when:
 - (1) The owner knows of an attack described in section 2.02.091 in the definition of a “dangerous dog”;
 - (2) The owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog after a hearing on the matter; or
 - (3) The owner is informed by the city that the dog is a dangerous dog.

(Ordinance adopting Code)

§ 2.02.093. Registration.

- (a) The city shall annually register a dangerous dog if the owner:
 - (1) Presents proof of liability insurance or financial responsibility, as required by section 2.02.092(a)(4), proof of current rabies vaccination, proof of sterilization of the dangerous dog; and has a secure enclosure in which the dangerous dog will be kept that is inspected and approved by the city; and
 - (2) Pays an annual registration fee in the amount established in appendix A to this code.
- (b) The city shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog’s collar. The collar must be of a distinctive color and design that identifies the dog as a dangerous dog.
- (c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the city for the area in which the new address is located. On presentation by the current owner of the dangerous dog’s prior registration tag and payment of a fee in the amount established in appendix A to this code, the city shall issue a new registration tag to be placed on the dangerous dog’s collar.
- (d) An owner of a registered dangerous dog shall notify the city of any attacks the dangerous dog makes on any person or animal.

(Ordinance adopting Code)

§ 2.02.094. Attack by dog.

- (a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (b) An offense under this section is a class C misdemeanor.
- (c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by:
 - (1) A licensed veterinarian;
 - (2) Personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or
 - (3) Personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

(Ordinance adopting Code)

§ 2.02.095. Violations.

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with section 2.02.092.
- (b) An offense under this section is a misdemeanor, and any person who violates any provision of this division shall, upon conviction, be fined in accordance with section 1.01.009 of this code.
- (c) An offense under this section is a class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this division.

(Ordinance adopting Code)

§ 2.02.096. Defense.

- (a) It is a defense to prosecution under section 2.02.094 or 2.02.095 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.
- (b) It is a defense to prosecution under section 2.02.094 or 2.02.095 that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
- (c) It is a defense to prosecution under section 2.02.094 or 2.02.095 that the person is a dog trainer or an employee of a guard dog company under chapter 1702, Texas Occupations Code.

(Ordinance adopting Code)

ARTICLE 2.03
LIVESTOCK

§ 2.03.001. Permit.

- (a) Except as provided below, it shall be unlawful for any person, firm, or corporation to keep or maintain any livestock, swine, fowl, or domestic or barnyard animal, except common pets, within the corporation limits of the city.
- (b) Any person, firm, or corporation desiring to keep or maintain livestock, swine, fowl, or domestic or barnyard animals within the corporate limits of the city may seek a permit from the city council. Each permit sought must be coupled with the written consent of property owner of each residence within a 200-foot radius of the place where such livestock will be kept.
- (c) The city council, upon application, coupled with the necessary signatures, may allow and issue a permit allowing the animals specified above to be kept within the city limits if it determines there will be no adverse effect to any citizens within the city.
- (d) Upon the approval of an application to keep/maintain livestock within the city limits, there will be a one-time fee assessed for the permit in the amount set forth in the fee schedule in appendix A of this code.
- (e) It will be presumed that there will be no adverse effect to any citizen within the city if the consent of at least one adult resident of each residence within the radius specified above is obtained and furnished with the application for the permit.
- (f) This section shall not apply to any person, firm, or corporation keeping or maintaining any livestock, fowl, or domestic or barnyard animal within the corporation limits of the city on the effective date of this section for a period of six (6) months from the date of the passage of this section.
- (g) Even after a permit has been validly issued, upon an objection to the keeping of any animals specified above within the city limits, the city council may, upon a determination that any holder of a valid permit is adversely affecting the health or welfare of the citizen of the city, require recertification of the adverse effect within a time specified by the council or the permit shall be revoked.
- (h) Any person who shall violate any of the provisions of this section shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 20090323 adopted 1/24/12)

§ 2.03.002. Running at large.

- (a) Prohibited. All livestock running at large within the city shall be deemed a public nuisance, and it is unlawful for any person to permit livestock to run at large within the city.
- (b) Impoundment. The animal warden or any policeman shall impound all livestock running at large. The owner of livestock thus impounded may redeem any such animal within five days after impoundment, by paying to the city a fee as established in appendix A to this code.
- (c) Penalty. Any person who permits any livestock to run at large within this city shall be guilty of a misdemeanor, and shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
- (d) Definition. As used in this section, the term “livestock” shall be construed to render all cattle, horses, donkeys, burros, goats, sheep, geese, turkeys, ducks, chickens, or any other type of fowl.

(1977 Code, secs. 2-31–2-34; Ordinance adopting Code)

Chapter 3
BUILDING REGULATIONS

**ARTICLE 3.01
GENERAL PROVISIONS**

§ 3.01.001. Duties of building inspector conveyed to city administrator.

The duties, responsibilities, and title of the building inspector for the city are hereby conveyed to the city administrator, and any reference to the building inspector in current city ordinances shall, with the passage of this section, be so amended.

(Ordinance 98-0108 adopted 1/8/98)

§ 3.01.002. Painting structures.

- (a) No person, firm or corporation shall paint or otherwise color any new construction or repairs and maintenance of existing structures, with any color or colors that are not uniform or that are so garish that such colors offend the normal sensibilities of the general public or that clash with the architectural designs of the neighborhood.
- (b) Any person, firm or corporation, found to be in violation hereof, shall be guilty of a class C misdemeanor and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that the violation continues shall constitute a separate and distinct violation hereof.
- (c) The continued violation of this section shall constitute a public nuisance and shall be abated. The city or any private citizen, affected by the continuing violation hereof, may have such continued violation abated or recover injunctive relief, enjoining such continued violation.

(Ordinance 2013-0723, sec. IX, adopted 7/23/13; Ordinance 2013-0723, sec. XII, adopted 7/23/13; Ordinance 2013-0723, sec. XIII, adopted 7/23/13)

§ 3.01.003. New materials required.

- (a) No person, firm or corporation shall construct improvements or make repairs to any improvements, which repairs and improvements are visible to the public with any material that is not new or has been used before.
- (b) Any person, firm or corporation, found to be in violation hereof, shall be guilty of a class C misdemeanor and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that the violation continues shall constitute a separate and distinct violation hereof.
- (c) The continued violation of this section shall constitute a public nuisance and shall be abated. The city or any private citizen, affected by the continuing violation hereof, may have such continued violation abated or recover injunctive relief, enjoining such continued violation.

(Ordinance 2013-0723, sec. VIII, adopted 7/23/13; Ordinance 2013-0723, sec. XII, adopted 7/23/13; Ordinance 2013-0723, sec. XIII, adopted 7/23/13)

§ 3.01.004. Storage.

- (a) Definitions.

The following term, as used herein, shall have the meanings assigned thereto, for the purposes of this section:

Storing. Accumulating or holding in reserve, any item or items for future use.

- (b) No person, firm or corporation shall store or accumulate materials in any front yard or temporary storage building except for the temporary storage of material used in the current construction, nor shall any person, firm or corporation, store materials in any building or structure not originally designed for such storage. The use of salvaged structures or containers for any purpose that is essentially or substantially different from the

original use or purpose of the structure or container is expressly prohibited.

- (c) Any person, firm or corporation, found to be in violation hereof, shall be guilty of a class C misdemeanor and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that the violation continues shall constitute a separate and distinct violation hereof.
- (d) The continued violation of this section shall constitute a public nuisance and shall be abated. The city or any private citizen, affected by the continuing violation hereof, may have such continued violation abated or recover injunctive relief, enjoining such continued violation.

(Ordinance 2013-0723, sec. I, adopted 7/23/13; Ordinance 2013-0723, sec. VI, adopted 7/23/13; Ordinance 2013-0723, sec. XII, adopted 7/23/13; Ordinance 2013-0723, sec. XIII, adopted 7/23/13)

ARTICLE 3.02
TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

DIVISION 1
Generally

§ 3.02.001. through § 3.02.050. (Reserved)

DIVISION 2
Plumbing and Gas

§ 3.02.051. Code.

- (a) Adopted. The 2012 edition of the International Plumbing Code published by the International Code Council is hereby adopted as the official plumbing code of the city. This plumbing code is fully incorporated by reference as though copied into this division in its entirety. The material contained in the International Plumbing Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary.
- (b) Amendments. The city may from time to time by ordinance adopt local amendments to the plumbing code as necessary to meet the unique need of the city.
(Ordinance adopting Code)

§ 3.02.052. Use of plastic pipe for gas lines from main to building.

- (a) All applicable conflicting ordinances or parts thereof of the city are hereby amended to allow and permit the use of plastic gas lines from the gas transmission main to businesses and residences within the city limits.
- (b) All plastic gas lines must conform with all applicable rules and regulations currently in effect or hereafter promulgated by the state railroad commission. The state railroad commission gas pipeline safety rules are hereby adopted by reference and shall govern the use of plastic pipe within the city limits and shall have the same force and effect as if included in this section in full. A copy of the safety rules shall be maintained within the city hall at all times during business hours and shall be available for inspection.
- (c) It shall be unlawful for any person, firm, company, partnership or corporation to install gas pipeline to businesses or residences that does not conform to the applicable safety rules referred to above.
- (d) Any person, firm, company, partnership or corporation that shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day the violation continues is a separate offense.

(Ordinance 236 adopted 1/19/84)

§ 3.02.053. through § 3.02.100. (Reserved)

DIVISION 3
Electrical Code

§ 3.02.101. Adopted.

- (a) The 2011 edition of the National Electrical Code, as amended, published by the National Fire Protection Association, is hereby adopted by reference as though copied herein fully.
- (b) This section only establishes a standard, and issues of compliance and enforcement are, and will be, addressed in other ordinances of the city code.
(Ordinance adopted --/97; Ordinance adopting Code)

ARTICLE 3.03
SUBSTANDARD OR DANGEROUS BUILDINGS

§ 3.03.001. Title.

This article shall be commonly referred to as the city's substandard building ordinance.
(Ordinance 12-0829, sec. II, adopted 8/28/12)

§ 3.03.002. Purpose.

This article is adopted so that the city council may promote the public health, safety, and general welfare within the city through the regulation of substandard and dangerous buildings or structures. By requiring the repair and/or demolition of substandard and dangerous buildings and structures, the city council seeks to protect property values and prevent bodily injury, death, and property damage within the city limits.
(Ordinance 12-0829, sec. III, adopted 8/28/12)

§ 3.03.003. Definitions.

As used in this article, the following terms shall be defined as follows:

Appraised value. The value given the structure by the county tax assessor's office.

Building. Any structure of any kind, or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

Building inspector. The person appointed by the city to conduct periodic inspections of buildings and structures to insure that the same are being maintained in a manner consistent with prescribed building codes of the city and not in violation of this article.

City council. The governing body of the city.

Diligent effort. Best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee including a search of 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 state;
- (4) Assumed name records of the county in which the building is located;
- (5) City tax records; and
- (6) City utility records.

Minimum housing standards. Those standards found in the city's adopted standard building, electrical, plumbing, gas, mechanical, existing building and fire prevention codes and any other housing and structure regulations adopted under chapter 214, Local Government Code.

Owner. Any person, agent, firm, corporation, or other entity named in the real property records of the county where the building is located as owning the property.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof.
(Ordinance 12-0829, sec. IV, adopted 8/28/12)

§ 3.03.004. Declaration of nuisance.

Any building or structure requiring repair, removal or demolition, as described and defined hereinbelow, and all buildings or structures within the city which because of their condition are unsafe, unsanitary or otherwise dangerous to the health, safety and general welfare of the citizens of the city, are hereby declared to be a public nuisance and unlawful and subject to the provisions of this article regarding repair, removal or demolition.

(Ordinance 12-0829, sec. V, adopted 8/28/12)

§ 3.03.005. Inspections.

An inspection shall be made of every building located within the city which is suspected of being in violation of this article. The building inspector, or his/her official designee, is hereby authorized to conduct inspections of buildings suspected of being in violation of this article and take such actions as may be required to enforce the provisions of this article.

(Ordinance 12-0829, sec. VI, adopted 8/28/12)

§ 3.03.006. Notice of violation.

- (a) Whenever a violation of this article has been discovered and reported by the building inspector, or his/her designee, a public hearing shall be held by the city council to determine whether a building complies with the standards set out in this article.
- (b) A notice of the hearing shall be sent to the occupant, if any, and record owner, lienholder or mortgagee. Such notice shall be in writing and shall be served by personal delivery or by certified mail return receipt requested. Additionally, a copy of the notice shall be posted on the front door of each affected structure situated on the property or as close to the front door as practicable. It is not necessary that the notice to the occupant of the property list an occupant by name. Service of the notice may be accomplished by certified mail or by personal delivery to any occupant of the property who is above the age of eighteen (18) years.
- (c) The notice shall contain:
 - (1) The names of all persons to whom notice is being served;
 - (2) The street address or legal description of the premises;
 - (3) The date of inspection;
 - (4) The nature of the violation;
 - (5) The date, time and location of the hearing; and
 - (6) A statement that the owner, lienholder, or mortgagee 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.

(Ordinance 12-0829, sec. VII, adopted 8/28/12)

§ 3.03.007. Standards.

The following standards shall be utilized in determining whether a building should be ordered repaired, removed or demolished:

- (1) The building or structure is liable to partially or fully collapse.
- (2) The building or structure was constructed or maintained in violation of any provision of the city's building code or any other applicable ordinance or law of the city, county, state, or federal government.
- (3) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing

through the center of gravity falls outside of the middle one-third (1/3) of its base.

- (4) The foundation or the vertical or horizontal supporting members are twenty-five (25) percent or more damaged or deteriorated.
- (5) The nonsupporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated.
- (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used.
- (7) The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare.
- (8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city.
- (9) The structure has inadequate facilities for egress in case of fire or other emergency or has insufficient stairways, elevators, fire escapes or other means of ingress or egress.
- (10) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease.

(Ordinance 12-0829, sec. VIII, adopted 8/28/12)

§ 3.03.008. Hearing.

- (a) The date of the hearing shall not be less than ten (10) days after notice is made (as described in section 3.03.006).
- (b) If a building is found to be in violation of this article, the city shall require the owner, lienholder, or mortgagee of the building to within thirty (30) days repair, remove or demolish the building, unless it is proven at the hearing that the work cannot reasonably be done in thirty (30) days.
- (c) If the city allows more than thirty (30) days for the building to be repaired, removed or demolished, the city shall establish specific time schedules for the work to be commenced and performed and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.
- (d) The city shall not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all worked required to comply with the order unless a detailed plan and time schedule for the work are submitted at the hearing and it is proven at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work. Additionally, the owner, lienholder, or mortgagee must submit work progress reports to demonstrate compliance with the time schedule established.
- (e) In any case where repairs are estimated to cost fifty (50) percent or more of the appraised value, a building shall be demolished or removed, and in all cases where a structure cannot be repaired so that it will no longer exist in violation of the provisions of this article, it shall be demolished or removed.

(Ordinance 12-0829, sec. IX, adopted 8/28/12)

§ 3.03.009. Order for repair or demolition.

- (a) After the public hearing, if a building is found to be in violation of the standards set out in this article, the city may order that the building be repaired, removed or demolished within a reasonable time, as established under section 3.03.008.

- (b) If the building is ordered to be repaired, removed or demolished, the city shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall make a diligent effort to discover each owner, mortgagee and lienholder having an interest in the building or the property on which the building is located.
- (c) If the ordered action is demolition of the building or structure, demolition shall not occur until the municipal court has issued a seizure and demolition warrant supported by a probable cause affidavit stating that:
 - (1) The building or structure constitutes a nuisance;
 - (2) The city has complied with the procedures set forth in this article;
 - (3) Demolition has been ordered by the city; and
 - (4) The time for appeal of the order to the district court has expired and no appeal has been taken or, in the alternative, the order was appealed to the district court but the appeal has been finally resolved in a manner that does not prevent the city from proceeding with demolition.

(Ordinance 12-0829, sec. X, adopted 8/28/12)

§ 3.03.010. Additional notice requirements.

- (a) In addition to the order, each identified mortgagee or lienholder shall be sent a notice containing:
 - (1) An identification of the building and the property on which it is located (this does not have to be a legal description);
 - (2) A description of the violation of this article; and
 - (3) A statement that the municipality may demolish the building if the ordered action is not taken.
- (b) If the notice is returned “refused” or “unclaimed,” the validity of the notice is not affected and the notice shall be deemed delivered.
- (c) Within ten (10) days after the date that the order is issued, the city shall:
 - (1) File a copy of the order in the office of the city secretary; and
 - (2) Publish a notice in a newspaper of general circulation in the city (and where the building is located) stating:
 - (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 as to where a complete copy of the order may be obtained.

(Ordinance 12-0829, sec. XI, adopted 8/28/12)

§ 3.03.011. Appeals.

The owner, lienholder, or mortgagee shall have the right to appeal the decision made at the public hearing before the city council to the 69th Judicial District Court. A notice of appeal must be filed with the district court within thirty (30) calendar days from the date the order is mailed to the owner, lienholder or mortgagee, as provided herein.

(Ordinance 12-0829, sec. XII, adopted 8/28/12)

§ 3.03.012. Performance of work by city; assessment of city’s expenses.

- (a) Whenever it is discovered upon reinspection that the owner, mortgagee or lienholder has failed to repair, remove or demolish the building or take other ordered action within the allotted time, the city shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located and shall personally deliver or send by certified mail, return receipt requested, to each a notice containing:
 - (1) An identification of the building and the property on which it is located (this does not have to be a legal description);
 - (2) A description of the violation of this article; and
 - (3) A statement that the municipality will remove or demolish the building if the ordered action is not taken.
- (b) Whenever it is discovered upon reinspection that the owner, mortgagee or lienholder has failed to repair, remove or demolish the building or take other ordered action within the allotted time, the city, or its authorized agent, may repair, remove or demolish and remove said building or cause the same to be done and charge the expenses incurred in doing such work or having the same done to the owner, mortgagee or lienholder of said land or otherwise assess the expenses against the property on which the building is located.
- (c) If such work is done at the expense of the city, then said expense shall be assessed against any salvage resulting from the demolition of the building and against the lot, tract, or parcel of land or the premises upon which such expense was incurred.
- (d) For the purposes of this section, any repair, alteration or improvement made to a building by the city will only be to the extent necessary to bring the building into compliance with the minimum housing standards and only if the building is a residential building with ten (10) or fewer dwelling units; provided, however, the city may elect to obtain a judicial determination by a decree of a court of competent jurisdiction of the existence, in fact, of a public nuisance in cases contemplated by this article. Such judicial determination may include any available remedy for the abatement of such a nuisance.

(Ordinance 12-0829, sec. XIII, adopted 8/28/12)

§ 3.03.013. Lien for city's expenses.

- (a) When the city incurs expenses to repair, remove or demolish a building, the city may assess the expenses on and obtain a lien against the property on which the building is located, unless it is a homestead as protected by the state constitution. The lien arises and attaches to the property when the city has the lien recorded and indexed with the county clerk of the county in which the property is located. The notice shall contain:
 - (1) The name and address of the owner, if that information can be determined with a reasonable effort;
 - (2) A legal description of the real property on which the building was located;
 - (3) The amount of expense incurred by the city;
 - (4) The balance due; and
 - (5) The date on which said work was done or improvements made.
- (b) The city shall have a privileged lien on such lot, lots, or other premises or real estate upon which said building was located, to secure the expenditure so made, second only to other liens as provided by law. It is further provided that for any such expenditure suit may be instituted and foreclosure of said lien may be made in the name of the city, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or expense.
- (c) The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses.

(Ordinance 12-0829, sec. XIV, adopted 8/28/12)

§ 3.03.014. Enforcement; civil remedies.

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law.

(1) Civil remedies.

(A) A property owner violating any provision of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code for each and every day of violation, or, if the owner shows the property is the owner's lawful homestead, in an amount not to exceed ten dollars (\$10.00) per day for each violation, provided that:

- (i) The owner was notified of the requirements of this article and the owner's need to comply with the requirements; and
- (ii) After notification, the owner committed an act in violation of this article or failed to take action necessary for compliance with this article.

(B) If such a civil penalty is assessed, the city secretary shall file a certified copy of the order containing such amount and duration of the penalty with the county district clerk's office no later than three (3) working days after such order.

(2) Other remedies.

(A) The remedies provided herein shall be available to the city in addition to any penal or other remedy provided by law or equity which the city, the state, or any other person may provide to remedy the unsafe building condition.

(B) The city may bring a civil action in a court of competent jurisdiction to collect the amount due plus all associated costs and fees.

(Ordinance 12-0829, sec. XV, adopted 8/28/12)

§ 3.03.015. Liability.

Neither the city nor any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

(Ordinance 12-0829, sec. XVI, adopted 8/28/12)

ARTICLE 3.04
MOBILE HOMES

§ 3.04.001. Definitions.

The term “mobile home” is defined as certain structures constructed before June 15, 1976, and “HUD-code manufactured homes” is defined as structures that were constructed on or after June 15, 1976, and meet minimum standards established by the U.S. Department of Housing and Urban Development.
(Ordinance 990513, sec. I, adopted 5/13/99)

§ 3.04.002. Penalty.

Any person violating this article shall be fined, upon conviction, an amount in accordance with the general penalty provided in section 1.01.009 of this code.
(Ordinance 990513, sec. V, adopted 5/13/99)

§ 3.04.003. Prohibition.

Under authority granted by the Texas Manufactured Housing Standards Act, V.T.C.A., Occupations Code, chapter 1201, mobile homes, as defined in section 3.04.001 of this article, are hereby prohibited from being installed or located within the corporate limits of the city.
(Ordinance 990513, sec. II, adopted 5/13/99)

§ 3.04.004. Exception for existing mobile homes.

The prohibition does not apply to a mobile home that was occupied within the city before the effective date of this article.
(Ordinance 990513, sec. III, adopted 5/13/99)

§ 3.04.005. Unoccupied mobile homes or those not used as dwelling.

Unoccupied mobile homes or those not used as a dwelling may be included in the prohibition.
(Ordinance 990513, sec. IV, adopted 5/13/99)

ARTICLE 3.05
AUTOMOBILE TRAILER CAMPS

DIVISION 1
Generally

§ 3.05.001. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

Automobile trailer or house car. Any vehicle used as sleeping or living quarters, mounted on wheels, and propelled either by its own power or other power-driven vehicle to which it may be attached.

Automobile tourist park or park. Any plot of ground where accommodation is provided for two or more automobile trailers or house cars used by transients as living or sleeping quarters.
(1977 Code, sec. 4-11)

§ 3.05.002. Penalty.

Any person, firm, or corporation violating any of the provisions of this article shall be guilty of a misdemeanor, punishable by a fine in any amount in accordance with the general penalty provided in section 1.01.009 of this code, and each day operates as a separate offense.
(1977 Code, sec. 4-20)

§ 3.05.003. Spacing requirements.

There shall be a space of at least 12 feet between any two automobile trailers or house cars, between any trailer or house car and any building or structure, or between any two buildings or structures.
(1977 Code, sec. 4-13)

§ 3.05.004. Required facilities; responsibility for management.

- (a) Each automobile trailer camp or park shall provide, at locations hereinafter defined, toilets, urinals, washbasins, showers or baths, and water faucets in accordance with the following:
- (1) One toilet for each sex for every 10 units or fraction thereof.
 - (2) Each toilet room provided for men shall have in addition one urinal.
 - (3) Each toilet room shall be provided with one or more washbasins.
 - (4) One shower or bathtub shall be provided for each sex for each ten units or fraction thereof.
 - (5) All toilets, basins, and showers shall be placed in properly constructed buildings, and located not more than 150 feet from each trailer or house car unit.
 - (6) Buildings shall be well lighted at all times, day and night, well ventilated with screened openings, and constructed of such material as shall permit rapid and satisfactory cleaning, scouring, and washing.
 - (7) The floors shall be of concrete or similar material, elevated not less than 4 inches above grade.
 - (8) All floors in shower and toilet rooms shall be disinfected daily by the use of chloride compounds or other similar disinfectant as great in strength. Wooden or cloth mats, grids, and boards are prohibited.
 - (9) A laundry room or building constructed as specified in subsection (6) of this section shall be provided with laundry trays impervious to water, and provided with hot and cold running water.

- (b) Each automobile trailer camp or park shall be under the direct management of the owner or licensee or his agent or representative, for whose acts he or they shall be wholly responsible. The name of the person entrusted with the direct management of the camp or park shall be filed for reference with the city.
- (c) An adequate supply of safe, potable water under pressure shall be available for every unit in the entire trailer camp, in all parts of every trailer camp. At least one water supply outlet shall be provided for every ten house trailer units, and such water supply outlet shall be within 150 feet of the house trailer. Hoses used for filling of water tanks on house trailers or house cars shall not be used for any other purpose, and such hose must be stored off the ground. Care must be taken to prevent contamination of either the trailer tank or water supply system.
- (d) All sewage and other water-carried wastes shall be disposed of into the municipal sewer system if within 150 feet. In camps where a municipal sewer system is not available, disposal shall be into a private system which shall include a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health. This system shall receive the approval of the city health officer previous to use.

(1977 Code, sec. 4-14)

§ 3.05.005. Duties of owner or manager; register.

- (a) It shall be the duty of the owner, his agent, or manager to keep a register of all persons accommodated in the camp or park, the register to include the names of all persons, their home addresses, and the number and description of their automobiles or other vehicles, and to prescribe rules and regulations for the management of the camp or park, and to have such records available for inspection by all public officers.
- (b) Further, it shall be the duty of the owner, his agent, or manager to:
 - (1) Permit regular inspection of the water supply and the sanitary conveniences.
 - (2) Provide for the collection and removal of garbage and other waste material.
 - (3) Cause each dog, cat, or other pet animal to be kept under control at all times, either by being tied up or confined in a proper enclosure.
 - (4) Provide for the regular cleaning and disinfecting of all buildings.
 - (5) Provide proper signs designating men and women toilets.

(1977 Code, sec. 4-15)

§ 3.05.006. Trailers with wheels removed deemed permanent residence.

Any house trailer or house car from which the wheels have been removed, except for the purpose of making temporary repairs or placing the same in dead storage, shall be deemed a permanent residence, and shall be made to conform to all the requirements of the building code of the city.

(1977 Code, sec. 4-16)

§ 3.05.007. through § 3.05.040. (Reserved)

§ 3.05.041. Required.

It shall be unlawful for any person, persons, firm or corporation to establish, maintain, or operate, within the limits of the city, any automobile tourist camp or park or any location or plot of ground for use of transients by the day, week, month, or season, whether charge is or is not made, who does not possess a permit from the city.
(1977 Code, sec. 4-12)

§ 3.05.042. Application.

Each application for a permit to conduct an automobile trailer camp or park shall be filed in writing upon a form provided by the city.
(1977 Code, sec. 4-17)

§ 3.05.043. Inspection of site.

Upon the filing of such application, it shall be the duty of the city to investigate the premises and determine whether the site selected would or could conform with the requirements of this article and other laws and ordinances applicable thereto, and the city may at its discretion approve or reject any proposed site.
(1977 Code, sec. 4-18)

§ 3.05.044. Suspension or revocation.

The city may revoke or suspend any permit, after a hearing, on charges of failure to comply with this article.
(1977 Code, sec. 4-19)

ARTICLE 3.06
WIND TURBINES AND WINDMILLS

§ 3.06.001. Penalty.

Any person violating any of the provisions of this article shall, upon conviction in the municipal court in the city, be punished by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 215, sec. VI, adopted 12/4/80)

§ 3.06.002. Enforcement.

The building inspector of the city shall have the responsibility to inspect and determine if such wind turbines or windmills are in compliance with the provisions of this article. The city building inspector shall have the power to make complaints against the owners of such wind turbines or windmills who are in violation of this article.

(Ordinance 215, sec. V, adopted 12/4/80)

§ 3.06.003. Installation and use allowed.

Except as otherwise provided herein, it shall be permissible for citizens of the city to purchase, install, use, and maintain wind turbines or windmills for the purpose of providing electrical energy or current for said citizens' private use.

(Ordinance 215, sec. I, adopted 12/4/80)

§ 3.06.004. Health or safety hazards.

Any such wind turbines or windmills purchased, installed, used, or maintained within the city must not present safety or health problems to the residents of the city. Such wind turbines or windmills must be constructed and maintained in a good workmanlike manner so as not to pose a hazard to the safety, health, or welfare of the residents of the city.

(Ordinance 215, sec. II, adopted 12/4/80)

§ 3.06.005. Noise or property damage.

Any such wind turbines or windmills purchased, installed, used, or maintained within the city shall be installed and used in such a manner so as not to cause excessive noise or property damage to any adjoining landowners, residents, or residences within the city.

(Ordinance 215, sec. III, adopted 12/4/80)

§ 3.06.006. Compliance with building code.

Any such wind turbines or windmills purchased, installed, used, or maintained within the city for electrical energy purposes shall provide adequate electrical connections, hook-ups, and transmission lines to comply with the building code then in effect for the city.

(Ordinance 215, sec. IV, adopted 12/4/80)

ARTICLE 3.07
ADDRESS NUMBERS

§ 3.07.001. Penalty.

Any person who violates any of the provisions of this article is guilty of a misdemeanor and upon conviction thereof is punishable by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, and shall be punished accordingly.

(Ordinance 20090423-3, sec. 8, adopted 4/23/09)

§ 3.07.002. Display required.

All houses, buildings or structures used or intended for use as living quarters or as a place for the conduct of business in the city or the city's building permit jurisdictional area shall have a designated address number conspicuously displayed above or near a door or entrance that faces a public or private street.

(Ordinance 20090423-3, sec. 1, adopted 4/23/09)

§ 3.07.003. Designation of numbers.

The city planner, or his designee, shall designate the proper address numbers for all houses, buildings or structures required to be numbered by section 3.07.002. The city planner, or his designee, shall have the power to change such numbers when, in his judgment, such change is necessary to avoid or eliminate confusion with other numbers.

(Ordinance 20090423-3, sec. 2, adopted 4/23/09)

§ 3.07.004. Records.

