



Chad Mees, Mayor
Phillip Weaver, Mayor Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

NOTICE AND AGENDA OF A CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS

Notice is hereby given that the City Council of the City of Bartlett, Texas will hold a

Regular Called Meeting

7:00 PM
Monday, November 13, 2023
Bartlett City Hall
140 W Clark Street, Bartlett, TX 76511

For citizen comments, please contact Brenda Kelley, City Clerk at (municipalcourt@bartlett-tx.us).

CALL TO ORDER, DECLARE A QUORUM, PLEDGE OF ALLEGIANCE, AND INVOCATION

CITIZENS COMMUNICATION

(The City Council welcomes public comments on items not listed on the agenda. However, the Council cannot respond until the item is posted on a future meeting agenda. Public comments are limited to 3 minutes.)

BOARDS, COMMISSIONS, & COMMITTEES PRESENTATIONS, PROCLAMATIONS

1. Cemetery Committee Monthly Update
2. Teinert Memorial Library Board Monthly Update
3. Municipal Development District (MDD) Monthly Update
4. Parks & Facilities Committee Monthly Update
5. Distinguished Citizen Award

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items the Council may act on with one single vote. Any Council member may pull any item from the Consent Agenda to discuss and act upon individually on the Regular Agenda.)

6. Receive monthly department reports:
 - a. City Administrator
 - b. City Secretary
 - c. Municipal Court
 - d. Development Services
 - e. Utility Billing
 - f. Public Works
 - g. Police
7. Approve minutes from the following meeting:
 - a. 10.09.2023 – Regular
 - b. 10.23.2023 – Regular



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EXECUTIVE SESSION:

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

- 8. §551.071: Consultation with attorney: (i) pending or contemplated litigation

Reconvene into Open Session:

- a. Take action, if any, on matters discussed in Executive Session.

WORKSHOP AGENDA: REVIEW/DISCUSS AND PROVIDE DIRECTION

- 9. Presentation, review, and discussion of subdivision code.
- 10. Discussion on City's boards and commissions.

PUBLIC HEARINGS / ORDINANCES

- 11. Hold public hearing to consider the adoption of a new code of ordinances.
- 12. Hold public hearing to consider the adoption of a subdivision code amending the code of ordinances and establishing an effective date.

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

- 13. Consideration and possible action to approve Ordinance 20231113-01 adopting and enacting a new code of ordinances.
- 14. Consideration and possible action to approve Ordinance 20231113-02 for a zoning map amendment to rezone approximately 0.3214 acres of land from B-3 General Business District to C-1 Commercial District for the property generally located at 240 E Davilla Street, Bartlett, in Bell County, Texas.
- 15. Consideration and possible action to approve a license agreement with Bartlett Youth League for use of Becky Caldwell Baseball Field and Complex.
- 16. Consideration and possible action to move forward with Texas Water Development Board DWSRF application for planning, design, and engineering of water and wastewater system projects.
- 17. Consideration and possible action to appropriate \$15,000 for renovations at Becky Caldwell Park
- 18. Consideration and possible action to adopt a statement of financial goals and policies.
- 19. Consideration and possible action to adopt a federal grant procurement policy.

EXECUTIVE SESSION:

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

- 20. §551.074: Deliberate the appointment, employment, evaluation, compensation, reassignment, duties, discipline, and/or dismissal of a public employee or officer regarding: (i) Chief of Police

Reconvene into Open Session:

- b. Take action, if any, on matters discussed in Executive Session.



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FUTURE AGENDA ITEMS

ADJOURN

I certify that this agenda was posted pursuant to Texas Government Code 551.043, at least 72 hours prior to the commencement of the meeting in accordance with the Texas Open Meetings Act.

Posted Wednesday, November 8th, at or before 7:00 P.M.


Posted by /s/ Brenda Kelley - City Clerk

Payment Date: No date entered
 Post Date: 10/1/2023 - 10/31/2023

Revenue

Payment Type	Payment Items	Amount Paid
Utility Deposit	4	\$600.00
Utility Payment	719	\$235,011.63
General Deposit	65	\$52,791.24
Court Payment	37	\$7,416.20

Payment Method	Payments	Amount Paid
Cash	191	\$65,425.21
Change	119	(\$1,159.45)
Check	391	\$169,581.03
Credit Card	211	\$62,010.75
Other	2	\$240.00
Cash Total		\$64,265.76

Utility Deposit		
02-2005 Utility Customer Deposits	Commercial	\$100.00
02-2005 Utility Customer Deposits	Residential	\$500.00
	Total	\$600.00

Utility Payment		
02-1301 AR Enterprise /Utility Billing	6 Yard X 2	\$342.00
02-1301 AR Enterprise /Utility Billing	Disconnect Fee	\$58.67
02-1301 AR Enterprise /Utility Billing	Dumpster 2 Yards	\$65.00
02-1301 AR Enterprise /Utility Billing	Dumpster 3 Yards	\$399.89
02-1301 AR Enterprise /Utility Billing	Dumpster 4 Yard	\$249.57
02-1301 AR Enterprise /Utility Billing	Dumpster 6 Yard	\$130.00
02-1301 AR Enterprise /Utility Billing	Dumpster 8 Yd X2	\$310.00
02-1301 AR Enterprise /Utility Billing	Dumpster Miscellaneous	\$2,118.75
02-1301 AR Enterprise /Utility Billing	Electric Commercial	\$14,791.56
02-1301 AR Enterprise /Utility Billing	Electric Commercial Demand	\$4,015.52
02-1301 AR Enterprise /Utility Billing	Electric Residential	\$122,821.77
02-1301 AR Enterprise /Utility Billing	Electric Vapor Light	\$183.25
02-1301 AR Enterprise /Utility Billing	Garbage Residential	\$14,866.33
02-1301 AR Enterprise /Utility Billing	Penalty	\$5,695.50
02-1301 AR Enterprise /Utility Billing	SALES TAX	\$1,474.36
02-1301 AR Enterprise /Utility Billing	Sewer Commercial	\$3,605.68
02-1301 AR Enterprise /Utility Billing	Sewer Commercial Prison	\$94.55
02-1301 AR Enterprise /Utility Billing	Sewer Residential	\$17,004.96
02-1301 AR Enterprise /Utility Billing	Time Warrant Repay	\$9.01
02-2003 Unearned Revenue	Unapplied Credit	\$1,524.14
02-1301 AR Enterprise /Utility Billing	Water Commercial	\$5,465.81
02-1301 AR Enterprise /Utility Billing	Water Residential	\$34,531.28
02-1301 AR Enterprise /Utility Billing	Water/Wwtp Improvement Loan R	\$5,254.03
	Total	\$235,011.63

General Deposit

01-20-6741 Cemetery Revenue	Cemetery - Cemetery	\$400.00
01-15-6872 Land Lease	City Land Lease - City Land Lease	\$500.00
01-20-9351 Purchased Water	Contractor Water Purchase - Water	\$1,927.50
01-11-6851 Donations	Donations - Donations	\$30.00
02-80-7654 Engineering Services	Legal and Engineering Services - Le	\$2,300.00
01-11-6801 Miscellaneous- Copies & Faxes	Miscellaneous-Copies, Faxes, - Fax	\$27,909.55
01-11-6801 Miscellaneous- Copies & Faxes	Miscellaneous-Copies, Faxes, - Not	\$5.00
01-00-6801 Miscellaneous Revenue	Open Records Request Charge - Op	\$9.00
01-11-6101 Building Permits	Permits - ADMINISTRATIVE FEE	\$390.00
01-11-6101 Building Permits	Permits - Building Permits	\$5,800.00
01-11-6101 Building Permits	Permits - Certificate of Occupancy	\$510.00
01-11-6101 Building Permits	Permits - Inspections	\$2,800.00
01-11-6112 Manf. Home Permits	Permits - Manufactured Home	\$2,150.00
01-00-6115 Pet Registration	Pet Registration - Pet Registration I	\$10.00
01-00-6115 Pet Registration	Pet Registration - Pet Registration-I	\$9.00
01-11-6113 Franchise Fees	Right of Way Fees - Right of Way Fe	\$16.26
02-81-6412 Sewer Tap Fees	Sewer Tap Fees - Sewer Tap Fees	\$4,000.00
02-70-8751 Purchased Power	TX PUC - TX PUC	\$24.93
02-80-6412 Water Tap Fees	Water Tap Fees - Water Tap Fees	\$4,000.00
	Total	\$52,791.24

Court Payment

01-12-6303 Municipal Court Service Fee Retained	Administrative Fee	\$40.00
01-12-6303 Municipal Court Service Fee Retained	Arrest Fee	\$124.39
01-12-6303 Municipal Court Service Fee Retained	Child Safety - School Crossing Zone	\$140.73
01-2230 Child Safety Seat Belt Fine	Child Safety Seat Belt Fine	\$83.00
01-12-6301 Court Fines Revenue	Child Safety Seat Belt Fine	\$83.00
01-2200 Collections	Collections Fee	\$181.23
01-12-6303 Municipal Court Service Fee Retained	DSC - Administrative Fee	\$70.00
01-12-6303 Municipal Court Service Fee Retained	Indigent Defense Fund	\$0.02
01-2020 State Fees	Indigent Defense Fund	\$0.16
01-12-6303 Municipal Court Service Fee Retained	Judicial Support Fee	\$0.05
01-2020 State Fees	Judicial Support Fee	\$0.46
01-12-6303 Municipal Court Service Fee Retained	Juror Reimbursement Fee	\$0.03
01-2020 State Fees	Juror Reimbursement Fee	\$0.32
01-12-6303 Municipal Court Service Fee Retained	Local Traffic Fee	\$59.13
01-12-6306 Local Truancy Prevention and Diversion Fund	Local Truancy and Prevention Diver	\$134.37
01-12-6303 Municipal Court Service Fee Retained	Moving Violation Fee	\$0.00
01-2020 State Fees	Moving Violation Fee	\$0.01
01-12-6302 Municipal Court Building Security Fund	Municipal Court Building Security F	\$132.07
01-12-6304 Municipal Technology Fund	Municipal Court Technology Fund	\$107.51
01-12-6305 Municipal Jury Funds	Municipal Jury Fund	\$2.68
01-12-6301 Court Fines Revenue	Non-Traffic Fine	\$342.00
01-12-6308 Omnibase Reimbursement Fee	Omnibase Reimbursement Fee	\$20.00
01-2020 State Fees	OmniBase/FTA Fee	\$15.79
01-12-6303 Municipal Court Service Fee Retained	State Consolidated Fee	\$167.23

01-2020 State Fees	State Consolidated Fee	\$1,505.06
01-12-6303 Municipal Court Service Fee Retained	State Traffic	\$39.47
01-2020 State Fees	State Traffic	\$946.17
01-12-6304 Municipal Technology Fund	Technology Fund Fee	\$0.32
01-12-6301 Court Fines Revenue	Traffic Fine	\$3,221.00
	Total	\$7,416.20

General Ledger Totals	Debit	Credit
01-00-6115 Pet Registration		\$19.00
01-00-6801 Miscellaneous Revenue		\$9.00
01-1000 Consolidated Cash Equity	\$51,652.94	
01-1020 Cemetery Bank Account	\$400.00	
01-11-6101 Building Permits		\$9,500.00
01-11-6112 Manf. Home Permits		\$2,150.00
01-11-6113 Franchise Fees		\$16.26
01-11-6801 Miscellaneous- Copies & Faxes		\$27,914.55
01-11-6851 Donations		\$30.00
01-12-6301 Court Fines Revenue		\$3,646.00
01-12-6302 Minicipal Court Building Security Fund		\$132.07
01-12-6303 Municipal Court Service Fee Retained		\$641.04
01-12-6304 Municipal Technology Fund		\$107.83
01-12-6305 Municipal Jury Funds		\$2.68
01-12-6306 Local Truancy Prevention and Diversion Fund		\$134.37
01-12-6308 Omnibase Reimbursement Fee		\$20.00
01-15-6872 Land Lease		\$500.00
01-2020 State Fees		\$2,467.98
01-20-6741 Cemetery Revenue		\$400.00
01-20-9351 Purchased Water		\$1,927.50
01-2200 Collections		\$181.23
01-2230 Child Safety Seat Belt Fine		\$83.00
01-2240 Credit Card Fee		\$2,170.43
02-1000 Consolidated Cash Equity	\$245,936.56	
02-1301 AR Enterprise /Utility Billing		\$233,487.49
02-2003 Unearned Revenue		\$1,524.14
02-2005 Utility Customer Deposits		\$600.00
02-70-8751 Purchased Power		\$24.93
02-80-6412 Water Tap Fees		\$4,000.00
02-80-7654 Engineering Services		\$2,300.00
02-81-6412 Sewer Tap Fees		\$4,000.00
99-1000 Consolidated Cash	\$297,589.50	
99-2999 Due To Other Funds		\$297,589.50
Totals	\$595,579.00	\$595,579.00

City of Bartlett
Council Report
Check Date: 10/1/2023 to 10/31/2023

Department	Check Date	Vendor Name	GL Account	Account Description	Description	Amount
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**ACCOUNTS PAYABLES
COUNCIL REPORT
OCTOBER 2023**

