

CITY ORDINANCES

AN ORDINANCE REGULATING THE LOCATION AND USE OF BUILDING, STRUCTURES AND LAND; TO REQUIRE A BUILDING PERMIT; TO REGULATE MOBILE HOMES; TO ELIMINATE ABANDONED VEHICLES; TO REGULATE ADDITIONAL WRECKING YARDS OR TRAILER COURTS; TO REGULATE CARRION, FILTH, WEEDS, RUBBISH, BRUSH OR ANY OTHER UNSIGHTLY, OBJECTIONABLE OR UNSANITARY MATTER; TO REGULATE ANY BUSINESS OPERATED IN THE CITY; PROVIDING FOR A PENALTY NOT EXCEEDING \$200.00 FOR VIOLATION AND DECLARING AN EMERGENCY.

WHEREAS, The City Council of the City of Grays Prairie, Texas, deems it necessary in order to promote health and the general welfare; to conserve the value of property and encourage the appropriate use of land throughout the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grays Prairie, Texas:

Section 1. Title. This Ordinance shall be known and may be cited as the "City of Grays Prairie Zoning Ordinance."

Section 2. Catchlines of Sections The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Sections, nor as any part of the Sections, nor, unless expressly so provided, shall they be so deemed when any such Sections, including the catchlines are amended or reenacted.

Section 3. Definitions. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Said words and terms are as follows:

- (A) **Building.** Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind, including but not limited to buildings for residential, business, commercial or industrial use.
- (B) **Building Official.** The Mayor of the City of Grays Prairie is hereby designated as the "Building Official".
- (C) **Chapter.** Whenever the words, "this Ordinance",

"Section", "Subsection", "paragraph", or "Article" are used, they shall pertain to the Chapter or Section of this Code of Ordinances in which they are found unless specifically and clearly in reference to a separate Chapter or Section.

- (D) **City.** The words "the City" or "this City", shall mean the City of Grays Prairie in the County of Kaufman, and the State of Texas.
- (E) **City Council.** Whenever the words "City Council" or "the Council", "Board of Aldermen" or "governing body" are used, they shall mean the City Council of Grays Prairie in the County of Kaufman and the State of Texas.
- (F) **Dwelling.** Any building or portion thereof which is designed for or used for residential purposes.
- (G) **Males and Females.** Throughout this Code, words used expressing masculine gender shall be construed to include the feminine.
- (H) **Mobile Home.** Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, or skirting which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place whether by motor power or other means. The term "mobile home" shall include trailer, camp car, house car, travel trailer or related vehicles or equipment.
- (I) **Modular Home.** Any permanent, single family dwelling unit which has been prefabricated or factory constructed as a single unit or in sections or modules, and assembled at the factory or construction site and moved to a permanent location as a unit or in sections or modules, as a permanent single family dwelling unit placed on a permanent foundation at such site and connected with all utility services.
- (J) **Non-Conforming Use, Building or Yard.** A use, building, or yard, existing legally at the time of passage of this Ordinance, which does not, by reason of design or use, conform with regulations of the area or district in which it is situated.
- (K) **Structure.** Anything constructed or erected, which requires location on the ground, or attached to something having location on the ground, including but not limited to, buildings of all types, advertising signs, billboards and poster panels, but exclusive of customary fences or boundary or retaining walls.

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(L) **Junked Motor Vehicle.** Any motor vehicle, as defined in Section I of Article 6701d-11, Vernon's Texas Civil Statutes, as amended, which:

- (a) Is inoperative and which does not have lawfully affixed 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: wrecked, dismantled, partially dismantled or discarded: or
- (b) Remains inoperable for a continuous period of more than one hundred twenty (120) days.

Section 4. Severability of Parts of Code. It is hereby declared 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 this Code of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Building Permits.

- (A) **Permit Required.** It shall be unlawful to construct, move into the City, place on property within the City limits, or alter any building or structure in the city, excepting fences, when the cost of such construction or alteration is to enlarge the capacity or affect the bearing walls of any building or the roof thereof, without having first secured a permit therefor. Buildings for agricultural purposes are expressly exempted from this provision.
- (B) **Application.** Application for such permits shall be made to the City Secretary or Mayor, and shall be accompanied by plans and specifications in duplicate showing the work to be done; such plans shall be verified by the signature of either the owner of the premises or by the architect or contractor in charge of the operations.
- (C) **Approval of Plans.** Such applications with plans shall be referred to the building official, who shall examine the same to determine whether the proposed construction or alteration will comply with the ordinance provisions relative thereto. Upon approval one set of plans shall be returned to the applicant with a permit, and the other shall be retained by the building official. No permit shall be issued until after approval of the plans.