The city planner, or his designee, shall keep a record of all proper address numbers and shall furnish such numbers to any person requesting same. It is the sole responsibility of the building owner to purchase physical numbers for display.

(Ordinance 20090423-3, sec. 3, adopted 4/23/09)

§ 3.07.005. New construction.

Any person erecting or remodeling any house, building or structure required to be numbered by section 3.07.002 shall ascertain from the city planner, or his designee, the proper address number for such house, building or structure and shall display the number as provided by this article.

(Ordinance 20090423-3, sec. 4, adopted 4/23/09)

§ 3.07.006. Specifications.

All address numbers shall be displayed with Arabic numerals, which shall be a minimum of three inches and a maximum of eighteen inches in height having a minimum stem width of one-half inch and shall be of a contrasting color with the building. No address number shall be obscured from view by vegetation, screening or other means.

(Ordinance 20090423-3, sec. 5, adopted 4/23/09)

§ 3.07.007. Alternative method of display.

A different method of address display may be required by the city planner for a house, building or structure which is located further from a street than the normal front yard setback.

(Ordinance 20090423-3, sec. 6, adopted 4/23/09)

§ 3.07.008. Notice of violation; compliance.

Any person owning, leasing, occupying or maintaining any house, building or structure which has no number displayed thereon, which displays an incorrect number, or which violates this article in any way, when so informed and notified by the city planner, shall put up a number, shall change the incorrect number so that the proper number will be displayed, or shall take any necessary action to comply with this article, within thirty days after the date of the notice.

(Ordinance 20090423-3, sec. 7, adopted 4/23/09)

§ 3.08.001

§ 3.08.001

ARTICLE 3.08
STREETS AND SIDEWALKS

DIVISION 1
Generally

§ 3.08.001. through § 3.08.030. (Reserved)

DIVISION 2
Cutting or Disrupting Pavement

§ 3.08.031. Penalty.

Any person violating any provision of this division shall be guilty of a misdemeanor, and upon conviction thereof in the municipal court of the city shall be fined in any sum in an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 15-3)

§ 3.08.032. Permit required; application.

It shall be unlawful for any person to cut into, tear up, or disrupt the pavement, or any part thereof, within the corporate limits of the city; provided, this division shall not apply to any person who has applied to and secured a permit from the secretary of the city to cut into, tear up, or disrupt the pavement. Anyone desiring to cut into, tear up, or disrupt any part of the pavement shall, before the work begins, make a written application to the city secretary for a permit. Such application shall be signed and dated; shall state where it is desired to cut into, tear up, or disrupt the pavement; the approximate amount of the pavement to be torn up; the purpose for cutting up, tearing up, or disrupting the pavement; the approximate date when such pavement will be replaced; and the approximate amount of the cost of replacing the pavement.

(1977 Code, sec. 15-1)

§ 3.08.033. Bond or cash deposit.

Before any such permit shall be issued by the city secretary, he shall require the applicant to enter into a good and sufficient bond in a sum to be at least double the cost of replacing the pavement in the condition it was in at the time the same was cut into, torn up, or disrupted. The bond shall be conditioned that such person shall well and properly replace the pavement in as good a condition as it was before it was cut into, broken up, or disrupted, and to the entire satisfaction of the street and alley committee of the city, said replacement to be made as soon as the work for which the pavement was taken up is completed, said bond to be payable to the mayor of the city and his successors in office. In lieu of such bond the applicant may deposit with the city secretary cash in an amount equal to the estimated cost of replacing the pavement.

(1977 Code, sec. 15-2)

Chapter 4
BUSINESS REGULATIONS

ARTICLE 4.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 4.02
SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS

§ 4.02.001. Penalty.

Any person, firm or corporation violating any provisions of this article or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each and every day or fraction of a day during which this article or any part thereof shall be violated shall be deemed a separate offense and punishable as such.

(Ordinance 223, sec. X, adopted 11/19/81)

§ 4.02.002. License required for going from house to house or place to place.

It shall be unlawful for any person to go from house to house or from place to place in the city soliciting, selling, or taking orders for, or offering to sell, any goods, merchandise, articles, things or services without having first obtained a license from the city secretary.

(Ordinance 223, sec. I, adopted 11/19/81)

§ 4.02.003. License required for temporary place of business.

It shall also be unlawful for any person, firm or corporation to set up a temporary place of business at any location within the city to solicit, sell, take orders for, or offer to sell any goods, merchandise, articles, things or services without having first obtained a license from the city secretary.

(Ordinance 223, sec. II, adopted 11/19/81)

§ 4.02.004. Application for license.

Any person, firm or corporation desiring a license required by this article shall make written application to the city secretary. Such application shall show the name and address of the applicant and all employees or agents of the applicant who shall engage in the solicitation or selling within the city. The application shall include the kind of goods or services offered for sale, the location, if any, to be used, and the time period such applicant wishes to sell or solicit within the city.

(Ordinance 223, sec. III, adopted 11/19/81)

§ 4.02.005. License fee; duration of license.

The fees provided in appendix A to this code shall be used to defray the expenses incident to the issuing of the requested license.

(Ordinance 223, sec. IV, adopted 11/19/81; Ordinance adopting Code)

§ 4.02.006. Bond.

The application shall be accompanied by a bond in the penal sum of \$1,000.00, signed by applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the final delivery of goods, articles, merchandise, services, or things in accordance with the terms of any order obtained prior to delivery, and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of the bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery. The bond shall be for the use and benefit of all persons, firms, or corporations that may make any purchase or give any order to the principal on the bond or to any agent or employee of the principal. Only one bond shall be needed to cover all agents or employees of any person, firm or corporation engaged in the business of selling or soliciting as described above.

(Ordinance 223, sec. V, adopted 11/19/81)

§ 4.02.007. Exceptions.

This article shall not apply to sales made to dealers by commercial sales agents in the usual course of business, nor to the sales made under authority and by order of law, nor to vendors of farm or dairy products when such vendors are growers or producers of such products.

(Ordinance 223, sec. VI, adopted 11/19/81)

§ 4.02.008. Persons engaged in interstate commerce.

(a) The provisions of this article shall not apply to persons engaged in interstate commerce. However, it shall be unlawful for persons engaged in interstate commerce to go from house to house or place to place in the city without having first registered with the city secretary giving the following information:

- (1) Name, home address, and local address, if any, of the registrant.
- (2) Name and address of the person, firm or corporation, if any, that he or she represents or for whom or through whom orders are to be solicited or cleared.
- (3) Nature of the articles or things which are to be sold or for which orders are solicited.
- (4) Whether the registrant, upon any sale or order, shall demand or receive or accept payment or deposit of money in advance of final delivery.
- (5) Period of time which the registrant wishes to solicit or sell in the city.
- (6) That all contracts executed by such salesmen shall be performable in Sherman County, Texas.

(b) The registrant, at the time of the registration as herein provided for, shall submit for inspection of the city secretary written proof of his identity, which may be in the form of an automobile operator's license or identification letter or card issued to the registrant by the person, firm or corporation for whom or through whom orders are to be solicited or cleared.

(c) The term "interstate commerce" means soliciting, selling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers, or magazines, or subscriptions to newspapers or magazines, which, at the time the order is taken, are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such orders.

(Ordinance 223, sec. VII, adopted 11/19/81)

§ 4.02.009. City secretary to be agent for service of process.

Any person, firm or corporation that applies for and receives a license thereby constitutes the city secretary the agent for such person, firm or corporation for the purpose of receiving service of citation and process in any suit concerning such transactions. If such process is served upon the city secretary, he shall in turn send notice of such service to the address given by the person, firm or corporation in the application by certified mail, return receipt requested.

(Ordinance 223, sec. VIII, adopted 11/19/81)

§ 4.02.010. Venue for actions.

Any contracts entered into by the person, firm or corporation obtaining the license shall be performed in Sherman County, Texas, regardless of any term to the contrary in such contracts.

(Ordinance 223, sec. IX, adopted 11/19/81)

§ 4.02.011. Hours of operation.

Solicitors, peddlers, and itinerate merchants engaged in house-to-house or place-to-place solicitation shall operate

only between the hours of 8:00 a.m. to 8:00 p.m.
(Ordinance 05262015-A adopted 5/26/15)

**ARTICLE 4.03
GARAGE SALES**

§ 4.03.001. Definitions.

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

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. Includes similar activities by any other name, such as yard sale, estate sale, etc.

(Ordinance adopting Code)

§ 4.03.002. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a class C misdemeanor and fined in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance adopting Code)

§ 4.03.003. Frequency and duration.

Garage sales shall be limited to one two-day sale per quarter.

(Ordinance adopting Code)

§ 4.03.004. Signs.

Garage sale signs must be removed at the end of such sale.

(Ordinance adopting Code)

ARTICLE 4.04
MOBILE FOOD VENDORS

§ 4.04.001. Definitions.

Fixed business location. A location within the city, which complies with the zoning code [ordinance] of the city and is located or situated on or in a facility that complies with the building code of the city, is listed on the city property tax roll, and which is occupied by the same business for thirty (30) consecutive days or more. A residential address may constitute a fixed business location even though the actual business operations are conducted elsewhere.

Food vendor. Any vendor that offers food for human consumption that does not meet the definition of fixed business location.

Mobile cart food vendor. Any vendor that sells, distributes or offers for sale any item for human consumption from a unit, cart, vehicle or trailer that is capable of moving or being moved from place-to-place and is not motorized.

Mobile food vendor. Any vendor that sells, distributes or offers for sale any food or item for human consumption on a public right-of-way from a self-propelled vehicle that is typically registered by the Texas Department of Motor Vehicles.

Temporary food vendor. Any vendor that sells, distributes or offers for sale any food or item for human consumption from a structure, vehicle or trailer that is capable of moving or being moved from place-to-place.
(Ordinance 2014-0225 adopted 2/25/14)

§ 4.04.002. Permit.

- (a) Fees. Fees as included in the fee schedule in appendix A of this code are to defray the city's costs of processing the application and compliance monitoring. This fee is nonrefundable, unless the permit is denied.
- (b) Required. Permit shall include the following:
- (1) The name, permanent street address, mailing address and telephone number of the principal owner of the business, and local supervisor if different from owner. If an assumed name is used for the principal owner of the business, then the above described information shall be provided for the chief executive officer.
 - (2) The principal occupation of the business and the identity of food items to be sold or offered for sale.
 - (3) The state sales tax permit number.
 - (4) If the business is to be conducted on premises owned by a person other than the business to be licensed, then the application shall contain the name, address and telephone number of the property owner and show that the applicant has the express written permission of the owner of the premises to conduct business at such location.
- (c) Display of permit and issuance of receipts. A license issued hereunder shall be displayed conspicuously at the primary location of any food vendor and shall be produced for inspection upon request.
- (d) Operating hours. A temporary food vendor or mobile food vendor, licensed or permitted hereunder shall limit its operations to a period of time between 5:00 a.m. and 11:00 p.m.
(Ordinance 2014-0225 adopted 2/25/14)

§ 4.04.003. Temporary food vendors.

Temporary food vendors shall comply at all times with the following:

- (1) Not operate at any time in city zones A, B, C, D or E. Operations may be conducted in zones G, H, I, J, K, L, and M.
- (2) Hold and produce or display upon request, a current and valid mobile food vendor permit issued by the city.
- (3) Provide sufficient off-street parking for employees and customers.
- (4) Have the business name and telephone number affixed to two sides of the mobile unit or vehicle in a minimum of three inch (2") [sic] high lettering.
- (5) Regularly display a complete menu in a location accessible to the public.
- (6) Not use a beacon or strobe light nor sound amplification equipment to advertise products or services.
(Ordinance 2014-0225 adopted 2/25/14)

§ 4.04.004. Mobile food vendors.

Mobile food vendors shall comply at all times with the following:

- (1) Hold and produce or display upon request, a current and valid mobile food vendor permit issued by the city.
- (2) May operate in all city zoning ordinance zones, subject to the provisions of this section.
- (3) Not park, stop, or remain stationary on any street for more than fifteen (15) minutes at any one time.
- (4) Be equipped and display lettering that states: WATCH FOR CHILDREN and/or STOP FOR CHILDREN in five inch (5") or more lettering in contrasting colors on at least two sides of the unit or vehicle.
- (5) Not sell, distribute, or offer for sale any products or services within two (2) city blocks (six hundred feet - 600'), whichever is greater, of the grounds of any public, private, parochial, elementary or secondary school, between the hours of 11:00 o'clock a.m. and 4:30 o'clock p.m. on days when school is in session.
- (6) Be equipped with safety features including mirrors, four-way hazard lights and one flashing or strobe light which shall be in good operating condition and shall be used by said vendor. Mobile food vendors may use sound amplification equipment in accordance with the city noise ordinances.
- (7) Not operate in city parks during activities sponsored by local governmental, charitable or nonprofit organizations without the written permission of the city.
- (8) Not operate on any street within 300' of a city park during periods when governmental, charitable or nonprofit organizations are operating in said park and selling concessions as part of their sponsored activities.
(Ordinance 2014-0225 adopted 2/25/14)

§ 4.04.005. Mobile food carts.

Mobile food carts shall comply at all times with the following:

- (1) Hold and produce or display upon request, a current and valid mobile food vendor permit issued by the city.
- (2) Have their business name, owner, and phone number prominently displayed on the outside of the unit in 2" minimum height letters.
- (3) Be permitted to operate on city streets in all zones provided the vendor does not remain stationary for more than 15 minutes and does not impede the normal flow of traffic.
- (4) Not operate outside the hours of 11:00 a.m. to 9:00 p.m.
- (5) Not sell, distribute, or offer for sale, any products or services within two (2) city blocks or six hundred (600)

feet, whichever is less, of the grounds of any public, private, parochial, elementary or secondary school between the hours of 11:00 a.m. and 4:30 p.m. on days when school is in session.

- (6) Be permitted to use sound amplification equipment in conformance with city noise ordinances.
- (7) Not operate in city parks during activities sponsored by local governmental, charitable or nonprofit organizations without the permission of such organization(s).
- (8) Not operate on any street within 300' of a city park during periods when governmental, charitable or nonprofit organizations are operating in said park and selling concessions as part of their sponsored activities.
(Ordinance 2014-0225 adopted 2/25/14)

§ 4.04.006. Compliance with federal, state and local laws.

Every food vendor shall at all times comply with all applicable federal, state and local laws, rules and regulations.
(Ordinance 2014-0225 adopted 2/25/14)

Chapter 5

FIRE PREVENTION AND PROTECTION

ARTICLE 5.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 5.02
FIRE MARSHAL

§ 5.02.001. Office created.

The office of fire marshal of the city is hereby created and established. The fire marshal shall be selected by the city council and shall be properly qualified for his office. The fire marshal shall be subject to removal at all times and for any reason. His compensation shall be fixed by the city council as it may determine from time to time. (1977 Code, sec. 7-1; Ordinance adopting Code)

§ 5.02.002. General powers and duties.

The fire marshal shall have charge and be responsible for all inspection work and the furthering of fire prevention within the city. He shall inspect all new construction and remodeling and see that it meets the fire zone ordinance and other building codes of the city. He shall investigate the cause of all fires, and in case of any indication of arson he has the power to take testimony under oath of any person or persons that may have knowledge or information concerning such case or cases, and shall pass such information to the proper authorities. He shall have the power and authority to issue orders to correct any fire hazard which he may find on his inspection, and any person, firm, or corporation failing to comply with the order shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not to exceed two hundred dollars (\$200.00). (1977 Code, sec. 7-2)

§ 5.02.003. Records and reports; cooperation with fire department.

The fire marshal shall be responsible for making all reports of the fire marshal's office to the state fire insurance commission and any and all other records required by the city council in the maintenance of his office. He shall work with the city fire department and shall have the cooperation of the same in any and all of his duties in connection with fire prevention in the city. (1977 Code, sec. 7-3)

§ 5.02.004. Enforcement of laws and ordinances; inspections.

- (a) He shall enforce all city ordinances and state and federal laws insofar as they concern fires and fire prevention in the city.
 - (b) Inspection shall be made for the purpose of reporting and correction of the following special hazards pertaining to buildings and other occupancies:
 - (1) Lack of repairs;
 - (2) Age and dilapidated condition;
 - (3) Faulty or unapproved construction;
 - (4) Lack of sufficient fire escapes or means of egress;
 - (5) Lack of automatic or other reliable fire alarm apparatus;
 - (6) Lack of fire-extinguishing equipment;
 - (7) Materials and buildings especially susceptible to fire;
 - (8) Conditions endangering property or occupants;
 - (9) Any and all other fire hazards dangerous to life and property.
- (1977 Code, sec. 7-4)

ARTICLE 5.03
FIREWORKS

§ 5.03.001. Penalty.

Any person, firm, corporation, or association who shall violate any of the provisions of this article, or suffer or allow the same to be violated, shall upon conviction therefor be subject to a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 7-14)

§ 5.03.002. Use prohibited.

No person, firm, corporation, or association shall cast, throw, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap, or cartridge, or other combustible fireworks of any kind, in the city.

(1977 Code, sec. 7-11)

§ 5.03.003. Sale.

No person, firm, corporation, or association shall exhibit or have in his possession with intent to sell or offer for sale or to give away within the city any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap, or cartridge, or any other combustible fireworks of any kind, in the city; provided, however, that this section shall not apply to the sale of any such article or articles by wholesalers to each other or to the sale of any such article or articles at wholesale to merchants doing business entirely without the city, or to the sale by wholesalers for private or public demonstration as provided herein.

(1977 Code, sec. 7-12)

§ 5.03.004. Exceptions.

Nothing in this article shall be construed to apply to the sale, storage, or use of railroad-track torpedoes or other signaling devices used by railroads, nor to the sale, storage, or use of flashlight composition by photographers or dealers in photographic supplies, or prevent any public or private demonstration or display of fireworks of any kind if conducted under proper police supervision after application is made and a permit issued by authority of the governing body of the city for such demonstration. Said permit shall not be granted unless such demonstration or display shall be of such a character, and so located, discharged, or fired, as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person or persons.

(1977 Code, sec. 7-13)

ARTICLE 5.04
LIQUEFIED PETROLEUM GAS

§ 5.04.001. Standards for equipment; inspections.

- (a) Definition.“Liquefied petroleum gas” means any material that is composed predominately of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, normal butane, isobutane and butylenes.
- (b) Standards.Any equipment sold, distributed, installed or used in connection with liquefied petroleum gas within the city limits shall comply with all laws and regulations of the city, the regulations of the railroad commission, the regulations of the National Board of Fire Underwriters and the regulations recommended by the National Fire Protection Association.
- (c) Inspections.When any equipment is installed for business or residential use, it shall not be placed in operation or used unless and until such installation has been approved by the city fire marshal. The city fire marshal shall require the person installing such equipment to pay an inspection fee in an amount set by the city council to cover the cost of inspection.
- (d) Penalty.A person who violates or fails to comply with this section or rules adopted under this section shall be guilty of a misdemeanor and shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. This fine shall be in addition to any fine levied by any other state authority. Each day of violation or failure to comply constitutes a separate violation.

(Ordinance 217 adopted 3/5/81)

ARTICLE 5.05
OUTDOOR BURNING

§ 5.05.001. Definitions.

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

Extinguished. The absence of any visible flames, glowing coals, or smoke.

Land clearing operation. The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.

Neighborhood. A platted subdivision or property contiguous to and within 300 feet of a platted subdivision.

Practical alternative. An economically, technologically, ecologically, and logistically viable option.

Prescribed burn. The controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures.

Refuse. Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

Structure containing sensitive receptor(s). A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term “manmade structure” does not include such things as range fences, roads, bridges, hunting blinds, or facilities used solely for the storage of hay or other livestock feeds. The term “sensitive live vegetation” is defined as vegetation that has potential to be damaged by smoke and heat, examples of which includes, but is not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Sunrise/sunset. Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

Wildland. Uncultivated land other than fallow, land minimally influenced by human activity, and land maintained for biodiversity, wildlife forage production, protective plant cover, or wildlife habitat.
(Ordinance 2017-0926(C) adopted 9/11/17)

§ 5.05.002. Compliance with article.

- (a) Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather, as defined by title 30 of the Texas Administrative Code, chapter 111, rule sec. 111.207 (30 TAC sec. 111.207), or burning by permit issued pursuant to this article as set forth.
- (b) An outdoor burning permit must be obtained from the city for any outdoor burning within the city limits unless defined by 30 TAC sec. 111.207.
- (c) A burn permit can be issued for on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property.
- (d) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering

objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

- (e) Burning shall commence and be conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).
- (f) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from adjacent occupant with possessory control.
- (g) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on the effected roads in accordance with the requirements of the county sheriffs department and the Texas Department of Public Safety or to immediately extinguish fire.
- (h) Burning shall not be commenced when wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.
- (i) Electrical insulation, treated lumber, plastics, nonwood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.
- (j) Prior to issuing any burning permit, the city manager and fire chief shall inspect and evaluate the proposed burn. The city manager and fire chief shall require as a condition of fire permit, all safety and precautionary measures as reasonably required to control the burn and insure the safety of adjacent properties and the public. These measures may include, but are not limited to, monitoring by member(s) of the fire department, below ground burning, trench burning, prescribed burns, and etc.
- (k) The area around the burn must be free of any combustible materials such as grass, weeds, trees, and brush, for a minimum of 25 feet.
- (l) Gasoline and other extremely flammable liquids cannot be used as a source of ignition for the burn. Other nonvolatile liquids such as diesel, kerosene and charcoal lighter can be used.
- (m) Burning shall be commenced only under the terms and at the indicated date on the burn permit.
- (n) A minimum application fee will accompany each application for burn a permit as listed in appendix A. Additional charges for monitoring of a controlled burn by the fire department, if required by the city manager and fire chief, may be imposed as a condition of the permit. Additional fees will be no greater than \$1,000.00 (one thousand dollars).
- (o) The city manager and fire chief have the sole discretion to grant or deny permits to burn under this article. Applications for permits to burn that satisfy the requirements of this article and safety measures set by the city manager and fire chief shall be granted. If for any reason the permit is revoked by the city manager and fire chief or his agent, application fees will not be refunded.

NOTE: The authority to conduct outdoor burning under this article does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducting in compliance with 30 TAC sec. 111.221.

(Ordinance 2017-0926(C) adopted 9/11/17)

Chapter 6

HEALTH AND SANITATION

ARTICLE 6.01
GENERAL PROVISIONS (RESERVED)

**ARTICLE 6.02
HEALTH OFFICER**

§ 6.02.001. Office created; appointment.

The office of city health officer is hereby created. The mayor, with the consent of the city council, shall appoint the city health officer. He shall be a resident physician in good standing in the city.

(1977 Code, sec. 10-1)

§ 6.02.002. Powers and duties.

The city health officer shall enforce all provisions of city ordinances relating to health except as otherwise provided and also all provisions of state law relating to health which it is his duty to enforce. To this end, he shall have power concurrent with the chief of police to inspect all places within the city and to make complaints against the authors of all nuisances.

(1977 Code, sec. 10-2)

ARTICLE 6.03
WEEDS, RUBBISH OR OTHER UNSANITARY OR OBJECTIONABLE MATTER

§ 6.03.001. Prohibited conditions.

It shall be unlawful for an owner, lessee, occupant or any other person, firm, business or corporation in charge of any real estate within the city to allow any of the following substances to accumulate upon the surface of any lot or in any structure, cans or containers of any kind within the city:

- (1) Stagnant water or liquids of any kind;
- (2) Filth or carrion;
- (3) Rubbish, trash or debris, including any useless and worthless material, organic matter, waste or rejected matter of any type from any structure, or demolition of a structure, machine, broken parts of a machine, cloth, tree limbs, leaves, grass and other organic matter;
- (4) Weeds or brush; or
- (5) Any other impure, unwholesome, objectionable, unsightly or unsanitary matter.
(Ordinance 248, sec. 1, adopted 3/27/86)

§ 6.03.002. Declaration of nuisance.

The presence of any of the above materials on any real estate within the city shall be deemed a public nuisance in that such accumulation is hereby deemed to:

- (1) Create a fire hazard;
- (2) Be detrimental to the safety, health, and physical and economic welfare of the citizens of the city;
- (3) Detract from the beauty of the city;
- (4) Cause private and public property values to be diminished;
- (5) Invite vandalism; and/or
- (6) Create a hazard to the health and safety of minors as an attractive nuisance.
(Ordinance 248, sec. 2, adopted 3/27/86)

§ 6.03.003. Abatement notice.

- (a) Whenever such nuisance exists, the city shall give notice to the owner or person in possession of the real estate, or both:
 - (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's records; or
 - (3) If personal service cannot be obtained, notice may be given by:
 - (A) Publication at least once;
 - (B) Posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (C) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

- (4) If the city 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.
- (b) The notice shall specify the nuisance, its location and the corrective measures required. The written notification shall provide for compliance within ten (10) days from receipt of the notice. If the owner or occupant so desires, he may request a public hearing if such request is made to the city secretary in writing within the ten-day period specified above.
- (c) After a property owner has been given one (1) notice of violation on a lot, tract, or parcel of land, annual notice may be given to the property owner. If the city opts to provide annual notice, such notice shall be mailed to the owner at the address recorded with the appraisal district and posted on the property. Once the city has given such annual notice, no further notice shall be required prior to abatement for that lot, tract, or parcel of land for a one-year period. If the city does not receive notice in a change of ownership, the city may abate any nuisance contained on the property covered by this article without further notice and assess expenses to the owner.
- (Ordinance 248, sec. 3, adopted 3/27/86; Ordinance adopting Code)

§ 6.03.004. Hearing.

If a public hearing is properly requested, it shall be held at the next regularly scheduled city council meeting. The council shall then hear evidence to determine if and when such nuisance, if any, shall be abated, and the person requesting such hearing shall be immediately notified of such decision in writing. If such person refuses to comply with the decision of the city council within the time limits so specified, he shall be subject to the penalties set forth in section 6.03.005.

(Ordinance 248, sec. 4, adopted 3/27/86)

§ 6.03.005. Action by city upon failure to comply.

If no public hearing is requested or if the owner or occupant of the premises refuses to comply with the order of the city council after a public hearing within the time limits so specified, the city council may:

- (1) Filing of complaint; penalty. Cause to be filed in municipal court a complaint alleging violation of this article, and upon conviction thereof such person shall be guilty of a misdemeanor and shall be subject to a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each transaction in violation of any of the provisions of this article shall be deemed a separate offense.
- (2) Performance of work by city. Cause the work to be done by employees of the city or contract with any third person to perform the work and charge the reasonable costs and expenses of such work to the owner or occupant and any one or more of the following:
- (A) Bill said owner or occupant;
- (B) Cause the expense and cost to be assessed against the real estate upon which said work was performed. On filing with the county clerk a statement showing such costs and expenses, bearing interest from the date of the work at the rate of ten percent (10%) per annum, signed by the mayor, city secretary or city health officer, the city shall have a privileged lien. Suit may be instituted and foreclosure had in the name of the city. A certified copy of the statement so made shall be prima facie proof of the amount expended in any such work; or
- (C) Cause such costs and expenses to be assessed as a lien against the property, which shall be due and payable to the tax assessor for the benefit of the city in the following tax paying period.

(Ordinance 248, sec. 5, adopted 3/27/86)

§ 6.03.006. 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 the property owner files with the city a written request for a hearing within thirty (30) days of the date of the notice required under this section.
 - (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 Code)

ARTICLE 6.04**POLLUTION CONTROL NEAR MUNICIPAL WATER WELLS AND RESERVOIRS****§ 6.04.001. Cesspools, septic tanks or sewer lines.**

The maintenance or construction of any type of cesspool, septic tank, open-jointed drain or sewer line, or any tile or concrete sanitary sewers or septic tanks within a distance of one hundred fifty feet (150') of any municipal water well or reservoir used for the purposes of supplying water to the water system of the city is hereby declared to be a nuisance.

(1977 Code, sec. 10-31)

§ 6.04.002. Sewage treatment, sewage drainage or irrigation by means of sewage plant effluent.

The maintenance, construction, keeping, or operation of any sewage treatment plant or sewage drainage ditch or stream or any sewage drainage of any sort or any type of irrigation or watering by means of sewage plant effluent within the distance of three hundred fifty feet (350') of any municipal water well or reservoir of the city used for the purposes of supplying water to the water system of the city is hereby declared to be a public nuisance.

(1977 Code, sec. 10-32)

§ 6.04.003. Livestock.

The maintenance or keeping of any type or form of livestock or stock pen or cattle grazing or any similar activity within fifty feet (50') of any municipal water well or reservoir of the city used for the purpose of supplying water to the water system of the city is hereby declared to be a public nuisance.

(1977 Code, sec. 10-33)

§ 6.04.004. Violations.

It shall be unlawful for any person to maintain or construct any type of cesspool, septic tank, open-jointed drain or sewer line or to construct any tile or concrete sanitary sewer or septic tank within the distance of one hundred fifty feet (150') of any municipal water well or reservoir of the city used for the purpose of supplying water to the water system of the city. It shall be unlawful to construct, keep, or maintain any sewage treatment plant or sewage drainage ditch or stream or any sewage drainage of any sort or any type of irrigation or watering by means of sewage plant effluent within the distance of three hundred fifty feet (350') of any municipal water well or reservoir of the city used for the purpose of supplying water to the water supply of the city. It shall be unlawful for any person to maintain or keep any type or form of livestock or stock pen or cattle grazing or any similar activity within fifty feet (50') of any municipal water well or reservoir of the city used for the purpose of supplying water to the water system of the city.

(1977 Code, sec. 10-34)

§ 6.04.005. Penalty.

Any violation of this article by any person shall constitute a misdemeanor, and upon conviction for the violation thereof such person shall be punished by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each day of such violation shall constitute a separate offense.

(1977 Code, sec. 10-35)

§ 6.04.006. Injunction.

In addition to the penalty prescribed in section 6.04.005 of this article, the city may abate any public nuisance arising under this article by injunction in any court of competent jurisdiction.

(1977 Code, sec. 10-36)

Chapter 7
MUNICIPAL COURT

ARTICLE 7.01
GENERAL PROVISIONS

§ 7.01.001. Established.