01 - General Fund

Police

10/2/2023	CENTEX JUMP & PARTY RENTAL	01-13-7160	Community Development & Support	NATIONAL NIGHT OUT 2023- POLICE DEPT	\$710.00
10/2/2023	Game Truck Austin	01-13-7160	Community Development & Support	NATIONAL NIGHT OUT 2023 INV#382182	\$690.00
10/6/2023	CADENCE EQUIPMENT FINANCE	01-13-7401	Capital Expenditures	#743639 POLICE DEPT LOAN- 2020 CHEV TAHOE	\$1,213.44
10/6/2023	AT&T	01-13-9151	Telephone & Internet Services	#512A44-7045-884-0 / PHONE SERVICES 254-527-3733 POLICE DEPT	\$301.42
10/6/2023	CADENCE BANK	01-13-7401	Capital Expenditures	00944000985459 LOAN POLICE DEPT BUILDING	\$577.65
10/13/2023	At&T U-Verse	01-13-9151	Telephone & Internet Services	132208488 ATT UVERSE: POLICE DEPT	\$74.55
10/13/2023	Bartlett Red & White	01-13-8501	Miscellaneous Expense	2023 NATIONAL NIGHT OUT- FOOD	\$569.05
10/13/2023	Bell County Animal Shelter	01-13-7120	Animal Control Officer and Related Expenses	BART2323 3 DOGS AND 4 CATS TAKEN TO SHELTER 5/1/23 TO 9/30/23	\$420.00
10/13/2023	Atmos Energy	01-13-9352	Purchased Gas Power	4003502067 - POLICE DEPT - GAS UTILITY	\$82.31
10/26/2023	Battery Universe	01-13-8030	Equipment Purchases	POLICE DEPT: #23371 BATTERIES	\$359.82

Total \$4,998.24

Administration

10/6/2023	Bell County Tax Appraisal District	01-11-7200	Appraisal District Fees	1ST QTR 2024 TAXING UNIT FEE	\$816.75
10/6/2023	Messer, Fort, Mcdonald	01-11-8401	Legal Expenses	#20474 Bartlett Farms	\$2,604.00
10/6/2023	Messer, Fort, Mcdonald	01-11-8401	Legal Expenses	#20459 City Attorney	\$3,585.70
10/6/2023	AT&T	01-11-9151	Telephone & Internet Services	#512A44-7045-884-0 / PHONE SERVICES 254-527-3219 CITY HALL	\$1,000.67
10/6/2023	Williamson County Elections	01-11-8001	Cost of Elections	50% DEPOSIT NOV 23 ELECTIONS	\$790.75
10/6/2023	Quill	01-11-8551	Office Supplies	34647234/8793857/172578067	\$490.52
10/6/2023	Quill	01-11-8551	Office Supplies	34661507/8793857/172588960	\$15.79
10/6/2023	Quill	01-11-8551	Office Supplies	34689040/8793857/172578069	\$51.98

10/6/2023	Quill	01-11-8551	Office Supplies	34641078/8793857/172578068	\$123.98
10/6/2023	USIO OUTPUT SOLUTIONS	01-11-8701	Postage Fees & Subscriptions	0015941-BILLS JOB 266863	\$379.23
10/6/2023	USIO OUTPUT SOLUTIONS, INC	01-11-8701	Postage Fees & Subscriptions	POSTAGE #30875 BILLS JOB 266863 268419	\$230.73
10/13/2023	TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL	01-11-7031	Workers Comp	PRINTING #1914 OCTOBER 2023 - WORKERS COMP	\$5,510.96
10/13/2023	Quill	01-11-8551	Office Supplies	#8793857 / 34770800 / 172717807	\$29.99
10/20/2023	Xerox Corporation	01-11-8953	Copier Service	019816192/705067072 CITY HALL	\$417.38
10/20/2023	Thomson Reuters-West	01-11-7111	Advertising and Legal Notices	COLOR COPIER 849106566 / 100520025	\$18.66
10/20/2023	Notary Public Underwriters Agency Of Texas, Inc.	01-11-7951	Dues and Membership Fees	SUBSCRIPTION BRENDA KELLEY NOTARY APPLICATION-5/25/2024	\$171.95
10/20/2023	CAPCOG	01-11-7951	Dues and Membership Fees	2024M 101 2024 CAPCOG ANNUAL MEMBERSHIP DUES	\$161.30
10/26/2023	FAST, Inc	01-11-8951	Software Maintenance Agreements	#23-1432 MASS METER EXCHANGE * WATER METERS	\$2,600.00
10/26/2023	Ready Refresh	01-11-8501	Miscellaneous Expense	03J0125962886 CITY HALL DRINKING WATER	\$103.11
10/26/2023	FAST, Inc	01-11-8951	Software Maintenance Agreements	#23-1433 MASS ELECTRIC EXCHANGE * METERS	\$2,600.00
10/26/2023	FAST, Inc	01-11-8951	Software Maintenance Agreements	#23-1434 PERMIT IMPLEMENTATION AND TRAINING	\$2,500.00
Total					\$24,203.45

Baseball Complex

10/6/2023	Juan Rivera	01-20-7651	Contract Services	WORK AT CITY CEMETARY FENCE	\$500.00
10/6/2023	Bobby Lee Bartlett	01-20-7651	Contract Services	016948 - October 2023 Cemetary LawnCare	\$1,300.00
10/13/2023	Jarrell-Schwertner Water Supply, Corp	01-20-9351	Purchased Water	#610-WATER -CEMETARY	\$109.87
Total					\$1,909.87

Fire

10/6/2023	AT&T	01-14-9151	Telephone & Internet Services	#512A44-7045-884-0 / PHONE SERVICES 254-527-4133 FIRE DEPT	\$131.07
10/6/2023	LONESTAR TRUCK GROUP	01-14-9401	Vehicle Maintenance	#R550031320:01 FIRE DEPT ENGINE 3	\$674.73
10/20/2023	M&D Graphics And Printing	01-14-9101	Operating Supplies - Not Office	FIRE DEPT- PATIENT HISTORY FORMS	\$92.00
Total					\$897.80

Library

10/6/2023	AT&T	01-18-9151	Telephone & Internet Services	#512A44-7045-884-0 / PHONE SERVICES 254-527-4308	\$162.94
10/26/2023	DOCUMENT SOLUTIONS	01-18-8953	Copier Service	LIBRARY 35057516-LIBRARY COPIER	\$64.81
10/26/2023	TLS - THE LIBRARY STORE	01-18-7701	Books, Movies, Subscriptions	#657765 LIBRARY PATRON CARDS (250)	\$487.88
Total					\$715.63

City Park #1

10/6/2023	AT&T	01-15-9151	Telephone & Internet Services	#512A44-7045-884-0 / PHONE SERVICES 254-527-4369 POOL	\$53.14
Total					\$53.14

Non-Departmental

10/11/2023	Texas Child Support SDU	01-2125	Child Support Payable	Child Support-TX 10/10/2023	\$207.69
10/11/2023	Texas Child Support SDU	01-2125	Child Support Payable	Child Support-TX2, Child Support-TX 10/10/2023	\$327.23
10/11/2023	Texas Child Support SDU	01-2125	Child Support Payable	Child Support-TX 10/10/2023	\$96.00
10/11/2023	TML Health Benefits Pool	01-2140	Health Insurance Payable	Health-Employee 10/10/2023	\$814.33
10/11/2023	TML Health Benefits Pool	01-2140	Health Insurance Payable	Health-Employer 10/10/2023	\$4,611.64
10/11/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Social Security-Employer 10/10/2023	\$1,658.50
10/11/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Medicare-Employer 10/10/2023	\$387.89
10/11/2023	Texas Workforce Commission	01-2110	State Unemployment Taxes Payable	TWC 10/10/2023	\$10.83

10/11/2023	Unemployment Tax Internal Revenue Service	01-2100	Federal Taxes Payable	Federal Tax 10/10/2023	\$2,322.78
10/11/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Social Security-Employee 10/10/2023	\$1,658.50
10/11/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Medicare-Employee 10/10/2023	\$387.89
10/11/2023	TMRS- Texas Municipal Retirement System	01-2120	Retirement Plan Payable	TMRS-Employer 10/10/2023	\$2,039.31
10/11/2023	TMRS- Texas Municipal Retirement System	01-2120	Retirement Plan Payable	TMRS-Employee 10/10/2023	\$1,856.34
10/26/2023	Texas Child Support SDU	01-2125	Child Support Payable	Child Support-TX 10/24/2023	\$207.69
10/26/2023	Texas Child Support SDU	01-2125	Child Support Payable	Child Support-TX2, Child Support- TX 10/24/2023	\$327.23
10/26/2023	Texas Child Support SDU	01-2125	Child Support Payable	Child Support-TX 10/24/2023	\$96.00
10/26/2023	TML Health Benefits Pool	01-2140	Health Insurance Payable	Health-Employee 10/24/2023	\$814.33
10/26/2023	TML Health Benefits Pool	01-2140	Health Insurance Payable	Health-Employer 10/24/2023	\$4,611.64
10/25/2023	TMRS- Texas Municipal Retirement System	01-2120	Retirement Plan Payable	TMRS-Employer 10/24/2023	\$1,998.08
10/25/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Social Security-Employer 10/24/2023	\$1,625.26
10/25/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Medicare-Employer 10/24/2023	\$380.10
10/26/2023	Texas Workforce Commission Unemployment Tax	01-2110	State Unemployment Taxes Payable	TWC 10/24/2023	\$4.90
10/25/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Federal Tax 10/24/2023	\$2,130.09
10/25/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Social Security-Employee 10/24/2023	\$1,625.26
10/25/2023	Internal Revenue Service	01-2100	Federal Taxes Payable	Medicare-Employee 10/24/2023	\$380.10
10/25/2023	TMRS- Texas Municipal Retirement System	01-2120	Retirement Plan Payable	TMRS-Employee 10/24/2023	\$1,818.78

Total \$32,398.39

Municipal Court

10/13/2023	OMNIBASE SERVICES OF TEXAS, LP	01-12-7801	Court Costs, Fines, & Fees	OMNIBASE SERVICES 13 CONVICTIONS	\$78.00
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Total

\$78.00

02 - Utilities Account

Water

10/6/2023	MRB GROUP	02-80-7654	Engineering Services	052141 8/27/23 TO 9/23/23 PROFESSIONAL SERVICES	\$2,742.50
10/6/2023	AT&T	02-80-9151	Telephone & Internet Services	#512A44-7045-884-0 / PHONE SERVICES PUBLIC WORKS	\$117.07
10/6/2023	Caterpillar Financial Services	02-80-7401	Capital Expenditures	2172458 / 34396748 BACKHOE LOADER LOAN	\$1,116.02
10/6/2023	Mid-American Research Chemical	02-80-7501	Chemicals	0800784 CHEMICALS-SOLVENT	\$1,819.50
10/6/2023	Lonestar Maintenance & Service, Inc.	02-80-9101	Operating Supplies - Not Office	#151545 CHLORINE GAS CYLINDER #150	\$1,700.86
10/6/2023	L&C Repair	02-80-9401	Vehicle Maintenance	#5404-3 Recharge AC pm Jimmy Fletchers Truck Public Works	\$125.00
10/6/2023	Unifirst Corporation	02-80-9301	Uniform Expense	#2940042386 9/11/23	\$81.99
10/6/2023	Unifirst Corporation	02-80-9301	Uniform Expense	#2940043270 9/18/23	\$75.99
10/6/2023	Unifirst Corporation	02-80-9301	Uniform Expense	#2940044184 9/25/23	\$75.99
10/6/2023	Unifirst Corporation	02-80-9301	Uniform Expense	#2940041456 9/4/23	\$108.40
10/13/2023	CADENCE BANK	02-80-7401	Capital Expenditures	00944000982029 OCTOBER 2023 CATERPILLAR BACKHOE LOAN	\$524.96
10/13/2023	Lonestar Maintenance & Service, Inc.	02-80-9101	Operating Supplies - Not Office	#B31282 CHLORINE BOTTLE RENT	\$77.00
10/13/2023	Lonestar Maintenance & Service, Inc.	02-80-9101	Operating Supplies - Not Office	BARTLETTCT-SUPPLIES UTILITIES	\$1,700.86
10/13/2023	Ready Refresh	02-80-9101	Operating Supplies - Not Office	0125962993-WWTP WATER FOR DRINKING	\$172.19
10/13/2023	Core & Main	02-80-9102	Tools & Non-Capital Equipment	T609021 SHOVEL AND OTHER SUPPLIES	\$386.61
10/13/2023	Bartlett Red & White	02-80-9101	Operating Supplies - Not Office	Sept 2023-Credit Charges-Public Works	\$395.48
10/13/2023	MRB GROUP	02-80-7654	Engineering Services	#052143 8/27/23 TO 9/23/23 PROFESSIONAL SERVICES	\$11,455.00
10/13/2023	DSHS Central Lab Mc2004	02-80-9451	Sample Analysis	2460006 FLUORIDE	\$21.00
10/13/2023	Utility Service Co, Inc	02-80-7653	Water Tank Repair and Maintenance	#590468 TOWER- 200000 PEDISPHERE TANK - QUARTERLY MAINTENANCE	\$3,363.04
10/20/2023	Steglich Feed And Farm Supply, Inc	02-80-9101	Operating Supplies - Not Office	CITY OF BARTLETT PUBLIC WORKS-CREDIT CHARGES	\$439.43

10/20/2023	RMA TOLL PROCESSING	02-80-9251	Travel Expense	LATE FEE #100066513835 / LIC 1405580	\$14.00
10/20/2023	City Of Round Rock Environmental Services	02-80-9451	Sample Analysis	4-0923 WATER TESTING	\$75.00
10/26/2023	Mid-American Research Chemical	02-80-7501	Chemicals	0802537 SEWER SOLVENT	\$772.00
10/26/2023	Core & Main	02-80-9102	Tools & Non-Capital Equipment	T675390 HOSE NOZZLE- SPARTAN TOOL	\$332.31
Total					\$27,692.20