- (D) **Variations.** It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended plan to the building official and approved by him.
- (E) **Enforcement of Provisions.** The building official shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this chapter, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this chapter.
- (F) **Fees.** The fees for building permits shall be \$10.00 per building or structure.
- (G) **Size of structures and Lots.** Any dwelling, must have no less than 1200 sq. ft. of living space excluding carports, garages or outbuildings. Any building or structure considered to be business, commercial or industrial shall have no less occupied floor space than 400 sq. ft., excluding outbuildings. This applies to new construction or any structure or building which is moved into the City. Further, the minimum lot size shall be 1 acre for the construction of a dwelling, building or structure.

Section 6. Mobile Homes. Mobile homes or modular homes, as defined herein, being moved into the City of Grays Prairie must be manufactured for the purpose of occupying habitants (living quarters) and must occupy at least one (1) acre of land. Underpinning must be completed (60) sixty days after issuance of permit as required in Section 5.

Section 7. Eliminate Abandoned Vehicles.

- (A) **Abandoned Vehicles.** Any vehicle or other property or obstruction placed, left standing, parked, erected or allowing in violation of any ordinance of the City, or left unattended for more than seven (7) days in or on any public street, alley, sidewalk, park or other public place of the City is declared to be a nuisance, and any such property where so found shall be removed summarily by any person authorized by the City in the minutes of its regular meeting and taken to a location to be designated by the City Council and shall be kept there until redeemed or sold as provided in this article.
- (B) **Lien.** The City shall have a lien on such impounded personal property for all costs incurred in impounding, storing and advertising such property, and such liens shall be prior and superior to all other liens of every kind, and the City may retain possession thereof until

all costs are paid, and may sale the same as provided in this article.

- (C) **Redemption.** The owner of person legally entitled to possession of such impounded personal property may redeem the same as follows:
- (1) **Before Sale:** By paying to the Mayor the impounding fee and any other actual expenses incurred by the City in impounding and keeping the impounded property as determined by the Mayor.
 - (2) **After Sale:** By paying to the buyer at the auction sale, double the amount paid by him for such personal property and any reasonable expenses incurred by him for keeping the same; provided, the property shall be redeemed from the auction buyer within thirty (30) days after the date of the auction sale, excluding the date of sale; otherwise, title to such property shall become absolute in the auction buyer.
- (D) **Procedure for Motor Vehicles.** When any motor vehicle has not been redeemed within thirty (30) days from the date of its impounding, it shall be the duty of the Mayor to submit to the Texas Highway Department, and similar agency of the proper state when the vehicle is from another state, all information in his possession concerning such vehicle and to request that said department supply him all information contained in the records of the department concerning the vehicle. Immediately upon receipt of such information from said department, the Mayor shall notify the owner and lienholder, as shown by the records of such department, by registered mail, with return receipt requested, that such vehicle has been impounded, and that the provisions of this article in regard to redemption and sale of impounded property.
- (E) **Sale of Property.** When any impounded property, including motor vehicles, is not redeemed by the date and time designated in the notice of sale, the Mayor shall sale such property at public auction and as city auctioneer, shall execute a bill of sale of such property to the purchaser thereof; provided he shall not execute or deliver a bill of sale, except a conditional bill of sale, unless and until the title of the buyer has become absolute by an expiration of thirty (30) days, exclusive of the day of sale, without being redeemed by the owner of the impounded property.

When the Mayor is unable to ascertain the names of the

owners and lienholder and the motor vehicle has not been redeemed within forty-five (45) days from its impounding, no notice of sale, other than posting and advertising as herein provided. *is required*

In the event a motor vehicle has not been redeemed within fifteen (15) days from receipt of the return receipt or notice of non-delivery by registered mail, the Mayor shall prepare a notice of sale of such vehicle, sending a copy of such notice to the owner and lienholder, as shown by the records of the highway department, by registered mail, and shall post and advertise the notice as provided herein. Notice by registered mail to the address shown on the records of the highway department shall constitute notice of the pending sale to such owner and lienholder.

Deduction of Expenses.

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

Junk Sale.