There is hereby created and established in the city a court to be known as the municipal court of the city. The municipal judge shall be appointed by the city council. The court shall have the jurisdiction and powers prescribed by state law.

(1977 Code, sec. 1-21)

ARTICLE 7.02
FINES, COSTS AND SPECIAL EXPENSES

§ 7.02.001. Technology fund.

- (a) Established. There is hereby created and established a municipal court technology fund, herein known as the “fund,” pursuant to article 102.0172 of the Code of Criminal Procedure. The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.
- (b) Amount of fee; assessment and collection.
- (1) The fee shall be in the amount of four dollars (\$4.00).
 - (2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:
 - (A) A sentence is imposed on the person;
 - (B) The person is placed on community supervision, including deferred adjudication community supervision; or
 - (C) The court defers final disposition of the person’s case.
 - (3) The fee shall be collected on conviction for an offense committed on or after this section is adopted.
 - (4) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer of the city, who shall deposit the fee into the municipal court technology fund.
- (c) Designated use of fund; administration.
- (1) The fund shall be used only for the purpose of financing the purchase of or to maintain technology enhancements for the municipal court of the city. The term “technology enhancements” shall include those items as specified in V.T.C.A., Code of Criminal Procedure, article 102.0172.
 - (2) The fund shall be administered by or under the direction of the city council.
- (Ordinance 050113 adopted 3/–/05; Ordinance adopting Code)

§ 7.02.002. Building security fund.

- (a) Established. There is hereby created and established a municipal court building security fund (the “fund”) pursuant to article 102.017 of the Code of Criminal Procedure.
- (b) Amount of fee; assessment. The municipal court of the city is hereby authorized and required to assess a municipal court building security fee (the “fee”) in the amount of \$3.00 against all defendants convicted of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a misdemeanor offense by the municipal court [sic]. Each misdemeanor conviction shall be subject to a separate assessment of the fee.
- (c) Persons considered convicted. A person is considered to have been convicted in a case if:
- (1) Judgment, sentence, or both are imposed on the person;
 - (2) The person received deferred disposition; or
 - (3) The court defers final disposition or imposition of the judgment and sentence.
- (d) Collection and disposition of fee. The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the city. All fees so collected and paid over to the treasury of the city

shall be segregated in the fund.

- (e) Designated uses. The fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the municipal court of the city. “Security devices and/or services” shall include any and all items described in article 102.017(d-1) of the Code of Criminal Procedure.
- (f) Administration. The fund shall be administered by or under the direction of the city council.
(Ordinance 2009-0224 adopted 2/24/09)

Chapter 8

OFFENSES AND NUISANCES

ARTICLE 8.01
GENERAL PROVISIONS

§ 8.01.001. Fighting, disturbing the peace, etc.

If a person shall be in any public place or upon or near any private premises, and fight, use vociferous or vulgar language, yell, swear, display or fire firearms, or do anything calculated to disturb the peace, he shall, if convicted, be deemed guilty of a class C misdemeanor, and his punishment shall be fixed at an amount in accordance with the general penalty provided in section 1.01.009 of this code, and the cost of such action.

(Ordinance 20090423-11, sec. 11-1, adopted 5/26/09)

§ 8.01.002. Public consumption of alcoholic beverage in vicinity of motor vehicle.

- (a) Definitions. The terms “alcoholic beverage,” “motor vehicle” and “public place” shall have the definition commonly applied by law.
- (b) Prohibition. No person shall knowingly or intentionally consume an alcoholic beverage while in on or in the immediate vicinity of a motor vehicle in a public place, any public right-of-way or public parking area within the city limits.
- (c) Penalty. Violation of any of the provisions of this section shall constitute a class C misdemeanor punishable, upon conviction, by a fine not to exceed the maximum as established by the state.

(Ordinance 20090423-11, secs. 11-33–11-35, adopted 5/26/09)

§ 8.01.003. Consumption of alcoholic beverage in public park, on public sidewalk or on city property.

- (a) Prohibited acts. No person shall knowingly or intentionally consume or possess an alcoholic beverage in a public park, upon a public sidewalk or upon property owned, rented, leased, or maintained by the city, excluding alleyways, streets, and roadways, if such actions are not proscribed by section 8.01.002 or applicable state law.
- (b) Definitions. The terms “alcoholic beverage,” “alleyway,” “street,” “public sidewalks,” “public parks” and “roadways” shall have the definitions as commonly defined by the Texas Transportation Code.
- (c) Penalty. Violations of any of the provisions of this section shall constitute a misdemeanor punishable, upon conviction, by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 990610, secs. 2–4, adopted 6/10/99)

§ 8.01.004. Slaughtering animals.

Any person who shall slaughter, butcher, or skin any cattle, sheep, hogs, or other animals on the streets, sidewalks, alleys, or within the corporate limits of the city 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 of this code.

(1977 Code, sec. 10-61)

§ 8.01.005. Offenses relating to police radio calls and other emergency calls.

- (a) Definitions. As used in this section:

Person. Shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, copartnership, society, or any other organization.

Radio scrambler equipment. Radio equipment capable of encoding, decoding, or scrambling messages used in transmitting messages sent or received by police, law enforcement radios, or other authorized emergency

personnel.

- (b) Answering emergency call or interfering with emergency personnel. It shall be unlawful for any person, other than city officers and police and fire department officers in the line of duty, to follow up and answer police radio calls or emergency calls, or to in any way interfere with police officers or authorized emergency personnel answering such radio police calls.
 - (c) Operation of radio scrambler equipment. It shall be unlawful for any person to equip or operate inside the city radio scrambler equipment unless the same is being used by the federal, state, city, or county government, or a peace officer.
 - (d) Penalty. Any person who violates any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each person shall be deemed guilty of a separate offense for each day during any portion of which any violation of the provisions of this section is committed, continued, or permitted.
- (1977 Code, secs. 11-1-11-4)

§ 8.01.006. Abandoned refrigerators.

- (a) Offenses. It shall hereafter be unlawful for any person, firm, or corporation to leave any electric refrigerator, commercial refrigerator, cooling box, icebox, or any similar fixture unattended in any abandoned house, building, barn, or structure of any kind or upon any vacant lot or any other premises in the city where the same may be available to or accessible to children without first removing the door from such refrigerator, ice box, or any such fixture before leaving the same unattended.
 - (b) Penalty. Any person, firm, or corporation violating any provision of this section shall, upon conviction, be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each and every act done in violation hereof and each day that such violation continues shall be considered a separate offense and punishable accordingly.
- (1977 Code, secs. 11-21, 11-22)

§ 8.01.007. False fire alarms.

It is a misdemeanor and punishable by fine for any person to falsely or maliciously, by any means whatsoever, give or cause to be given an alarm of fire when there is no fire, and such person or persons shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 11-31)

§ 8.01.008. Vehicle repairs.

- (a) Definitions. The following terms, as used herein, shall have the meanings assigned thereto, for the purposes of this section:

Residential lot(s). A lot or lots upon which at least one residence is situated. If a residence is situated upon more than one lot, which, together, are used in connection with the residence, then and in that event all of the lots are residential lots.
- (b) No person, firm or corporation shall perform vehicle repairs, on a residential lot or lots, viewable or open to view by the public from a public street, excluding alleyways or other rights-of-way, for a period of time exceeding seventy-two (72) consecutive hours.
- (c) Any person, firm or corporation, found to be in violation hereof, shall be guilty of a class C misdemeanor and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that the violation continues shall constitute a separate and distinct violation

hereof.

- (d) The continued violation of this section shall constitute a public nuisance and shall be abated. The city or any private citizen, affected by the continuing violation hereof, may have such continued violation abated or recover injunctive relief, enjoining such continued violation.

(Ordinance 2013-0723, sec. I, adopted 7/23/13; Ordinance 2013-0723, sec. V, adopted 7/23/13; Ordinance 2013-0723, sec. XII, adopted 7/23/13; Ordinance 2013-0723, sec. XIII, adopted 7/23/13)

§ 8.01.009. Storage in front yards.

- (a) Definitions. The following terms, as used herein, shall have the meanings assigned thereto, for the purposes of this section:

Residential lot(s). A lot or lots upon which at least one residence is situated. If a residence is situated upon more than one lot, which, together, are used in connection with the residence, then and in that event all of the lots are residential lots.

Storing. Accumulating or holding in reserve, any item or items for future use.

- (b) No person, firm or corporation shall store furniture, appliances, equipment or similar items in the front yard of any residential lot or lots in dwelling districts A, B, C and E.
- (c) Any person, firm or corporation, found to be in violation hereof, shall be guilty of a class C misdemeanor and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that the violation continues shall constitute a separate and distinct violation hereof.
- (d) The continued violation of this section shall constitute a public nuisance and shall be abated. The city or any private citizen, affected by the continuing violation hereof, may have such continued violation abated or recover injunctive relief, enjoining such continued violation.

(Ordinance 2013-0723, sec. I, adopted 7/23/13; Ordinance 2013-0723, sec. VII, adopted 7/23/13; Ordinance 2013-0723, sec. XII, adopted 7/23/13; Ordinance 2013-0723, sec. XIII, adopted 7/23/13)

§ 8.02.001

**ARTICLE 8.02
MINORS**

§ 8.02.001

**DIVISION 1
Generally**

§ 8.02.001. through § 8.02.030. (Reserved)

Curfew**§ 8.02.031. Definitions.**

As used in this division, the following words and terms shall have the meaning ascribed thereto:

Curfew hours. 11:00 p.m. until 6:00 a.m. Sunday through Thursday, and 12:00 a.m. to 6:00 a.m. on Friday through Saturday, without the supervision of a responsible adult.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person less than seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) A natural parent, adoptive parent, or step-parent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

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

Remain. To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner or operator or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.
(Ordinance 20090423-11, sec. 11-20, adopted 5/26/09)

§ 8.02.032. Offenses.

- (a) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ordinance 20090423-11, sec. 11-21, adopted 5/26/09)

§ 8.02.033. Defenses.

- (a) It is a defense to prosecution under section 8.02.032 that the minor was:
- (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that has undertaken responsibility for the minor, or going to or returning home from such activity, without any detour or stop;
 - (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (9) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.
- (b) It is a defense to prosecution 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 refused to leave.

(Ordinance 20090423-11, sec. 11-22, adopted 5/26/09)

§ 8.02.034. Enforcement.

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. 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 and other circumstances, no defense is present.

(Ordinance 20090423-11, sec. 11-22, adopted 5/26/09)

§ 8.02.035. Penalties.

- (a) A minor child who violates a provision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine that does not exceed the maximum established by the state.
- (b) Any parent or guardian found to be in violation of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine that does not exceed the maximum established by the state.
- (c) A business agent or employee who knowingly allows minor children to remain on premises in violation of the stated curfew hereof shall be guilty of a class C misdemeanor and shall be fined [an amount] that does not

exceed the maximum established by the state.
(Ordinance 20090423-11, sec. 11-22, adopted 5/26/09)

§ 8.02.036. Periodic review of regulations.

This division must be reviewed and approved every third year beginning in April of 2011 for this division to be in continuous effect.
(Ordinance 20090423-11, sec. 11-23, adopted 5/26/09)

ARTICLE 8.03
WEAPONS

§ 8.03.001. Discharge of gun or firearm.

- (a) Prohibited. It shall hereafter be unlawful for any person to discharge any gun or firearm at any place within the corporate limits of the city.
 - (b) Definition. For the purposes of this section, the term “gun or firearm” shall be defined as follows: any pistol, revolver, rifle, pellet gun, BB gun, or similar weapon.
 - (c) Penalty. Any person who shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction of such offense the person, persons or company so convicted shall be fined an amount that does not exceed the maximum established by the state.
 - (d) Exceptions. Persons to be specifically excluded and excepted from the provisions of this section are peace officers and other authorized personnel in pursuing their official duties, persons licensed to carry a handgun and also private persons in defense of their property and in emergencies.
- (Ordinance 20090423-11, art. 2, secs. 11-11–11-14, adopted 5/26/09)

**ARTICLE 8.04
NOISE****§ 8.04.001. Penalty.**

Any person violating any of the provisions of this article shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be fined in any sum that does not exceed the maximum established by the state. Each day a violation under this article continues shall constitute a separate offense.

(Ordinance 20090423-11, sec. 11-26, adopted 5/26/09)

§ 8.04.002. General prohibition.

- (a) Any unreasonable loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereafter prohibited.
- (b) Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereafter prohibited.
- (c) The following acts [in section 8.04.003], among others, are declared to be nuisances in violation of this article, but said enumeration shall not be deemed to be exclusive.
- (d) The word “person” as used in this article shall be construed to impart the singular and plural as the case demands, and shall include corporations, companies, societies and associations.

(Ordinance 20090423-11, sec. 11-24, adopted 5/26/09)

§ 8.04.003. Specific noises prohibited.

The following acts, among others, are declared to be nuisances in violation of this code, but this enumeration shall not be deemed to be exclusive, to wit:

- (1) The playing of any radio, phonograph or other musical instrument in such manner, or with such volume, as to annoy or disturb the quiet, comfort and tranquility of a person.
- (2) The running of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibration.
- (3) 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.
- (4) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (5) The operation by drivers of diesel powered trucks and equipment of a compression release device or bypass device, including but not limited to those devices commonly known as “jake brakes,” within the corporate city limits.
- (6) The use of any mechanical device operated by compressed air, unless the noise created is effectively muffled and reduced.
- (7) The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, providing conspicuous signs are displayed in such a manner indicating the same is a school or hospital street.

- (8) The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (9) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by the creation of noise to any performance, show or sale of merchandise.
- (Ordinance 20090423-11, sec. 11-25, adopted 5/26/09)

ARTICLE 8.05
MISCELLANEOUS NUISANCES

§ 8.05.001. Penalty.

Any person violating any of the provisions of this article shall, upon conviction in the municipal court of the city, be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each day that such nuisance shall continue after complaint has been made shall be deemed to constitute a separate offense.
(1977 Code, sec. 10-22)

§ 8.05.002. Abatement.

When any person is convicted of a nuisance, the court shall direct such nuisance to be abated, corrected, or removed, and should the author thereof fail or refuse to obey such direction, the court, on representation of the fact, shall make an order commanding the chief of police to abate, correct, or remove the same, and the chief of police shall at once proceed to carry out such order, using such means and calling to his aid such assistance as he may deem necessary, and all costs accruing therein shall be taxed against the author of such nuisances, and shall be collected as other costs.
(1977 Code, sec. 10-23)

§ 8.05.003. Depositing filth, slop or other offensive matter.

If any person in this city shall throw, place, or deposit, or cause to be thrown, placed, or deposited, in any alley, street, square, sidewalk, gutter, or lot, or in any other place or premises in the city, the carcass of any dead animal or fowl, any putrid or unsound meat of any kind, or any fish, hides, skins, melon rinds, vegetables, or bones, or any offal, dung, or filth of any kind, or any slop, dishwater, or waste water, or any unsound or offensive matter of any kind, or any matter liable to become offensive, or shall permit any such matter to remain in or about any premises owned by him or controlled by him as agent, tenant, or otherwise, or shall permit the same to remain in or upon any alley or sidewalk adjoining any premises owned by him or controlled by him as agent, tenant, or otherwise, he shall be deemed guilty of a nuisance.
(1977 Code, sec. 10-11)

§ 8.05.004. Permitting water or other liquid to run into street, sidewalk or gutter.

- (a) Prohibited. If any person in this city shall cause or permit the water or any liquid matter from any livery stable, drugstore, saloon, soda fountain, bath house, barbershop, printing office, or photograph gallery, or from any dwelling house, store, or manufactory, or from any building or establishment of any character whatever, to run and be discharged in and upon any street, alley, sidewalk, or gutter of this city, by any pipe or conduit or by any other means, he shall be deemed guilty of a nuisance.
- (b) Exceptions. Subsection (a) of this section shall not apply to water not offensive in paved gutters, nor in yards and gardens attached to dwellings, nor to water coming from private bath houses, unless the same shall become offensive.
(1977 Code, secs. 10-12, 10-13)

§ 8.05.005. Sweeping or depositing refuse in street, sidewalk or gutter.

If any person in this city shall sweep, throw, or deposit in any street, alley, sidewalk, or gutter any of the sweepings or cleanings of dwelling houses, stores, and other premises of all kinds, or any rags, paper, rubbish, or refuse matter of any kind whatsoever, or shall cause the same to be done by another, he shall be deemed guilty of a nuisance.
(1977 Code, sec. 10-14)

§ 8.05.006. Keeping premises in manner offensive to others.

If any person shall keep or cause to be kept, or allow to be kept, any premises owned by him or controlled by him, as tenant, agent, or otherwise, in such manner or condition as to be unhealthful or offensive to others, he shall be deemed guilty of a nuisance.

(1977 Code, sec. 10-15)

§ 8.05.007. Keeping animals in manner offensive to others.

If any person in this city shall keep, or cause or allow to be kept, any lot, pen, place, or premises owned by him or controlled by him as agent, tenant, or otherwise, in which animals are kept in such manner or condition as to be injurious or offensive to the health of others, he shall be deemed guilty of a nuisance.

(1977 Code, sec. 10-16)

§ 8.05.008. Keeping business in manner offensive to others.

If any person in this city shall keep, or cause to be kept, any distillery, tannery, brewery, tallow chandlery, soap boiler, dyer, or other establishment, hotel, eating house, restaurant, boarding house, beer parlor, or other establishment or premises in such manner as to be unhealthy or offensive, or in such manner as to produce offensive odors, or in such manner as to discharge any foul, nauseous, offensive, or unwholesome liquid or substance into any street, alley, lot, gutter, or other adjacent ground, public or private, he shall be deemed guilty of a nuisance.

(1977 Code, sec. 10-17)

§ 8.05.009. Unclean sinks, vaults or other places.

If any person in this city shall keep, or cause or allow to be kept, on any premises owned by him or controlled by him as agent, tenant, or otherwise, any sink, vault, or other place in such manner as to be unhealthy or offensive to any person whomsoever, or in such manner as to produce offensive smells, or shall fail to clean the same for two days after notice in writing so to do by the city health officer or chief of police, or shall refuse to obey any directions of the health officer of the city relative thereto, he shall be deemed guilty of a nuisance.

(1977 Code, sec.10-18)

§ 8.05.010. Depositing offensive refuse.

If any person in this city shall deposit or cause to be deposited offensive rubbish or refuse matter from any premises whatever in any street, alley, sidewalk, gutter, creek, branch, square, lot, or other place, private or public, within the limits of the city, he shall be deemed guilty of a nuisance.

(1977 Code, sec. 10-19)

§ 8.05.011. Injurious or dangerous businesses.

If any person in this city shall carry on or cause to be carried on any trade, business, or profession which is dangerous or injurious to the health of the city or of any of the citizens thereof, or shall suffer or allow any thing or state of things to exist on the premises owned or controlled by him, as agent, tenant, or otherwise, liable to be dangerous or injurious to the city or its citizens, he shall be deemed guilty of a nuisance.

(1977 Code, sec. 10-20)

§ 8.05.012. Stagnant water.

If any person in this city shall permit or allow any stagnant water to accumulate or remain on any premises owned or controlled by him as agent, tenant, or otherwise, he shall be deemed guilty of a nuisance.

(1977 Code, sec. 10-21)

ARTICLE 8.06
INOPERATIVE VEHICLES

§ 8.06.001. General provisions; penalty.

- (a) Inoperative vehicle shall mean any vehicle that is self-propelled and defined as follows:
- (1) Does not have lawfully attached to it:
 - (A) An unexpired license plate; or
 - (B) A valid motor vehicle inspection certificate, unless said motor vehicle is exempted from vehicle inspection pursuant to section 548.052 of the Texas Transportation Code, as now or hereafter amended;
 - (2) Is wrecked, dismantled or partially dismantled, or discarded; or
 - (3) Is inoperable and has remained inoperable for more than:
 - (A) Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 - (B) Thirty (30) consecutive days, if the vehicle is on private property.
- (b) In lieu of or in addition to following the abatement proceedings set forth in this article, the city may pursue the filing of a criminal complaint against the owner or occupant of the property in the municipal court for violation of this article.
- (c) It is an offense for any person to park, store, leave, or abandon any vehicle described by article 12.03, division 4, or for a person who owns or occupies a property to permit the parking, storing, leaving, or abandonment of any vehicle described by article 12.03, division 4.
- (d) Any person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day of violation shall constitute a separate offense.
- (e) Nothing in this article shall affect ordinances or other laws that permit immediate removal of a vehicle left on public property which is abandoned or which constitutes an obstruction to traffic.
- (Ordinance 20090423-11, sec. 11-39, adopted 5/26/09)

§ 8.06.002. Declaration of nuisance.

In each case where an inoperative vehicle is identified, the owner shall be notified that he/she has up to seventy-two (72) consecutive hours if on public property or thirty (30) consecutive days if on private property to remove or correct the potential violation. If no removal or correction has taken place within this time allowed, the vehicle, including a part of an inoperative vehicle that is visible from a public place or public right-of-way, shall be declared a public nuisance if one or more of the following conditions apply. The vehicle:

- (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.
- (Ordinance 20090423-11, sec. 11-40, adopted 5/26/09)

§ 8.06.003. Abatement or removal order.

- (a) Whenever a public nuisance is identified, the chief of police, city administrator, the city planner works [sic] or their duly authorized full-time employees shall:
 - (1) Provide not less than ten (10) days' notice to abate or remove the public nuisance. Notice shall be sent to:
 - (A) The last known registered owner of the public nuisance;
 - (B) Any lienholder of record;
 - (C) The owner of the real property or the occupant whereupon the public nuisance exists;
 - (D) The person or entity occupying, managing or controlling the public premises or the premises adjacent to the public right-of-way whereupon the public nuisance exists.
 - (2) 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.
- (b) Such notice shall state that:
 - (1) The nature and location of the public nuisance on private premises, or, if applicable, the public nuisance on the public property or the public right-of-way adjacent to the property;
 - (2) The public nuisance must be removed and abated within ten (10) days by the vehicle owner or his/her agent. If the owner requests a hearing, the request must be sent by certified mail, return receipt requested.
- (c) If written notice is given in accordance with this article, it shall be presumed that the notice was received no later than five (5) days after it was sent. If any notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of return.
- (d) It shall be the responsibility of the person or entity owning, occupying, managing or controlling the public premises or premises adjacent to the right-of-way to comply with the provisions of this article through the current calendar year without the necessity of further notice.
- (e) The owner of the vehicle or the owner or occupant of the public or private premises or the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located may request a public hearing prior to the removal of said vehicle declared a public nuisance. The request for a public hearing must be sent by certified mail, return receipt requested, within ten (10) days after service of the notice to abate the nuisance. The public hearing shall be held before the municipal court of the city. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle if said information is available at the site of the nuisance.
- (f) The city or the city department of public safety is to give notice to the state department of transportation within five (5) days after the date of removal. Such notice shall identify the vehicle or part thereof, the location of removal, the last known owner and the names of all holders of unreleased liens known to the city or the city department of public safety.

(Ordinance 20090423-11, sec. 11-41, adopted 5/26/09)

§ 8.06.004. Removal with permission of owner or occupant.

Within ten (10) days after receipt of the notice to abate the public nuisance, the owner or occupant of the premises may give his written permission to city personnel authorized in this article for removal of the public nuisance from

the premises. The granting of such permission shall be considered compliance with the provisions of this article.
(Ordinance 20090423-11, sec. 11-41, adopted 5/26/09)

§ 8.06.005. Removal by city; disposal.

- (a) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, action shall be taken by the city to abate such nuisance. The public nuisance or parts thereof may be disposed of by removal to a scrap yard, demolisher or any other suitable site operated by or available by contract to the city for processing as scrap or salvage.
- (b) Notice shall be given to the state department of transportation five (5) days after the date of removal, identifying the vehicle or part thereof, the location of removal, the last known owner and the name of any unreleased lienholders known to the city or the city police department.

(Ordinance 20090423-11, sec. 11-42, adopted 5/26/09)

§ 8.06.006. Authority to enforce.

The city chief of police, the city administrator, the city planner works [sic] and their duly authorized employee(s) may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, to obtain information as to the identity and ownership of such vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article.

(Ordinance 20090423-11, sec. 11-43, adopted 5/26/09)

§ 8.06.007. Immediate removal of vehicles obstructing traffic.

Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

(Ordinance 20090423-11, sec. 11-44, adopted 5/26/09)

ARTICLE 8.07**ABANDONED OR JUNKED VEHICLES OR PILES OF RUBBISH OR DEBRIS****§ 8.07.001. Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Abandoned motor vehicle.

- (1) Any motor vehicle that:
 - (A) Is inoperable and over eight years old and is left unattended on public property for more than forty-eight (48) hours;
 - (B) Has remained illegally on public property for a period of more than forty-eight (48) hours;
 - (C) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.
- (2) Exceptions. The provisions hereof shall not apply to:
 - (A) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways;
 - (B) Any motor vehicle retained by the owner for antique collection purposes rather than for salvage or for transportation;
 - (C) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

Debris. Any worthless or broken down accumulation of junk or matter or broken and useless structures or machines or machinery.

Demolisher. Any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

Junked motor vehicle. Any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate, and the condition of which is one or more of the following:

- (1) Wrecked.
- (2) Dismantled.
- (3) Partially dismantled.
- (4) Discarded.

Person. Any individual, firm, partnership, association, corporation, company, or organization of any kind.

Rubbish. Any useless and worthless material, organic matter, waste, or rejected matter of any type from any structure, demolition of a structure, machine, broken parts of a machine, cloth, tree limbs, leaves, grass, and other organic trash.

(1977 Code, sec. 10-81)

§ 8.07.002. Declaration of nuisance; exceptions.

The presence of any abandoned or junked motor vehicle or pile or piles of rubbish and/or debris on any private lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, shall be deemed a public nuisance, and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning, or discarding any motor vehicle, rubbish, or debris on the real property of another, or to suffer, permit, or allow any junked motor vehicle to be parked, left, or maintained on his own real property; provided that this section shall not apply with regard to:

- (1) Any junked or abandoned motor vehicle or part thereof, or pile or piles of rubbish and/or debris, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
 - (2) Any vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with operation of a licensed vehicle dealer or junkyard, provided said business shall keep said junked or abandoned automobiles enclosed from view by a solid six-foot-high fence.
 - (3) Any junked or abandoned motor vehicle in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the city.
- (1977 Code, sec. 10-82)

§ 8.07.003. Notice to abate nuisance on occupied premises.

- (a) Whenever any such public nuisance exists on occupied premises within the city in violation of section 8.07.002 hereof, the chief of police or his duly authorized agent shall order the owner of the premises, if in possession thereof, or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:
 - (1) Be in writing;
 - (2) Specify the public nuisance and its location;
 - (3) Specify the corrective measures required;
 - (4) Provide for compliance within ten (10) days from receipt thereof; and
 - (5) Specify that a request for public hearing must be made before the expiration of said ten (10) day period.
- (b) Such order shall be served upon the owner of the premises or the occupant by sending the order by certified mail, with five-day return receipt requested, to the address of the premises. If the notice is returned undelivered, official action to abate the nuisance shall be continued to a date not less than ten (10) days from the date of such return. If the owner or occupant of the premises fails or refuses to comply with the order of the chief of police or his duly authorized agent within the ten (10) day period after service thereof, as provided herein, the chief of police or his duly authorized agent shall, in the case of motor vehicles, take possession of the junked motor vehicle and remove it from the premises.
- (c) A public hearing prior to the removal of the vehicle or part thereof or rubbish or debris as a public nuisance shall be held before the governing body of the city or any other board, commission, or official of the city, as designated by the governing body, when such hearing is requested by the owner or occupant of the premises on which the public nuisance is located within ten (10) days after the delivery date of the certified mail receipt of the notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. If the owner or occupant fails to comply with the resolution or order, he shall be subject to the penalty set out in section 8.07.008.

(1977 Code, sec. 10-83)

§ 8.07.004. Notice to abate nuisance on unoccupied premises.

- (a) Whenever any such public nuisance exists on unoccupied premises within the city in violation hereof, and the owner thereof can be found, the chief of police or his duly authorized agent shall order the owner of the premises whereon such public nuisance exists to abate or remove the same. Such order shall:
 - (1) Be in writing;
 - (2) Specify the public nuisance and its location;
 - (3) Specify the corrective measures required;
 - (4) Provide for compliance within ten (10) days from receipt thereof; and
 - (5) Specify that a request for public hearing must be made before the expiration of said ten (10) day period.
- (b) The order shall be served upon the owner of the premises by sending the order by certified mail, with five-day return receipt requested, to his address as shown on the current tax rolls of the city. If the notice is returned undelivered, official action to abate the nuisance shall be continued to a date not less than ten (10) days from the date of such return. If the owner of the premises fails or refuses to comply with the order of the chief of police or his duly authorized agent within the ten (10) day period after service thereof, as provided herein, the chief of police or his duly authorized agent shall, in the case of motor vehicles, take possession of such junked motor vehicle and remove it from the premises.
- (c) A public hearing prior to the removal of the vehicle or part, or rubbish or debris, as a public nuisance, shall be held before the governing body of the city or any other board, commission, or official of the city, as designated by the governing body, when such hearing is requested by the owner or occupant of the premises on which the public nuisance is located within ten (10) days after the delivery date of the certified mail receipt of the notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. If the owner or occupant fails to comply with the resolution or order, he shall be subject to the penalty set out in section 8.07.008.

(1977 Code, sec. 10-84)

§ 8.07.005. Removal with permission of owner or occupant.

If, within ten (10) days after receipt of notice from the chief of police or his duly authorized agent to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the chief of police or his duly authorized agent for removal of the junked motor vehicle, or pile or piles of rubbish and/or debris, from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

(1977 Code, sec. 10-85)

§ 8.07.006. Abatement by city; disposal.

- (a) If such public nuisance is not abated by the owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof or rubbish or debris may be disposed of by removal to a scrap yard, demolisher, or any suitable site operated by the city for processing as scrap or salvage, which removal or process shall be consistent with subsection (b) of this section. A junked vehicle disposed of to a demolisher in accordance with this article must be transferred to such demolisher by a form acceptable to the state department of transportation. The transfer receipt must be listed on the demolisher's inventory list and surrendered to the state department of transportation in lieu of the certificate of title under the provisions of V.T.C.A., Transportation Code, chapter 501.