Sewer

10/6/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	#55303 / 1251761-1 SUPPLIES- PUBLIC WORKS	\$1,418.86
10/6/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	1253949 PUBLIC WORKS PLUMBING SUPPLIES	\$1,686.40
10/6/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	1255848 PUBLIC WORKS PLUMBING SUPPLIES	\$1,337.43
10/6/2023	ATS	02-81-8601	Permit Fees	446300 COMMERCIAL PLAN REVIEW - 875 S. DALTON - MINI STORAGE	\$427.50
10/13/2023	ATS	02-81-8601	Permit Fees	335 S. DALTON: REINSPECTION #3-BLDG FINAL FAILED/PLUMBING FAILED/ELECTRICAL	\$75.00
10/13/2023	ATS	02-81-8601	Permit Fees	FAIL FD/MECHANICAL FAIL FD 105 W. CLARK: REINSPECTION#1- PASSED ALL	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	105 W CLARK SUITE 4: PASSED ALL	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	1301 W. PIETZSCH: REINSPECTION #4 PLUMBING- PASSED	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	1301 W. PIETZSCH: FOUNDATION PRE POUR- PASSED	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	240 W. ALLEN: ELECTRICAL METER INSPECTION: PASSED	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	440 E DAVILA: BLDG,MECH ELEC,PLUMB FINAL - PASSED	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	1301 W PIETZSCH:	\$55.00

10/13/2023	ATS	02-81-8601	Permit Fees	FOUNDATION PREPOUR FAILED 875 S. DALTON: ELECTRICAL	\$55.00
10/13/2023	ATS	02-81-8601	Permit Fees	ROUGH- PASSED 447674 RESIDENTIAL PLAN	\$75.00
10/13/2023	ATS	02-81-8601	Permit Fees	REVIEW 230 W. CLARK 448090 COMMERCIAL PLAN	\$285.00
10/13/2023	ATS	02-81-8601	Permit Fees	REVIEW- 105 W. CLARK 448267 RESIDENTIAL PLAN	\$75.00
10/13/2023	ATS	02-81-8601	Permit Fees	REVIEW 437 S. COTRELL #448270 RESIDENTIAL PLAN	\$75.00
10/13/2023	Environmental Monitoring Laboratory, Llc	02-81-9451	Sample Analysis	REVIEW 239 N EVIE WASTEWATER TESTING #23090028	\$153.50
10/20/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	1252140-1 PLUMBING SUPPLIES	\$145.00
10/20/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	1257794 PUBLIC WORKS- SUPPLIES	\$237.00
10/20/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	#1257782 PUBLIC WORDS- SUPPLIES	\$1,891.84
10/20/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	#1255918 PUBLIC WORKS - SUPPLIES	\$1,034.80
10/20/2023	ATS	02-81-8601	Permit Fees	#449195 COMMERCIAL PLAN REVIEW 340 ROBINSON STREET	\$190.00
10/26/2023	ATS	02-81-8601	Permit Fees	#449815 RESIDENTIAL PLAN REVIEW - 600 AISNE	\$75.00
10/26/2023	ATS	02-81-8601	Permit Fees	#4500479 RESIDENTIAL PLAN REVIEW 1045 W. CLARK	\$75.00
10/26/2023	ATS	02-81-8601	Permit Fees	#450936 RESIDENTIAL PLAN REVIEW ELM AND ALAMO	\$75.00
10/26/2023	ATS	02-81-8601	Permit Fees	#450934 RESIDENTIAL PLAN REVIEW: 113 STONE PACK LANE	\$75.00
10/26/2023	ATS	02-81-8601	Permit Fees	#450935 RESIDENTIAL PLAN REVIEW: 1226 W. CLARK ST	\$75.00
10/26/2023	FERGUSON WATERWORKS #1106	02-81-9101	Operating Supplies - Not Office	#1258026 PLUMBING SUPPLIES	\$148.40

Total

\$10,070.73

Non-Departmental

10/6/2023	Tammy McCoy	02-2005	Utility Customer Deposits	#04-00107-01 Deposit Refund: 115 W. Elm	\$200.00
10/6/2023	State Comptroller	02-2010	Sales Tax Payable	QUARTER ENDING 09.30.2023-# 74-6000224 CITY OF BARTLETT TX	\$4,352.56
10/6/2023	SCOTT SHEFFIELD	02-2005	Utility Customer Deposits	DEPOSIT REFUNDS: 432 CLARK	\$200.00
10/6/2023	SCOTT SHEFFIELD	02-2005	Utility Customer Deposits	DEPOSIT REFUNDS: 204 S ALAMO	\$200.00
10/11/2023	Texas Child Support SDU	02-2125	Child Support Payable	Child Support-TX 10/10/2023	\$230.77
10/11/2023	TML Health Benefits Pool	02-2140	Health Insurance Payable	Health-Employer 10/10/2023	\$419.24
10/11/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Social Security-Employer 10/10/2023	\$135.41
10/11/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Medicare-Employer 10/10/2023	\$31.67
10/11/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Federal Tax 10/10/2023	\$221.94
10/11/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Social Security-Employee 10/10/2023	\$135.41
10/11/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Medicare-Employee 10/10/2023	\$31.67
10/11/2023	TMRS- Texas Municipal Retirement System	02-2120	Retirement Plan Payable	TMRS-Employer 10/10/2023	\$167.95
10/11/2023	TMRS- Texas Municipal Retirement System	02-2120	Retirement Plan Payable	TMRS-Employee 10/10/2023	\$152.88
10/20/2023	LOUIS & ROSA CAMPOS	02-2005	Utility Customer Deposits	DEPOSIT REFUND: 343 W. CLARK ST	\$200.00
10/20/2023	HUBERT HUSLAGE	02-2006	Refunds Payable	Refund	\$87.13
10/26/2023	Texas Child Support SDU	02-2125	Child Support Payable	Child Support-TX 10/24/2023	\$230.77
10/26/2023	TML Health Benefits Pool	02-2140	Health Insurance Payable	Health-Employer 10/24/2023	\$419.24
10/25/2023	TMRS- Texas Municipal Retirement System	02-2120	Retirement Plan Payable	TMRS-Employer 10/24/2023	\$167.95
10/25/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Social Security-Employer 10/24/2023	\$135.41
10/25/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Medicare-Employer 10/24/2023	\$31.67
10/25/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Federal Tax 10/24/2023	\$221.94
10/25/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	Social Security-Employee	\$135.41

10/25/2023	Internal Revenue Service	02-2100	Federal Taxes Payable	10/24/2023 Medicare-Employee 10/24/2023	\$31.67
10/25/2023	TMRS- Texas Municipal Retirement System	02-2120	Retirement Plan Payable	TMRS-Employee 10/24/2023	\$152.88
10/26/2023	SPHERE REALTY & PROPERTY MGMT	02-2005	Utility Customer Deposits	ACCT#05-08943-01 REFUND FOR OVERPAYMENT ON ACCT 115 S EVIE #A	\$764.80
Total					\$9,058.37

Electric

10/6/2023	Schneider Engineering, Ltd.	02-70-8751	Purchased Power	#68045 22BART20 - REGULATORY SUPPORT ATCS	\$500.00
10/6/2023	Schneider Engineering, Ltd.	02-70-8751	Purchased Power	#68046 23BART20 ERCOT TRANS OP DESIGNATION	\$1,150.00
10/6/2023	Lone Star Transmission, Llc	02-70-8751	Purchased Power	3000158625 / 1800112906 Sept 2023 TCOS	\$319.82
10/6/2023	CPS Energy	02-70-8751	Purchased Power	7000248212 / 301003054939 TCOS AUGUST 2023	\$747.51
10/6/2023	Bryan Texas Utilities	02-70-8751	Purchased Power	IC021003 TCOS SEPTEMBER 2023	\$107.12
10/6/2023	TEXAS METER & DEVICE COMPANY	02-70-9501	Electric Meters	Invoice #0208449 Harness with loops	\$1,959.76
10/6/2023	Sharyland Utilities, Lp	02-70-8751	Purchased Power	1800000521/5000512 SEPT 2023 TCOS	\$132.62
10/6/2023	Floresville Electric Light & Power System	02-70-8751	Purchased Power	#3990141-TCOS SEPT 2023	\$1.52
10/13/2023	WETT - Wind Energy Transmission Of Texas, Llc	02-70-8751	Purchased Power	10037048 TCOS SEPTEMBER 2023	\$308.12
10/13/2023	CNP HOUSTON ELECTRIC, LLC	02-70-8751	Purchased Power	TCOS AUGUST 2023	\$1,707.48
10/13/2023	Cross Texas Transmission, Llc	02-70-8751	Purchased Power	#011452-TCOS SEPTEMBER 2023	\$232.07
10/13/2023	Texas Municipal Power Agency	02-70-8751	Purchased Power	#023897 - 9/30/23 SEPTEMBER 2023 TCOS	\$102.50
10/13/2023	Geus	02-70-8751	Purchased Power	23-9-9 TCOS SEPT2023	\$10.63
10/13/2023	TNMP	02-70-8751	Purchased Power	68699 TCOS MATRIX DOCKET 54507 & 55270	\$447.59
10/20/2023	BEC-Bartlett Electric Cooperative	02-70-8751	Purchased Power	#12059005 BARTLETT BALLFIELD AND YARDLIGHT 3 PHASE	\$245.81

10/20/2023	BEC-Bartlett Electric Cooperative	02-70-8751	Purchased Power	#12059003 SEWER PHASE EMERGENCY 3 PHASE	\$75.78
10/20/2023	BEC-Bartlett Electric Cooperative	02-70-8751	Purchased Power	#12059002 SEWER PLANT 3 PHASE	\$743.49
10/20/2023	BEC-Bartlett Electric Cooperative	02-70-8751	Purchased Power	#12059001 YARDLIGHT POLE # 112295	\$13.73
10/20/2023	Techline Construction, Llc	02-70-7651	Contract Services-Regularly Scheduled	12005010-00 EMERGENCY CREW	\$2,701.88
10/20/2023	Oncor Electric Delivery	02-70-8751	Purchased Power	TRN0034745 / 407626 TCOS SEPTEMBER 2023	\$4,523.91
10/20/2023	Schneider Engineering, Ltd.	02-70-8751	Purchased Power	68958 23BART20 GIS SERVICE AREA MAP DEVELOPMENT	\$1,850.00
10/20/2023	Schneider Engineering, Ltd.	02-70-8751	Purchased Power	68956 22BART20-REGULATORY SUPPORT - ATCS	\$500.00
10/20/2023	Schneider Engineering, Ltd.	02-70-8751	Purchased Power	#68957 23BART20 ERCOT TRANS OP DESIGNATION	\$1,035.00
10/20/2023	City Of Garland	02-70-8751	Purchased Power	#2400107 TCOS DOCKET #54507 SEPTEMBER 2023	\$213.93
10/20/2023	WSC Energy	02-70-8751	Purchased Power	#EW730252386506 / 003720-PURCHASED POWER TCOS	\$58,461.16
10/20/2023	San Miguel Electric Cooperative, Inc	02-70-8751	Purchased Power		\$4.83
10/20/2023	South Texas Electric Cooperative, Inc	02-70-8751	Purchased Power	#005150 / 01247 TCOS SEPTEMBER 2023	\$317.44
10/20/2023	LUBBOCK POWER & LIGHT	02-70-8751	Purchased Power	64-27 TCOS SEPTEMBER	\$71.60
10/26/2023	Brazos Electric Cooperative	02-70-8751	Purchased Power	SEPTEMBER 2023 TCOS	\$1,616.84
10/26/2023	Techline Construction, Llc	02-70-7651	Contract Services-Regularly Scheduled	Invoice #12005016-00 9/27/23	\$4,250.40
10/26/2023	Techline Construction, Llc	02-70-7651	Contract Services-Regularly Scheduled	Invoice # 12005015-00 10/11/23 to 10/12/23 and 10/17/23	\$15,584.80
10/26/2023	Brazos Electric Cooperative	02-70-8751	Purchased Power	RI 50132 001 - SEPTEMBER 2023 TCOS DOCKET 54507	\$444.87

Total \$100,382.21

Garbage

10/13/2023	Al Clawson Disposal, Inc	02-84-7652	Contract Services-Solid Waste Collection	#01-470715- #642974 October 2023 Disposal Service	\$12,116.05
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Total \$12,116.05

**TOTAL EXPENDITURES FOR
OCTOBER 2023: \$ 224574.08**



DEPARTMENT REPORTS – CITY ADMINISTRATOR

Project Updates

- Safe Routes to School – Sidewalk Project 30% Design Complete
- Water tower upgrades design nearing completion
- Williamson County Road Bond passed – includes Bartlett road projects

Organizational Updates

- 2 Electric Lineman positions remain vacant
 - o Reposted; no applications received
- Developing AMI implementation plan
- Training:
 - o Superintendent
 - Nearing completion of classes needed for double Class C license; test will be required to certify
 - o Permit Clerk
 - Taking classes for ICC Permit Technician certification
 - o Municipal Court/City Clerk
 - Obtaining Level 1 Court Clerk Certification