- (G) Impounded property which is offered for sale at public auction in accordance with the procedure prescribed in this article, and upon which no person bids, shall thereafter be sold or otherwise disposed of as junk. The money received for junk property shall be disposed of in the same manner as proceeds from an auction sale under this article.

- (H) Records. The City Secretary shall keep a record book which shall contain a description of all property impounded; the date and time of such impounding; the date notices of sales were posted, advertised and mailed to the owners and lienholder; the return of receipts of registered notices; the date of the sales at auction; the amount realized for each article at such sales; the names and addresses of the owners and lienholder, if known; the names and addresses of the auction buyer; and such other information as he may deem necessary.

Junked Vehicles.

- (I) The presence of any junked motor vehicle on any private lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, or on

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any public right-of-way or other public property, within the City, shall be deemed a public nuisance.

Exemption.
(J) 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 a motor vehicle on a public right-of-way or other public property or on the real property of another or to permit a junked motor vehicle to be parked, left or maintained on his own real property; provided that this section shall not apply to:

- (1) A junked motor vehicle in an enclosed building.
- (2) A junked motor vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of the business enterprise.
- (3) A junked motor vehicle in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the City i.e. an existing wrecking yard or junk yard, as those terms are commonly known.

Section 8. Loitering.

(A) **Loitering Unlawful.** It shall be unlawful for any person to loiter, as hereinafter defined, in, on, or about any place, public or private, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons or for the security of property, in the surrounding area.

(B) **Definitions.**

(1) **Loiter.** The term "loiter" shall include the following activities: the walking about aimlessly without apparent purpose; lingering; hanging around; lagging behind; the idle spending of time; delaying; sauntering and moving slowly about, where such conduct is not due to physical defects or conditions.

(2) **Place.** The term "place", public or private, shall include, but not be limited to, the following: all places commonly known as being distinctively public, such as public streets, public restrooms, sidewalks, parks, municipal airports, parking lots, alleys and buildings; all places privately owned but open to the public generally such as shopping centers,

transportation terminals, retail stores, movie theaters, office parking lots, buildings, and restaurants; and all places distinctively private, such as homes or private residences and apartment houses.

- (3) Surrounding Area. The term "surrounding area" shall be defined as follows: that area easily and immediately accessible to the person under observation.

(C) **Examples of Loitering Activities.** The term "loiter" is herein defined to include any of the following activities, although this list is not meant to be all inclusive:

- (1) Linger in the streets, sidewalks, parking lots, or vicinity of a business, in which the person has no ownership or employment interest, either within or outside of a vehicle, when the premises are not open for business to the public.
- (2) Failure to leave private property when requested to do so by the owner, manager, proprietor, or lessee of such property.
- (3) Walking, standing, driving a vehicle, or parking a vehicle in the business district or nonresidential areas of the city under circumstances that show no apparent business or employment related need for such activity.
- (4) Linger in the street, sidewalks, or vicinity of a residence, either within or outside of a vehicle, without the permission of the owner or tenant of the residence.
- (5) Linger in the streets, alleys, sidewalks, parks, or other public places, either within or outside of a vehicle, under circumstances that show no apparent reason or business to do so.
- (6) The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles.
- (7) Repeated activity by a person, continuous or broken, which outwardly manifests no purpose, such as going from one place to another and back with no showing of use for such movement.
- (8) Continuous presence by a person in close proximity to any building, house, vehicle, or any other

property or to any other person, at any time, when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing.

D. **EXEMPTIONS.** The following activities shall not be considered "loitering" and shall be exempt from the provisions of this section.

- (1) A person shall not be considered loitering while in direct route, and not lingering, to or from work or to or from place of residence.
- (2) A person shall not be considered loitering while engaged in the repair of a disabled vehicle.
- (3) A person under the age of eighteen (18) shall not be considered loitering while engaged in, or in direct route to school, church, or entertainment activities with permission of his or her parent or guardian.
- (4) A person shall not be considered loitering while sleeping in a vehicle, provided the vehicle is parked on private property with the permission of the owner or manager of the premises, or if the vehicle is parked on public property, with permission of a police officer.

E. **NO LOITERING SIGNS.** Businesses desiring to have police department enforce the provisions of this ordinance on the business premises shall erect a "No Loitering" sign which is clearly visible to persons entering the property.

Section 9. Claims for Damages Against City and City Officials.