- (b) After a vehicle has been removed pursuant to this section, it shall not be reconstructed or made operable by any person.
- (c) Notice shall be given to the state department of transportation within five (5) days after the date of removal, identifying the vehicle or part thereof.
(1977 Code, sec. 10-86)

§ 8.07.007. Removal from unoccupied premises when owner cannot be located.

If there is an abandoned or junked motor vehicle, or pile or piles of rubbish and/or debris, as herein defined, on premises that are unoccupied, and neither the owner of the premises nor the owner of said vehicle or rubbish can be found and notified to remove same under section 8.07.003 or 8.07.004, then, upon a showing of such facts to the judge of the municipal court, the court may issue an order directing the chief of police to have the same removed, and the chief of police or his duly authorized agent shall take possession of the junked or abandoned motor vehicle or rubbish or debris and remove it from the premises. The municipal court of the city shall have the authority to issue all orders necessary to enforce this article.
(1977 Code, sec. 10-87)

§ 8.07.008. Penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.
(1977 Code, sec. 10-88)

Chapter 9
PERSONNEL

ARTICLE 9.01
GENERAL PROVISIONS

§ 9.01.001. Texas Municipal Retirement System.

State law pertaining to the Texas Municipal Retirement System codified as V.T.C.A., Government Code, chapter 851 et seq. is hereby adopted by reference. The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city, are not included in this article, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary.
(Ordinance adopting Code)

§ 9.02.001

§ 9.02.001

ARTICLE 9.02
OFFICERS AND EMPLOYEES

DIVISION 1
Generally

§ 9.02.001. through § 9.02.030. (Reserved)

DIVISION 2
City Secretary

§ 9.02.031. Appointment.

The office of city secretary, after the effective date of this division, shall be filled by appointment by the city council.

(1977 Code, sec. 1-11)

§ 9.02.032. Duties.

The city secretary shall perform the duties prescribed by V.T.C.A., Local Government Code, section 22.073, and he shall perform such other duties as may be required of him by law, ordinance, resolution, or order of the city council.

(1977 Code, sec. 1-12)

§ 9.02.033. Term; compensation; bond.

The city secretary shall be appointed for an indefinite period and shall be subject to discharge at the will of the city council. He shall receive such compensation as the city council shall fix from time to time by ordinance or resolution, and shall furnish such surety bond as may be required by the city council by ordinance or resolution, the premium to be paid by the city.

(1977 Code, sec. 1-13)

ARTICLE 9.03
POLICE

§ 9.03.001. Office of city marshal abolished; duties conferred on chief of police.

- (a) The city council desires to abolish the vacant office of city marshal and officially confer the duties of the city marshal to the chief of police. The abolishment of the city marshal is in compliance with the Texas Local Government Code, section 22.076, as applies to type A general law cities.
- (b) All duties of the city marshal are hereby conferred to the appointed position of chief of police of the city.
(Ordinance adopted --/97)

Chapter 10
SUBDIVISION REGULATION

ARTICLE 10.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 10.02

REIMBURSEMENT FOR EXPENSE OF CONSTRUCTING UTILITY LINES AND PAVED STREETS

§ 10.02.001. Definitions.

Close proximity. Being within 41 feet of the utility lines, sewer lines, and street paving, curbing and guttering installed by the initial developer or owner.

Future developer or owner. That person who owns or develops property that is adjacent and contiguous or in close proximity to the utility lines, sewer lines and street paving, curbing and guttering property an initial developer or owner has constructed at his expense.

Initial developer or owner. That person who is responsible for the initial cost of the installation of utility lines, sewer lines and street paving, curbing and guttering.
(Ordinance 253, sec. 1, adopted 2/5/87)

§ 10.02.002. Reimbursement amount; procedure.

Any initial developer or owner of property within the city who hereafter installs utility lines, sewer lines and paved streets shall be entitled to reimbursement from any future developer or owner who shall tie into or obtain utility service and street access subject to the following:

- (1) The future developer or owner desiring to plat and develop his property and to obtain utility service and street access as developed by the initial developer or owner shall be required to reimburse the initial developer or owner a percentage of the initial contract cost of installing the existing utility lines, sewer lines, curbs, gutters and paved streets, determined according to the following schedule:

Reimbursement Payment of Initial Development per Front Foot	
Year After Approval of Payment of Final Initial Contract Cost	Percentage of Initial Contract Cost to be Reimbursed
One (1) year	50%
Two (2) years	45%
Three (3) years	40%
Four (4) years	35%
Five (5) years	30%
Six (6) years	25%
Seven (7) years	20%
Eight (8) years	15%
Nine (9) years	10%
Ten (10) years	5%
Thereafter	0%

- (2) Reimbursement shall be on a front footage basis of the portion of the future developer’s or owner’s property to be developed based on the actual contract costs as set forth and determined only by the front footage cost of the adjacent and contiguous utilities, sewer lines or street pavement contract bids received and let by the city, and no other cost or other expenses shall be included therein.
- (3) The payment and reimbursement of the percentage of the development cost of the utilities and streets will be paid by the future developer or owner to the city for reimbursement and payment to the initial developer or owner who installed the utilities and streets.

- (4) Any future developer or owner shall be required to tie onto and utilize the utilities and streets of the initial developer or owner.
- (5) The determination of the total amount of reimbursement and contribution due from the future developer or owner to the initial developer or owner shall be determined by the front footage of the utility service or street access that is adjacent and contiguous or in close proximity to that property of the initial developer or owner and is to be reasonably developed in accordance with the schedule in subsection (1) of this section and the time that has lapsed after approval of final payment, with application of a frontage foot cost as determined by the contractor's bids and costs submitted to the city. Any property of future developers or owners that is not adjacent or contiguous to the utility service or street access constructed by the initial developer or owner will not be considered for reimbursement.
- (6) Any initial developer or owner desiring to take advantage of the reimbursement privileges granted under this article must notify the city of his application for reimbursement in writing not later than the date of final acceptance, approval and final payment for the project by the city. The application for reimbursement shall include the following:
 - (A) Acknowledgment of the provisions and requirements of this article; and
 - (B) Agreement of the amount to be applicable for reimbursement and that the initial developer or owner as a condition of the application agrees to hold the city harmless for any costs, damages, claims or causes of action that the city may incur or that may be related to the reimbursement of any funds to the developer or owner under the provisions of this article.

Failure of the application to be timely filed or failure to include any of the above shall be grounds for denial by the city of the right of reimbursement due to the initial developer or owner.

- (7) Any rights of the initial developer or owner to reimbursement under the provisions of this article shall not be transferable or assignable except upon written application approved by the city council. The initial developer's or owner's rights to reimbursement shall be good for a period of ten (10) years from the date the city council approves the final payment for the initial cost of the improvements in accordance with the schedule set forth in subsection (1) of this section and shall terminate at the expiration of ten (10) years.
- (8) The city council shall have the authority to determine and adjust the reimbursement and contribution due from the future developer or owner to the initial developer or owner, and upon the majority vote of the city council approving the amount of reimbursement due from the future developer or owner to the initial developer or owner, the parties shall be bound and any further remedies or reimbursements due between them shall be determined independently by the parties and without any further liability and responsibility of the city or its officials.
- (9) Nothing contained in this article shall prevent the initial developer or owner and the future developer or owner from entering into negotiations and agreeing upon an amount of reimbursement different from that proposed in this article.

(Ordinance 253, sec. 2, adopted 2/5/87)

Chapter 11

TAXATION

ARTICLE 11.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 11.02
PROPERTY TAX

§ 11.02.001. Additional penalty to defray costs of collection of delinquent taxes.

- (a) Whenever any accounts for delinquent taxes owed the city are given to its tax attorney for collection on or after July 1 of the year they become delinquent, the city shall be entitled to, and shall collect, an additional penalty of fifteen percent (15%) of the delinquent taxes and penalty (including any interest owed) due on each delinquent property at the time of collection, either before or after suit and/or foreclosure sale, as provided by section 33.07 of the Texas Property Tax Code.
- (b) In addition to the collection expenses provided for in subsection (a) of this section, the city shall be entitled to collect the actual expenses incurred by the city in providing all data and information as to the name, identity, and location of necessary parties and the legal description of property necessary to the filing of any suit for delinquent taxes.

(Ordinance 266 adopted 7/20/89)

§ 11.02.002. Leased vehicles.

The city chooses not to exempt leased vehicles and will assess and levy ad valorem taxes on said vehicles as authorized by Texas Tax Code, section 11.252.

(Ordinance adopted 12/28/01)

§ 11.02.003. Freeport goods.

The city elects to tax that tangible personal property described in article VIII, section 1-j, subsection (a), Texas Constitution, and section 11.251, Texas Property Tax Code, which would otherwise be exempt.

(Ordinance 269 adopted 12/21/89)

§ 11.02.004. Goods-in-transit.

The city council, as permitted by the state constitution and section 11.253 of the Texas Tax Code, hereby provides for the taxation of goods-in-transit otherwise exempt from taxation by section 11.253 of the Texas Tax Code.

(Ordinance adopted 12/28/11)

**ARTICLE 11.03
SALES AND USE TAX**

§ 11.03.001. Tax on residential use of gas and electricity.

Pursuant to the local option available, the city elects to continue the imposition of the one percent city sales tax on residential use of gas and electricity.

(Ordinance 208 adopted 9/21/78)

§ 11.03.002. One-half of one percent tax for street maintenance and repair.

At a special election held on November 7, 2017, the majority of qualified voters approved the adoption of a local sales and use tax in the city at the rate of one-half of one percent for purposes of repair and maintenance on the existing streets in the city.

(Resolution 11-15-2017R adopted 11/15/17)

ARTICLE 11.04
HOTEL OCCUPANCY TAX

§ 11.04.001. Definitions.

The following words, terms and phrases, for the purpose of this article, except where the context clearly indicates another meaning, are respectively defined as follows:

Consideration. The cost of the room, sleeping space, bed or dormitory space or other facility in such hotel, and shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room for occupancy and shall not include any tax assessed for occupancy therefor by any other governmental agency.

Hotel. Any building or buildings, trailer, or other facility in which a member or members of the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, dormitory space (regardless of whether the bed space is rented to individuals or groups), apartments and all other facilities where rooms or sleeping facilities or space are furnished for a consideration. The term “hotel” shall not be defined so as to include hospitals, sanitariums or nursing homes.

Occupancy. The use or possession or the right to the use or possession of any room, space or sleeping facility in a hotel for any purposes.

Occupant. Anyone who, for a consideration, uses, possesses, or has a right to use or possess any room or rooms or sleeping space or facility in a hotel under any lease, concession, permit, right of access, license, contract or agreement.

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

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

Quarterly period. The three (3) month period ending March 31, June 30, September 30 and December 31 of each year.

Tourism. The guidance or management of tourists.

Tourist. An individual who travels from the individual’s residence to a different municipality, county, state, or country for pleasure, recreation, education, or culture.

(Ordinance 209, sec. 1, adopted 7/21/79; Ordinance 277, secs. I–IV, adopted 9/19/91)

§ 11.04.002. Levy; rate; exceptions.

(a) There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any hotel where such cost of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal to three percent (3%) of the consideration paid by the occupant of such room, space or facility to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies.

(b) No tax shall be imposed hereunder upon a corporation or association organized and operated exclusively for religious, charitable or education purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(Ordinance 209, sec. 2, adopted 7/21/79; Ordinance 277, secs. V, VI, adopted 9/19/91)

§ 11.04.003. Collection.

Every person owning, operating, managing or controlling any hotel shall collect the tax imposed in section

11.04.002 hereof for the city.
(Ordinance 209, sec. 3, adopted 7/21/79)

§ 11.04.004. Reports.

On or before the 20th day of the month following each quarter, every person required in section 11.04.003 hereof to collect the tax imposed herein shall file a report with the city secretary showing the consideration paid for all room or sleeping space occupancies in the preceding month, the amount of tax collected on such occupancies, and any other information as the city secretary reasonably requires, which report shall be in writing. Additionally, such person shall file a copy of the report filed with the state comptroller in connection with the state hotel occupancy tax. Such persons shall pay the tax due on such occupancies at the time of filing of such report.
(Ordinance 277, sec. VII, adopted 9/19/91; Ordinance adopting Code)

§ 11.04.005. Rules and regulations; access to books and records.

The city secretary shall adopt such procedures, rules and regulations as are reasonably necessary to effectively collect the tax levied herein, and shall, upon request of any person owning, operating, managing or controlling any hotel, furnish a copy of such procedures, rules and regulations for the guidance of such person and facilitate the collection of such tax as such collection is required herein. Such procedures, rules and regulations shall be in writing and a copy thereof shall be placed on file with the city secretary. The city secretary shall be permitted to have access to books and records during reasonable business hours as shall be necessary to enable the city secretary to determine the correctness of the amount due under the provisions of this article, or to determine whether or not a report should have been filed and the amount, if necessary, of taxes due.
(Ordinance 277, sec. VII, adopted 9/19/91)

§ 11.04.006. Penalties.

If any person required by the provisions of this article to collect the tax imposed herein, or make reports as required herein, and pay to the city secretary the tax imposed herein, shall fail to collect such tax, file such report, or pay such tax, or if any such person shall file a false report, or any such person shall violate any of the provisions of this article, such person shall be deemed guilty of a misdemeanor and upon conviction be punished by fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code, and shall pay to the city secretary the tax due, together with a penalty of five percent (5%) of the tax due for each thirty (30) days that the same is not timely filed.
(Ordinance 277, sec. VII, adopted 9/19/91)

§ 11.04.007. Use of proceeds generally.

The use and purposes for which the proceeds of the hotel occupancy tax are expended shall in all cases comply with the provisions of this article and chapter 351 Texas Tax Code, as it now exists or may be hereafter amended. The city shall retain from the proceeds of the tax the actual cost incurred by the city in collecting and administering the hotel occupancy tax.
(Ordinance 277, sec. IX, adopted 9/19/91)

§ 11.04.008. Limitations on use of proceeds.

The use of the proceeds of the hotel occupancy tax levied by this article shall be subject to the following limitations:

- (1) Not less than 16.66% of the amount of revenue received shall be used by the city council for persons or entities seeking to advertise and conduct solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
- (2) Not more than 33.33% of the hotel occupancy tax revenue received shall be used by the city council for persons or entities seeking the encouragement, promotion, improvement and application of the arts; and

- (3) Not more than 50% of the hotel occupancy tax revenue received shall be used by the city council for persons or entities seeking to use the funds for historical restoration and preservation projects or for advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historical sites or museums in the municipality or its vicinity.
(Ordinance 277, sec. IX, adopted 9/19/91)

Chapter 12

TRAFFIC AND VEHICLES

ARTICLE 12.01
GENERAL PROVISIONS

§ 12.01.001. Ordinances saved from repeal.

All ordinances authorizing the placement of traffic-control devices, including stop signs, yield signs, and other traffic-control signals and markings; the designation of speed zones, no-passing zones, no-parking zones, one-way streets, and through streets; and other ordinances regulating traffic on specific streets or parts of streets in the city 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 Code)

§ 12.01.002. Riding motor vehicles on sidewalk, shoulder, etc.; riding on private property.

- (a) Public property. It shall be unlawful for any person to ride a motorcycle, motor scooter, motor bike, mini-bike, dune buggy or any motor vehicle on any unpaved public property, or on any public sidewalk or any paved or unpaved property along a street and behind the curb, or on any paved or unpaved shoulder of a public road.
- (b) Private property. It shall be unlawful for any person to ride a motorcycle, motor scooter, motor bike, mini-bike, dune buggy or any motor vehicle on any utility easement, vacant lot or any other unpaved private property not owned by the rider or his immediate family without having on his person express written consent of the owner of the property.
- (c) Penalty. A person who violates subsection (a) or (b) of this section shall be guilty of a class C misdemeanor and upon conviction shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 20090423-11, art. 11, adopted 5/26/09)

§ 12.01.003. Skateboarding, roller skating and roller blading prohibited in posted areas.

- (a) Prohibition. It shall be unlawful for any person to ride upon a skateboard, roller skates or roller blades upon any paved areas of property owned by the city upon which signs are prominently posted, as provided below, expressly prohibiting such conduct.
- (b) Signage. Signs designating paved areas of city property upon which skateboarding, roller skating and rollerblading are to be prohibited shall be prominently posted in a place or in sufficient places calculated to come to the attention of a child of tender years, of average intelligence, education level and eyesight. Such signs shall be not less than 12 inches in height with the words "NO SKATEBOARDING" "NO ROLLER SKATING" and "NO ROLLER BLADING" displayed at the top of the sign in letters not less than two inches in height, in a bold color sharply contrasting with the background color of the sign. Such sign shall also contain the following language, in letters not less than three-quarters inch in height, "Skateboarding, roller skating and rollerblading in this area are prohibited by City Ordinance No. 20090423-11. Violators are subject to a fine of up to \$500.00."
- (c) Penalty. Any person found guilty in the city municipal court of violating the provisions of this section shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code for each violation.

(Ordinance 20090423-11, art. 13, adopted 5/26/09)

§ 12.01.004. Speed limit for ambulances.

- (a) Maximum speed. The speed of ambulances on the streets and highways within the city limits is hereby established at a maximum speed not in excess of fifteen (15) miles per hour over and above the posted speed

on the streets and highways within the city limits.

- (b) Penalty. Violation of the maximum speed limit as established herein shall subject the violator to a fine and penalty in accordance with the general penalty provided in section 1.01.009 of this code for each occurrence and violation of this section and the speed limit as established herein.

(1977 Code, secs. 16-31, 16-32)

ARTICLE 12.02
OPERATION OF VEHICLES

§ 12.02.001. Exhibition of acceleration.

- (a) Declaration of nuisance. Exhibition of acceleration by motor vehicles causes unreasonable, disturbing, or unnecessary noise by the spinning or sliding of the tires in areas visible to the general public [and] constitutes a nuisance.
- (b) Definitions. When used in this section, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:
- Exhibition of acceleration. The acceleration of a motor vehicle in such a manner as to cause the tire of the vehicle to excessively spin or lose traction.
- Race. The use of one or more motor vehicles in an attempt to:
- (1) Outgain or outdistance another vehicle or prevent another vehicle from passing; or
 - (2) Arrive at a given destination ahead of another vehicle or vehicles.
- (c) Prohibition. It shall be unlawful for the driver of any motor vehicle being driven upon a public street or other public place in the city to accelerate such vehicle in a fashion that is an exhibition of speed or acceleration, or to cause one or more of its wheels to spin against the surface of the street, or other driving surface if not a public street, and thereby leave markings or other physical evidence of spinning wheels thereon.
- (d) Penalty. A person who violates this section shall be guilty of a class C misdemeanor, and upon conviction shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
- (e) Exemptions. Police officers, ambulance drivers, drivers of fire trucks and other emergency vehicles and drivers acting under a sudden emergency are exempt from this section.
- (Ordinance 20090423-11, art. 9, adopted 5/26/09)

§ 12.02.002. Turning left across double yellow stripes in order to park on opposite side of street.

- (a) No driver of a motor vehicle shall at any time turn the motor vehicle left across double yellow stripes on any street in the city order to park the motor vehicle in a parking space on the opposite side of the street.
- (b) This section shall not be construed to make it illegal to turn left across any double yellow stripes into alleyways, streets, private driveways or public parking lots.
- (c) Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code.
- (Ordinance 228 adopted 6/3/82)

**ARTICLE 12.03
PARKING**

**DIVISION 1
Generally**

§ 12.03.001. Definitions.

The following terms, as used herein, shall have the meanings assigned thereto, for the purposes of this division:

Apron or approach. A constructed connection between the driveway and the city street, gutter or lay down curb a minimum of 3 feet in length and the width of the lay down curb and installed to a specification of the city engineer.

Commercial vehicle. Any vehicle of two (2) tons or more, designed or normally used to transport or haul goods or products.

Defined driveway. A driveway constructed of concrete, asphalt, stone, brick or gravel at least ten feet (10") in width and three and one-half inches (3-1/2") in thickness or depth.

Driveway. A designated access or parking area on private property that is improved as herein required and provided.

Passenger vehicles. Those vehicles of less than two (2) tons GVWR, which are normally used to transport the driver or the driver and passengers and are not normally used to transport large quantities of goods.

Residential lot(s). A lot or lots upon which at least one residence is situated. If a residence is situated upon more than one lot, which, together, are used in connection with the residence, then and in that event all of the lots are residential lots.

(Ordinance 2013-0723, sec. I, adopted 7/23/13)

§ 12.03.002. Driveways.

- (a) Effective October 1, 2012, it shall be unlawful for any person, firm or corporation to park a motor vehicle, boat or trailer in the front yard of a residence, or the side yard of a residence where side yard is adjacent to a street, except on a defined driveway, constructed as herein provided.
- (b) In addition, all driveways of any type construction shall have an apron or approach connecting the driveway to the city street or gutter. Such apron or approach shall be constructed of concrete and shall meet or exceed the specifications provided in section 12.03.001 hereof.
- (c) No person, firm or corporation shall drive a motor vehicle upon any lot, lots or properties, by means other than a defined driveway. Driving a motor vehicle across a curb is expressly prohibited.

(Ordinance 2013-0723, sec. II, adopted 7/23/13)

§ 12.03.003. Time limit on public rights-of-way.

Effective October 1, 2012, no person, firm or corporation shall park a non-passenger vehicle on a public street, alleyway or other public right-of-way for more than seventy-two (72) consecutive hours. No person, firm or corporation shall park a commercial vehicle with a 2-ton gross vehicle weight rating or higher on a city street except for the expeditious loading or unloading of goods or passengers.

(Ordinance 2013-0723, sec. III, adopted 7/23/13)

§ 12.03.004. Commercial parking.

- (a) Effective October 1, 2012, after the effective date hereof, no person, firm or corporation shall park a commercial vehicle or allow a commercial vehicle to be parked in the front yard or side yard of a residential lot or lots of any dwelling district, specifically zones A, B, C, D, and E. In no event shall a commercial vehicle

park on a utility easement or sidewalk.

- (b) No person, firm or corporation shall park a commercial vehicle or allow a commercial vehicle to park on vacant property in an A or B dwelling district.
(Ordinance 2013-0723, sec. IV, adopted 7/23/13)

§ 12.03.005. Penalty.

Any person, firm or corporation, found to be in violation hereof, shall be guilty of a class C misdemeanor and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. Each day that the violation continues shall constitute a separate and distinct violation hereof.
(Ordinance 2013-0723, sec. XII, adopted 7/23/13)

§ 12.03.006. Abatement.

The continued violation of this division shall constitute a public nuisance and shall be abated. The city or any private citizen, affected by the continuing violation hereof, may have such continued violation abated or recover injunctive relief, enjoining such continued violation.
(Ordinance 2013-0723, sec. XIII, adopted 7/23/13)

§ 12.03.007. through § 12.03.030. (Reserved)

DIVISION 2
No Parking Zones

§ 12.03.031. Designation.

The chief of police of the city, on its own motion, shall from time to time cause streets or parts thereof to be designated as no parking zones, and shall cause the same to be marked off in such a way as to designate the same as no parking areas.

(1977 Code, sec. 16-51)

§ 12.03.032. Curb to be painted red.

Such areas shall be designated by painting red the curb along the portion so designated.

(1977 Code, sec. 16-52)

§ 12.03.033. Penalty for illegal parking.

Any person parking any vehicle in an area so designated shall upon conviction thereof be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(1977 Code, sec. 16-53)

§ 12.03.034. Penalty for painting curb to simulate no parking zone.

Any person painting a curb to simulate an area designated under this division without the same being theretofore so designated as provided in this division shall upon conviction be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each day shall constitute a separate offense.

(1977 Code, sec. 16-54)

§ 12.03.035. Implementation by resolution.

The provisions of this division shall be implemented from time to time by resolution passed by the city council in regular session, a quorum present, and the resolution shall be included in the minutes of the meeting.

(1977 Code, sec. 16-55)

§ 12.03.036. Parking large trucks or machinery on Main Street.

The parking of machinery and trucks exceeding a 122-inch wheelbase is hereby prohibited on Main Street from the intersection of the Rock Island Railroad northwest to the intersection of Collins Avenue. Persons failing or refusing to comply with the above prohibition shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code for each offense, and each failure to comply with the conditions of this section shall be deemed as a separate offense, and shall be fined as in other cases.

(1977 Code, sec. 16-61)

§ 12.03.037. through § 12.03.060. (Reserved)

DIVISION 3
Parking of Unattached Semi-Trailers

§ 12.03.061. Definitions.

Highway or street. The width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular travel. “Highway” and “street” shall be defined as being the same, and the reference to highway shall be omitted to avoid duplicity.

Semi-trailer. A vehicle without motive power that is designed or used with a motor vehicle, so that some of its weight and the weight of its load rests on or is carried by the motor vehicle, and is twenty feet or longer in length.

Semi-trailer support legs. The permanent or retractable devices of a semi-trailer, herein referred to as legs or landing gear, utilized to support the weight of the semi-trailer and/or its load when not attached to, connected to, or supported by a motor vehicle.

Unattached semi-trailer. A semi-trailer, as herein defined, that is not attached to, connected to or supported by a motor vehicle.

Weight dispersal pad. A pad, composed of material of sufficient strength to effectively support and disperse the weight of an unattached semi-trailer. The weight dispersal pad shall have the minimum dimensions of two inches in thickness or height, and a total square dimension of ten feet (10 square feet).

(Ordinance 20090423-11, sec. 11-28, adopted 5/26/09)

§ 12.03.062. Penalty.

An owner or operator of an unattached semi-trailer, as herein defined, who is adjudicated to be in violation of this division shall be subject to a fine of not less than [sic] that does not exceed the maximum as established by the state in addition to the appropriate cost of repairs and state fees.

(Ordinance 20090423-11, sec. 11-30, adopted 5/26/09)

§ 12.03.063. Weight dispersal pads required.

- (a) An owner or operator of a semi-trailer, as herein defined, parking or having parked an unattached semi-trailer, as herein defined, on or upon a street within the city shall place a weight dispersal pad, as herein defined, under and in such manner that each of the semi-trailer’s support legs shall not rest upon the pavement, street surface or street, but shall rest upon the weight dispersal pad.
- (b) An owner or operator of an unattached semi-trailer that shall move an unattached semi-trailer or attach to, connect to or support the trailer with a motor vehicle shall remove the weight dispersal pads from the street.
- (c) This division shall apply to any unattached semi-trailer, as defined herein, regardless if the semi-trailer shall be loaded or empty at the time of being unattended.

(Ordinance 20090423-11, sec. 11-29, adopted 5/26/09)

§ 12.03.064. through § 12.03.090. (Reserved)

DIVISION 4
Parking on Residential Property

§ 12.03.091. Definitions.

As used in this division:

Hard surface. Shall be limited to concrete or asphalt surfaces only.

Major recreational equipment. Any race car, off-road vehicle, boat, boat trailer, travel trailer, camping trailer, pickup camper and motor home.

Residential property. All property within the city, to include any business, commercial, and industrial area used for residential purposes.

Side yard. The open space between the building and the side boundary of the lot for a non-corner lot, and the open space facing a street toward which the most visible entryway into the building does not face for a corner lot.

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.

Standard vehicle. Any vehicle which is not a major recreational vehicle or a special interest vehicle.

Vehicle. Any device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.

(Ordinance 20090423-11, sec. 11-31, adopted 5/26/09)

§ 12.03.092. Restrictions.

It shall be unlawful for any person to park or allow to be parked any standard vehicle, major recreational equipment, or special interest vehicle upon the front yard of any residential property. Vehicles may be parked on the side yard or back yard of residential property if such area is:

- (1) Part of a hard surface driveway, pad, or parking area; or
- (2) Screened from ordinary public view by appropriate means, including a fence, trees or shrubbery.

(Ordinance 20090423-11, sec. 11-32, adopted 5/26/09)

ARTICLE 12.04**REMOVAL OF UNATTENDED VEHICLES OR OTHER PROPERTY FROM STREETS****§ 12.04.001. Authority to remove certain property.**

- (a) Members of the police department are hereby authorized to remove property of any description from a street, alley, highway, or right-of-way to a place designated or maintained by the police department when:
- (1) Such property is left unattended upon any bridge, viaduct, or causeway, street, or alley, or in a tube or tunnel, and constitutes an obstruction to traffic.
 - (2) Such property upon a street, alley, highway, or right-of-way is disabled so as to constitute an obstruction to traffic and the person in charge of it by reason of physical injury [is] incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (3) Such property is left unattended on the street or alley and constitutes a definite hazard or obstruction to the movement of traffic.
 - (4) Such property is left unattended on a street, alley, highway, or right-of-way either in a place at which parking is prohibited or beyond the legal limit of parking time.
- (b) Such property is declared a nuisance per se as provided.
(1977 Code, sec. 16-71)

§ 12.04.002. Authority to remove or require driver to remove certain vehicles.

- (a) Whenever any police officer finds a vehicle standing upon a street, alley, highway, or right-of-way in violation of any of the provisions of this article, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of such street, alley, highway, or right-of-way, etc.
- (b) Any police officer is hereby authorized to remove a vehicle from a highway to the nearest garage or other place of safety, or to a storage place designated or maintained by the city, under the circumstances hereinafter enumerated:
- (1) Vehicles obstructing traffic. When any vehicle is left unattended upon any bridge, viaduct, street, alley, or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
 - (2) Vehicles blocking private driveway. When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to any other point on the highway.
 - (3) Stolen or embezzled vehicles. When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.
 - (4) Abandoned vehicles. When any such officer has reasonable grounds to believe that any vehicle has been abandoned.
 - (5) Vehicles parked more than for two weeks. After a vehicle has been parked for more than two weeks on a public highway, street, or alley, and either bears no current registration tag or is so disabled that its normal operation is impossible or impractical.
 - (6) Arrest of driver. When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by ordinance or law required to take the person arrested immediately before a magistrate.