Finance Report

- Account Payable Report attached
- Fund Balance Summary attached

FISCAL YEAR TOTALS

2021		2022		2023		2024	
MONTH	UTILITIES	MONTH	UTILITIES	MONTH	UTILITIES	MONTH	UTILITIES
Oct-20	\$ 187,765.32	21-Oct	\$ 218,979.33	22-Oct	\$ 221,870.05	23-Oct	\$ 236,628.66
Nov-20	\$ 177,481.78	21-Nov	\$ 201,464.46	22-Nov	\$ 227,372.71	23-Nov	\$ -
Dec-20	\$ 159,313.59	21-Dec	\$ 200,754.17	22-Dec	\$ 166,153.37	23-Dec	\$ -
21-Jan	\$ 178,229.52	22-Jan	\$ 213,221.31	23-Jan	\$ 180,542.59	24-Jan	\$ -
21-Feb	\$ 166,678.15	22-Feb	\$ 162,141.24	23-Feb	\$ 190,095.74	24-Feb	\$ -
21-Mar	\$ 226,773.02	22-Mar	\$ 221,206.54	23-Mar	\$ 221,256.66	24-Mar	\$ -
21-Apr	\$ 148,852.97	22-Apr	\$ 191,284.94	23-Apr	\$ 172,905.48	24-Apr	\$ -
21-May	\$ 143,091.34	22-May	\$ 188,916.93	23-May	\$ 180,643.04	24-May	\$ -
21-Jun	\$ 170,953.57	22-Jun	\$ 192,980.91	23-Jun	\$ 177,417.78	24-Jun	\$ -
21-Jul	\$ 201,114.29	22-Jul	\$ 204,773.52	23-Jul	\$ 187,235.32	24-Jul	\$ -
21-Aug	\$ 219,751.10	22-Aug	\$ 240,976.95	23-Aug	\$ 250,403.84	24-Aug	\$ -
21-Sep	\$ 208,583.92	22-Sep	\$ 265,904.60	23-Sep	\$ 258,297.03	24-Sep	\$ -
TOTALS	\$ 2,188,588.57	TOTALS	\$ 2,502,604.90	TOTALS	\$ 2,434,193.61	TOTALS	\$ 236,628.66
MONTH	COURT	MONTH	COURT	MONTH	COURT	MONTH	COURT
Oct-20	\$ 9,687.25	21-Oct	\$ 11,717.91	22-Oct	\$ 19,151.36	23-Oct	\$ 7,416.20
Nov-20	\$ 33,990.80	21-Nov	\$ 10,123.20	22-Nov	\$ 8,083.17	23-Nov	\$ -
Dec-20	\$ 15,537.83	21-Dec	\$ 3,555.70	22-Dec	\$ 3,835.54	23-Dec	\$ -
21-Jan	\$ 8,685.44	22-Jan	\$ 8,303.40	23-Jan	\$ 5,279.90	24-Jan	\$ -
21-Feb	\$ 4,744.21	22-Feb	\$ 7,226.25	23-Feb	\$ 4,436.50	24-Feb	\$ -
21-Mar	\$ 6,466.52	22-Mar	\$ 11,471.88	23-Mar	\$ 6,703.81	24-Mar	\$ -
21-Apr	\$ 13,043.46	22-Apr	\$ 6,174.37	23-Apr	\$ 4,025.01	24-Apr	\$ -
21-May	\$ 5,708.41	22-May	\$ 3,127.30	23-May	\$ 4,225.47	24-May	\$ -
21-Jun	\$ 1,953.60	22-Jun	\$ 4,248.16	23-Jun	\$ 3,804.23	24-Jun	\$ -
21-Jul	\$ 6,634.68	22-Jul	\$ 4,407.67	23-Jul	\$ 1,488.90	24-Jul	\$ -
21-Aug	\$ 9,800.63	22-Aug	\$ 7,181.91	23-Aug	\$ 2,626.60	24-Aug	\$ -
21-Sep	\$ 8,660.70	22-Sep	\$ 7,217.84	23-Sep	\$ 9,243.34	24-Sep	\$ -
TOTALS	\$ 124,913.53	TOTALS	\$ 84,755.59	TOTALS	\$ 72,903.83	TOTALS	\$ 7,416.20

MONTH	PERMITS	MONTH	PERMITS	MONTH	PERMITS	MONTH	PERMITS
Oct-20	\$ 2,510.00	21-Oct	\$ 935.00	22-Oct	\$ 7,578.00	23-Oct	\$ 15,950.00
Nov-20	\$ 1,590.00	21-Nov	\$ 3,765.00	22-Nov	\$ 3,530.00	23-Nov	\$ -
Dec-20	\$ 950.00	21-Dec	\$ 2,205.00	22-Dec	\$ 720.00	23-Dec	\$ -
21-Jan	\$ 2,025.00	22-Jan	\$ 2,515.00	23-Jan	\$ 3,160.00	24-Jan	\$ -
21-Feb	\$ 1,155.00	22-Feb	\$ 2,520.00	23-Feb	\$ 600.00	24-Feb	\$ -
21-Mar	\$ 385.00	22-Mar	\$ 2,240.00	23-Mar	\$ 2,430.00	24-Mar	\$ -
21-Apr	\$ 3,125.00	22-Apr	\$ 4,816.00	23-Apr	\$ 3,182.50	24-Apr	\$ -
21-May	\$ 4,180.00	22-May	\$ 3,700.00	23-May	\$ 2,780.00	24-May	\$ -
21-Jun	\$ 2,505.00	22-Jun	\$ 4,570.00	23-Jun	\$ 2,721.00	24-Jun	\$ -
21-Jul	\$ 1,670.00	22-Jul	\$ 8,085.00	23-Jul	\$ 1,098.00	24-Jul	\$ -
21-Aug	\$ 2,710.00	22-Aug	\$ 440.00	23-Aug	\$ 9,830.00	24-Aug	\$ -
21-Sep	\$ 3,130.00	22-Sep	\$ 1,910.00	23-Sep	\$ 3,100.00	24-Sep	\$ -
TOTALS	\$ 25,935.00	TOTALS	\$ 37,701.00	TOTALS	\$ 40,729.50	TOTALS	\$ 15,950.00



Account Information Report

City of Bartlett

October 01, 2023 - October 31, 2023
Account: *0673 (0673 Teinert Library)

Opening Ledger	\$6,324.72
Closing Ledger	\$6,324.72
Closing Available	\$6,324.72
Average Closing Available MTD	\$6,324.72
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$6,324.72
Total Credits	\$0.00
Total Debits	\$0.00
Interest Paid Previous Year	\$0.00
Interest Rate	0.000%

Account: *1799 (1799 Utility Deposit)

Opening Ledger	\$90,232.19
Closing Ledger	\$90,239.68
Closing Available	\$90,239.68
Average Closing Available MTD	\$58,780.81
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$58,780.81
Total Credits	\$7.49
Total Debits	\$0.00
Interest Paid Previous Year	\$30.05
Interest Rate	0.150%

Posted Date	Description	Check Number	Credit	Debit	Balance
10/31/2023	IOD Interest Paid		\$7.49		\$90,239.68
	IOD INTEREST PAID				
10/31/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$30.05				
10/30/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				
10/27/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				
10/26/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				
10/25/2023	Transfer Credit Real-Time Web		\$25,000.00		\$90,232.19
	CUSTOMER TRANSFER FROM IM 00001404200089				
10/25/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				
10/24/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				
10/23/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				
10/20/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$22.56				

10/19/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/18/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/17/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/16/2023	Transfer Credit Real-Time Web	\$25,000.00	\$65,232.19
	CUSTOMER TRANSFER FROM IM 00001404200089		
10/16/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/13/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/12/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/11/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/10/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/06/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/05/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/04/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/03/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		
10/02/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$22.56		

Account: *2206 (2206 Tax Notes)

Opening Ledger	\$49,445.35
Closing Ledger	\$49,451.65
Closing Available	\$49,451.65
Average Closing Available MTD	\$49,445.55
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$49,445.55
Total Credits	\$6.30
Total Debits	\$0.00
Interest Paid Previous Year	\$71.77
Interest Rate	0.150%

Posted Date	Description	Check Number	Credit	Debit	Balance
10/31/2023	IOD Interest Paid		\$6.30		\$49,451.65
	IOD INTEREST PAID				
10/31/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$71.77				
10/30/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$65.47				
10/27/2023	Account Information				\$0.00

	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/26/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/25/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/24/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/23/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/20/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/19/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/18/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/17/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/16/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/13/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/12/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/11/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/10/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/06/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/05/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/04/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/03/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	
10/02/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$65.47	

Account: *3313 (3313 Police Seizure)

Opening Ledger	\$3,350.42
Closing Ledger	\$3,350.42
Closing Available	\$3,350.42
Average Closing Available MTD	\$3,350.42
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$3,350.42
Total Credits	\$0.00

Total Debits	\$0.00
Interest Paid Previous Year	\$0.00
Interest Rate	0.000%

Account: *0070 (0070 Cemetery)

Opening Ledger	\$13,872.87
Closing Ledger	\$13,874.63
Closing Available	\$13,874.63
Average Closing Available MTD	\$13,818.08
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$13,818.08
Total Credits	\$1.76
Total Debits	\$0.00
Interest Paid Previous Year	\$17.19
Interest Rate	0.150%

Posted Date	Description	Check Number	Credit	Debit	Balance
10/31/2023	IOD Interest Paid		\$1.76		\$13,874.63
	IOD INTEREST PAID				
10/31/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$17.19				
10/30/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/27/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/26/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/25/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/24/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/23/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/20/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/19/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/18/2023	Deposit	000000000	\$100.00		\$13,872.87
	DEPOSIT				
10/18/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/17/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/16/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/13/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/12/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$15.43				
10/11/2023	Account Information				\$0.00

	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	
10/10/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	
10/06/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	
10/05/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	
10/04/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	
10/03/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	
10/02/2023	Account Information	\$0.00
	INTEREST RATE: .150000%	
	YTD INTEREST EARNED: \$15.43	

Account: *0089 (0089 General)

Opening Ledger	\$251,091.21
Closing Ledger	\$225,326.34
Closing Available	\$225,326.34
Average Closing Available MTD	\$273,107.95
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$273,107.95
Total Credits	\$2,618.03
Total Debits	\$28,382.90
Interest Paid Previous Year	\$151.95
Interest Rate	0.150%

Posted Date	Description	Check Number	Credit	Debit	Balance
10/31/2023	IOD Interest Paid		\$34.79		\$225,326.34
	IOD INTEREST PAID				
10/31/2023	DDA Check	0000000000		\$19,835.20	\$225,291.55
	DDA CHECK				
10/31/2023	Fed Image Check	0000000000		\$7,700.00	\$245,126.75
	FED IMAGE CHECK				
10/31/2023	Fed Image Check	0000000000		\$487.88	\$252,826.75
	FED IMAGE CHECK				
10/31/2023	Fed Image Check	0000000000		\$359.82	\$253,314.63
	FED IMAGE CHECK				
10/31/2023	Deposit	0000000000	\$1,409.07		\$253,674.45
	DEPOSIT				
10/31/2023	ACH Credit Transaction		\$1,174.17		\$252,265.38
	MERCHANT BANKCD G592126793				
	496478438880 DEPOSIT CCD				
10/31/2023	Account Information				\$0.00
	INTEREST RATE: .150000%				
	YTD INTEREST EARNED: \$151.95				
10/30/2023	DDA Check	0000058295		\$3,385.00	\$251,091.21
	DDA CHECK				
10/30/2023	DDA Check	0000000000		\$2,061.71	\$254,476.21
	DDA CHECK				
10/30/2023	DDA Check	0000058303		\$861.69	\$256,537.92
	DDA CHECK				
10/30/2023	ACH Debit			\$667.84	\$257,399.61
	TEXAS SDU 1581115569				
	233000000738711 CHILDSUPP CCD				
10/30/2023	DDA Check	0000000000		\$161.30	\$258,067.45
	DDA CHECK				
10/30/2023	DDA Check	0000000000		\$148.40	\$258,228.75

10/30/2023	DDA CHECK Fed Image Check	0000000000	\$64.81	\$258,377.15
	FED IMAGE CHECK			
10/30/2023	DDA Check	0000000000	\$18.66	\$258,441.96
	DDA CHECK			
10/30/2023	Deposit	0000000000	\$1,681.97	\$258,460.62
	DEPOSIT			
10/30/2023	ACH Credit Transaction		\$1,028.56	\$256,778.65
	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD			
10/30/2023	ACH Credit Transaction		\$637.26	\$255,750.09
	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD			
10/30/2023	ACH Credit Transaction		\$375.82	\$255,112.83
	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD			
10/30/2023	ACH Credit Transaction		\$82.80	\$254,737.01
	MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD			
10/30/2023	Account Information			\$0.00
	INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			
10/27/2023	Transfer Debit Real-Time Web		\$25,075.00	\$254,654.21
	CUSTOMER TRANSFER TO IM 00001444002474			
10/27/2023	ACH Debit		\$6,696.91	\$279,729.21
	IRS 3387702000 270370041743218 USATAXPYMT CCD			
10/27/2023	DDA Check	0000000000	\$2,701.88	\$286,426.12
	DDA CHECK			
10/27/2023	Over The Counter Check	0000000000	\$1,078.81	\$289,128.00
	OVER COUNTER CHECK			
10/27/2023	DDA Check	0000000000	\$232.07	\$290,206.81
	DDA CHECK			
10/27/2023	DDA Check	0000058286	\$213.93	\$290,438.88
	DDA CHECK			
10/27/2023	Fed Image Check	0000013612	\$213.11	\$290,652.81
	FED IMAGE CHECK			
10/27/2023	Fed Image Check	0000013627	\$213.11	\$290,865.92
	FED IMAGE CHECK			
10/27/2023	Fed Image Check	0000013623	\$213.11	\$291,079.03
	FED IMAGE CHECK			
10/27/2023	Fed Image Check	0000000000	\$92.00	\$291,292.14
	FED IMAGE CHECK			
10/27/2023	DDA Check	0000000000	\$74.55	\$291,384.14
	DDA CHECK			
10/27/2023	DDA Check	0000058294	\$4.83	\$291,458.69
	DDA CHECK			
10/27/2023	Cashed Check	0000000000	\$200.00	\$291,463.52
	CASHED CHECK			
10/27/2023	Deposit	0000000000	\$11,757.12	\$291,663.52
	DEPOSIT			
10/27/2023	ACH Credit Transaction		\$2,659.29	\$279,906.40
	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD			
10/27/2023	ACH Credit Transaction		\$921.15	\$277,247.11
	MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD			
10/27/2023	Account Information			\$0.00
	INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			
10/26/2023	ACH Debit		\$20,012.28	\$276,325.96
	CITY OF BARLETT 1746000224 -SETT-CCACH DEP/PAY PPD			
10/26/2023	DDA Check	0000058292	\$4,523.91	\$296,338.24
	DDA CHECK			
10/26/2023	Fed Image Check	0000000000	\$3,308.64	\$300,862.15
	FED IMAGE CHECK			
10/26/2023	DDA Check	0000000000	\$14.00	\$304,170.79
	DDA CHECK			