- (A) The City of Grays Prairie nor any of its elected or appointed officials, while functioning in their official capacity, 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, given 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 of any part thereof and the names of the doctors, if any, to whose care the injured person is committed.
 - (8) In 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.
- (B) No suit of any nature whatsoever shall be instituted or maintained against the City of Grays Prairie or its officials unless the plaintiff therein shall aver and prove the 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.
- (C) All notices required by this section shall be effectuated by serving them upon the city secretary at the Grays Prairie City Hall and all such notices shall be effective only when actually received in the office of the city secretary.
- (D) Neither the mayor, city councilmember, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this section.

- (E) The written notice required under this section 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.

Section 10. Official Newspaper. The Kaufman Herald, a bi-weekly public newspaper published in Kaufman County, Texas, is a news publication which meets the legal requirements necessary in order to be designated as an official newspaper. The Kaufman Herald is hereby designated as the official newspaper for the City of Grays Prairie, Kaufman County, Texas.

Section 11. Accumulation of Carrion, Filth, Weeds, Rubbish, Brush. It shall be unlawful for any person who shall own or occupy any house, building, establishment, lot or yard in the City, to permit or allow any filth or other impure or unwholesome matter to accumulate or remain thereat or thereon. It shall be unlawful for any person who shall own or occupy any lot, tract or parcel in the City, to permit or allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on such lot, tract or parcel of land.

(A) Notice/Payment Should the owner of any premises or building within the City upon which carrion, filth or other impure or unwholesome matter may be situated or upon which lot weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter grown, or accumulates or may be, fail or refuse to remove such filth, carrion or fails or refuses to cut down or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter, within ten (10) days after notice to such owner to do so in writing or by letter addressed to such owner at his post-office address, or within ten (10) days after notice by publication as many as two (2) times within ten (10) consecutive days in any newspaper of general circulation in the City, if personal notice may not be had as aforesaid, or if the owner's address be not known, then the City may do such removal of filth, carrion, or other impure or unwholesome matter, or then the City may do such cutting down or removing such weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter, or cause the same to be done and may pay therefor and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or real estate. If such work is done or improvements made at the expense of the City, then such expense shall be assessed on the real estate or lot upon which such expense was incurred.

(B) Lien The Mayor shall file a statement of expenses incurred under this ordinance, as the case may be, giving the amount of such expenses, the date on which such work was done and a description of the premises upon which such work was done or improvements made with the County Clerk of the County. The City shall have a privilege lien on such lot or real estate upon which such work was done or improvements made to secure the expenditure so made, which lien shall be second only to tax liens and liens for street improvements, and such amount shall bear 10% interest from the date the statement was filed. For any such expenditures and interests, as aforesaid, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the City, and the statements of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(C) Violation Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor. In case the owner of occupant of any lot or premises under the provisions of this article shall be a corporation, and shall violate any provision of this article, the president, vice-president, secretary or treasurer of such corporation or any manager, agent or employee of such corporation shall be also severally liable for any penalty.

(D) Wrecking Yards, Trailer and/or Mobile Home Courts. Subject to the provisions contained herein, the City Council will not permit any wrecking yards, mobile home subdivisions and/or trailer courts to be located within the corporate limits of the City of Grays Prairie from the date of passage on this ordinance other than those presently in existence which shall be considered non-conforming uses under this Ordinance.

Section 12. Non-Conforming Usage. The lawful use of land existing upon the effective date of this Ordinance, although such use does not conform to the provisions hereof, may be continued, subject to the provisions hereof.

The lawful use of a building existing upon the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the building as are arranged or designed for such use, provided no structural alterations except those required by law or ordinance, or made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of this Ordinance.

In the event a non-conforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of this ordinance.

A non-conforming use if changed to a conforming use or a more restricted non-conforming use, may not thereafter be changed back to a less restrictive use than that to which it was changed.

If by amendment to the Ordinance any property is hereafter transferred to a more restricted classification by change in zoning, or the regulations and restrictions in any district or made more restrictive or of a high classification, the provisions of this Ordinance relating to the non-conforming use of buildings or premises existing upon the effective date of this Ordinance shall apply to buildings or premises occupied or used upon the effective date of such amendment. Repairs and alterations may be made to a non-conforming building, provided that no structural alterations or extensions may be made except those required by law or ordinance, less the building is changed to a conforming use.

A non-conforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the Mayor shall issue a permit for reconstruction. If destruction is greater than the fifty percent (50%) of its value, the City Council may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the area surrounding the designated non-conforming use and the purpose of this Ordinance.