- (c) Any vehicle standing unattended may be moved by any member of the police or fire department, and any policeman or fireman may require the moving of any such vehicle, if it obstructs the free movement of such persons in the actual discharge of their duties.
 - (d) Any member of the police department is hereby authorized to remove any vehicle parked or standing in or on any portion of the highway when, in the opinion of the member of the police department, the vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstance the safety of the vehicle is imperiled.
- (1977 Code, sec. 16-72)

§ 12.04.003. Notice of removal of vehicle.

- (a) Notice to owner. If the property removed from the street, alley, highway, or right-of-way, as authorized, be a motor vehicle, 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, the reasons therefor and of the place to which such vehicle has been removed.
 - (b) Report to state when unable to give notice to owner. If the property removed from the street, as authorized, be a motor vehicle, and the officer 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 provided in subsection (a) of this section, and in the event the vehicle is not returned to the owner as provided [sic] and in the event the vehicle is not returned to the owner within a period of three days, then and in that event that officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of the public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.
- (1977 Code, sec. 16-73)

§ 12.04.004. Redemption of impounded property; fees; penalty.

- (a) Redemption of impounded vehicle. Property removed under the provisions of this article shall be kept at such place designated by the chief of police and kept there until application for its redemption shall be made by the owner or his authorized agent, who shall be entitled to the possession thereof upon payment of the sum of two dollars, together with all other costs of removal and storage that may have accrued thereon.
 - (b) Penalty. Any person who violates any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
 - (c) Other penalties. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided.
 - (d) Fees. A reasonable fee for removing the vehicle or other property and for storage shall be charged against the vehicle or other property.
- (1977 Code, sec. 16-74)

§ 12.04.005. Disposal of unredeemed property.

In the event the property impounded shall not be redeemed by the owner or his authorized agent within five days, it shall be disposed of in a manner prescribed by law.

(1977 Code, sec. 16-75)

ARTICLE 12.05
MOTOR-ASSISTED SCOOTERS

§ 12.05.001. Definitions.

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

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

Helmet. Properly fitted protective headgear that is not structurally damaged and that conforms to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Medically determined. Determined by a medical doctor.

Motor-assisted scooter. Includes a self-propelled device with at least two wheels in contact with the ground during operation, a braking system capable of stopping the device under typical operating conditions, an internal combustion engine having a piston displacement of forty (40) cubic centimeters or less or an electric motor rated at 800 watts or less, a deck designed to allow a person to stand or sit while operating the device, and the ability to be propelled by human power alone; and is not a moped, motorcycle, or motor-driven cycle, as defined by section 541.201 of the Texas Transportation Code. The term does not include an electric bicycle.

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

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

Wearing a helmet. The person has a helmet fastened securely to his/her head with the straps of the helmet securely tightened in the manner intended by the manufacturer to provide maximum protection.

(Ordinance 20090423-11, sec. 11-44, adopted 5/26/09)

§ 12.05.002. Location of use.

(a) Restrictions.

- (1) It is unlawful for any child to operate or ride a motor-assisted scooter on any path, trail, alley, street or highway within the city, except on paths and trails set aside for the exclusive operation of bicycles.
- (2) It is unlawful for a parent to allow or permit a child to operate or ride a motor-assisted scooter on any path, trail, alley, street or highway within the city, except on paths and trails set aside for the exclusive operation of bicycles.
- (3) It is presumed that a parent allowed a child to operate or ride a motor-assisted scooter in a restricted or prohibited area.
- (4) It is unlawful for any adult to operate or ride a motor-assisted scooter on any public way or public property for which the posted speed limit is more than thirty-five (35) miles per hour. The motor-assisted scooter may cross a road or a street at an intersection where the road or street to be crossed has a posted speed of more than thirty-five (35) miles per hour.

This section shall not apply to a parent when the child in question suffers from a medically determined disability and such disability interferes with the normal use of the child's legs.

(b) Penalty.

- (1) A person who violates this section shall be guilty of a class C misdemeanor, and upon conviction shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code.
- (2) The purpose of this section is to promote safety and discourage the use of motor-assisted scooters in unsafe areas. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as it exists or may be amended, whenever the circumstances warrant deferred dispositions.

(Ordinance 20090423-11, sec. 11-45, adopted 5/26/09)

§ 12.05.003. Helmet required for children.

(a) Helmet required.

- (1) It is unlawful for any child to operate or ride a motor-assisted scooter unless the child is wearing a helmet.
- (2) It is unlawful for a parent to allow or permit a child to operate or ride a motor-assisted scooter unless the child is wearing a helmet.
- (3) It is presumed that a parent allowed a child to operate or ride a motor-assisted scooter without wearing a helmet.
- (4) It is a defense to prosecution that the motor-assisted scooter was not being operated upon public property or a public way at the time of the alleged offense.

(b) Penalty.

- (1) A person who violates any provision of subsection (a) above, requiring helmets, upon conviction, shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code.
- (2) The municipal court shall dismiss a charge against a child and/or parent for a first offense under subsection (a) upon receiving proof that:
 - (A) The defendant acquired a helmet for the child who was operating or riding the motor-assisted scooter in violation of subsection (a); and
 - (B) The defendant acquired the helmet on or before the tenth day after receiving the citation of violation.
- (3) If the charge against a person is dismissed under subsection (b)(2), a later conviction for a violation of subsection (a) shall be considered a second or subsequent conviction for purposes of subsection (b)(1).
- (4) The purpose of this section is to promote safety and encourage the use of helmets. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as it exists or may be amended, whenever the circumstances warrant deferred dispositions.

(Ordinance 20090423-11, sec. 11-46, adopted 5/26/09)

ARTICLE 12.06
TRUCK ROUTES

§ 12.06.001. Definitions.

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

Light truck. Any truck with a manufacturer's rated carrying capacity of two thousand (2,000) pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

Truck. Any motor vehicle designed, used or maintained primarily for the transportation of property, including "truck tractors," "road tractors," "trailers," "semitrailers," "pole trailers," and "special mobile equipment" as those terms are defined in Texas Transportation Code Annotated sec. 541.201.

(Ordinance 05262015 adopted 5/26/15)

§ 12.06.002. Compliance with article.

It shall be unlawful for any person to drive, operate or move, or to cause or permit to be driven, operated or moved, on any public street within the city any vehicle or combination of vehicles contrary to any of the regulations contained in this article.

(Ordinance 05262015 adopted 5/26/15)

§ 12.06.003. Thru-truck restrictions and exemptions.

- (a) Restrictions. Except as allowed by the exemptions contained herein, no person shall operate a truck, truck tractor, semitrailer, or any combination thereof upon any municipal street within the corporate limits of the city. All thru-truck traffic is hereby prohibited on any street not designated as a truck route, and persons are prohibited from using city streets as shortcuts or links between truck routes.
- (b) Exemptions. The provisions of this article shall not apply:
- (1) To a vehicle traveling to or from a location which is off the truck routes for the purpose of loading or unloading goods, wares or merchandise within the corporate limits of the city, provided such vehicle is operated over the shortest practical route to and from a point on the applicable truck route and if the operator of such vehicle has in his or her immediate possession evidence of the local destination and point of origin. Evidence of the local destination may include a log book, delivery slip, shipping order, bill or any other document which identifies and specifies the date, address, and name of the person requesting or directing the pick up or delivery and the destination of the pick up or delivery.
 - (2) To emergency vehicles operating in response to any emergency call.
 - (3) To light trucks and passenger busses.
 - (4) To vehicles operated by a public or private utility with an existing franchise agreement with the city while working in an assigned area for the purpose of inspecting the facilities of such utility or providing maintenance service to such facilities.
 - (5) To vehicles operated for a public service, for example, garbage pickup, street repair and water service.
 - (6) To trucks that are being legally parked at the residence of the driver or owner.
 - (7) To trucks that are being driven to a repair facility not accessible on a designated truck route.

(Ordinance 05262015 adopted 5/26/15)

§ 12.06.004. Designated truck routes.

The truck routes shall be Highway 287, Highway 54, F.M. Road 2677 and Highway 15 as they pass through the city. All other streets, boulevards, avenues, and alleys shall only be used by trucks when signs designating such routes as truck routes are erected.

(Ordinance 05262015 adopted 5/26/15)

§ 12.06.005. Erection of signs.

The city shall erect signs at such locations that are determined by city staff to be appropriate or necessary to carry out the purposes of this article that notifies the public that thru-trucks are prohibited.

(Ordinance 05262015 adopted 5/26/15)

§ 12.06.006. Violation and penalty.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction, be fined a sum of money not to exceed five hundred dollars (\$500.00). Each citation shall constitute a separate offense.

(Ordinance 05262015 adopted 5/26/15)

Chapter 13

UTILITIES

ARTICLE 13.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 13.02
RATE REGULATION

§ 13.02.001. Definitions.

As used in this article, the following definitions shall apply:

Adjusted value. Shall be a reasonable balance between original cost less depreciation, and replacement, or trended cost, less an adjustment for both age and condition; provided that the adjustment for both present age and condition shall reflect the same concepts with respect to the using up of property or the consumption of capital that is considered in the annual depreciation expense allowance. There must be a consistent relationship between the adjustment, both for age and condition (i.e., the depreciation existing on the property) and the depreciation accumulated through expense charges.

Allocations. For all utilities, the division of plant, revenues, expenses, taxes, and reserves between cities or between cities and unincorporated areas, where such items are used for providing utility service for more than one city or for a city and unincorporated areas. Examples of items subject to allocations include general office buildings, general administrative expenses, and income taxes.

City council. The lawfully established governing body of the city.

Reasonable balance. As used in the definition of “adjusted value,” shall mean that balance which shall give not less than 60% or more than 75% weighting to original cost less depreciation.

Separation. For communication utilities only, the division of plant, revenues, expenses, taxes, and reserves, and the amounts thereof, applicable to exchange or local service where such items are used in common for providing utility service to both local exchange service and other service, such as interstate or intrastate toll service.

Statutory rate base. The fair value of all property of the public utility used and useful in providing the service in question.

(1977 Code, sec. 14-41)

§ 13.02.002. Methods to be used in determining statutory rate base.

In arriving at the fair value of property used and useful in providing the service in question, the following methods and criteria shall be duly considered by the city council, and shall be fairly reported by the utility in question as a part of its rate change application, to wit:

- (1) Property, or capital, received by the utility as contributions in aid of construction shall not be considered a part of the rate base.
- (2) No additions to the rate base shall be allowed for deferred liabilities representing, in effect, interest-free, or cost-free capital, including but not limited to deferred income taxes and investment tax credit except to the extent the city determines to be reasonable.
- (3) The rate base may include a reasonable amount for materials and supplies unless sufficient funds for such purposes have been provided by ratepayers through advance payment for services, tax accruals, or other means.
- (4) The rate base may include a reasonable amount for working capital unless sufficient funds for such purposes have been provided by ratepayers through advance payment for services, tax accruals, or other means.
- (5) When the rate base reported includes an allowance for working capital, then the report must also show the amount of such capital already available. Such available capital shall include funds collected from ratepayers but not expended promptly and held for some period of time, during which time held such funds shall be considered available capital. Such funds shall also include advance payments, customer deposits, investment credits, accrued federal, state, and local tax funds not yet due or payable, and other such funds available to the

utility without interest or capital cost.

- (6) In the adjustment of replacement, or trended cost for both present age and condition, such adjustment for both present age and condition shall be compared to that ratio determined by dividing the depreciation reserve by the original cost of the property; and if this adjustment for age and condition is not reasonably consistent or equal to that reserve ratio, then the city may adjust the depreciation expense or the adjustment for age and condition to obtain consistency. If the depreciation reserve appears to understate the depreciation in the property, or if the utility does not know its local depreciation reserve, then the city may calculate a reasonable theoretical depreciation reserve based upon current depreciation rates multiplied by the vintage age of the property by accounts.
- (7) The utility company shall file supporting data showing how it determined the replacement cost new of its properties. If trending factors were used to develop this cost, then copies of these indexes and property accounts and amounts by years shall be furnished the city. If unit prices are utilized, then this company is to furnish number of units by accounts and the unit price used on each.
- (8) In all cases, it is the intentment of this article, and of these standards and methods, to arrive at a fair, just, and equitable valuation of all properties and elements comprising the statutory rate base, so that the city council may, in consideration of local or special circumstances, require or permit, by specific action, treatment of the items covered in this section 13.02.002 (as from time to time amended) in such other manner as it considers appropriate in meeting such standards. The city council may also include other items or exclude items above named or any other items from the rate base for good cause shown. The utility in question shall at all times have reasonable opportunity and notice of deviations proposed to be made to specific standards or methods contained in this article.

(1977 Code, sec. 14-42)

§ 13.02.003. Determination of operating expenses.

All reasonable and necessary expenses of operating the public utility shall be allowed in the determination of net operating revenue. Expenses included in annual reports or other reports to cities shall be actual expenses recorded on the utility's books of accounts. When filing for a rate increase, the utility shall show actual revenue and expenses recorded on its books and all adjustments necessary to properly present net operating revenue for the period under review. Depreciation expense shall be based upon original cost and not upon other measures of value of assets. The city may require an annual reporting from each utility company of all its expenditures for business gifts and entertainment, and institutional consumption-inducing and other advertising or public relations expenses. The regulatory authority shall not allow as costs or expenses for ratemaking purposes any of these expenditures which the regulatory authority determines not to be in the public interest. The cost of legislative advocacy expenses shall not in any case be allowed as costs or expenses for ratemaking purposes. Reasonable charitable or civic contributions may be allowed not to exceed the amount approved by the regulatory authority.

(1977 Code, sec. 14-43)

§ 13.02.004. Income taxes.

If the public utility is a member of an affiliated group that is eligible to file a consolidated income tax return, and if it is advantageous to the public utility to do so, income taxes shall be computed as though a consolidated return had been filed and the utility had realized its fair share of the savings resulting from the consolidated return unless it is shown to the satisfaction of the regulatory authority that it was reasonable to choose not to consolidate returns. The amounts of income taxes saved by a consolidated group of which a public utility is a member by reason of the elimination in the consolidated return of the intercompany profit on purchases by the public utility from an affiliate shall be applied to reduce the cost of the property or the services so purchased. The investment tax credit allowed against federal income taxes, to the extent retained by the utility, shall be applied as a reduction in the rate base contribution of the assets to which such credit applies, to the extent and at such rate as allowed by the Internal Revenue Code.

(1977 Code, sec. 14-44)

§ 13.02.005. Allocation of tax savings.

In determining the allocation of tax savings derived from application of such methods as liberalized depreciation and amortization and the investment tax credit, the regulatory authority shall equitably balance the interests of present and future customers, and shall apportion such benefits between consumers and the public utilities accordingly. Where any portion of the investment tax credit has been retained by a public utility, that same amount shall be deducted from the original cost of the facilities or other addition to the rate base to which the credit applied, to the extent allowed by the Internal Revenue Code.

(1977 Code, sec. 14-45)

§ 13.02.006. Separations procedures of telephone companies.

(a) Separations procedures for telephone companies shall be made on the basis of “full Ozark” methods (including intrastate separations based upon the “full Ozark” method). Separation shall be made on the basis of the city’s usage and properties, and not on state-wide or area usage.

(b) The telephone company shall furnish a property and expense listing showing amounts assigned to local service on direct assignment, and amounts assigned by the subscriber plant factor (SPF).

(1977 Code, sec. 14-46)

§ 13.02.007. Services provided at reduced cost.

All regular or special reports required by this article shall include a report of all services provided at a discounted or reduced rate to employees, clergy, or others, such reports to list the amounts charged for such services and the normal charge therefor. For ratemaking, the reduction in revenue caused by these discounts shall be added to the other revenues to determine rate of return.

(1977 Code, sec. 14-47)

§ 13.02.008. Separations and allocations.

Cost of facilities, revenues, expenses, taxes, and reserves shall be separated or allocated as prescribed by the city.

(1977 Code, sec. 14-48)

§ 13.02.009. Sale or lease of appliances.

Every public utility shall keep separate accounts to show all profits or losses resulting from the sale or lease of appliances, fixtures, equipment, or other merchandise. No such profit or loss shall be taken into consideration by the city in arriving at any rate to be charged for service by any such public utility, to the extent that such merchandise is not integral to the provision of utility service.

(1977 Code, sec. 14-49)

§ 13.02.010. Rate of return.

(a) The utility shall be entitled to a fair return upon the adjusted value rate base. The rate of return shall be based on the utility’s actual cost of debt capital, a reasonable cost of equity capital, and shall be sufficient to attract capital at reasonable cost in the marketplace and to maintain the financial integrity of the utility.

(b) The following test shall be made to determine if the selected rate of return is sufficient to attract capital. This rate of return is to be calculated as follows:

(1) Step 1: Determine capitalization ratios of the company in percentage of debt, preferred stock (if any), deferred items, and common equity (including retained earnings).

(2) Step 2: Apply the capitalization ratios to net plant amount to determine the dollar amounts assigned to various capital items. Example: If net plant is \$1,000,000.00 and utility capitalization is composed of

50% debt, 5% preferred stock, 5% deferred items (deferred income tax and investment credits), and 40% common equity (including retained earnings), then the amount assigned to various capital items is thus:

Debt	50%	\$500,000
Preferred	5%	50,000
Deferred	5%	50,000
Common	40%	400,000
Total	100%	\$1,000,000

- (3) Step 3: Apply the embedded cost of debt and preferred stock to dollar amounts determined for various categories of capitalization in Step 2 above to determine the embedded cost of debt. Use zero percent interest as the embedded cost of capital on deferred items. Example: If average interest cost on debt is 6% and average cost of preferred stock is 8%, then embedded cost of capital except common equity is as follows:

	Amount	Embedded Cost	Annual Debt Cost
Debt	\$500,000	6%	\$30,000
Preferred	50,000	8%	4,000
Deferred	50,000	0%	0
Total embedded cost of other capital			\$34,000

- (4) Step 4: Compute the dollar amount available to common equity after deducting the embedded cost of other capital above. Example: if 7% rate of return on fair value is claimed needed on fair value of \$1,200,000, then:

Earning = 7% of \$1,200,000 =	\$84,000.00
Less capital cost above	34,000.00
Income available to common equity	\$50,000.00

- (5) Step 5: Compute rate of return on common equity. Following example above, then this rate of return becomes:

$$\$50,000/\$400,000 = 12.5\%$$

This rate of return on common equity (example 12.5%) need not be more than what other companies of like risk are earning, and shall not be more than necessary to attract adequate capital.

(1977 Code, sec. 14-50)

§ 13.02.011. Certification of information.

The city may require that information furnished by the utility to the city be supplied under oath by an appropriate official of the utility as to the correctness, authenticity, and as to adherence to accepted practices or to recognized standards. In regard to a request by a utility for a change in rates, a city may require that such material filed in connection therewith that relates to the utility's set of books be certified by a certified public accountant. For communication utilities, such certification shall also verify adherence to standard and current separations practices recognized by the city.

(1977 Code, sec. 14-51)

§ 13.02.012. Reporting requirements.

- (a) Each utility subject to municipal regulation and providing service within the city shall file annually with the city secretary a complete balance sheet and operating statement. Such balance sheet and operating statement shall cover the local service area of the utility and shall be appropriate for the city's use in reviewing local operations and in setting service rates. Such material shall include a statement of the total number of customers by classes (for a telephone company, the number of telephones by classes) served within the city and within the service territory covered by the operating statement, and shall cover the calendar year unless some other fiscal period shall be approved by the city, and shall be filed within 120 days after the close of the period.
- (b) In addition, if and when requested by the city, the utility shall file:
 - (1) A cost-of-service report and operating statement for the city or such other service area appropriate for establishing local rates;
 - (2) Copies of all statistical and operating reports regularly filed with other regulatory agencies such as the Federal Power Commission, the Federal Energy Regulatory Commission, or the state railroad commission;
 - (3) A copy of all annual and interim reports prepared for release to stockholders; and
 - (4) Such other reports or special information reasonably required for supervision of the company by the city and for the regulation of local rates and service.
- (c) For the purpose of providing accurate information respecting the local rate base, cost of service, rate of return, etc., each utility shall maintain and make available to the city, upon request, property records showing original cost and depreciation reserves on all properties used and useful in furnishing service within the city's service area. Such records shall show all surviving properties by year of acquisition.

(1977 Code, sec. 14-52)

§ 13.02.013. Adoption of common or uniform standards.

- (a) The city may associate and contract together with other cities, or associations of cities, or other governmental bodies or associations thereof, for the purpose of promoting, studying, or adopting standard financial reporting forms, uniform standards of service, conditions of service, deposit requirements, etc. The city may require utilities to use or follow such standards developed in an association of cities, or may require utilities to use or follow such standards developed in an association of cities, or may require utilities to use or follow such other standards or requirements as may be reasonably appropriate.
- (b) Notwithstanding the foregoing, and unless preempted by contrary provisions of law established by statute or court decision, the city shall be the sole authority in the regulation of local rates of all public utilities operating within the corporate limits of the city. All such regulation shall be promulgated by the city council, acting as governing body of the city, in accordance with the rules, regulations, and procedures herein contained, and as modified by valid statutes, court decisions, or decisions of other duly authorized regulatory agencies.

(1977 Code, sec. 14-53)

§ 13.02.014. Inspection of records.

All records of every nature of any public utility operating within and subject to regulation by the city shall be open for inspection to any designated representative of the city desiring to examine same for rate-making purposes or any other legal purpose. Copies of requested records shall be promptly provided to any such representative without cost to the city.

(1977 Code, sec. 14-54)

§ 13.02.015. Standards of service.

The city may promulgate reasonable standards for service and requirements for extension of facilities. Failure to substantially comply with such standards, considering the revenues and expenses of such utility, may authorize a lower rate of return being granted to such utility.

(1977 Code, sec. 14-55)

§ 13.02.016. Changes in rates.

- (a) Changes in basic rates for local service of any utility operating within the city may be made with or without application for such changes having been requested by the utility concerned. When changes are proposed by the utility, it shall comply with all reporting and procedural requirements herein provided; and when changes are proposed by the city council, without request from the utility, then, after reasonable notice to the utility concerned, and except as may be specifically provided to the contrary, said utility shall comply with all such reporting and procedural requirements.
- (b) In connection with consideration of a change in basic rates, a utility shall furnish to the city such information as is reasonably required for the city to evaluate and determine the rate base, operating income, and expenses, and a fair rate of return; and the burden of proof shall be with the utility. In addition, the utility may file, and shall file if requested by the city, schedules of present and proposed rates, analysis of customer bills, or such other information as may be necessary for the verification of revenue effect of proposed rates, schedules of rates in other jurisdictions, and such other information as the city may reasonably request for a full and fair consideration of a change in rates or service. If appropriate for a fair determination of local rates, the city may consider a service area beyond its city limits and may require information thereof from the utility.
- (c) No utility may make changes in its rates except by filing a statement of intent with the city council at least thirty-five (35) days prior to the effective date of the proposed change. The statement of intent shall include proposed revisions of tariffs and schedules and a statement specifying in detail each proposed change, the effect the proposed change is expected to have on the revenues of the company, the classes and numbers of utility consumers affected, and such other information as may be required by the city. The statement of intent shall be filed in nine (9) copies and the supporting data in not less than three (3) copies. Failure to file any supporting data shall not preclude the use of such data as evidence at hearings conducted in the consideration of such requests, but the early filing of supporting data is encouraged.
- (d) Notice of the filing of such statement of intent shall be given by publication in a conspicuous form and place of a notice to the public of such statement of intent, once in each week for four successive weeks in a newspaper having general circulation in the city.
- (e) The city council may, for good cause shown, except in the case of major changes, allow changes in rate to take effect prior to the end of such thirty-five (35) day period under such conditions as it may prescribe, subject to suspension as provided herein. All such changes shall be indicated immediately upon its schedules by the utility. "Major changes" shall mean an increase in rates which would increase the aggregate revenues of the applicant more than the greater of \$100,000.00 or 2-1/2%, but shall not include changes in rates allowed to go into effect by the city council or made by the utility pursuant to an order of the city council after hearings held upon notice to the public.
- (f) Whenever there is filed with the city council any schedule modifying or resulting in a change in any rates then in force, the city council shall on complaint by any affected person or may on its own motion, at any time within ten (10) days from the date when such change would or has become effective, and if it so orders, without answer or other formal pleading by the utility, but on reasonable notice, enter on a hearing to determine the propriety of such change. The city council shall hold such hearing in every case in which the change constitutes a major change in rates. Provided that an informal proceeding may satisfy this requirement if no complaint has been received before the expiration of forty-five (45) days after notice of the change shall have been filed.

- (g) Pending the hearing and decision, the city council, after delivery to the affected utility of a statement in writing of its reasons therefor, may suspend the operation of the schedule for a period not to exceed 120 days beyond the date on which the schedule of rates would otherwise go into effect. If the city council finds that a longer time will be required for a final determination, the city council may further extend the period for an additional thirty (30) days. If the city council does not make a final determination concerning any schedule of rates within a period of 150 days after the time when the schedule of rates would otherwise go into effect, the schedule shall be deemed to have been approved by the city council. This approval is subject to the authority of the city council thereafter to continue a hearing in progress. The city council may in its discretion fix temporary rates for any period of extension under this section. During the suspension by the city council as above provided, the rates in force when the suspended schedule was filed shall continue in force unless the city council shall establish a temporary rate. The city council shall give preference to the hearing and decision of questions arising under this section over all other questions pending before it and decide the same as speedily as possible. If the city council fails to make its final determination of rates within ninety (90) days from the date that the proposed change otherwise would have gone into effect, the utility concerned may put a changed rate, not to exceed the proposed rate, into effect upon the filing with the city council of a bond payable to the city council in an amount approved by the city council conditioned upon refund and in a form approved by the city council. The utility concerned shall refund or credit against future bills all sums collected during the period of suspension in excess of the rates finally ordered plus interest at the current rate as finally determined by the city council.
- (h) If, after hearing, the city council finds the rates to be unreasonable, or in any way in violation of any provision of law, the city council shall determine the level of rates to be created or applied by the utility for the service in question and shall fix the same by order to be served upon the utility. These rates are thereafter to be observed until changed, as provided by this article.
- (i) Whenever the regulatory authority, after reasonable notice and hearing, on its own motion or on complaint of any affected person, finds that the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, the city council shall determine the just and reasonable rates, including maximum or minimum rates, to be thereafter observed and in force, and shall fix same by order to be served upon electric utility; such rates shall constitute the legal rates of the utility until changed as provided herein.

(1977 Code, sec. 14-56)

§ 13.02.017. Rate hearing procedures.

The granting (or refusing to grant) by the city council of any general rate increase, and the conduct of public hearings upon the question of the granting of general rate increases, shall be done or held in accordance with the following rules, procedures, and regulations, to wit:

- (1) In addition to the notice of intent to file a request for a rate increase required by section 13.02.016(d) above, there shall be published in a newspaper or general circulation in the city notice of any public hearing conducted upon the question of granting a general rate increase to a public utility. Such notice shall comply with the following:
 - (A) Such notice shall give fair notice of the nature of the proposed increase, including a comparison of existing rates with the proposed new rates.
 - (B) Such notice shall be published one time, not more than 20 days nor less than 10 days prior to the scheduled date and time of the public hearing, which date, time, and location shall be stated in the notice.
 - (C) The notice shall be prepared and published by the city secretary, but the cost of publication shall be paid by the utility concerned.
 - (D) Such additional notices, if any, required by the provisions of the state open meetings law, shall also be given by the city council, respecting any public hearing on rate increase requests.

- (E) Insofar as consistent with the best interests of the public, the date and time set for the public hearings so conducted shall be determined by agreement between the utility and the city; but, in cases where no agreement is reached, the city council shall have final authority to set the date and time for such hearing or hearings. Unless otherwise determined, for administrative convenience or necessity by the city council, such hearing shall be conducted in the regular meeting place of the city council.
- (2) The city shall not be amenable to suit in any court respecting the legality of its existing rates for any utility during any period of time when a request for a general rate increase is pending before the city council under the terms of this article; provided that, when a 120-day period has been extended by action of the city council without the consent of the utility, then the matter of whether such extension was based upon good cause shall be reviewable by the courts. If the courts shall find that good cause for such extension is not shown, then the rate increase request shall be deemed to have been denied and to be no longer pending.
 - (3) Informal discussions respecting rate-making matters, either with respect to such matters generally or with respect to applications for rate increases then pending before the city council, may be had at any regular or special meeting of the city council if such subject has been properly placed on the agenda and notice thereof given pursuant to the state open meetings law.
 - (4) When a “test period,” for statutory rate base revenues, expenses, rate of return, and other related criteria for rate-making, has been determined by the utility, and is presented as a part of the application for a general rate increase, then such “test period” shall not be changed, nor other or different “test periods” used in the public hearings, nor in any judicial review or judicial or appellate proceeding of any kind respecting the action of the city council on such application. Any attempt or effort on the part of a utility to change the “test period” involved shall be deemed to be a new application for rate increase, and such new application shall be subject to all of the requirements of this article respecting filing, notice, and hearing.
 - (5) There may be one or more “public hearings” conducted hereunder with respect to any one application for a rate increase, but each such “public hearing” shall be made to conform to all of the notice requirements and other procedures provided hereby.
 - (6) The city council, acting by and through a quorum thereof duly constituted and assembled, may conduct any or all public hearings required hereby; or, if the city council shall so elect, it may constitute any three (3) of its members to sit as a body of hearing examiners to conduct such public hearings. If such 3-member body of hearing examiners shall be so designated, it shall have all of the powers and authority delegable by law to it in such circumstances, including the power to subpoena and swear witnesses, punish for contempt, and otherwise act in the reception and recordation of evidence; but no final action of the city council granting or denying the requested rate increase, either in whole or in part, shall be made except in a public hearing before the city council itself.
 - (7) All testimony at such public hearings shall be under oath, and all exhibits or documentary evidence introduced at such hearings shall be supported by sworn testimony. For this purpose, oaths may be administered by appropriate parties conducting the hearing.
 - (8) A full and complete record of all oral and written testimony produced at each such public hearing, including documentary testimony, may be made, kept, and preserved at the cost and expense of the utility.
 - (9) If, prior to the final public hearing at which the city council makes its final determination on the application for rate increase, there has been conducted one or more prior public hearings on such application by hearing examiners appointed and acting pursuant to subsection (6) above, then a full and complete record of such prior hearings, together with the written recommendations of such hearing examiners, shall be presented and considered by the city council when it conducts its final public hearing on said application. In such latter case, the council need not conduct further hearings, but may act on the basis of such report, recommendation, and record together with any written argument which any citizen, the utility, utility representative, designated city staff member, or auditor, attorney, or consultant engaged by the city may wish to file (within such period of time as the city council may specifically provide in the proceeding before it) in response to such report,

recommendation, and record.