10/26/2023	DDA Check DDA CHECK	0000000000		\$10.63	\$304,184.79
10/26/2023	Deposit DEPOSIT	0000000000	\$4,858.43		\$304,195.42
10/26/2023	Deposit DEPOSIT	0000000000	\$3,533.19		\$299,336.99
10/26/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16				\$0.00
10/25/2023	Transfer Debit Real-Time Web CUSTOMER TRANSFER TO IM 00001404111799			\$25,000.00	\$295,803.80
10/25/2023	DDA Check DDA CHECK	0000000000		\$447.59	\$320,803.80
10/25/2023	DDA Check DDA CHECK	0000000000		\$317.44	\$321,251.39
10/25/2023	DDA Check DDA CHECK	0000000000		\$102.50	\$321,568.83
10/25/2023	DDA Check DDA CHECK	0000000000		\$29.99	\$321,671.33
10/25/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$4,920.83		\$321,701.32
10/25/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$1,314.45		\$316,780.49
10/25/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16				\$0.00
10/24/2023	ACH Debit BANKCARD 1470535472 559061325079033 PAYMENT PPD			\$1,008.66	\$315,466.04
10/24/2023	Deposit DEPOSIT	0000000000	\$5,552.89		\$316,474.70
10/24/2023	Deposit DEPOSIT	0000000000	\$2,520.26		\$310,921.81
10/24/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$1,078.68		\$308,401.55
10/24/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$196.85		\$307,322.87
10/24/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16				\$0.00
10/23/2023	DDA Check DDA CHECK	0000000000		\$6,189.70	\$307,126.02
10/23/2023	DDA Check DDA CHECK	0000000000		\$1,707.48	\$313,315.72
10/23/2023	Fed Image Check FED IMAGE CHECK	0000000000		\$379.23	\$315,023.20
10/23/2023	Fed Image Check FED IMAGE CHECK	0000000000		\$230.73	\$315,402.43
10/23/2023	Fed Image Check FED IMAGE CHECK	0000000000		\$82.31	\$315,633.16
10/23/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,235.45		\$315,715.47
10/23/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$288.85		\$314,480.02
10/23/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$20.70		\$314,191.17
10/23/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16				\$0.00
10/20/2023	Fed Image Check FED IMAGE CHECK	0000000000		\$1,025.00	\$314,170.47
10/20/2023	DDA Check	0000000001		\$200.00	\$315,195.47

10/20/2023	DDA CHECK DDA Check	0000000000	\$21.00	\$315,395.47
10/20/2023	DDA CHECK Returned Deposited Item		\$377.18	\$315,416.47
10/20/2023	DDA CHECK RETURNED DEP ITEM			
10/20/2023	Deposit DEPOSIT	0000000000	\$3,988.53	\$315,793.65
10/20/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,117.95	\$311,805.12
10/20/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$304.29	\$310,687.17
10/20/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/19/2023	Fed Image Check FED IMAGE CHECK	0000058259	\$12,116.05	\$310,382.88
10/19/2023	ACH Debit VERIZON WIRELESS 6223344794 042013033700001 PAYMENTS CCD		\$728.56	\$322,498.93
10/19/2023	DDA Check DDA CHECK	0000000000	\$307.56	\$323,227.49
10/19/2023	DDA Check DDA CHECK	0000000000	\$172.19	\$323,535.05
10/19/2023	Deposit DEPOSIT	0000000000	\$2,989.87	\$323,707.24
10/19/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$915.12	\$320,717.37
10/19/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/18/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$11,455.00	\$319,802.25
10/18/2023	DDA Check DDA CHECK	0000058278	\$5,510.96	\$331,257.25
10/18/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$816.75	\$336,768.21
10/18/2023	DDA Check DDA CHECK	0000058244	\$682.27	\$337,584.96
10/18/2023	Fed Image Check FED IMAGE CHECK	0000058175	\$200.00	\$338,267.23
10/18/2023	DDA Check DDA CHECK	0000000000	\$78.00	\$338,467.23
10/18/2023	DDA Check DDA CHECK	0000000000	\$10.83	\$338,545.23
10/18/2023	Returned Deposited Item RETURNED DEP ITEM		\$556.38	\$338,556.06
10/18/2023	Cashed Check CASHED CHECK	0000000000	\$400.00	\$339,112.44
10/18/2023	Deposit DEPOSIT	0000000000	\$4,876.53	\$339,512.44
10/18/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,709.91	\$334,635.91
10/18/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$133.52	\$332,926.00
10/18/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/17/2023	DDA Check DDA CHECK	0000000000	\$5,845.21	\$332,792.48
10/17/2023	DDA Check DDA CHECK	0000000000	\$1,777.86	\$338,637.69
10/17/2023	DDA Check DDA CHECK	0000000000	\$747.51	\$340,415.55
10/17/2023	Fed Image Check	0000000000	\$420.00	\$341,163.06

10/17/2023	FED IMAGE CHECK DDA Check	0000058267	\$386.61	\$341,583.06
10/17/2023	DDA CHECK DDA Check	0000000000	\$153.50	\$341,969.67
10/17/2023	DDA CHECK Deposit	0000000000	\$60,589.42	\$342,123.17
10/17/2023	DEPOSIT ACH Credit Transaction		\$5,962.46	\$281,533.75
10/17/2023	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$149.04	\$275,571.29
10/17/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD			\$0.00
10/17/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/16/2023	Transfer Debit Real-Time Web CUSTOMER TRANSFER TO IM 00001404111799		\$25,000.00	\$275,422.25
10/16/2023	DDA Check DDA CHECK	0000000000	\$4,352.56	\$300,422.25
10/16/2023	DDA Check DDA CHECK	0000058258	\$4,216.48	\$304,774.81
10/16/2023	DDA Check DDA CHECK	0000000000	\$3,363.04	\$308,991.29
10/16/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$1,959.76	\$312,354.33
10/16/2023	Over The Counter Check OVER COUNTER CHECK	0000000000	\$964.53	\$314,314.09
10/16/2023	DDA Check DDA CHECK	0000001140	\$710.00	\$315,278.62
10/16/2023	ACH Debit TEXAS SDU 1581115569 232860000738711 CHILDSUPP CCD		\$667.84	\$315,988.62
10/16/2023	Over The Counter Check OVER COUNTER CHECK	0000000000	\$524.96	\$316,656.46
10/16/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$427.50	\$317,181.42
10/16/2023	DDA Check DDA CHECK	0000058282	\$308.12	\$317,608.92
10/16/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$125.00	\$317,917.04
10/16/2023	DDA Check DDA CHECK	0000000000	\$109.87	\$318,042.04
10/16/2023	DDA Check DDA CHECK	0000058207	\$10.00	\$318,151.91
10/16/2023	DDA Check DDA CHECK	0000058112	\$10.00	\$318,161.91
10/16/2023	Deposit DEPOSIT	0000000000	\$28,935.54	\$318,171.91
10/16/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$6,563.81	\$289,236.37
10/16/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$4,337.54	\$282,672.56
10/16/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$3,870.48	\$278,335.02
10/16/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$174.92	\$274,464.54
10/16/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/13/2023	DDA Check DDA CHECK	0000000000	\$1,700.86	\$274,289.62
10/13/2023	DDA Check DDA CHECK	0000058245	\$1,650.00	\$275,990.48
10/13/2023	DDA Check	0000000000	\$1,265.13	\$277,640.48

10/13/2023	DDA CHECK DDA Check	0000058255	\$861.69	\$278,905.61
10/13/2023	DDA CHECK DDA Check	0000000000	\$790.75	\$279,767.30
10/13/2023	DDA CHECK DDA Check	0000000000	\$674.73	\$280,558.05
10/13/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$319.82	\$281,232.78
10/13/2023	DDA Check DDA CHECK	0000000000	\$107.12	\$281,552.60
10/13/2023	Deposit DEPOSIT	0000000000	\$20,330.21	\$281,659.72
10/13/2023	ACH Credit Transaction CPA STATE FISCAL 1746000089 17460002243003 INV-PAYMTS CTX		\$9,866.24	\$261,329.51
10/13/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$2,594.48	\$251,463.27
10/13/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$610.65	\$248,868.79
10/13/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/12/2023	Account Analysis Fee ANALYSIS CHRG		\$351.92	\$248,258.14
10/12/2023	ACH Debit CITY OF BARLETT 1746000224 -SETT-CCACH DEP/PAY PPD		\$16,683.57	\$248,610.06
10/12/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$2,742.50	\$265,293.63
10/12/2023	DDA Check DDA CHECK	0000000000	\$1,766.31	\$268,036.13
10/12/2023	Over The Counter Check OVER COUNTER CHECK	0000000000	\$917.26	\$269,802.44
10/12/2023	DDA Check DDA CHECK	0000000000	\$10.00	\$270,719.70
10/12/2023	Deposit DEPOSIT	0000000000	\$14,715.64	\$270,729.70
10/12/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$938.81	\$256,014.06
10/12/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$834.22	\$255,075.25
10/12/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/11/2023	ACH Debit TMRS 9746000173 12102 PAYROLL CCD		\$8,517.37	\$254,241.03
10/11/2023	ACH Debit IRS 3387702000 270368471018168 USATAXPYMT CCD		\$6,971.66	\$262,758.40
10/11/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$1,819.50	\$269,730.06
10/11/2023	DDA Check DDA CHECK	0000000000	\$1,116.02	\$271,549.56
10/11/2023	ACH Debit CARD SERVICE CTR 9044036596 043000098785132 ONLINE PMT WEB		\$966.02	\$272,665.58
10/11/2023	ACH Debit CARD SERVICE CTR 9044036596 043000098838678 ONLINE PMT WEB		\$658.80	\$273,631.60
10/11/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$645.00	\$274,290.40
10/11/2023	DDA Check DDA CHECK	0000000000	\$500.00	\$274,935.40

10/11/2023	DDA Check DDA CHECK	0000000000	\$342.37	\$275,435.40
10/11/2023	DDA Check DDA CHECK	0000000000	\$200.00	\$275,777.77
10/11/2023	DDA Check DDA CHECK	0000000000	\$132.62	\$275,977.77
10/11/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$120.00	\$276,110.39
10/11/2023	DDA Check DDA CHECK	0000000000	\$1.52	\$276,230.39
10/11/2023	Cashed Check CASHED CHECK	0000000000	\$1,411.33	\$276,231.91
10/11/2023	Deposit DEPOSIT	0000000000	\$17,971.82	\$277,643.24
10/11/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$4,268.35	\$259,671.42
10/11/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$1,252.35	\$255,403.07
10/11/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/10/2023	DDA Check DDA CHECK	0000000000	\$4,442.69	\$254,150.72
10/10/2023	Over The Counter Check OVER COUNTER CHECK	0000000000	\$1,213.44	\$258,593.41
10/10/2023	Over The Counter Check OVER COUNTER CHECK	0000000000	\$577.65	\$259,806.85
10/10/2023	DDA Check DDA CHECK	0000000000	\$10.63	\$260,384.50
10/10/2023	Deposit DEPOSIT	0000000000	\$9,328.99	\$260,395.13
10/10/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,865.72	\$251,066.14
10/10/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,351.29	\$249,200.42
10/10/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,020.87	\$247,849.13
10/10/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$304.29	\$246,828.26
10/10/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/06/2023	Over The Counter Check OVER COUNTER CHECK	0000000000	\$1,300.00	\$246,523.97
10/06/2023	DDA Check DDA CHECK	0000000000	\$286.74	\$247,823.97
10/06/2023	DDA Check DDA CHECK	0000000000	\$125.00	\$248,110.71
10/06/2023	DDA Check DDA CHECK	0000000000	\$11.09	\$248,235.71
10/06/2023	Cashed Check CASHED CHECK	0000058216	\$10.00	\$248,246.80
10/06/2023	Cashed Check CASHED CHECK	0000058119	\$10.00	\$248,256.80
10/06/2023	Cashed Check CASHED CHECK	0000058004	\$10.00	\$248,266.80
10/06/2023	Deposit DEPOSIT	0000000000	\$5,139.12	\$248,276.80
10/06/2023	Deposit DEPOSIT	0000000000	\$332.00	\$243,137.68
10/06/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,131.64	\$242,805.68