Section 13. Special Use Regulations. The City Council by an affirmative two-thirds (2/3) vote made by Ordinance grant a special permit for the location of additional wrecking yards, mobile homes and/or trailer courts, except as herein qualified, for which they are otherwise prohibited by this Ordinance and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect and conserve property and property values in the City.

Section 14. Special Exceptions and Variances. The City Council shall have the power to hear and decide special exceptions to the terms of this Ordinance and to authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

Section 15. Enforcement and penalties. It shall be the duty

of the Mayor or the City Council's designated agents to enforce the provisions of this Ordinance. Any person who shall violate any provisions of this Ordinance, or who shall fail to comply therewith or with any of the requirements thereof, shall for each and every violation or non-compliance be deemed of a misdemeanor and shall be fined not more than Two Hundred Dollars (\$200.00), and each day such violations shall be permitted to exist and shall constitute a separate offense. The owner of that building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

Section 16. Validity. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of provisions thereof, other than the parts so decided to be invalid or unconstitutional.

Section 17. Interpretation, Purpose and Conflict. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

Section 18. Effective Date. This Ordinance shall become effective from and after the date of its approval and adoption as provided by law, an emergency being declared for the immediate preservation of order, good government and public safety.

NO. _____

SPEED ZONE ORDINANCE

an ordinance altering the prima facie speed limits established for vehicles under the provisions of section 169(b) of article 6701 d. VERNON'S TEXAS CIVIL STATUTES, UPON F.M. HIGHWAY NO. 148 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF GRAYS PRAIRIE, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED

\$200.00 FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, Section 169(b) of Article 6701 d. Vernon's Texas Civil Statutes, provides that whenever the governing body of the City shall determine speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAYS PRAIRIE, TEXAS:

SECTION 1.

Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Section 169(b) of Article 6701 d, Vernon's Texas Civil Statutes, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

A. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAYS PRAIRIE, TEXAS:

1. That from and after the date of the passage of this speed zone ordinance, no motor vehicle shall be operated along and upon F.M. Highway No. 148 within the corporate limits of the City of Grays Prairie in excess of the speeds now set forth in the following limits:

(a.) Beginning at said point (Station 159+57) being at Grays Prairie North City Limits thence continuing along F.M. 148 in a Southerly direction for a distance of 0.548 mile, approximately,... a maximum speed of 55 MILES PER HOUR;

(b.) Thence continuing along F.M. 148 in a Southerly direction for a distance of 0.200 mile, approximately,... a maximum speed of 50 MILES PER HOUR;

(c.) Thence continuing along F.M. 148 in a Southerly direction for a distance of

1.941 mile, approximately, said point (Station 301+57) being Grays Prairie South City Limits, a maximum speed of 55 MILES PER HOUR.

SECTION 2.

The Mayor of Grays Prairie is hereby authorized to cause to be erected, appropriate signs indicating such speed zones.

SECTION 3.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00).

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF GRAYS PRAIRIE; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$200.00.

WHEREAS, the City Council of the City of Grays Prairie finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation, for the protection of lives and property in the City of Grays Prairie from natural or man-caused disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of

disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS the City Council finds, therefore, that the preparation, and implementation of such plans are not imperative;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAYS PRAIRIE:

SECTION 1. ORGANIZATION

There exists the office of Emergency Management Director of the City of Grays Prairie, which shall be held by the Mayor in accordance with state law.

- (a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;
- (b) 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 ordinance. He/she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

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- (i) 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 said city is located and with other municipalities within the county, for the county-wide coordination of Emergency Management efforts.
- (j) 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.
- (k) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
- (l) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.

- (m) Other requirements as specified in Texas Disaster Act 1975 (V.T.C.S. Article 6889-7).

SECTION 3. 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 ordinance. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. 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 ordinance and have the effect of law during the time of a disaster.

SECTION 4. INTERJURISDICTIONAL PROGRAM

The Mayor is hereby authorized to join with the County Judge of the County of Kaufman and the mayors of the other cities in said county in the formation of an Emergency Management Council for the County of Kaufman 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 of Grays Prairie.

SECTION 5. OVERRIDE

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and

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SECTION 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalid such, invalidity shall not affect the remaining provisions thereof.

SECTION 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal Statute or with any military or naval order,

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rule, or regulation.,

SECTION 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

PASSED AND APPROVED this _____ day of _____, 1991.

CITY OF GRAYS PRAIRIE, TEXAS

By: _____
Mayor

ATTEST:

City Secretary