- (10) Upon the conclusion of the city council study [and] final public hearing on any such rate application (including the receipt of written arguments, as above provided), the city council shall take final action thereon by either (i) denying the applications in full, or (ii) granting the application, in whole or in part, by the enactment of an amendment to the previously existing rate ordinance. Such action of the city council shall provide for an effective date of any rate revisions, may require an unqualified acceptance by the utility within a stipulated period as a condition precedent to any rate revisions therein becoming effective, and may provide for a moratorium of twelve months from the date of such action before the next application for a general rate increase within such municipality may be filed by such utility.
- (11) The city council may, by ordinance of general application or by order pertaining to a specific matter pending before it, specify procedures, rules of procedure, rules, or guidelines pertaining to the extent and nature of presentations or order of proceedings, and extent of cross-examination; provided that all such rules, regulations, and procedures shall conform to the requirements of due process of law, and shall be designed to effect substantial justice to the utility and its consumers or customers.
- (1977 Code, sec. 14-57)

§ 13.02.018. Payment of costs.

The city shall have the right to select and engage rate consultants, accountants, auditors, attorneys, engineers, or any combination thereof to conduct investigations, present evidence, advise and represent the governing body, and assist with litigation on public utility ratemaking proceedings; and the public utility engaged in such proceedings shall be required to reimburse the governing body for the reasonable costs of such services.

(1977 Code, sec. 14-58)

§ 13.02.019. Penalty.

Any person who shall violate any of the provisions of this article, or fail to comply therewith, shall for each and every such violation be guilty of a misdemeanor, and upon conviction thereof be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code. The imposition of one penalty for a violation of this article shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violation within a reasonable time; and each day that such violation continues, and each day that such person fails to comply with this article, shall constitute a separate offense.

(1977 Code, sec. 14-59)

ARTICLE 13.03
RATES, CHARGES AND SERVICE POLICIES

§ 13.03.001. Deposit required.

Along with the application for services, the applicant shall pay the city a deposit in the amount established in appendix A to this code.

(Ordinance 2008-1028, sec. a, adopted 2/19/09)

§ 13.03.002. Consolidated billing.

Water utilities billing may include municipal solid waste pickup and disposal fees and charges as well as sewer service fees and charges, as applicable.

(Ordinance 2008-1028, sec. b, adopted 2/19/09)

§ 13.03.003. Termination of service for nonpayment; resumption of service; payment of past-due balance.

- (a) Additional deposit. In addition to any regular water utilities service deposit or reconnect fees, the city may charge an additional water utilities service deposit to any customer whose service was previously disconnected or terminated for lack of payment when due.
- (b) Amount of additional deposit. The additional water utilities service deposit specified above shall be in an amount not to exceed one and one-half (1-1/2) times the highest bill incurred by the customer in the customer's last twelve months of service or portion thereof, or one-sixth (1/6) of the customer's total billing for the last twelve months of service, or portion thereof, whichever is greater.
- (c) Date of termination. In the event that any customer of services furnished by the city does not pay the rates and charges, plus any penalty, on or before the 2nd Monday of the month after payment is due, all city-operated water service shall be terminated.
- (d) Resumption of service after termination. Any consumer of utility services furnished by the city whose utility services have been disconnected or terminated for nonpayment of rates and charges therefor may have such utility services resumed by paying all rates, charges and penalties due by him/her to the city, and in addition thereto a reconnection fee is hereby prescribed by the city council.
- (e) Reconnection fees; payment of past-due balance.
 - (1) Reconnection fees are included in the fee schedule in appendix A of this code. "Habitual reconnects," defined as customers of city-provided utility services that have had service disconnected/terminated four (4) or more times in the preceding twelve (12) months, may only have service reconnected as described above. "Non-habitual reconnects," defined as customers whose city-provided utility services either have not been disconnected/terminated, or have had city-provided utility services disconnected/terminated on three (3) or fewer occasions the preceding twelve (12) months, may have service reconnected as described above or, after normal business hours and on weekends, may have service reconnected by paying the after-hours reconnect fee (see the fee schedule in appendix A of this code for the after-hours reconnect fee), in addition to all rates and charges specified in subsection (d) of this section. Reconnect fees shall be paid prior to reconnection of utility services and must be paid with either cash or money order. Checks will not be accepted.
 - (2) It is the policy of the city that if an individual comes into city hall to establish a water/sewer/trash account that they will be required to place a deposit in the amount established in appendix A to this code for each account.
 - (3) If there is a past-due balance for that address, the new tenant must provide a copy of their lease agreement or a copy of their purchase contract, showing that they just moved into the house. If they

can't provide that, the past-due bill has to be paid before the water is turned on. This is an effort to recover past-due amounts from residents who are looking to have a family member or friend turn their water back on.

- (4) If there is a past-due balance for that customer at a previous location in the city or any other TRAA member, the past-due amount plus the deposit must be paid in full before the new account is to be activated.
- (5) If water has been disconnected for nonpayment and the account does not have a deposit, there will be charged the deposit amount as established in appendix A to this code and the reconnect fee as set forth in the fee schedule in appendix A of this code, as well as the past due amount.

(Ordinance 2008-1028, secs. c–g, adopted 2/19/09; Ordinance adopting Code)

§ 13.03.004. Bad checks.

- (a) Disconnection of service. If a check tendered as payment for utility service is drawn against insufficient funds or a closed account, city-provided utility services will be immediately disconnected and will remain so until the customer pays all rates, charges, penalties and reconnect fees with cash or money order. The city reserves the right to verify with the bank or financial institution that funds are available to cover any check tendered for payment.
- (b) Returned check fee. Any check tendered as payment for utility service drawn against insufficient funds or a closed account, there will be returned check fee in the amount established in appendix A to this code charged to the customer presenting such check.
- (c) Acceptance of checks. Checks will not be accepted for payment of utility service if the customer has tendered a check drawn against insufficient funds or a closed account. In addition, a returned (unpaid) check constitutes de facto nonpayment of the account and will subject the customer to disconnection of service if the account remains unpaid as stipulated in section 13.03.003(c). Reconnection fee and other charges, as applicable, as specified in section 13.03.003(d) and (e), will apply.

(Ordinance 2008-1028, secs. h–j, adopted 2/19/09; Ordinance adopting Code)

§ 13.03.005. Theft of service.

Unauthorized and/or deliberate connection, reconnection or diversion of city utility service is a violation of Texas Penal Code, chapter 31, section 31.04 (theft of service), and may be prosecuted to the full extent of the law.

(Ordinance 2008-1028, sec. k, adopted 2/19/09)

§ 13.03.006. Use of fire hydrants.

Only the city fire department or other authorized entities may draw water from city fire hydrants. A backflow prevention device (reduced pressure zone) or air gap is required.

(Ordinance 2008-1028, sec. l, adopted 2/19/09)

§ 13.03.007. Refund of deposit.

The city shall hold any deposit made to the city until the utility service for which the deposit was made shall be terminated. Upon termination of such service, the customer shall be entitled to a refund of such deposit, less any amount that is due and owing to the city.

(Ordinance 2008-1028, sec. m, adopted 2/19/09)

§ 13.03.008. Rates and charges.

Rates and charges for water taps (connections) and water usage are included in the fee schedule in appendix A of this code.

(Ordinance 2008-1028, sec. n, adopted 2/19/09)

§ 13.03.009. Payment arrangements.

No payment arrangements for city utility services will be considered.
(Ordinance 2008-1028, sec. o, adopted 2/19/09)

§ 13.03.010. Late payment penalty.

The schedule of rates and charges as provided for in this division is based on consumption during each monthly billing period, and any bill shall be due and payable in the office of the city secretary on or before the 20th day following the date of mailing of said bills. In the event that such rates or charges are not paid in full by the due date, a penalty of ten percent (10%) will be added to such rates and charges.
(Ordinance 222, sec. III(D), adopted 8/20/81)

§ 13.04.001

**ARTICLE 13.04
SOLID WASTE**

§ 13.04.002

**DIVISION 1
Generally**

§ 13.04.001. Rates for collection service.

Sanitation rates shall be as established in appendix A to this code.
(Ordinance adopting Code)

§ 13.04.002. through § 13.04.030. (Reserved)

DIVISION 2
Collection Regulations

§ 13.04.031. Definitions.

All definitions contained in 3.0 TAC 330.2 shall be adopted by the city by reference and shall be available during normal business hours at city hall. Those definitions specifically applicable to this division are listed below. Unless otherwise noted, all terms contained in this division are defined by their plain meaning. This section contains definitions for terms that appear throughout this division. Words in the masculine gender also include the feminine and neuter genders; words in the singular include the plural and words in the plural include the singular. The following words and terms, when used in this division, shall have the following meanings, unless the context clearly indicates otherwise:

Brush. Cuttings or trimmings from trees, shrubs, or lawns and similar materials.

Collection. The act of removing solid waste (or materials that have been separated for the purpose of recycling) for transport elsewhere.

Compost. The stabilized product of the decomposition process that is used or sold for use as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

Construction-demolition waste. Waste resulting from a construction or demolition project; includes all materials that are directly or indirectly the byproducts of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

Garbage. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, and handling and sale of produce and other food products.

Hazardous waste. Any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 USC section 6901 et seq., as amended.

Household waste. Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas); does not include yard waste or brush that is completely free of any household wastes.

Litter. Rubbish and putrescible waste.

Nuisance. Municipal solid waste that is stored, processed, or disposed of in a manner that causes pollution of the surrounding land, the contamination of groundwater or surface water, the breeding of insects or rodents, or the creation of odors adverse to human health, safety, or welfare.

Owner. The person who owns a facility or part of a facility.

Person. An individual, corporation, organization, government, or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

Premises. A tract of land with the buildings thereon, or a building or part of a building with its grounds or other appurtenances.

Refuse. Same as "Rubbish."

Rubbish. Nonputrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Shall. The stated action is mandatory.

Trash. Same as “Rubbish.”

Vector. An agent, such as an insect, snake, rodent, bird, or animal, capable of mechanically or biologically transferring a pathogen from one organism to another.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material not greater than six inches in diameter, that results from landscaping maintenance and land clearing operations. The term does not include stumps, roots, or shrubs with intact root balls.

(Ordinance 970519, sec. 1, adopted 5/19/97)

§ 13.04.032. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor, and upon conviction thereof in the corporation court of the city shall be fined an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each day such violation continues shall constitute a separate offense.

(Ordinance 970519, sec. 11, adopted 5/19/97)

§ 13.04.033. Enforcement.

In addition to the usual enforcement agencies of the city, it is hereby made the duty of the city to make inspection at regular intervals to determine whether or not garbage, trash, and rubbish is being properly collected, removed and disposed of as required by the provisions of this division or any other applicable health ordinance. In the event it is found that this division or any other applicable health ordinance is being violated, appropriate and timely action shall be taken to insure a full compliance with its provisions.

(Ordinance 970519, sec. 10, adopted 5/19/97)

§ 13.04.034. Service by city; containers furnished by city.

The city shall provide trash service to every owner, occupant, tenant, or lessee using or occupying any building, house or structure within the corporate limits of the city and those businesses/residences adjacent to or in close relative proximity to the city limits for residences, churches, schools, commercial, business or other purposes; the city shall provide and designate to owners, occupants, tenants, or lessees a trash container for use by said parties to hold the garbage and trash that will normally accumulate on the premises. The city shall be responsible for the maintenance, repair and upkeep of said trash containers, but the users thereof shall be responsible for the proper use and care of said containers and defacing shall be prohibited, with users responsible to report needed repairs and maintenance to the city. The city shall not be required to provide a separate container for each owner, occupant, tenant, lessee, or other user, but the city shall have sole discretion as to the location of containers and designation of individuals who shall use said containers wherever located.

(Ordinance 970519, sec. 2, adopted 5/19/97)

§ 13.04.035. Lids of containers to be kept closed.

The lids or covers of all garbage and trash containers shall at all times be kept secure and closed so that flies and other insects may not have access to the contents thereof.

(Ordinance 970519, sec. 3, adopted 5/19/97)

§ 13.04.036. Placement of containers.

The city shall have the sole discretion as to the placement of containers, and no containers may be relocated by any party without the consent and permission of the city.

(Ordinance 970519, sec. 4, adopted 5/19/97)

§ 13.04.037. Residential collections.

The collection and removal of garbage and trash from houses, buildings, and premises used for residential purposes shall be made at least once in seven days. Fair and reasonable charges for such residential service are defined in other ordinances.

(Ordinance 970519, sec. 5, adopted 5/19/97)

§ 13.04.038. Duties of owner or occupant.

- (a) Supervision of containers. While the city shall be responsible to empty trash containers, every owner, occupant, tenant, or lessee of a house or building used for residential, public, business or commercial purposes is required to maintain supervision over the container serving his premises. If the containers are not emptied and the contents removed by an agent or representative of the city or other duly authorized person for a period of seven days, he must notify the city.
- (b) Materials prohibited in containers. The following shall not be disposed of in city containers: hazardous waste, liquid waste, used motor oil, used oil filters, lead acid batteries, yard waste (grass clippings, leaves, yard/garden debris, brush), construction/demolition/remodeling debris, lumber, shingles/roofing material, chairs/furniture, mattresses/box springs, waste tires (automotive/implement/truck/tractor), major appliances/fixtures, and dead animals.
- (c) Waste to be contained or bundled. All garbage shall be contained or bundled prior to placement in the city's container to prevent the spread of litter during the collection process.
- (d) Waste protruding from container. No garbage shall protrude from a container in such a manner that may damage the container or the lift mechanism on the collection vehicle.
- (e) Access to container. Containers shall be accessible at all times. Vehicles or equipment blocking the alleys or street access may be removed or towed by the city at the owner's expense. Objects shall not be placed in front of or near a container that may hamper clear access and safe collection operations.

(Ordinance 970519, sec. 6, adopted 5/19/97)

§ 13.04.039. Permission required for private collection.

No person except the duly authorized agents or employees of the city shall empty side loading trash containers or convey or transport city trash containers on the streets, alleys and public thoroughfares of the city without written permission granted and issued by the city.

(Ordinance 970519, sec. 7, adopted 5/19/97)

§ 13.04.040. Burning garbage or trash in containers.

The burning of garbage, refuse, or trash within the city trash containers within the city at any time is hereby prohibited.

(Ordinance 970519, sec. 8, adopted 5/19/97)

§ 13.04.041. Dirt, concrete and rocks prohibited in containers.

The disposal of dirt, concrete, and rocks in city trash containers is hereby prohibited.

(Ordinance 970519, sec. 9, adopted 5/19/97)

§ 13.04.042. through § 13.04.070. (Reserved)

DIVISION 3
Sanitary Landfill

§ 13.04.071. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 219, sec. IX, adopted 5/7/81)

§ 13.04.072. Hours open to public.

The sanitary landfill shall be available and open to the citizens of the city for waste and trash disposal between the hours of 11:00 a.m. to 12:00 p.m. and 4:00 p.m. to 5:00 p.m. on Monday through Friday and between the hours of 10:00 a.m. to 2:00 p.m. on Saturdays. The sanitary landfill shall be closed to the public at all other times.

(Ordinance 219, sec. I, adopted 5/7/81; Ordinance adopting Code)

§ 13.04.073. Access.

There shall be one access road to the landfill site. The landfill shall be closed by a padlocked gate at all times except as provided above.

(Ordinance 219, sec. II, adopted 5/7/81)

§ 13.04.074. Scavenging or salvaging prohibited.

No scavenging or salvaging operations shall be permitted in the landfill site at any time.

(Ordinance 219, sec. III, adopted 5/7/81)

§ 13.04.075. Disposal of large, bulky items.

There shall be one pit made available for large, bulky items such as tree stumps and branches, washers, dryers, water heaters, stoves and the like. Such items shall not be deposited in the primary pit.

(Ordinance 219, sec. IV, adopted 5/7/81)

§ 13.04.076. Prohibited items.

Automobile bodies, wet garbage, explosives, hot ashes, large chunks of concrete, loads of tires by commercial concerns, and other hazardous or bulky materials shall not be deposited in the sanitary landfill at any time.

(Ordinance 219, sec. V, adopted 5/7/81)

§ 13.04.077. Fees.

The city council shall from time to time set a fee schedule for the public for depositing waste materials or trash in the sanitary landfill. Such fee schedule may be set by motion, second, and a majority vote of the council members present at the meeting when the fee schedule is discussed.

(Ordinance 219, sec. VI, adopted 5/7/81)

§ 13.04.078. Covering of vehicles transporting waste.

It shall be unlawful for any person or individual to transport waste, garbage or trash of any kind to the sanitary landfill site in any uncovered motor vehicle of any kind. All such waste, trash or garbage shall be covered by a tarp or canvas or other material to prevent the garbage from being blown out of the vehicle en route to the landfill site. Such tarp, canvas or other covering shall not be removed until the person is ready to deposit the waste or garbage in the landfill pit itself.

(Ordinance 219, sec. VII, adopted 5/7/81)

§ 13.04.079. Dumping outside designated area.

No person, under any circumstances, shall dump or cause to be dumped any waste, garbage or trash of any kind along the road to the landfill, outside the gate to the landfill, outside the fenced area of the landfill, or inside the landfill except in the appropriate pit.

(Ordinance 219, sec. VIII, adopted 5/7/81)

ARTICLE 13.05
BACKFLOW/CROSS-CONNECTION CONTROL PROGRAM

§ 13.05.001. Purpose.

Pursuant to the Texas Commission on Environmental Quality (TCEQ), chapter 290 of the rules and regulations for public water systems, it is the responsibility of the city to protect its drinking water system by instituting a backflow/cross-connection control program. This program includes the installation of backflow prevention assemblies (BFPA) where deemed appropriate or necessary to protect the drinking water system from potential contaminant hazards.

(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.002. Definitions.

Backflow. The undesirable reversal of the water flow in the city's water system through a cross-connection. Water will always flow towards the point of lowest pressure. Backflow can occur due to high pressure on the customer side, or the lowest pressure on the city's water system.

Cross-connection. An actual or potential connection between a public water system line and any other pipeline, which contains water or fluids of a questionable or unknown source or quality. When this situation occurs, the city's drinking water system can become contaminated during a backflow condition.

(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.003. Applicability.

As a condition of water service, all customers of the city's water system shall execute a water service agreement and shall install, maintain, and operate their piping and plumbing systems in accordance with the city's plumbing code, backflow/cross-connection control program, city ordinances and TCEQ regulations. If there is a conflict between documents and those codes, the most restrictive provision shall apply.

(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.004. Customer service inspection (CSI).

A customer service inspection (CSI) is an inspection of a facility or improvement to determine if cross-connections exist or if there is a potential backflow situation. A CSI shall be performed on all water service connection in order to determine which type of BFPA is needed to eliminate cross-connections or prevent backflow. There will be no "grandfathering" of an existing facility or improvements. An inspection report will be filled out for all facilities and improvements and will be kept on file with the city.

(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.005. Circumstances requiring backflow prevention assemblies.

At a minimum, a BPFA will be required in each of the following circumstances:

- (1) When the nature and extent of any activity at a building, or the materials used in connection with any activity at a building, or materials stored at a building, could contaminate or pollute the city's water system;
- (2) When internal cross-connections are present that are not correctable;
- (3) When intricate plumbing arrangements are present that make it impractical to ascertain whether cross-connections exist;
- (4) When a building has a repeated history of cross-connections being established or reestablished;
- (5) When entry to a building is unduly restricted so that inspections for cross-connections cannot be made;

- (6) When materials are being used such that, if backflow should occur, a health hazard could result;
 - (7) When installation of an approved backflow prevention assembly is deemed by an inspector to be necessary to accomplish the purpose of this article;
 - (8) When an appropriate CSI report form has not been filed with the city;
 - (9) When a fire sprinkler system using nonportable piping material is connected to the city's water system;
 - (10) In all new nonresidential construction there shall be installed an approved BFPA at the service connection. The type of assembly will be commensurate with the degree of hazards determined by an inspector;
 - (11) Commercial buildings when the end of use of such building is not determined or could change, a reduced pressure principle BFPA shall be installed at the service connection;
 - (12) If a building is required to have a BFPA, but water cannot be turned off during the testing of such assemblies, the premises shall be equipped with a dual BFPA of the same type so that testing, repair and maintenance can be performed;
 - (13) Any used water return system that has received approval from the city;
 - (14) If a point-of-use assembly has not been tested or repaired as required by this article, a BFPA will be installed at the water meter;
 - (15) If an inspector determines that additions or rearrangements have been made to the plumbing system without the proper city permits, a BPFA shall be required;
 - (16) All multistory buildings or any buildings with a booster pump or elevated storage tank;
 - (17) Any premises requiring multiple service connections for adequacy or supply and/or fire protection shall have a backflow assembly on each service connection. The assembly shall be commensurate with the degree of potential hazard that could occur in the event of an interconnect between any of the buildings on the premises;
 - (18) Any person or entity who harbors, keeps, or maintains within the city any cows, sheep, goats, pigs, horses, or other livestock shall install a double check valve assembly, which shall be inspected annually; and
 - (19) All residential lawn sprinkler systems shall have a double check valve or equivalent and shall be inspected every third year.
- (Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.006. Installation specifications.

Backflow prevention assemblies shall be installed in accordance with the city's plumbing code, the city's ordinances and TCEQ rule 290.47, with appropriate appendix. The assembly installer shall obtain the required permits prior to installation. The assembly shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. BFPA(s) installed to provide protection against health hazards must be tested and certified annually. Recognized BFPA testers shall complete a TCEQ approved course on cross-connection control and backflow prevention assembly testing, pass an examination and hold a current license as a BFPA tester.

- (1) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. All assemblies installed below grade shall have nonferrous threaded plugs inserted in the test ports.
- (2) Assemblies shall be installed at the point of delivery of the water supply of the potential hazard, before any branch in the line. An inspector may specify other areas for installation of the assembly.

- (3) All vertical installations shall be approved, in writing, prior to installation and all vertical installations must be nationally recognized and certified as an approved testable device.
- (4) The assembly shall be readily accessible with adequate room for maintenance and testing. Assemblies two (2) inches and smaller shall have at least six (6) inches of clearance on all sides of the assembly. All assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the backside, twenty-four (24) inches on the test male side, twelve (12) inches below the assembly and thirty-six (36) inches above the assembly.
- (5) If the city grants written permission to install the backflow assembly inside of a building, the assembly shall be readily accessible Monday through Friday, between 8:00 a.m. and 5:00 p.m.
(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.007. Special considerations.

- (a) Pressure loss. Any water pressure drop caused by the installation of a backflow assembly shall not be the responsibility of the city. The city may give reasonable assistance to a property owner regarding information on adequate sizing of assemblies and proper plumbing practices to provide for adequate pressure and flows.
- (b) Thermal expansion or freezing. It is the responsibility of the property owner for any cost associated with damage caused by thermal expansion or freezing of the backflow prevention assembly(ies).
(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.008. Customer water service agreement.

Each current and new customer of the city's water system must execute the customer water service agreement in order to receive water service from the city.
(Ordinance 2017-0523 adopted 6/27/17)

§ 13.05.009. Fees.

- (a) There will be a one-time fee as included in the fee schedule in appendix A of this code for all backflow assemblies when they are registered with the city.
- (b) There will be an annual registration fee as included in the fee schedule in appendix A of this code for all approved backflow testers who operate in the city.
(Ordinance 2017-0523 adopted 6/27/17)

Chapter 14

ZONING

ARTICLE 14.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 14.02
ZONING ORDINANCE

§ 14.02.001. Ordinance continued in effect.

Ordinance 155, passed by the city council on December 12, 1963, being the zoning ordinance of the city, is hereby continued in effect by reference, and shall continue to have all the force and effect it would have if included in full in this Code of Ordinances.

(1977 Code, sec. 13-1)

Appendix

Appendix A
FEE SCHEDULE

**ARTICLE A1.000
MISCELLANEOUS FEES**

§ A1.001. Annexation.

Administrative fee: \$200.00.
(Ordinance adopted 1/20/12, sec. 1)

§ A1.002. Burn permit.

Application fee: a minimum of \$50.00 (fifty dollars).
(Ordinance 2017-0926(C) adopted 9/11/17)

ARTICLE A2.000
ANIMAL CONTROL RELATED FEES

§ A2.001.

- (a) License fee: Dog and/or cat tag (one-time fee), per animal: \$5.00.
- (b) Special permit fee for keeping more than four dogs and/or cats: \$20.00.
- (c) License fee for impounded animal without a tag, per animal: \$20.00.
- (d) Impound fee, per animal:
 - (1) First impound (within a 12-month period): \$25.00.
 - (2) Second impound (within a 12-month period): \$50.00.
 - (3) Third impound (within a 12-month period): \$75.00.
 - (4) Each additional time an animal is impounded in a 12-month period, the fee will increase by \$25.00.
- (e) Daily shelter fee, per animal/per day: \$3.00.
- (f) Redemption of impounded animal from purchaser after sale: Purchase price plus vaccination charges (if applicable) plus \$1.00 per day.
- (g) Euthanasia fee, per animal: \$20.00.
- (h) Surrender fee, per animal: \$20.00.
- (i) Rabies shot, per animal: \$10.00.
- (j) Livestock permit: \$50.00.
 - (1) 1 acre and below are allowed up to 10 animals only.
 - (2) More than 1 acre, below 2.5 acres, are allowed up to 20 animals.
 - (3) More than 2.5 acres are allowed up to 25 animals.
 - (4) No more than 25 animals will be allowed on any size of property within the city limits.
 - (5) The fee will be waived for “show animals,” i.e., 4-H.
 - (6) There will be no prorating for livestock permits. All renewal permits will be due January 1st the following year. If the permit is not renewed by January 15th, the livestock permit process must be fully completed, with permit form, signatures, and the full permit fee of \$50.00.
- (k) Impounded livestock: \$5.00 as an impoundment fee and \$2.00 for each day any such animal has been kept in the pound.
- (l) Dangerous dogs:
 - (1) Annual registration fee: \$50.00.
 - (2) New registration tag for sale of dog or new address: \$25.00.

(Ordinance adopted 1/20/12, sec. 2; 1977 Code, sec. 2-10; 1977 Code, sec. 2-32; Ordinance adopting Code)

ARTICLE A3.000
BUILDING AND CONSTRUCTION RELATED FEES

§ A3.001. Buildings and structures.

- (a) Inspection fee: \$15.00.
- (b) Building permit fees (residential dwelling): \$50.00.
Plus: \$0.03 per sq. ft.
- (c) Building permit fees (commercial): \$100.00.
Plus: \$0.05 per sq. ft.
- (d) Construction of other structures, including slab and unattached: \$25.00.
- (e) Moving of existing structures to a different location: \$25.00.
- (f) Roofing permit: \$20.00.
- (g) Sign permit: \$10.00.
- (h) Installation of storage tanks (up to 500 gallons) for flammable liquids and gases: \$5.00.
Plus: \$0.05 per gallon after.
- (i) Curb cut fee: \$50.00.
- (j) Roll-offs: Need to contact trash service.
- (k) Permit fees for a residential dwelling will be charged for any structure which will be attached to the house.
- (l) Permit fees for commercial will be charged for any structure, whether it is attached or not.
- (m) Construction of other structures includes, but is not limited to, items such as unattached carports, sheds, and storage buildings.
(Ordinance adopted 1/20/12, sec. 3)

§ A3.002. Plumbing work.

- (a) Plumbing permit: \$20.00.
- (b) Sprinkler system (with backflow inspection): \$50.00.
(Ordinance adopted 1/20/12, sec. 7)

§ A3.003. Electrical work.

- (a) License: As set by the Panhandle Regional Electrical Licensing Association.
- (b) Inspections: \$35.00.
- (c) Reinspections: \$25.00.
(Ordinance adopted 1/20/12, sec. 4)

§ A3.004. Fences.

Installation of a fence: \$20.00.

(Ordinance adopted 1/20/12, sec. 5)

§ A3.005. Streets and sidewalks.

- (a) Digging fee for cut into asphalt or concrete: \$2.00 per sq. ft.; minimum \$100.00.
 - (b) Digging fee for dirt or gravel street: \$1.00 per sq. ft.; minimum \$50.00.
 - (c) Sidewalk permit: \$10.00.
 - (d) Driveway permit: \$20.00.
- (Ordinance adopted 1/20/12, sec. 8)

ARTICLE A4.000
BUSINESS RELATED FEES

§ A4.001. Peddlers, solicitors and vendors.

- (a) Transient retail business permit (peddlers permit):
- (1) 30 days or less: \$25.00.
 - (2) 31 days or more: \$75.00.
- (b) Peddlers, solicitors, vendors fee: The following charges will be made by the city for each principal business and every individual sales representative:
- (1) Principal business, 1-day license: \$25.00.
 - (2) Individual sales rep, 1-day license: \$10.00.
 - (3) Principal business, 30-day license: \$50.00.
 - (4) Individual sales rep, 30 day license: \$40.00.
 - (5) Principal business, 6-month license: \$75.00.
 - (6) Individual sales rep, 6-month license: \$60.00.
 - (7) Principal business: 1-year license, \$150.00.
 - (8) Individual sales rep, 1-year license: \$120.00.
- (c) Temporary/seasonal vending/event fee: The following charges will be made by the city for each temporary/seasonal vendor or event:
- (1) 1-day vending/event license: \$75.00.
 - (2) 1-month vending/event license: \$250.00.
 - (3) 6-month vending/event license: \$500.00.
- (Ordinance adopted 1/20/12, sec. 6)

§ A4.002. Mobile food vendor.