10/06/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$566.15	\$241,674.04
10/06/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/05/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$529.29	\$241,107.89
10/05/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$149.04	\$240,578.60
10/05/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/04/2023	DDA Check DDA CHECK	0000000000	\$5,365.13	\$240,429.56
10/04/2023	Fed Image Check FED IMAGE CHECK	0000058188	\$109.79	\$245,794.69
10/04/2023	DDA Check DDA CHECK	0000000000	\$71.68	\$245,904.48
10/04/2023	Deposit DEPOSIT	0000000000	\$1,713.37	\$245,976.16
10/04/2023	ACH Credit Transaction TAX APPRAISAL DI 9752186317 201021 TAXES PAYA PPD		\$5,405.73	\$244,262.79
10/04/2023	ACH Credit Transaction MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$2,824.33	\$238,857.06
10/04/2023	ACH Credit Transaction TAX APPRAISAL DI 9752186317 588385 TAXES PAYA PPD		\$0.03	\$236,032.73
10/04/2023	Account Information INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			\$0.00
10/03/2023	DDA Check DDA CHECK	0000000000	\$21,682.10	\$236,032.70
10/03/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$11,994.26	\$257,714.80
10/03/2023	DDA Check DDA CHECK	0000058222	\$4,157.27	\$269,709.06
10/03/2023	ACH Debit MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD		\$1,993.42	\$273,866.33
10/03/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$1,136.00	\$275,859.75
10/03/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$1,047.85	\$276,995.75
10/03/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$1,047.67	\$278,043.60
10/03/2023	Fed Image Check FED IMAGE CHECK	0000000000	\$816.75	\$279,091.27
10/03/2023	DDA Check DDA CHECK	0000000000	\$656.34	\$279,908.02
10/03/2023	ACH Debit MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD		\$291.71	\$280,564.36
10/03/2023	DDA Check DDA CHECK	0000058202	\$194.24	\$280,856.07
10/03/2023	ACH Debit WEBFILE TAX PYMT 2146000311 902/73581943 DD CCD		\$127.47	\$281,050.31
10/03/2023	Fed Image Check FED IMAGE CHECK	0000058121	\$100.00	\$281,177.78
10/03/2023	Fed Image Check FED IMAGE CHECK	0000058196	\$55.00	\$281,277.78
10/03/2023	DDA Check DDA CHECK	0000000000	\$48.38	\$281,332.78
10/03/2023	DDA Check	0000000000	\$10.00	\$281,381.16

10/03/2023	DDA CHECK Cashed Check	0000000000	\$500.00	\$281,391.16
10/03/2023	CASH CHECK Deposit	0000000000	\$1,598.09	\$281,891.16
10/03/2023	DEPOSIT ACH Credit Transaction		\$1,296.62	\$280,293.07
	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD			
10/03/2023	Account Information			\$0.00
	INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			
10/02/2023	ACH Debit		\$3,284.86	\$278,996.45
	WEX INC 2841425616 9100001692045 FLEET DEBI CCD			
10/02/2023	ACH Debit		\$2,821.92	\$282,281.31
	TML MULTISTATE 1463158991 99184037 ACHTRANS CCD			
10/02/2023	DDA Check	0000000000	\$2,061.71	\$285,103.23
	DDA CHECK			
10/02/2023	DDA Check	0000000000	\$1,265.13	\$287,164.94
	DDA CHECK			
10/02/2023	DDA Check	0000058219	\$861.69	\$288,430.07
	DDA CHECK			
10/02/2023	ACH Debit		\$667.84	\$289,291.76
	TEXAS SDU 1581115569 232720000738711 CHILDSUPP CCD			
10/02/2023	DDA Check	0000000000	\$477.42	\$289,959.60
	DDA CHECK			
10/02/2023	DDA Check	0000000000	\$241.28	\$290,437.02
	DDA CHECK			
10/02/2023	DDA Check	0000000000	\$240.00	\$290,678.30
	DDA CHECK			
10/02/2023	Over The Counter Check	0000000000	\$160.48	\$290,918.30
	OVER COUNTER CHECK			
10/02/2023	DDA Check	0000000000	\$20.24	\$291,078.78
	DDA CHECK			
10/02/2023	ACH Debit		\$1.50	\$291,099.02
	GOV-PAY 1233097117 99184039 ACHTRANS CCD			
10/02/2023	Deposit	0000000000	\$800.60	\$291,100.52
	DEPOSIT			
10/02/2023	ACH Credit Transaction		\$1,863.18	\$290,299.92
	MERCHANT BANKCD G592126793 496478438880 DEPOSIT CCD			
10/02/2023	ACH Credit Transaction		\$284.63	\$288,436.74
	MERCHANT BANKCD G592126793 496478435886 DEPOSIT CCD			
10/02/2023	Account Information			\$0.00
	INTEREST RATE: .150000% YTD INTEREST EARNED: \$117.16			

Account: *0118 (0118 Electric)

Opening Ledger	\$2,834.58
Closing Ledger	\$2,834.94
Closing Available	\$2,834.94
Average Closing Available MTD	\$2,826.54
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$2,826.54
Total Credits	\$0.36
Total Debits	\$0.00
Interest Paid Previous Year	\$177.31
Interest Rate	0.150%

Posted Date	Description	Check Number	Credit	Debit	Balance
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10/31/2023	IOD Interest Paid	\$0.36	\$2,834.94
	IOD INTEREST PAID		
10/31/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$177.31		
10/30/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/27/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/26/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/25/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/24/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/23/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/20/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/19/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/18/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/17/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/16/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/13/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/12/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/11/2023	ACH Credit Transaction	\$40.00	\$2,834.58
	UNITED SYSTE4245 351665080A		
	ACH118256 ACH CCD		
10/11/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/10/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/06/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/05/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/04/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/03/2023	Account Information		\$0.00
	INTEREST RATE: .150000%		
	YTD INTEREST EARNED: \$176.95		
10/02/2023	ACH Debit	\$150.40	\$2,794.58
	GLOBAL PAYMENTS N469221406		
	8788242939454 GLOBAL STL CCD		
10/02/2023	Account Information		\$0.00

INTEREST RATE: .150000%
YTD INTEREST EARNED: \$176.95

Account: *2167 (2167 Blue Santa)

Opening Ledger	\$1,569.92
Closing Ledger	\$1,569.92
Closing Available	\$1,569.92
Average Closing Available MTD	\$1,569.92
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$1,569.92
Total Credits	\$0.00
Total Debits	\$0.00
Interest Paid Previous Year	\$0.00
Interest Rate	0.000%

Account: *2183 (2183 ARPA)

Opening Ledger	\$234,935.33
Closing Ledger	\$234,935.33
Closing Available	\$234,935.33
Average Closing Available MTD	\$234,935.33
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$234,935.33
Total Credits	\$0.00
Total Debits	\$0.00
Interest Paid Previous Year	\$0.00
Interest Rate	0.000%

Account: *2191 (2191 Wtr Tower Maint)

Not Reported

Account: *2458 (2548 Govt Capital)

Opening Ledger	\$1,590.50
Closing Ledger	\$1,590.50
Closing Available	\$1,590.50
Average Closing Available MTD	\$1,590.50
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$1,590.50
Total Credits	\$0.00
Total Debits	\$0.00
Interest Paid Previous Year	\$0.00
Interest Rate	0.000%

Account: *2474 (2474 I and S)

Opening Ledger	\$56,242.99
Closing Ledger	\$56,242.99
Closing Available	\$56,242.99
Average Closing Available MTD	\$35,212.34
1 - Day Float	\$0.00
2 Or More Days Float	\$0.00
Target Balance	\$0.00
Total Investment Position	\$0.00
Average Closing Ledger MTD	\$35,212.34
Total Credits	\$0.00
Total Debits	\$0.00
Interest Paid Previous Year	\$0.00
Interest Rate	0.000%

Posted Date	Description	Check Number	Credit	Debit	Balance
10/27/2023	Transfer Credit Real-Time Web CUSTOMER TRANSFER FROM IM 00001404200089		\$25,075.00		\$56,242.99

Account: *2562 (2562 Community Fund)

Opening Ledger					\$27.66
Closing Ledger					\$27.66
Closing Available					\$27.66
Average Closing Available MTD					\$27.66
1 - Day Float					\$0.00
2 Or More Days Float					\$0.00
Target Balance					\$0.00
Total Investment Position					\$0.00
Average Closing Ledger MTD					\$27.66
Total Credits					\$0.00
Total Debits					\$0.00
Interest Paid Previous Year					\$0.00
Interest Rate					0.000%

Account: *8936 (City of Bartlett Economic Development Corporation)

Not Reported

Account: *9009 (City of Bartlett Economic Development Corporation)

Opening Ledger					\$69,666.32
Closing Ledger					\$69,666.32
Closing Available					\$69,666.32
Average Closing Available MTD					\$69,668.74
1 - Day Float					\$0.00
2 Or More Days Float					\$0.00
Target Balance					\$0.00
Total Investment Position					\$0.00
Average Closing Ledger MTD					\$69,668.74
Total Credits					\$0.00
Total Debits					\$0.00
Interest Paid Previous Year					\$0.00
Interest Rate					0.000%

Posted Date	Description	Check Number	Credit	Debit	Balance
10/12/2023	Account Analysis Fee ANALYSIS CHR			\$6.83	\$69,666.32

Account: *6100 (St Pol E 6100)

Not Reported

Account: *2029 (City of Bartlett)

Posted Date	Description	Check Number	Credit	Debit	Balance
10/16/2023	Regular Payment UNALLOC PAYOFF		\$524.96		\$0.00

Account: *5459 (City of Bartlett)

Posted Date	Description	Check Number	Credit	Debit	Balance
10/10/2023	Regular Payment REGULAR PAYMENT		\$577.65		\$40,181.00



Development Services Department

Development Services Department Staff Report

Report Date: October 18, 2023
Case No: 2023-003-Z
Project Planner:

Item Details

Project Name: Rezone property from Business Zone 3 (B3) to Commercial Zone 1 (C1)
Project Location: 240 E Davilla St (Corner of E Davilla & N Dalton aka Hwy 95)

Total Acreage:
Legal Description: Bartlett Original, Block 024, Lot 5, 6, Enhanced Life Estate

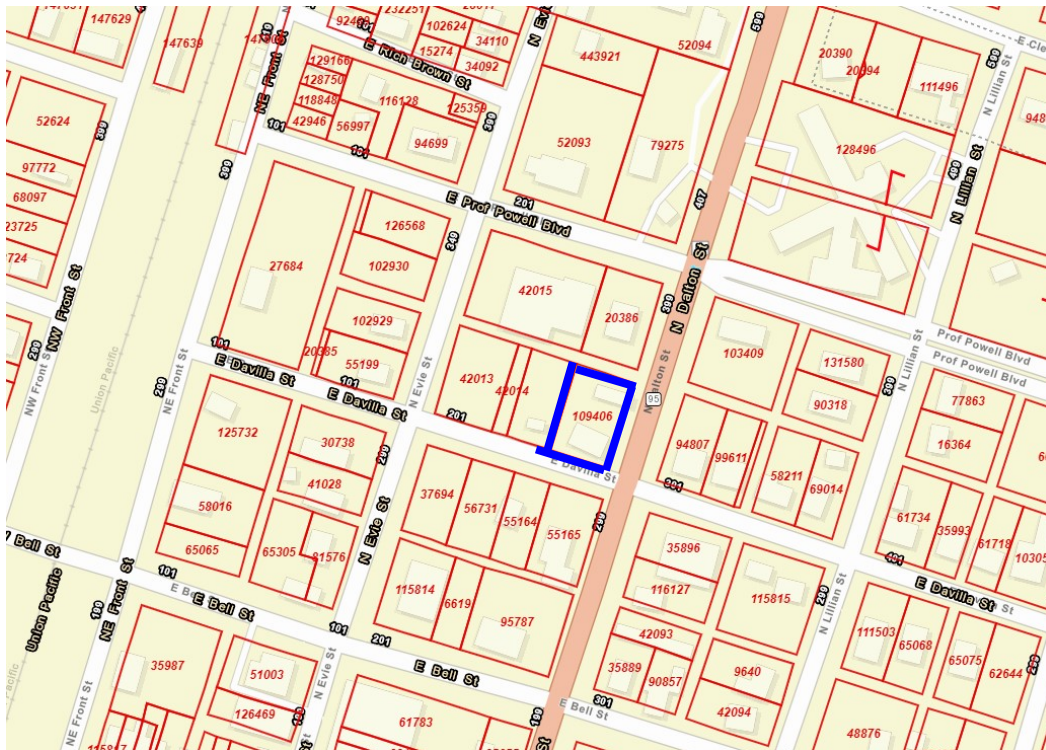
Applicant: Becky Cooper/Story Realty

Representative:

Property Owner: Catherine Spiegelhauer

Request: The applicant is requesting a Zoning Map Amendment to rezone the subject property located at 240 E Davilla st. from B3 to C1.

Case History: This is the first public hearing of this request.



Development Services Department Staff Report

Overview of Applicant's Request

The applicant is requesting to rezone from General Business (B3) to General Commercial (C1) siting "highest and best use" for future appraisal and development of the property.

SECTION 15: B-3 GENERAL BUSINESS DISTRICT

A. Purpose

The B-3 District is established to accommodate those uses that are of citywide and regional significance such as retail, professional services, and offices, including but not limited to the following:

B. Uses Permitted

- (1) Any use permitted in the "B-2" District;
- (2) Automatic Laundry;
- (3) Washateria;
- (4) Auto Repair Garage;
- (5) Automobile, truck and bus service and repairs;
- (6) Cabinet Maker;
- (7) Carpet Cleaning, if dust proof rooms and dust catching and scour equipment is used;
- (8) Ice Manufacture;
- (9) Lumber Yard (building materials);
- (10) Motorcycle Repair;
- (11) Paint Shop;
- (12) Sheet Metal Shop;
- (13) Stone Monument Works;
- (14) Storage Warehouse;
- (15) Taxicab Storage and Repair;
- (16) Use Car Lot;
- (17) Drive-in Theaters;

Any other retail or wholesale use, provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or vibration, but excluding such uses as are enumerated in "C-1" District.

SECTION 16: C-1 COMMERCIAL DISTRICT

A. Purpose

The C-1 District is established to accommodate those uses that are targeted to a segment of the general public as well as industrial users. The District allows for assembly, packaging, and manufacturing of onnsuch as retail, professional services, and offices, including but not limited to the following:

B. Uses Permitted

- (1) Any use permitted in the "B-1 ", "B-2", or "B-3" Districts;
- (2) Any manufacturing or industrial use not prohibited by any other law, provided, however, that no building or occupancy permit shall be issued for any of the following uses unless the location of use shall have been approved by the City Council;
- (3) Acid Manufacturing;
- (4) Cement, Lime Manufacturing;
- (5) Explosive, Manufacturing or Storage;
- (6) Fertilizer Manufacturing;
- (7) Gas Manufacturing;
- (8) Glue Manufacturing;
- (9) Petroleum Refining;
- (10) Stock Yards or Slaughter of Animals;
- (11) Tannery;
- (12) Storage of Paper, Iron, or Junk;
- (13) Used Car Dismantling;
- (14) Oil Well Drilling;
- (15) Cotton Gins;
- (16) Grain Storage;
- (17) Any other commercial use provided such use is not noxious or offensive by reason of odors, soot, dust, noise, gas fumes, or vibrations.

Site Information

Location:

The subject property is located at the corner of E Davilla Street and N Dalton St (AKA Hwy 95)

Property Features and Surrounding Area:

The existing property is currently a single family residential home with adjacent apartments on the same lot. Property is bordered by single family residential homes to the W & SW, Goodnight Funeral home to the NW, Teinert Memorial Library to the N, Single family residents and B3 business to the E, This property sits on the Highway 95 corridor.

Future Land Use and Zoning Designations:

The subject property has a B3 designation and is currently zoned General Business (B3) applicant is looking to rezone to a Commercial Business (C1).

(see attached zoning ordinances for descriptions of zones)

Surrounding Properties:

The surrounding properties are currently zoned One Family Residential (R1), Duplex and Apartments (R2), Retail Business District (B2), & General Business (B3). The overall area is primarily residential and General Business.

Property History:

The property was annexed into The Original Town of Bartlett, Lots 5 & 6, Block 24 According to the plat record in Volume 50, Page 183/184 dated June 15th, 1885. Currently owned by Gary Spiegelhauer C/O Catherine Spiegelhauer

Utilities

The subject property is located within the City's service area for water, wastewater, electric. It is anticipated that there will be a need to upgrade services to this property.

A Utility Evaluation will be required to determine capacity and any necessary utility improvements.

SECTION 13: B-1 RETAIL - C-1 GENERAL COMMERCIAL

SECTION 13: B-1 RETAIL BUSINESS DISTRICT-DOWNTOWN AREA.

A. Purpose

The B-1 District is established in order to provide convenient locations for retail, professional service, residential, lodging, restaurants and similar uses, including but not limited to the following:

B. Uses Permitted

- (1) Amusement, Entertainment, and Fitness Facilities;
- (2) Antique stores;
- (3) Art Galleries, Woodworking, and Sculpting;
- (4) Bank and Office;
- (5) Bakeries, retail only;
- (6) Barber Shops, Beauty Salons, and Spas;
- (7) Bed and Breakfast Lodging;
- (8) Bookstores;
- (9) Cafeteria;
- (10) Cleaning and Pressing Shops;
- (11) Clothing Stores;
- (12) Dance and Music Stores;
- (13) Drug Store;

- (14) "Fix-it" Shops, not to exceed four hundred (400) square feet in area;
- (15) Florist shops and conservatories;
- (16) Gasoline Filling Stations;
- (17) General Merchandise Stores;
- (18) Grocery Stores;
- (19) Meat Market;
- (20) Moving Picture Theater (not drive-in);
- (21) One-family dwellings, multi-family dwellings, duplex residences, and apartments shall be allowed within the boundaries of the "B-1" District. Mobile Homes and House Trailers are not permitted in the "B-1" District;
- (22) Pet Shops;
- (23) Restaurants;
- (24) Shoe Repair Stores;
- (25) Tailor;
- (26) Professional Offices;
- (27) Motels and Tourist Courts;
- (28) Hospital and Clinics;
- (29) Specialty Shops;
- (30) Any other retail, professional service, personal service, general sales or service, and similar use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or vibration, but excluding such uses as are enumerated in "B-2" and "C-1" District.

No other use shall be permitted and none of these stores or uses shall be open for business before six o'clock (6:00) A.M. nor after twelve o'clock (12:00) P.M. on any day of the week except by special permit of the City Council.

A residential use allowed in this "B-1" District may be situated within a building also utilized for another use permitted in the "B-1" District. An authorized residential use situated in this "B-1" district is exempt from the requirements of this Chapter related to the minimum dimensions of yards, the

minimum lot area per family, and the minimum square foot requirements for the residential use.

SECTION 14: B-2 RETAIL BUSINESS DISTRICT

A. Purpose

The B-2 District is established in order to provide accommodations for retail, professional service, lodging, restaurants and similar uses, including but not limited to the following:

B. Uses Permitted

- (1) Bank and Office;
- (2) Bakeries, retail only;
- (3) Cafeteria;
- (4) Cleaning and Pressing Shops;
- (5) Drug Store;
- (6) "Fix-it" Shops, not to exceed four hundred (400) square feet in area;
- (7) Florist shops and conservatories;
- (8) Gasoline Filling Stations;
- (9) Grocery Stores;
- (10) Meat Market;
- (11) Moving Picture Theater (not drive-in);
- (12) Restaurants;
- (13) Shoe Repair Stores;
- (14) Tailor;
- (15) Professional Offices;
- (16) Motels and Tourist Courts;
- (17) Hospital and Clinics;

Any other retail, professional service, personal service, general sales or service, and similar use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or vibration, but excluding

such uses as are enumerated in “B-2” and “C-1” District.

No other use shall be permitted and none of these stores or uses shall be open for business before six o'clock (6:00) A.M. nor after twelve o'clock (12:00) P.M. on any day of the week except by special permit of the City Council.

SECTION 15: B-3 GENERAL BUSINESS DISTRICT

A. Purpose

The B-3 District is established to accommodate those uses that are of citywide and regional significance such as retail, professional services, and offices, including but not limited to the following:

B. Uses Permitted

- (1) Any use permitted in the “B-2” District;
- (2) Automatic Laundry;
- (3) Washateria;
- (4) Auto Repair Garage;
- (5) Automobile, truck and bus service and repairs;
- (6) Cabinet Maker;
- (7) Carpet Cleaning, if dust proof rooms and dust catching and scour equipment is used;
- (8) Ice Manufacture;
- (9) Lumber Yard (building materials);
- (10) Motorcycle Repair;
- (11) Paint Shop;
- (12) Sheet Metal Shop;
- (13) Stone Monument Works;
- (14) Storage Warehouse;
- (15) Taxicab Storage and Repair;
- (16) Use Car Lot;
- (17) Drive-in Theaters;

Any other retail or wholesale use, provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or

vibration, but excluding such uses as are enumerated in “C-1” District.

SECTION 16: C-1 COMMERCIAL DISTRICT

A. Purpose

The C-1 District is established to accommodate those uses that are targeted to a segment of the general public as well as industrial users. The District allows for assembly, packaging, and manufacturing of onnsuch as retail, professional services, and offices, including but not limited to the following:

B. Uses Permitted

- (1) Any use permitted in the “B-1”, “B-2”, or “B-3” Districts;
- (2) Any manufacturing or industrial use not prohibited by any other law, provided, however, that no building or occupancy permit shall be issued for any of the following uses unless the location of use shall have been approved by the City Council;
- (3) Acid Manufacturing;
- (4) Cement, Lime Manufacturing;
- (5) Explosive, Manufacturing or Storage;
- (6) Fertilizer Manufacturing;
- (7) Gas Manufacturing;
- (8) Glue Manufacturing;
- (9) Petroleum Refining;
- (10) Stock Yards or Slaughter of Animals;
- (11) Tannery;
- (12) Storage of Paper, Iron, or Junk;
- (13) Used Car Dismantling;
- (14) Oil Well Drilling;
- (15) Cotton Gins;
- (16) Grain Storage;
- (17) Any other commercial use provided such use is not noxious or offensive by reason of odors, soot, dust, noise, gas fumes, or vibrations.

**City of Bartlett
Municipal Court Council Report
From 10/1/2023 to 10/31/2023**

Violations by Type

Traffic	Penal	City Ordinance	Parking	Other	Total
27	3	2	0	1	33

Financial

State Fees	Court Costs	Fines	Tech Fund	Building Security	Total
\$2,507.44	\$939.86	\$3,729.00	\$107.83	\$132.07	\$7,416.20

Warrants

Issued	Served	Closed	Total
0	0	2	2

FTAS/VPTAS

FTAS	VPTAS	Total
2	1	3

Dispositions

Paid	Non-Cash Credit	Dismissed	Driver Safety	Deferred	Total
15	0	4	1	2	22

Trials & Hearings

Jury	Bench	Appeal	Total
0	0	0	0

Omni/Scofflaw/Collection

Omni	Scofflaw	Omni/Collection	Total
9	0	9	18

**OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL**



OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Period October 2023

Municipal Court for the City of Bartlett

Presiding Judge Scott Matthew
If new, date assumed office

Court Mailing Address 140 W. Clark
City Bartlett, TX 76511

Phone Number 254-527-3219
Fax Number

Court's Public Email municipalcourt@bartlett-tx.us
Court's Website www.bartlett-tx.us

THE ATTACHED IS A TRUE AND ACCURATE REFLECTION OF THE RECORDS OF THIS COURT.

Prepared by _____

Date _____ Phone Number _____

PLEASE RETURN THIS FORM NO LATER THAN 20 DAYS FOLLOWING THE END OF THE MONTH REPORTED TO:

**OFFICE OF COURT ADMINISTRATION
P O BOX 12066
AUSTIN, TX
78711-2066**

PHONE: (512) 463-1625
FAX: (512) 936-2423

CRIMINAL SECTION

Bartlett Municipal Court		Traffic Misdemeanors			Non-Traffic Misdemeanors		
Month	Year	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
October	2023						
1. Total Cases Pending First of Month:		1247	1	0	407	247	151
a. Active Cases		200	1	0	30	17	42
b. Inactive Cases		1047	0	0	377	230	109
2. New Cases Filed		27	0	0	3	1	2
3. Cases Reactivated		1	0	0	0	1	0
4. All Other Cases Added		0	0	0	0	0	0
5. Total Cases on Docket <i>(Sum of Lines 1a, 2, 3 & 4)</i>		228	1	0	33	19	44
Dispositions Prior to Court Appearance or Trial:							
Uncontested Dispositions <i>(Disposed without appearance before a judge (CCP Art. 27.1A))</i>		13	0	0	0	1	0
b. Dismissed by Prosecution		0	0	0	0	0	0
Dispositions at Trial:							
Convictions:							
Guilty Plea or Nolo Contendere		1	0	0	0	0	0
2) By the Court		0	0	0	0	0	0
3) By the Jury		0	0	0	0	0	0
Acquittals:							
By the Court		0	0	0	0	0	0
2) By the Jury		0	0	0	0	0	0
c. Dismissed by Prosecution		0	0	0	0	0	0
Compliance Dismissals:							
After Driver Safety Course (CCP, Art. 45.0511)		1					
b. After Deferred Disposition (CCP, Art. 45.051)		2	0	0	0	0	0
c. After Teen Court (CCP, Art. 45.052)		0	0	0	0	0	0
d. After Tobacco Awareness Course (HSC, Sec. 161.253)						0	
e. After Treatment for Chemical Dependency (CCP, Art. 45.053)					0	0	
f. After Proof of Financial Responsibility (TC, Sec. 601.193)		0					
g. All Other Transportation Code Dismissals		3	0	0	0	0	0
9. All Other Dispositions		1	0	0	0	0	0
10. Total Cases Disposed <i>(Sum of Lines 6, 7, 8 & 9)</i>		21	0	0	0	1	0
11. Cases Placed on Inactive Status		5	0	0	3	1	0
12. Total Cases Pending End of Month:		1255	1	0	410	247	153
a. Active Cases <i>(Equals Line 5 minus the sum of Lines 10 & 11)</i>		204	1	0	30	17	44
Inactive Cases <i>(Equals Line 1b minus Line 3 plus Line 11)</i>		1051	0	0	380	230	109
13. Show Cause Hearings Held		0	0	0	0	0	0
Cases Appealed:							
After Trial		0	0	0	0	0	0
b. Without Trial		0	0	0	0	0	0