- (a) 30 day permit: \$75.00; or
- (b) 1 year permit: \$150.00.
(Ordinance 2014-0225 adopted 2/25/14)

**ARTICLE A5.000
UTILITIES AND SOLID WASTE**

§ A5.001. Water and sewer rates and charges.

- (a) Deposit: \$100.00.
- (b) Taps and connections; reconnect fees.
- (1) 5/8-inch or 3/4-inch meter with backflow device: \$435.00.
 - (2) 1-inch meter with backflow device: \$625.00.
 - (3) 2-inch meter with backflow device: \$1,050.00.
 - (4) Installing meters could incur a digging fee (see section A3.005).
 - (5) Reconnect fee during normal business hours (8 a.m. to 5 p.m., Monday-Friday): \$40.00.
 - (6) Reconnect fee after normal business hours: \$60.00.
 - (7) Sewer tap: \$300.00.
- (c) Monthly rates.
- (1) The basic monthly water rate and charge for the first two thousand (2,000) gallons of water used by residential and nonresidential customers is fifteen dollars (\$15.00).
 - (2) The additional monthly water rate and charge for the first two thousand (2,000) gallons of water used by residential and nonresidential customers whose services are outside the city limits and are provided water service by the city will be twenty-five dollars (\$25.00).
 - (3) The additional monthly water rate and charge for both residential and nonresidential customers is \$2.25 (two dollars and twenty-five cents for each 1,000 gallons of water used over and above the first 2,000 gallons).
 - (4) The basic monthly sewer rate and charge for both residential and nonresidential customers is \$30.00.
 - (5) The additional monthly sewer rate and charge for nonresidential customers is \$0.50 for each 1,000 gallons of water used over and above 5,000 gallons. The water usage will be based on the average metered water usage for the previous fiscal year (October through September) and will be in effect for the next twelve-month period.
 - (6) The rate and charge for water service delivered into water tank trucks or water wagons in the city is \$2.25 per 1,000 gallons with no minimum charge. A \$65.00 deposit will be required of each business for the set-up of the hydrant meter and wrench.
 - (7) The rate for water at the coin-operated facility (the old water tower) is \$2.25 per 1,000 gallons.
 - (8) Utility surcharge fee for all customers with water and/or sewer services is \$6.00.
 - (9) Recycle center disposal fee for all residential customers with water and/or sewer services is \$2.00.
- (d) Returned check fee: \$35.00.
(Ordinance 2008-1028, sec. a, adopted 2/19/09; Ordinance 2008-1028, sec. i, adopted 2/19/09; Ordinance adopted 1/20/12, sec. 10)

§ A5.002. Recycle center charges.

- (a) Fees for disposing of items at the recycle center for commercial and nonresidential:
 - (1) Pickup bed: \$15.00.
 - (2) 8' trailer: \$30.00.
 - (3) 10' - 16' trailer: \$35.00.
 - (4) Longer than 16' trailer: \$45.00.
- (b) All other residents will be allowed to dispose of items at the recycle center for no additional charge.
- (c) Items accepted for disposal at the recycle center for recycling:
 - Paper.
 - Cardboard.
 - Oil.
 - Yard waste.
 - Tree limbs.
 - Misc. metal.
 - Aluminum cans.
 - Appliances; must remove the compressor for refrigerators and freezers.
- (d) Items not accepted for disposal at the recycle center:
 - Tires.
 - Concrete.
 - Paint.
 - Asphalt shingles.
 - Bricks.
 - Cinderblocks.
 - Anti-freeze.
 - Hazardous materials.
- (e) Electronic items are only accepted during the specified electronic recycling periods. This includes televisions, computers, monitors and other electronic items that contain heavy metals.
- (f) Car batteries may be recycled at the center. Please notify the attendant so that the batteries may be stacked appropriately.
- (g) All construction permits that include demolition require a roll-off to be set at the jobsite. This roll-off is provided at the cost of the individual.
(Ordinance adopted 1/20/12, sec. 12)

§ A5.003. Solid waste collection.

Sanitation rates shall be as follows:

- (1) Residential - monthly: \$14.25, one pickup per week.
- (2) Commercial - monthly: \$29.25, one pickup per week.

(3) Additional weekly pickups are calculated at the rates listed for once-per-week pickup.
(Ordinance 070118 adopted 1/18/07)

§ A5.004. Backflow assemblies and testers.

(a) Backflow assemblies: One-time fee of \$25.00.

(b) Backflow testers annual registration fee: \$10.00.
(Ordinance 2017-0523 adopted 6/27/17)

ARTICLE A6.000
ZONING AND DEVELOPMENT RELATED FEES

§ A6.001.

- (a) Zoning change application fee: \$150.00.
- (b) Zoning variance application fee: \$50.00.
- (c) Mobile home site permit fee (state laws apply): \$50.00.
- (d) Street name change: \$20.00.
- (e) Thoroughfare or alley abandonment: \$40.00.
- (f) Easement release: \$100.00.
(Ordinance adopted 1/20/12, sec. 9)

**ARTICLE A7.000
CEMETERY FEES**

§ A7.001.

- (a) Permit for any and all work performed at Stratford Memorial Cemetery: \$10.00.
- (b) Purchase of space (per each): \$300.00.
- (c) Interment (open/close) of grave during normal business hours: \$275.00.
- (d) Interment (open/close) of grave after normal business hours or holidays: \$375.00.
- (e) Interment of cremated remains: \$50.00.
- (f) Interment of cremated remains after normal business hours or holidays: \$75.00.
(Ordinance adopted 1/20/12, sec. 11)

Appendix B

CODE COMPARATIVE TABLE

§ B.001. Code comparative table.

This table shows the location or gives the disposition of the chapters, sections and subsections of the 1977 Stratford Code of Ordinances within this revised code. The abbreviation “NIC” means the provision is not included in this code, though not necessarily repealed.

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
CHAPTER 1 ADMINISTRATION; OFFICERS AND EMPLOYEES		
Art. 1. Meetings of Council		
Sec. 1-1	Time of meeting	§ 1.03.001
Art. 2. City Secretary		
Sec. 1-11	Council to appoint city secretary	§ 9.02.031
Sec. 1-12	Duties of city secretary	§ 9.02.032
Sec. 1-13	Term of office; compensation; bond	§ 9.02.033
Art. 3. Municipal Court		
Sec. 1-21	Municipal court established	§ 7.01.001
Art. 4. Federal Old-Age and Survivors Insurance		
Sec. 1-31	City officers and employees to continue under social security	Rpld. by Ordinance adopting Code
Art. 5. Texas Municipal Retirement System		
Sec. 1-41	City elects to participate	NIC
Sec. 1-42	Mayor to notify board of trustees	NIC
Sec. 1-43	Future employees to become members	NIC
Sec. 1-44	Deposits fixed at 5%	NIC
Sec. 1-45	Prior service credit	NIC
Sec. 1-46	City to contribute	NIC
Sec. 1-47	City secretary to remit to board	NIC
Sec. 1-48	Effective date	NIC
CHAPTER 2 ANIMALS		
Art. 1. Dogs and Cats		
Sec. 2-1	Definitions	§ 2.02.001
Sec. 2-2	When considered unvaccinated	§ 2.02.072
Sec. 2-3	Not to run at large	§ 2.02.002
Sec. 2-4	Dogs and cats to wear tag showing vaccination	§ 2.02.071
Sec. 2-5	To impound dogs and cats running at large	§ 2.02.031
Sec. 2-6	Registry to be made of impounded dogs and cats	§ 2.02.032

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 2-7	Unredeemed dogs and cats to be disposed of	§ 2.02.033
Sec. 2-8	Owner may redeem	§ 2.02.034
Sec. 2-9	How redeemed	§ 2.02.035
Sec. 2-10	Owner may also redeem from purchaser after sale	§ 2.02.036, Appendix A, A2.000(f)
Sec. 2-11	Animal warden to keep records; to deliver money to city secretary	§ 2.02.037
Sec. 2-12	Vicious or dangerous dogs and cats	§ 2.02.004
Sec. 2-13	Not to keep unvaccinated dog or cat	§ 2.02.073
Sec. 2-14	Refusal to deliver unvaccinated dog or cat	§ 2.02.074
Sec. 2-15	Owner not to allow at large	§ 2.02.003
Sec. 2-16	Animal warden may inspect dogs and cats, etc.	§ 2.02.075
Sec. 2-17	Keeping dogs and cats which disturb	§ 2.02.005
Art. 2. Swine		
Sec. 2-21	Hogs not to be kept within city	Rpld. by Ordinance adopting Code
Sec. 2-22	Penalty	Rpld. by Ordinance adopting Code
Art. 3. Livestock		
Sec. 2-31	Not to run at large	§ 2.03.002(a)
Sec. 2-32	Impoundment; redemption	§ 2.03.002(b); Appendix A, A2.000 (k)
Sec. 2-33	Penalty	§ 2.03.002(c)
Sec. 2-34	Definition	§ 2.03.002(d)
CHAPTER 3 BUILDING, PLUMBING, AND ELECTRICAL INSTALLATIONS		
Art. 1. Fire Limits; Building Therein		
Sec. 3-1	Fire limits: primary and secondary	Rpld. by Ordinance adopting Code
Sec. 3-2	Permits and inspections	Rpld. by Ordinance adopting Code
Sec. 3-3	Construction required within the fire limits	Rpld. by Ordinance adopting Code
Sec. 3-4	Frame buildings in fire limits	Rpld. by Ordinance adopting Code
Sec. 3-5	Roofs	Rpld. by Ordinance adopting Code
Sec. 3-6	Repairs and additions	Rpld. by Ordinance adopting Code
Sec. 3-7	Arbitration	Rpld. by Ordinance adopting Code
Sec. 3-8	Fees	Rpld. by Ordinance adopting Code
Sec. 3-9	Remodeling buildings in violation	Rpld. by Ordinance adopting Code
Sec. 3-10	Burning trash in fire limits	Rpld. by Ordinance adopting Code
Sec. 3-11	Penalty	Rpld. by Ordinance adopting Code
Art. 2. Plumbing: Drainage, Water, and Gas		
Sec. 3-21	Plumbing code adopted	Rpld. by Ordinance adopting Code

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Art. 3. Dangerous Buildings		
Sec. 3-31	Definitions	Superseded by Ord. 12-0829
Sec. 3-32	Standards for repair, vacation, or demolition	Superseded by Ord. 12-0829
Sec. 3-33	Dangerous buildings are nuisances	Superseded by Ord. 12-0829
Sec. 3-34	Duties of building inspector	Superseded by Ord. 12-0829
Sec. 3-35	Right to appeal	Superseded by Ord. 12-0829
Sec. 3-36	Public hearing	Superseded by Ord. 12-0829
Sec. 3-37	Penalty for disregarding notices or orders	Superseded by Ord. 12-0829
Sec. 3-38	Duties of the city attorney	Superseded by Ord. 12-0829
Sec. 3-39	Emergency cases	Superseded by Ord. 12-0829
Sec. 3-40	When owner is absent or unknown	Superseded by Ord. 12-0829
Sec. 3-41	Administrative liability	Superseded by Ord. 12-0829
Sec. 3-42	Duties of fire, police, health, and other administrative departments	Superseded by Ord. 12-0829
Sec. 3-43	Utilities to discontinue services	Superseded by Ord. 12-0829
CHAPTER 4 BUSINESS AND OCCUPATIONS		
Art. 1. Itinerant Merchants, Vendors, Peddlers, etc.		
Sec. 4-1	Exercise of police power	Rpld. by Ord. 223
Sec. 4-2	License required	Rpld. by Ord. 223
Sec. 4-3	To make application for license	Rpld. by Ord. 223
Sec. 4-4	Bond required	Rpld. by Ord. 223
Sec. 4-5	License fee	Rpld. by Ord. 223
Sec. 4-6	Exceptions	Rpld. by Ord. 223
Sec. 4-7	Persons engaged in interstate commerce	Rpld. by Ord. 223
Sec. 4-8	City secretary to be agent of such merchants, peddlers, etc.; actions on contracts	Rpld. by Ord. 223
Sec. 4-9	Penalty	Rpld. by Ord. 223
Art. 2. Automobile Trailer Camps		
Sec. 4-11	Definitions	§ 3.05.001
Sec. 4-12	Permit required	§ 3.05.041
Sec. 4-13	Spaces required	§ 3.05.003
Sec. 4-14	Facilities to be provided	§ 3.05.004
Sec. 4-15	To keep register; rules and regulations	§ 3.05.005
Sec. 4-16	Trailers with wheels removed	§ 3.05.006
Sec. 4-17	Application for permit	§ 3.05.042
Sec. 4-18	City to inspect site	§ 3.05.043

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 4-19	Revocation or suspension of permit	§ 3.05.044
Sec. 4-20	Penalty	§ 3.05.002
CHAPTER 5 CEMETERIES		
Art. 1. Trusteeship, Perpetual Care, etc.		
Sec. 5-1	City authorized to act as trustee	Rpld. by Ord. 191
Sec. 5-2	City may accept gifts in trust, etc.	Rpld. by Ord. 191
Sec. 5-3	City to keep record	Rpld. by Ord. 191
Sec. 5-4	City may invest funds; may use income	Rpld. by Ord. 191
Sec. 5-5	Certificates to be issued; may be recorded; etc.	Rpld. by Ord. 191
Sec. 5-6	Persons may care for lots; make donations	Rpld. by Ord. 191
Sec. 5-7	In case of failure of city, judge may appoint trustee	Rpld. by Ord. 191
Sec. 5-8	City may budget funds for maintenance, and tax	Rpld. by Ord. 191
Sec. 5-9	Cemetery board	Rpld. by Ord. 191
Sec. 5-10	This article not to invalidate rules and regulations	Rpld. by Ord. 191
Sec. 5-11	Purpose of this article	Rpld. by Ord. 191
CHAPTER 6 CITY FINANCE AND BUSINESS		
Art. 1. Sales and Use Tax		
Secs. 6-1 to 6-10	(Reserved for future use.)	
CHAPTER 7 FIRE PREVENTION		
Art. 1. Fire Marshal		
Sec. 7-1	Office created	§ 5.02.001
Sec. 7-2	Duties of fire marshal	§ 5.02.002
Sec. 7-3	To make reports, etc.	§ 5.02.003
Sec. 7-4	To enforce ordinances and laws; inspections	§ 5.02.004
Art. 2. Fireworks		
Sec. 7-11	Not to fire fireworks in city	§ 5.03.002
Sec. 7-12	Not to sell fireworks, etc.; exceptions	§ 5.03.003
Sec. 7-13	Exceptions	§ 5.03.004
Sec. 7-14	Penalty	§ 5.03.001
Art. 3. Arson Reward		
Sec. 7-21	Arson reward offered	Rpld. by Ordinance adopting Code
CHAPTER 8 GARBAGE AND OTHER REFUSE		
Art. 1. Garbage and Refuse Collection and Disposal		
Sec. 8-1	Definitions	Amnd. by Ord. 970519
Sec. 8-2	Providing of side-loading trash containers	Amnd. by Ord. 970519
Sec. 8-3	Containers to be kept sealed	Amnd. by Ord. 970519

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 8-4	Placement of containers for collection	Amnd. by Ord. 970519
Sec. 8-5	Bundling trash for collection	Amnd. by Ord. 970519
Sec. 8-6	Fees: Residential buildings	Amnd. by Ord. 211
Sec. 8-7	Fees: Business and commercial establishments	Amnd. by Ord. 211
Sec. 8-8	Fees: Collection	Amnd. by Ord. 970519
Sec. 8-9	Duty of owner, occupant, tenant, lessee, or other user	Amnd. by Ord. 970519
Sec. 8-10	Draining of garbage and trash; wrapping of garbage, refuse, trash, or animal matter	Amnd. by Ord. 970519
Sec. 8-11	Permission for private collection and disposal required	Amnd. by Ord. 970519
Sec. 8-12	Prohibiting the burning of garbage, refuse, or trash in containers	Amnd. by Ord. 970519
Sec. 8-13	Dirt, concrete and rocks prohibited in containers	Amnd. by Ord. 970519
Sec. 8-14	Enforcement of article	Amnd. by Ord. 970519
Sec. 8-15	Penalty	Amnd. by Ord. 970519
CHAPTER 9 GENERAL AND MISCELLANEOUS PROVISIONS		
Art. 1. Definitions		
Sec. 9-1	Masculine to include feminine and neuter	Superseded by Ordinance adopting Code
Sec. 9-2	Singular number to include plural and vice versa	Superseded by Ordinance adopting Code
Sec. 9-3	"Person" defined	Superseded by Ordinance adopting Code
Sec. 9-4	"City" defined	Superseded by Ordinance adopting Code
Sec. 9-5	Statutory references	Superseded by Ordinance adopting Code
Art. 2. Separability		
Sec. 9-11	Separability clause: code and ordinances	Superseded by Ordinance adopting Code
CHAPTER 10 HEALTH, SAFETY, AND NUISANCES		
Art. 1. City Health Officer		
Sec. 10-1	Office created; appointment	§ 6.02.001
Sec. 10-2	Duties	§ 6.02.002
Art. 2. Miscellaneous Nuisances		
Sec. 10-11	Depositing unsound or offensive matter, etc.	§ 8.05.003
Sec. 10-12	Permitting water to run onto street, etc.	§ 8.05.004(a)
Sec. 10-13	Exceptions to above section	§ 8.05.004(b)
Sec. 10-14	Sweeping or depositing filth from buildings, etc.	§ 8.05.005
Sec. 10-15	Keeping premises offensive to others	§ 8.05.006
Sec. 10-16	Keeping places where animals are kept	§ 8.05.007
Sec. 10-17	Keeping businesses and other premises offensive to others, etc.	§ 8.05.008
Sec. 10-18	Keeping sinks, vaults, etc., which are offensive	§ 8.05.009

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 10-19	Depositing offensive refuse, etc.	§ 8.05.010
Sec. 10-20	Carrying on vocation dangerous or injurious	§ 8.05.011
Sec. 10-21	Permitting stagnant water to accumulate, etc.	§ 8.05.012
Sec. 10-22	Penalty	§ 8.05.001
Sec. 10-23	Court to order abatement, etc.	§ 8.05.002
Art. 3. Nuisances Near Municipal Water Wells and Reservoirs		
Sec. 10-31	Certain construction declared nuisance within 150 feet	§ 6.04.001
Sec. 10-32	Certain construction declared nuisance within 350 feet	§ 6.04.002
Sec. 10-33	Keeping of livestock within 50 feet, etc.	§ 6.04.003
Sec. 10-34	Acts declared unlawful	§ 6.04.004
Sec. 10-35	Penalty	§ 6.04.005
Sec. 10-36	City may abate by injunction	§ 6.04.006
Art. 4. Stagnant Water; Garbage Accumulation		
Sec. 10-41	Declared nuisance	Superseded by Ord. 248
Sec. 10-42	Penalty	Superseded by Ord. 248
Sec. 10-43	Health office to file complaint; etc.	Superseded by Ord. 248
Art. 5. Weeds and Trash		
Sec. 10-51	Weeds and rubbish declared nuisance	Superseded by Ord. 248
Sec. 10-52	Council to hear evidence, pass resolution, etc.	Superseded by Ord. 248
Sec. 10-53	City to abate, when; lien; to be taxed against property	Superseded by Ord. 248
Sec. 10-54	Penalty for failure to abate	Superseded by Ord. 248
Art. 6. Slaughtering, etc. Prohibited within City		
Sec. 10-61	Slaughtering, etc., within city prohibited	§ 8.01.004
Art. 7. Noise Nuisances		
Sec. 10-71	Certain noises declared nuisances	Superseded by Ord. 20090423-11
Sec. 10-72	Certain acts declared violations	Superseded by Ord. 20090423-11
Sec. 10-73	"Person" defined	Superseded by Ord. 20090423-11
Sec. 10-74	Penalty	Superseded by Ord. 20090423-11
Art. 8. Junked Motor Vehicles; Pile or Piles of Rubbish or Debris		
Sec. 10-81	Definitions	§ 8.07.001
Sec. 10-82	Abandoned and junked motor vehicles or pile or piles of rubbish or debris declared a public nuisance; exceptions	§ 8.07.002
Sec. 10-83	Notice to owner or occupant to abate public nuisance of occupied premises	§ 8.07.003
Sec. 10-84	Notice to owner to abate public nuisance on unoccupied premises	§ 8.07.004
Sec. 10-85	Removal with permission of owner or occupant	§ 8.07.005

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 10-86	Disposal of junked vehicles	§ 8.07.006
Sec. 10-87	Removal from unoccupied premises by order of municipal court	§ 8.07.007
Sec. 10-88	Penalty	§ 8.07.008
CHAPTER 11 OFFENSES		
Art. 1. Police Radio Signals		
Sec. 11-1	Definitions	§ 8.01.005(a)
Sec. 11-2	Police radio calls	§ 8.01.005(b)
Sec. 11-3	Police radio scrambler sets prohibited	§ 8.01.005(c)
Sec. 11-4	Penalty	§ 8.01.005(d)
Art. 2. Small Guns, etc.		
Sec. 11-11	Use prohibited	Rpld. by Ordinance adopting Code
Sec. 11-12	Penalty	Rpld. by Ordinance adopting Code
Sec. 11-13	Parent or guardian responsible	Rpld. by Ordinance adopting Code
Art. 3. Unattended Refrigerators, etc.		
Sec. 11-21	Unlawful to have unattended in certain places	§ 8.01.006(a)
Sec. 11-22	Penalty	§ 8.01.006(b)
Art. 4. False Fire Alarm		
Sec. 11-31	Unlawful to give false fire alarm	§ 8.01.007
CHAPTER 12 PARKS AND RECREATION		
Secs. 12-1 et seq.	(Reserved for future use.)	
CHAPTER 13 PLANNING AND ZONING		
Art. 1. Zoning Ordinance		
Sec. 13-1	Zoning ordinance continued by reference	§ 14.02.001
CHAPTER 14 PUBLIC UTILITIES		
Art. 1. Water Rates		
Sec. 14-1	Residential water rates	Superseded by Ord. 222
Sec. 14-2	Commercial and industrial water rates	Superseded by Ord. 222
Sec. 14-3	Water rate for schools, county, library, and city	
Sec. 14-4	Water rate for tank trucks and wagons	Superseded by Ord. 222
Sec. 14-5	Billing; delinquency	Superseded by Ord. 222
Sec. 14-6	Water service may be terminated	Superseded by Ord. 222
Sec. 14-7	Resuming water service	Superseded by Ord. 222
Art. 2. Sewer Rates		
Sec. 14-11	Sewer rates	Superseded by Ord. 211
Art. 3. Rentals for Use of Streets, etc., to be Paid by Certain Utilities		

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 14-21	Utilities to make report	Rpld. by Ordinance adopting Code
Sec. 14-22	City may have records examined	Rpld. by Ordinance adopting Code
Sec. 14-23	Rental to be paid each year	Rpld. by Ordinance adopting Code
Sec. 14-24	Receipt to be given	Rpld. by Ordinance adopting Code
Sec. 14-25	Rental not a tax	Rpld. by Ordinance adopting Code
Sec. 14-26	Not to relieve of requirements of law, etc.	Rpld. by Ordinance adopting Code
Sec. 14-27	Not to grant franchise	Rpld. by Ordinance adopting Code
Sec. 14-28	City reserves right to regulate	Rpld. by Ordinance adopting Code
Sec. 14-29	Operation without payment of rental	Rpld. by Ordinance adopting Code
Sec. 14-30	Failure to make report, etc.	Rpld. by Ordinance adopting Code
Sec. 14-31	City officers to inspect facilities	Rpld. by Ordinance adopting Code
Art. 4. Public Utility Rate Regulation		
Sec. 14-41	Definitions	§ 13.02.001
Sec. 14-42	Methods to be used in determining statutory rate base	§ 13.02.002
Sec. 14-43	Determination of operating expenses	§ 13.02.003
Sec. 14-44	Income taxes	§ 13.02.004
Sec. 14-45	Allocation of tax savings	§ 13.02.005
Sec. 14-46	Separations procedures of telephone companies	§ 13.02.006
Sec. 14-47	Services provided at reduced cost	§ 13.02.007
Sec. 14-48	Separations and allocations	§ 13.02.008
Sec. 14-49	Sale or lease of appliances	§ 13.02.009
Sec. 14-50	Rate of return	§ 13.02.010
Sec. 14-51	Certification	§ 13.02.011
Sec. 14-52	Reporting requirements	§ 13.02.012
Sec. 14-53	Adoption of common or uniform standards	§ 13.02.013
Sec. 14-54	Records of utility	§ 13.02.014
Sec. 14-55	Standards of service	§ 13.02.015
Sec. 14-56	Changes in rates	§ 13.02.016
Sec. 14-57	Rate hearing procedures	§ 13.02.017
Sec. 14-58	Payment of costs	§ 13.02.018
Sec. 14-59	Penalty for violations	§ 13.02.019
Art. 5. Electric, Gas, and Telephone Rates		
Sec. 14-61	Electric, gas, and telephone rates	Rpld. by Ordinance adopting Code
CHAPTER 15 STREETS, SIDEWALKS, AND OTHER PUBLIC AREAS		
Art. 1. Cutting or Disrupting Pavement		

1977 CODE OF ORDINANCES		2013 CODE OF ORDINANCES
Sec. 15-1	Permit required; application for permit	§ 3.08.032
Sec. 15-2	Bond or cash deposit required	§ 3.08.033
Sec. 15-3	Penalty	§ 3.08.031
CHAPTER 16 TRAFFIC		
Art. 1. Comprehensive Traffic Ordinance		
Sec. 16-1	Ordinance continued in effect by reference	Rpld. by Ordinance adopting Code
Art. 2. Speed Zones Established		
Sec. 16-11	Thirty-five miles per hour	NIC
Sec. 16-12	Forty-five miles per hour	NIC
Sec. 16-13	Fifty-five miles per hour	NIC
Art. 3. School Zone Speed Limit		
Sec. 16-21	School zone established	NIC
Sec. 16-22.	Penalty	NIC
Art. 4. Speed of Ambulances		
Sec. 16-31	Speed of ambulances	§ 12.01.004(a)
Sec. 16-32	Penalty	§ 12.01.004(b)
Art. 5. Speed of Locomotives and Trains		
Sec. 16-41	Speed of locomotives and trains	Superseded by Ord. 20090423-11
Sec. 16-42	Penalty	Superseded by Ord. 20090423-11
Art. 6. No Parking Zones		
Sec. 16-51	Chief of police to designate	§ 12.03.031
Sec. 16-52	No parking zones to be painted red	§ 12.03.032
Sec. 16-53	Penalty for parking in no parking zone	§ 12.03.033
Sec. 16-54	Penalty for painting curb to simulate no parking zone	§ 12.03.034
Sec. 16-55	Council to implement by resolution	§ 12.03.035
Art. 7. Parking Large Trucks and Machinery on Main Street		
Sec. 16-61	Parking of machinery and certain trucks prohibited on part of Main Street; penalty	§ 12.03.036
Art. 8. Removal of Property from Streets, Alleys, Etc.		
Sec. 16-71	Police department may remove property from streets, alleys, etc., when	§ 12.04.001
Sec. 16-72	Police officer may remove or require driver to remove, etc.	§ 12.04.002
Sec. 16-73	Notice to owner or to state authority	§ 12.04.003
Sec. 16-74	Fees; costs of removal and storage	§ 12.04.004
Sec. 16-75	If not redeemed, property to be disposed of	§ 12.04.005
Appendix 1 FRANCHISE ORDINANCES		NIC

Appendix C

ORDINANCE DISPOSITION TABLE

§ C.001. Ordinance disposition table.

This table shows the location or gives the disposition of the ordinances within the Stratford Code of Ordinances. The abbreviation “NIC” means the ordinance is not included in this code, though not necessarily repealed. In the “Supp. No.” column, the letters “CA” indicate the ordinance was published in the original code as adopted. When an ordinance has been added as part of a code supplement, the supplement number will be added accordingly.

Ord. No.	Date	Description	Disposition	Supp. No.
202	11/3/77	Adopts Code of Ordinances	NIC	
203	12/1/77	Storage of liquefied petroleum gas in residential areas	Rpld. by Ordinance adopting Code	
204	12/1/77	Approves Southwestern Public Service Company rates	NIC	
205	12/7/78	Amends Ord. 188; cable television franchise	NIC	
207	9/21/78	Approves Southwestern Public Service Company rates	NIC	
208	9/21/78	Tax on residential use of gas and electricity	§ 11.03.001	
209	7/21/79	Hotel occupancy tax		
		Sec. 1 Definitions	§ 11.04.001	
		Sec. 2 Levy of tax; rate; exception	§ 11.04.002	
		Sec. 3 Collection	§ 11.04.003	
		Sec. 4 Reports	Amnd. by Ord. 277	
		Sec. 5 Procedures, rules and regulations	Amnd. by Ord. 277	
		Sec. 6 Penalties	Amnd. by Ord. 277	
		Sec. 7 Use of proceeds	Amnd. by Ord. 277	
211	8/16/79	Amends Ord. 185; sewer and trash rates	Superseded by Ords.	
		I. Amends sec. 6 and 7 of Ord. 185		
		Sec. 6 Fees — Residential buildings	Superseded by Ord. 237	
		Sec. 7 Fees — Business and commercial establishments	Superseded by Ord. 237	
		II. Sewer rates and tap fees		
		1. Sewer rates - residential	Superseded by Ords. 232 and 2008-1028	
		2. Sewer rates - commercial	Superseded by Ords. 232 and 2008-1028	

Ord. No.	Date	Description	Disposition	Supp. No.
		3. Sewer tap fees	Superseded by Ord. 237	
	10/18/79	Amends Ord. 209; changes effective date	NIC	
212	2/7/80	Purchase approval	NIC	
213	3/6/80	Grants gas franchise	NIC	
214	4/3/80	Approves Southwestern Public Service Company rates	NIC	
215	8/21/80	Abandons portion of street	NIC	
215	12/4/80	Wind turbines or windmills used for purpose of providing electrical energy		
		Sec. I Private use permissible	§ 3.06.003	
		Sec. II Must not pose safety and health problems for residents	§ 3.06.004	
		Sec. III Noise	§ 3.06.005	
		Sec. IV Compliance with building code	§ 3.06.006	
		Sec. V. Inspector responsibilities and powers	§ 3.06.002	
		Sec. VI. Penalty	§ 3.06.001	
216	12/19/80	Grants franchise to Southern Union Gas Company	NIC	
217	3/5/81	Liquefied petroleum gas; standards for equipment	§ 5.04.001	
218	4/23/81	Bond issuance	NIC	
219	5/7/81	Sanitary landfill		
		Sec. I Hours of operation	§ 13.04.072	
		Sec. II Access	§ 13.04.073	
		Sec. III Scavenging or salvaging	§ 13.04.074	
		Sec. IV Secondary pit	§ 13.04.075	
		Sec. V Hazardous bulky materials	§ 13.04.076	
		Sec. VI Fee schedule	§ 13.04.077	
		Sec. VII Covered vehicle	§ 13.04.078	
		Sec. VIII Dumping in pit only	§ 13.04.079	
		Sec. IX Penalty	§ 13.04.071	
220	8/20/81	Establishes school speed zone	NIC	
221	8/20/81	Amends speed limits for specific streets	NIC	
222	8/20/81	Water service rates		

Ord. No.	Date	Description	Disposition	Supp. No.
		I. Deposit, disconnection for nonpayment; refund	Superseded by Ords. 234 and 281	
		II. Tap charges	Superseded by Ord. 281	
		III. Monthly rates		
		A. Residential water service	Superseded by Ord. 232	
		B. Commercial and industrial water service	Superseded by Ord. 232	
		C. Water delivered into tank trucks or water wagons	Superseded by Ord. 980921	
		D. Late payment penalty	§ 13.03.010	
		E. Termination of service	Superseded by Ord. 980921	
223	11/19/81	Amends Ord. 172; solicitors, peddlers, itinerant merchants		
		I. License required	§ 4.02.002	
		II. Temporary place of business unlawful	§ 4.02.003	
		III. Application for license	§ 4.02.004	
		IV. License	§ 4.02.005	
		V. Bond	§ 4.02.006	
		VI. Exceptions	§ 4.02.007	
		VII. Persons engaged in interstate commerce	§ 4.02.008	
		VIII. City secretary to be agent	§ 4.02.009	
		IX. Actions on contracts	§ 4.02.010	
		X. Penalty	§ 4.02.001	
224	12/17/81	Cable television franchise	NIC	
225	12/17/81	TMRS; supplemental benefits fund	NIC	
226	1/1/82	TMRS; updated service credits	NIC	
227	1/8/82	Speed of locomotives and trains	Superseded by Ord. 20090423-11	
228	6/3/82	Turning left across double stripes in order to park on opposite side of street	§ 12.02.002	
229	6/17/82	Approves Southwestern Public Service Company rates	NIC	
230	3/3/83	Notice of claims against city	Superseded by Ord. 240	
231		Water deposit	City could not locate	
232	9/15/83	Minimum water and sewer service charge		

Ord. No.	Date	Description	Disposition	Supp. No.
		I. Residential water rate, first 2,000 gallons	Superseded by Ord. 280	
		II. Commercial water rate, first 2,000 gallons	Superseded by Ord. 280	
		III. Residential sewer service charge	Superseded by Ord. 243	
		IV. Commercial sewer service charge	Superseded by Ord. 243	
233	9/15/83	Amends cable franchise	NIC	
234	9/15/83	Amends Ord. 231; water service		
		I. Deposit	Superseded by Ord. 281	
		II. Repeals Ord. 231, paragraph IV	NIC	
235	10/—/83	Increases fine for fire safety, public health and sanitation ordinances	Superseded by Ord. 268	
236	1/19/84	Use of plastic gas lines	§ 3.02.052	
237	3/1/84	Trash service and sewer tap rates	Rpld. by Ord. 061019(2)	
238	7/1/84	TMRS; additional rights, credits and benefits	NIC	
239	10/4/84	TMRS; updated service credits	NIC	
240	11/1/84	Claims against city	Amnd. by Ord. 249	
241	2/21/85	Authorizes purchases	NIC	
242	9/5/85	Grants franchise for electrical service	NIC	
243	9/5/85	Minimum monthly sewer rates	Superseded by Ord. 980922	
244	9/5/85	Raises minimum for trash service	Superseded by Ords. 273 and 282	
245	9/26/85	TMRS; updated service credits	NIC	
246	9/26/85	Southwestern Public Service Company rates	NIC	
247	12/19/85	Southwestern Public Service Company rates	NIC	
248	3/27/86	Stagnant water, weeds, rubbish or other unsightly or unsanitary matter		
		Sec. 1 Prohibited conditions	§ 6.03.001	
		Sec. 2 Declaration of nuisance	§ 6.03.002	
		Sec. 3 Notice to abate	§ 6.03.003	
		Sec. 4 Hearing	§ 6.03.004	
		Sec. 5 Fine; abatement by city	§ 6.03.005	
249	8/7/86	Amends Ord. 240; notice of claims against city		
		Sec. 1 Notice required	§ 1.02.031	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2 Refusal by council required prior to suit	§ 1.02.032	
		Sec. 3 Service of notice	§ 1.02.033	
		Sec. 4 Waiver of requirements	§ 1.02.034	
		Sec. 5 Notice to be sworn	§ 1.02.035	
250	9/4/86	TMRS; updated service credits	NIC	
251	10/16/86	No parking zone on Highway 287	NIC	
252	11/20/86	Emergency management		
		Sec. 1 Organization	§ 1.04.031	
		Sec. 2 Emergency management director—Powers and duties	§ 1.04.032	
		Sec. 3 Emergency management plan	§ 1.04.033	
		Sec. 4 Interjurisdictional program	§ 1.04.034	
		Sec. 5 Override	§ 1.04.035	
		Sec. 6 Liability	§ 1.04.036	
		Sec. 7 Commitment of funds	§ 1.04.037	
		Sec. 8 Offenses; penalties	§ 1.04.038	
253	2/5/87	Reimbursement for expense of constructing utility and sewer lines and paved streets		
		Sec. 1 Definitions	§ 10.02.001	
		Sec. 2 Reimbursement provisions	§ 10.02.002	
254	3/19/87	Establishes speed limit for school zone	NIC	
	3/19/87	No parking zone on Highway 54	NIC	
256	9/17/87	TMRS; updated service credits	NIC	
257	9/17/87	TMRS; grants additional rights, credits and benefits	NIC	
258	3/3/88	Southwestern Public Service Company rates	NIC	
259	7/21/88	TMRS; updated service credits	NIC	
260	8/4/88	Consumption of alcoholic beverages in public place or public parking area	Amnd. by Ord. 990610	
261	5/9/89	No parking zone on Highway 54	NIC	
262	5/18/89	Southwestern Public Service Company rate	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
263	5/18/89	Surcharge on water bills for purpose of funding construction of new water tower	Rpld. by Ordinance adopting Code	
264	6/15/89	Purchase agreement	NIC	
265	6/15/89	Southern Union Gas rates	NIC	
266	7/20/89	Penalty to defray costs of collection of delinquent taxes	§ 11.02.001	
267	7/20/89	TMRS; updated service credits	NIC	
268	8/17/89	Increases maximum fines for violations of municipal ordinances	Superseded by Ordinance adopting Code	
269	12/21/89	Taxation of freeport goods	§ 11.02.003	
270	12/21/89	Water service deposit	Superseded by Ord. 281	
271	1/25/90	Livestock	Rpld. by Ord. 20001109	
272	3/15/90	Grants franchise for gas service	NIC	
273	7/19/90	Monthly service charge for trash collection		
		I. Definitions	Superseded by Ord. 070118	
		II. Monthly service charge	Superseded by Ord. 282	
		III. Sherman County	Rpld. by Ordinance adopting Code	
		IV. Determination of category	Superseded by Ord. 070118	
274	—/—/90	Issuance of certificates of obligation	NIC	
276	6/23/91	Vacating portion of street	NIC	
277	9/19/91	Amends Ord. 209; hotel occupancy tax		
		I. Repeals sec. 1F; tax assessor and collector definitions	§ 11.04.001	
		II. Amends and renumbers sec. 1.G; quarterly period	§ 11.04.001	
		III. Renumbers sec. 1.H as 1.G; permanent resident	§ 11.04.001	
		IV. Adds definitions of tourism and tourist to sec. 1	§ 11.04.001	
		V. Repeals sec. 2.B	§ 11.04.002	
		VI. Renumbers sec. 2.C	§ 11.04.002	
		VII. Amends secs. 4, 5 and 6		
		Sec. 4 Reports	§ 11.04.004	
		Sec. 5 Rules and regulations	§ 11.04.005	
		Sec. 6 Penalties	§ 11.04.006	

Ord. No.	Date	Description	Disposition	Supp. No.
		VIII. Amends sec. 7; use of proceeds	Rpld. by Ordinance adopting Code	
		IX. Adds sec. 9 and 10; use and purposes; limitations		
		Sec. 9 Use of proceeds generally	§ 11.04.007	
		Sec. 10 Limitations on use of proceeds	§ 11.04.008	
278	12/17/91	Grants franchise for cable television	NIC	
279	5/20/93	Designates reinvestment zone	NIC	
280	8/17/95	Water rates	Superseded by Ord. 281	
281	8/15/96	Water service	Superseded by Ord. 980921	
282	9/17/96	Trash service rates		
		I. Residential consumers	Superseded by Ord. 061019(2)	
		II. Commercial users	Superseded by Ord. 070118	
	—/—/97	Adopts National Electric Code	§ 3.02.101	
	—/—/97	Abolishes office of city marshal; duties appointed to chief of police	§ 9.03.001	
970519	5/19/97	Curfew for minors	Superseded by Ord. adopted 1/1/98	
970519	5/19/97	Amends Ord. 185; solid waste		
		Sec. 1 Definitions	§ 13.04.031	
		Sec. 2 Providing of side loading trash containers	§ 13.04.034	
		Sec. 3 Containers to be kept sealed	§ 13.04.035	
		Sec. 4 Placement of containers for collection	§ 13.04.036	
		Sec. 5 Residential collection	§ 13.04.037	
		Sec. 6 Duty of owner, occupant, tenant, lessee or other user	§ 13.04.038	
		Sec. 7 Permission for private collection and disposal required	§ 13.04.039	
		Sec. 8 Prohibiting the burning of garbage, refuse or trash in container	§ 13.04.040	
		Sec. 9 Dirt, concrete and rocks - Prohibited in containers	§ 13.04.041	
		Sec. 10 Enforcement of article	§ 13.04.033	
		Sec. 11 Penalty for violations	§ 13.04.032	
	1/1/98	Curfew for minors	Superseded by Ord. adopted 7/18/02	

Ord. No.	Date	Description	Disposition	Supp. No.
98-0201	1/8/98	TMRS; grants additional rights	NIC	
98-0108	1/8/98	Duties and title of building inspector conveyed to city administrator	§ 3.01.001	
980212	2/12/98	Approves contract for solid waste disposal	NIC	
980922	9/21/98	Sewer service rates	Superseded by Ord. 05-09-21(2)	
9801	5/5/98	Amends Ord. 191; perpetual care cemetery	Superseded by Ord. 191 adopted 2/24/09	
990501	5/13/99	Amends Ord. 155 (zoning ordinance) and 271 (livestock); establishes agricultural zoning district		
		I. Amends comprehensive plan to recognize agricultural land use	NIC	
		II. Amends Ord. 155 by adding AG agricultural zone	NIC	
		III. Amends Ord. 271, sec. 1, to include keeping of livestock for profit	Rpld. by Ord. 20001109	
		IV. Amends Ord. 271, sec. 5, eliminating grandfather clause and requiring permit for keeping livestock or fowl	Rpld. by Ord. 20001109	
990514	5/13/99	Amends Ord. 155 (zoning ordinance)	NIC	
990513	5/13/99	Mobile homes		
		I. Definition	§ 3.04.001	
		II. Prohibition	§ 3.04.003	
		III. Exception	§ 3.04.004	
		IV. Unoccupied mobile homes or those not used as dwelling	§ 3.04.005	
		V. Penalty	§ 3.04.002	
990610	6/10/99	Amends Ord. 260; consumption of alcoholic beverages in public place or parking area		
		Sec. 1 Prohibited in immediate vicinity of vehicle	Superseded by Ord. 20090423-11	
		Sec. 2 Prohibited in public park, on public sidewalk or on city property	§ 8.01.003(a)	
		Sec. 3 Definitions	§ 8.01.003(b)	
		Sec. 4 Penalty	§ 8.01.003(c)	

Ord. No.	Date	Description	Disposition	Supp. No.
991209	11/18/99	School crosswalk at Purnell and North Pearl	NIC	
991210	11/18/99	Stop signs at specific intersections	NIC	
	12/9/99	TMRS; armed service	NIC	
	12/9/99	Parking of unattached semi-trailers	Superseded by Ord. 20090423-11	
2000-0302	3/9/00	Repeals Ord. 133, adopts Southern Standard Plumbing Code, 1997 edition, requires compliance with cross-connection and backflow prevention sections	Rpld. by Ordinance adopting Code	
20000413	4/13/00	Cancels general election	NIC	
980921	7/13/00	Water service	Superseded by Ord. 980921 adopted 9/13/01	
2000-0810	8/10/00	Grants franchise	NIC	
20001109	11/9/00	Repeals Ord. 271; livestock	Rpld. by Ord. 20090323	
	12/14/00	Establishes reinvestment zone	NIC	
980921	9/13/01	Water service	Superseded by Ord. 2008-1028	
	12/28/01	Taxation of leased motor vehicles	§ 11.02.002	
	7/18/02	Curfew for minors	Superseded by Ord. 09-21-05(4)	
0301	1/9/03	Amends Ord. 191; perpetual care cemetery	Superseded by Ord. 191 adopted 2/24/09	
030410	4/10/03	Cancels regular election	NIC	
	9/11/03	TMRS; updated service credits and increase in retirement annuities	NIC	
0403	3/15/04	Amends Ord. 191; perpetual care cemetery	Superseded by Ord. 191 adopted 2/24/09	
041503	3/15/04	Acceleration contest or exhibition	Superseded by Ord. 20090423-11	
9801	3/15/04	Amends Ord. 191; perpetual care cemetery	Amnd. by Ord. 191 adopted 2/24/09	
040408	4/8/04	Cancels regular election	NIC	
04-09-15	9/15/04	Capitalization policy	§ 1.02.001	
050113	3—/05	Municipal court technology fund	§ 7.02.001	
	7/18/05	Adopts National Incident Management System	§ 1.04.001	
05-09-21(1)	9/21/05	Approves budget, FY 05-06	NIC	
05-09-21(2)	9/21/05	Water and sewer rates	Superseded by Ord. 2008-1028	
05-09-21(3)	9/21/05	Tax levy, TY 06	NIC	
09-21-05(4)	10/20/05	Curfew for minors	Superseded by Ord. 08-1008	

Ord. No.	Date	Description	Disposition	Supp. No.
	12/15/—	Speed limits and traffic-control devices on specific streets	NIC	
06-09-21A	9/21/06	Adopts budget, FY 06-07	NIC	
06-09-21B	9/21/06	Tax levy, FY 06-07	NIC	
061019	10/19/06	Designates one-way street	NIC	
061019(2)	12/7/06	Trash service charge; sewer tap charge		
		I. Trash service charge	Superseded by Ord. 070118	
		II. Sewer tap charge	Superseded by Ord. 2008-1028	
061019	12/14/06	Designates one-way street	NIC	
070118	1/18/07	Solid waste rates	App. A, § A5.003	
20070902	9/18/07	Budget adoption, FY 07-08	NIC	
20070903	9/18/07	Taxation of goods in transit	Superseded by Ord. adopted 12/28/11	
20070904	9/18/07	Tax levy, FY 07-08	NIC	
2008041001	4/21/08	Sale of alcoholic beverages near churches, schools and hospitals	Rpld. by Ordinance adopting Code	
08-0922(a)	9/22/08	Budget adoption, FY 08-09	NIC	
08-0922(b)	9/22/08	Tax levy, FY 08-09	NIC	
08-1008	10/8/08	Curfew for minors	Superseded by Ord. 20090143-11	
2008-1028	2/19/09	Repeals 980921; water service; tap fees		
		a. Deposit	§ 13.03.001, app. A, § A5.001(a)	
		b. Water utilities billing	§ 13.03.002	
		c. Additional service deposit	§ 13.03.003(a)	
		d. Amount of additional service deposit	§ 13.03.003(b)	
		e. Termination of service	§ 13.03.003(c)	
		f. Resumption of service after termination	§ 13.03.003(d)	
		g. Reconnection fee	§ 13.03.003(e)	
		h. Bad checks	§ 13.03.004(a)	
		i. Returned check fee	§ 13.03.004(b); app. A, § A5.001(d)	
		j. Check acceptance	§ 13.03.004(c)	
		k. Theft of service	§ 13.03.005	
		l. Fire hydrants	§ 13.03.006	
		m. Refunds	§ 13.03.007	

Ord. No.	Date	Description	Disposition	Supp. No.
		n. Rates and charges	§ 13.03.008	
		o. Payment arrangements	§ 13.03.009	
		Appendix A Water and sewer tap fees	NIC	
		Appendix B Water rates	NIC	
2009-0224	2/24/09	Municipal court building security fund	§ 7.02.002	
191	2/24/09	Repeals Ord. 191; perpetual care cemetery	Rpld. by Ord. 191 adopted 9/28/10	
20090423-11	4/23/09	Amends ch. 11; offenses	Amnd. by Ord. 20090423-11 adopted 5/26/09	
20090423-3	4/23/09	Address numbers		
		Sec. 1 Display required	§ 3.07.002	
		Sec. 2 Authority of city planner to designate	§ 3.07.003	
		Sec. 3 Record to [be] kept	§ 3.07.004	
		Sec. 4 Applicable to new construction	§ 3.07.005	
		Sec. 5 Specifications	§ 3.07.006	
		Sec. 6 Alternative display required when	§ 3.07.007	
		Sec. 7 Compliance required	§ 3.07.008	
		Sec. 8 Violation - penalty	§ 3.07.001	
20090423-11	5/26/09	Amends chapter 11; offenses		
		Art. 1 Fighting, disturbing the peace, etc.		
		Sec. 11-1 Fighting, disturbing the peace, etc.	§ 8.01.001	
		Art. 2 Guns and firearms		
		Sec. 11-11 Unlawful to discharge	§ 8.03.001(a)	
		Sec. 11-12 "Guns or firearm" defined	§ 8.03.001(b)	
		Sec. 11-13 Penalty	§ 8.03.001(c)	
		Sec. 11-14 Exceptions	§ 8.03.001(d)	
		Art. 3 Curfew		
		Sec. 11-20 Definitions	§ 8.02.031	
		Sec. 11-21 Offenses	§ 8.02.032	
		Sec. 11-22 Defenses	§ 8.02.033	
		Sec. 11-22 [sic] Enforcement	§ 8.02.034	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 11-22 [sic] Penalties	§ 8.02.035	
		Sec. 11-23 Periodic review	§ 8.02.036	
		Art. 4 Noise nuisances		
		Sec. 11-24 Noise defined	§ 8.04.002	
		Sec. 11-25 Noise offense	§ 8.04.003	
		Sec. 11-26 Penalty for noise violation	§ 8.04.001	
		Art. 5 Speed regulations for locomotives and trains		
		Sec. 11-27 Train and speed limit for locomotive and trains established	Rpld. by Ordinance adopting Code	
		Art. 6 Regulation of the parking of unattached semi-trailers		
		Sec. 11-28 Definitions	§ 12.03.061	
		Sec. 11-29 Regulation for unattached semi-trailer	§ 12.03.063	
		Sec. 11-30 Penalty	§ 12.03.062	
		Art. 7 Regulation of parking vehicles on residential property		
		Sec. 11-31 Definitions	§ 12.03.091	
		Sec. 11-32 Regulations addressing parking of vehicles on residential property	§ 12.03.092	
		Art. 8 Public consumption of alcohol		
		Sec. 11-33 Definitions	§ 8.01.002(a)	
		Sec. 11-34 Prohibition of public consumption of alcohol	§ 8.01.002(b)	
		Sec. 11-35 Penalty	§ 8.01.002(c)	
		Art. 9 Exhibition of acceleration		
		Declaration of nuisance	§ 12.02.001(a)	
		Sec. 11-36 Definitions	§ 12.02.001(b)	
		Exhibition of acceleration prohibited	§ 12.02.001(c)	
		Sec. 11-37 Penalty	§ 12.02.001(d)	
		Sec. 11-38 Exemptions	§ 12.02.001(e)	
		Art. 10 Inoperative vehicles		
		Sec. 11-39 Definitions	§ 8.06.001	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 11-40 Inoperative vehicles declared to be public nuisance	§ 8.06.002	
		Sec. 11-41 Abatement or removal order, contents, service	§ 8.06.003	
		Sec. 11-41 [sic] Removal with permission of owner or occupant	§ 8.06.004	
		Sec. 11-42 Disposal of inoperative vehicles	§ 8.06.005	
		Sec. 11-43 Authority to enforce	§ 8.06.006	
		Sec. 11-44 Application to traffic obstructions	§ 8.06.007	
		Art. 11 Restricting operation of motorcycles and other motor vehicles	§ 12.01.002	
		Art. 12 Motor-assisted scooters		
		Sec. 11-44 Definitions	§ 12.05.001	
		Sec. 11-45 Restrictions and prohibitions for motor-assisted scooters; penalty for violation	§ 12.05.002	
		Sec. 11-46 Helmets required; penalty for failure to wear helmet	§ 12.05.003	
		Art. 13 Skateboarding, rollerskating and rollerblading prohibited in posted areas	§ 12.01.003	
09-0921(a)	9/21/09	Adopts budget, FY 09-10	NIC	
09-0921(b)	9/21/09	Tax levy, FY 09-10	NIC	
191	9/28/10	Repeals Ord. 191; Stratford Memorial Cemetery		
		I. Permits required	§ 1.05.031	
		II. Rules and regulations of Stratford Memorial Cemetery		
		1. Purpose of rules; applicability	§ 1.05.032	
		2. Obedience to rules	§ 1.05.033	
		3. Liability	§ 1.05.034	
		4. Reservation of rights	§ 1.05.035	
		Lots and lot owners	§ 1.05.036	
		Care of lots and improvements	§ 1.05.038	
		Foundations	§ 1.05.039	
		Contractors and workmen	§ 1.05.040	
		Monuments and memorials	§ 1.05.041	

Ord. No.	Date	Description	Disposition	Supp. No.
		Grave markers	§ 1.05.042	
		Miscellaneous:		
		Removal of items placed on lots	§ 1.05.043	
		Changes to rules	§ 1.05.045	
		Superintendent; caretaker	§ 1.05.046	
		Special provisions for items placed at gravesite	§ 1.05.044	
		Policy statement on opening and closing graves	§ 1.05.047	
		Fee waiver	§ 1.05.049	
		Fees	§ 1.05.048	
		Handling/interment/disposition of cremated remains	§ 1.05.037	
	12/28/11	Taxation of goods in transit	§ 11.02.004	
	1/20/12	Fee schedule		
		Sec. 1 Annexation	§ A1.001	
		Sec. 2 Animals	Art. A2.000	
		Sec. 3 Buildings and structures	§ A3.001	
		Sec. 4 Electrical	§ A3.003	
		Sec. 5 Fences	§ A3.004	
		Sec. 6 Licenses and businesses	§ A4.001	
		Sec. 7 Plumbing	§ A3.002	
		Sec. 8 Streets and sidewalks	§ A3.005	
		Sec. 9 Zoning	Art. A6.000	
		Sec. 10 Water and sewer rates	§ A5.001	
		Sec. 11 Cemetery permits and rates	Art. A7.000	
		Sec. 12 Recycle center	§ A5.002	
20090323	1/24/12	Repeals Ords. 271 and 20001109; livestock permit	§ 2.03.001	
12-0829	8/28/12	Substandard buildings		
		Sec. I Findings of fact	NIC	
		Sec. II Popular name	§ 3.03.001	
		Sec. III Purpose	§ 3.03.002	
		Sec. IV Definitions	§ 3.03.003	
		Sec. V Declaration of nuisance	§ 3.03.004	
		Sec. VI Inspection	§ 3.03.005	
		Sec. VII Notice of violation	§ 3.03.006	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. VIII Standards	§ 3.03.007	
		Sec. IX Hearing	§ 3.03.008	
		Sec. X Order for repair or demolition	§ 3.03.009	
		Sec. XI Notice of repair or demolition	§ 3.03.010	
		Sec. XII Appeal	§ 3.03.011	
		Sec. XIII Demolition and repair expenses	§ 3.03.012	
		Sec. XIV Assessment of lien	§ 3.03.013	
		Sec. XV Penalty for violation	§ 3.03.014	
		Sec. XVI Liability	§ 3.03.015	
05282013	5/28/13	Annexation	NIC	
2013-0723	7/23/13	Vehicle parking		
		Sec. I Definitions	§§ 3.01.004(a), 8.01.008(a), 8.01.009(a), 12.03.001	
		Sec. II Manner and place of parking (driveways)	§ 12.03.002	
		Sec. III 72-hour parking limit; commercial vehicles prohibited from	§ 12.03.003	
		parking on public streets		
		Sec. IV Commercial parking in side and front yards and vacant property	§ 12.03.004	
		Sec. V Vehicle repairs on residential property	§ 8.01.008(b)	
		Sec. VI Storage	§ 3.01.004(b)	
		Sec. VII Storage in front yards	§ 8.01.009(b)	
		Sec. VIII Improvements visible to public must be done with new materials	§ 3.01.003(a)	
		Sec. IX Paint colors	§ 3.01.002(a)	
		Sec. X Ordinances not in conflict ratified	NIC	
		Sec. XI Severability	NIC	
		Sec. XII Penalty	§§ 3.01.002(b), 3.01.003(b), 3.01.004(c), 8.01.008(c), 8.01.009(c), 12.03.005	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. XIII Abatement	§§ 3.01.002(c), 3.01.003(c), 3.01.004(d), 8.01.008(d), 8.01.009(d), 12.03.006	
13-0924(a)	9/24/13	Adopts budget, FY 13-14	NIC	
13-0924(b)	9/24/13	Tax levy, TY 2013	NIC	
13-1022	10/22/13	Ordinance adopting Code	Preamble to the Code	
2014-0225	2/25/14	Mobile food vendors		
		Sec. 1 Definitions	§ 4.04.001	
		Sec. 2 Permit	§§ 4.04.002, A4.002	
		Sec. 3 Temporary food vendors	§ 4.04.003	
		Sec. 4 Mobile food vendors	§ 4.04.004	
		Sec. 5 Mobile food carts	§ 4.04.005	
		Sec. 6 Compliance with federal, state and local laws	§ 4.04.006	
2014-0923(a)	9/23/14	Adopts budget, FY 14-15	NIC	
2014-0923(b)	9/23/14	Tax levy, FY 14-15	NIC	
05262015-A	5/26/15	Amends peddlers, solicitors, itinerate merchants, hours of operation	§ 4.02.011	
05262015	5/26/15	Truck routes		
		Sec. 1 Definitions	§ 12.06.001	
		Sec. 2 Compliance with article	§ 12.06.002	
		Sec. 3 Thru-truck restrictions and exemptions	§ 12.06.003	
		Sec. 4 Designated truck routes	§ 12.06.004	
		Sec. 5 Erection of signs	§ 12.06.005	
		Sec. 6 Violation and penalty	§ 12.06.006	
08-25-2015	8/25/15	Annexation	NIC	
2015-0922(a)	9/22/15	Adopts budget, FY 15-16	NIC	
2015-0922(b)	9/22/15	Tax levy, FY 15-16	NIC	
11-24-2015	11/24/15	Amends zoning	NIC	
2016-0927(a)	9/27/16	Adopts budget, FY 16-17	NIC	
2016- 0927(b)	9/27/16	Tax levy, FY 16-17	NIC	
2017-0523	6/27/17	Backflow/cross connection control		
		Sec. 3.02.102 Purpose	§ 13.05.001	
		Sec. 3.02.103 Definitions	§ 13.05.002	
		Sec. 3.02.104 Applicability	§ 13.05.003	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 3.02.105 Customer service inspection (CSI)	§ 13.05.004	
		Sec. 3.02.106 Circumstances requiring backflow prevention assemblies	§ 13.05.005	
		Sec. 3.02.107 Installation specifications	§ 13.05.006	
		Sec. 3.02.108 Special considerations	§ 13.05.007	
		Sec. 3.02.109 Customer water service agreement	§ 13.05.008	
		Sec. 3.02.110 Fees	§§ 13.05.009, A5.004	
2017-0725	7/25/17	Calls November 7, 2017 sales tax election	NIC	
2017-0926(C)	9/11/17	Outdoor burning		
		Sec. 1 Definitions	§ 5.05.001	
		Sec. 2 Compliance with article	§§ 5.05.002, A1.002	
R11-15-2017R	11/15/17	Canvasses November 7, 2017 sales tax election	§ 11.03.002	
2017-0926(a)	9/26/17	Adopts budget, FY 17-18	NIC	
2017-0926(b)	9/26/17	Tax levy, FY 17-18	NIC	
2018-0925(a)	9/25/18	Adopts budget, FY 18-19	NIC	
2018-0925(b)	9/25/18	Tax levy, FY 18-19	NIC	
2019-0730	7/30/19	Amends Southwestern Public Service Company electric franchise	NIC	
2019-0924(a)	9/24/19	Adopts budget, FY 19-20	NIC	
2019-0924(b)	9/24/19	Tax levy, FY 19-20	NIC	
2020-0728	7/28/20	TMRS	NIC	
2020-0922(a)	9/22/20	Adopts budget, FY 20-21	NIC	
2020-0922(b)	9/22/20	Tax levy, FY 20-21	NIC	
2021-0928(a)	9/28/21	Adopts budget, FY 21-22	NIC	
2021-0928(b)	9/28/21	Tax levy, FY 21-22	NIC	