CIVIL/ADMINISTRATIVE SECTION

Bartlett Municipal Court		TOTAL CASES
Month October	Year 2023	
1. Total Cases Pending First of Month:		0
a. Active Cases		0
b. Inactive Cases		0
2. New Cases Filed		0
3. Cases Reactivated		0
4. All Other Cases Added		0
5. Total Cases on Docket <i>(Sum of Lines 1a, 2, 3 & 4)</i>		0
DISPOSITIONS		
6. Uncontested Civil Fines or Penalties		0
7. Default Judgments		0
8. Agreed Judgments		0
9. Trial/Hearing by Judge/Hearing Officer		0
10. Trial by Jury		0
11. Dismissed for Want of Prosecution		0
12. All Other Dispositions		0
13. Total Cases Disposed <i>(Sum of Lines 6 through 12)</i>		0
14. Cases Placed on Inactive Status		0
15. Total Cases Pending End of Month:		0
a. Active Cases <i>(Equals Line 5 minus the sum of Lines 13 & 14)</i>		0
b. Inactive Cases <i>(Equals Line 1b minus Line 3 plus Line 14)</i>		0
Cases Appealed:		
After Trial		0
b. Without Trial		0

JUVENILE/MINOR ACTIVITY

Bartlett Municipal Court		TOTAL
Month 10	Year 2023	
1. Transportation Code Cases Filed		2
2. Non-Driving Alcoholic Beverage Code Cases Filed		0
3. Driving Under the Influence of Alcohol Cases Filed		0
4. Drug Paraphernalia Cases Filed <i>(HSC, Ch. 481)</i>		0
5. Tobacco Cases Filed <i>(HSC, Sec. 161.252)</i>		0
6. Failure to Attend School Cases Filed <i>(Ed.Code, Sec. 25.094)</i>		0
7. Education Code (Except Failure to Attend) Cases Filed		0
8. Violation of Local Daytime Curfew Ordinance Cases Filed <i>(Local Govt. Code, Sec. 341.905)</i>		0
9. All Other Non-Traffic Fine-Only Cases Filed		0
Transfer to Juvenile Court:		0
Mandatory Transfer <i>(Fam.Code, Sec. 51.08(b)(1))</i>		0
b. Discretionary Transfer <i>(Fam.Code, Sec. 51.08(b)(2))</i>		0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct) <i>(CCP, Art. 45.050(c)(1))</i>		0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges) <i>(CCP, Art. 45.050(c)(2))</i>		0
Juvenile Statement Magistrate Warning:		0
Warnings Administered		0
b. Statements Certified <i>(Fam.Code, Sec. 51.095)</i>		0
14. Detention Hearings Held <i>(Fam. Code, Sec. 54.01)</i>		0
15. Orders for Non-Secure Custody Issued		0
16. Parent Contributing to Nonattendance Cases Filed <i>(Ed. Code, Sec. 25.093)</i>		0

ADDITIONAL ACTIVITY

Bartlett Municipal Court		NUMBER GIVEN	NUMBER REQUESTS FOR COUNSEL
Month 10	Year 2023		
Magistrate Warnings:		0	
Class C Misdemeanors			
b. Class A and B Misdemeanors		0	0
c. Felonies		0	0
			TOTAL
Arrest Warrants Issued:			0
Class C Misdemeanors			
b. Class A and B Misdemeanors			0
c. Felonies			0
3. Capiases Pro Fine Issued			0
4. Search Warrants Issued			0
5. Warrants for Fire, Health and Code Inspections Filed <i>(CCP, Art. 18.05)</i>			0
6. Examining Trials Conducted			0
7. Emergency Mental Health Hearings Held			0
8. Magistrate's Orders for Emergency Protection Issued			0
9. Magistrate's Orders for Ignition Interlock Device Issued <i>(CCP, Art. 17.441)</i>			0
10. All Other Magistrate's Orders Issued Requiring Conditions for Release on Bond			0
11. Driver's License Denial, Revocation or Suspension Hearings Held <i>(TC, Sec. 521.300)</i>			0
12. Disposition of Stolen Property Hearings Held <i>(CCP, Ch. 47)</i>			0
13. Peace Bond Hearings Held			0
Cases in Which Fine and Court Costs Satisfied by Community Service:			0
Partial Satisfaction			
b. Full Satisfaction			0
15. Cases in Which Fine and Court Costs Satisfied by Jail Credit			0
16. Cases in Which Fine and Court Costs Waived for Indigency			0
17. Amount of Fines and Court Costs Waived for Indigency			\$0.00
18. Fines, Court Costs and Other Amounts Collected:			
a. Kept by City			\$4,908.76
b. Remitted to State			\$2,507.45
c. Total			\$7,416.20



CHAD MEES, MAYOR
 PHILLIP WEAVER, PRO TEMPORE
 VICKIE COOPER, COUNCILMAN
 JESSE LUNA, COUNCILMAN
 GAYLE JONES, COUNCILMAN
 SHELTON GILMORE, COUNCILMAN

Date 11/07/2023

Monthly Report: Development Services Department

Dates 10/1/2023 to 10/31/2023

All building permits are subject to abide by City of Bartlett developmental zonings and building ordinances accordingly.

Total Fees collected	\$23,230.00
Commercial	\$ 100.00
Refundable (demolition security deposit)	\$ 0.00
Residential	\$ 3,260.00
Review Fees	\$ 1,850.00
Administrative Fees	\$ 600.00
Inspection Fees	\$ 3,420.00
Service Availability Fees	\$ 4,000.00
W/WW Taps Fees	\$10,000.00
Total Permits Applied	17
Commercial	2
Residential	15
Building Permits	14
Approved	7
Denied	0
Pending Review	3
In Review	4
MH/Move-In Permits	3
Approved	3
Denied	0
In Review	0
Pending Review	0
Demo	0
Events	0
Permit Renewal	0
ATS Inspections completed	24
Inspections awaiting	3



CHAD MEES, MAYOR
PHILIP WEAVER, MAYOR PRO-TEM
VICKIE COOPER, COUNCILMAN
JESSE LUNA, COUNCILMAN
GAYLE JONES, COUNCILMAN
SHELTON GILMORE, COUNCILMAN

Date: November 1, 2023

Report: Monthly Utilities Report

Report Dates: October 1, 2023 through October 31, 2023

Residential Utilities	\$167,977.80
Commercial Utilities	\$27,582.21
Dumpsters	\$3,648.91
Water Improvement Loan	\$5,522.24
<u>Total</u>	<u>\$204,731.16</u>
Deposit Revenue	\$850.00
Paper Bills	757
Number of Active Accounts	602
New Residents	4
Service orders completed	137
Payment Plan Households	21



DEPARTMENT REPORTS – Public Works

October Work Orders		
Type	Total	Average Repair Time
Total Work Orders	170	
Electrical Issue	4	1.5 Hours
Power Outage	2	3 Hours
Water Leaks	21	2 Hours
Brush Pickups	16	
Sewer Backups	25	30 Minutes
Sewer Line Repairs	1	2 Hours
Rereads	8	
Disconnects	9	
Miscellaneous	47	
Not Completed (Scheduled)	37	



**BARTLETT POLICE DEPARTMENT
CHIEF MARKUS HOLT
202 NORTH DALTON STREET
BARTLETT, TEXAS 76511
(254)527-3733 OFFICE (254) 527-4256(FAX)**

Below are the Event Priority Levels and Event Count for Dispatched Calls of Service

Event Priority Level	Event Count
1	4
2	26
3	72
4	39

Total Dispatched Calls of Service (Bell County): 141 Calls of Service

Total Non-Dispatched Calls of Service: 46 Calls of Service (No Event Priority Level)

Total Active Investigations: 13 Investigations Active (October)

Total Closed Investigations: 6 Investigations

Total Investigations Sent to District Attorney: 2 Investigations

Warrants Issued and Active: 6 Completed Investigations/Warrants

Total Dispatched Calls of Service Including Active Investigations, City Ordinances Calls and Non-Dispatched Calls of Service: **211 Calls of Service**

Total Traffic Stops: 28 Traffic Stops (Citations and Warnings)

Total Violation of City Ordinance Calls of Service: 11

Total Active Duty Officers: 3 Total Officers



Chad Mees, Mayor
Philip Weaver Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

NOTICE AND AGENDA OF A CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS

Notice is hereby given that the City Council of the City of Bartlett, Texas will hold a

Regular Called Meeting

7:00 PM
Monday, October 9th, 2023
Bartlett City Hall
140 W Clark Street, Bartlett, TX 76511

For citizen comments, please contact Brenda Kelley, City Clerk at (municipalcourt@bartlett-tx.us).

CALL TO ORDER, DECLARE A QUORUM, PLEDGE OF ALLEGIANCE, AND INVOCATION

Call to Order at 07:02 P.M.
Quorum Declared
MPT Weaver was absent

I CITIZENS COMMUNICATION

(The City Council welcomes public comments on items not listed on the agenda. However, the Council cannot respond until the item is posted on a future meeting agenda. Public comments are limited to 3 minutes.)

BOARDS, COMMISSIONS, & COMMITTEES PRESENTATIONS, PROCLAMATIONS

I. Cemetery Committee Monthly Update.

Painting as been completed of the perimeter fence. Brush removal and clean up is ongoing.

2. Teinert Memorial Library Board Monthly Update

New library cards have been ordered. ESL Classes are being planned and should start in January 2024.
Workforce will be at the Library on Tuesdays and Thursdays to help.
Total visitors for September were 80 in which 30 new library cards were issued.

3. Municipal Development District (MOD) Monthly Update
A meeting was recently held and discussed the fiber project.

4. Parks & Facilities Committee Monthly Update
The Caldwell field is topic of discussion in regards to a new contract and the clean up of the park. The concession stand needs repairing.

I CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items the Council may act on with one single vote. Any Council member may pull any item from the Consent Agenda to discuss and act upon individually on the Regular Agenda.)

5. Receive monthly department reports:
a. City Administrator



Chad Mees, Mayor
Philip Weaver Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

- b. City Secretary
- c. Municipal Court
- d. Development Services
- e. Utility Billing
- f. Public Works
- g. Police

6. Approve minutes from the following meeting:
- a. 09.11.2023 - Minutes - Regular
 - b. 09.25.2023- Minutes - Regular

CM Cooper made a motion to approve dept reports and minutes for the month of September.
CM Gilmore seconded the motion.
Motion Passes 4-0

PUBLIC HEARINGS/ ORDINANCES

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

7. Consideration and possible action to authorize City Administrator to issue a Request for Proposals for a utility rate study.

City administrator provided an overview. The study is needed to analyze and go over the cost of service and providing a rate analysis based on cost of service.

CM Gilmore made a motion to approve the rate study.
CM Luna seconded
Motion passed 4-0

8. Consideration and possible action to authorize the submission of community development block grant - mitigation - resilient communities program project application to the General Land Office for a comprehensive plan update and any other related future planning efforts.

Comprehensive plan update needed as the current one in place was last done in 2005. Mayra will be looking into grants.

CM Cooper made a motion to approve Resolution 20231009-01 to authorize the submission of community development block grant.
CM Jones seconded
Motion passes 4-0

FUTURE AGENDA ITEMS

New contract with the Youth League for the Becky Caldwell complex to be discussed



Chad Mees, Mayor
Philip Weaver Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

ADJOURN

CM Cooper made the motion to adjourn the meeting.
CM Luna seconded
Meeting was adjourned at 8:00 PM

MINUTES APPROVED:

Mayor Chad Mees

Date

ATTEST:



City Clerk

Date



Chad Mees, Mayor
Phillip Weaver, Mayor Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

NOTICE AND AGENDA OF A CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS

Notice is hereby given that the City Council of the City of Bartlett, Texas will hold a

Regular Called Meeting

7:00 PM
Monday, October 23, 2023
Bartlett City Hall
140 W Clark Street, Bartlett, TX 76511

For citizen comments, please contact Brenda Kelley, City Clerk at (municipalcourt@bartlett-tx.us).

CALL TO ORDER, DECLARE A QUORUM, PLEDGE OF ALLEGIANCE, AND INVOCATION

Call to Order at 07:01 P.M.
CM Jones absent.
Quorum declared.

CITIZENS COMMUNICATION

(The City Council welcomes public comments on items not listed on the agenda. However, the Council cannot respond until the item is posted on a future meeting agenda. Public comments are limited to 3 minutes.)

BOARDS, COMMISSIONS, & COMMITTEES PRESENTATIONS, PROCLAMATIONS

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items the Council may act on with one single vote. Any Council member may pull any item from the Consent Agenda to discuss and act upon individually on the Regular Agenda.)

1. Consideration and possible action to contract Eagle Eye Consulting & Construction, LLC. for a manhole replacement on Brooks Street and sewer tap on Brooks Street and Stonepack Lane in the amount of \$31,827.
2. Consideration and possible action to approve an agreement and appropriation of \$10,400 to FundView for the mass meter exchange console.
3. Consideration and possible action to approve an annual appropriation of \$3,250 and a one-time appropriation of \$2,500 to FundView for a software permit solution.

CM Cooper made a motion to accept and approve consent items as presented.

CM Luna seconded.

Motion passes 4-0

WORKSHOP AGENDA: REVIEW/DISCUSS AND PROVIDE DIRECTION

4. Presentation and discussion on a zoning map amendment to rezone approximately 0.3214 acres of land from B-3 General Business District to C-1 Commercial District for the property generally located at 240 E Davilla Street, Bartlett, in Bell County, Texas.

Becky Cooper provided a presentation

PUBLIC HEARINGS / ORDINANCES



Chad Mees, Mayor
Phillip Weaver, Mayor Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

5. Hold public Hearing to consider a zoning map amendment to rezone for approximately 0.3214 acres of land from B-3 General Business District to C-1 Commercial District for the property generally located at 240 E Davilla Street, Bartlett, in Bell County, Texas.

Hearing opened at: 07:26 P.M.

2 Residents spoke:

1 Resident was opposed to the item.

Hearing closed at: 07:30 P.M.

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

6. Consideration and possible action to approve Ordinance 20231023-01 for a zoning map amendment to rezone approximately 0.3214 acres of land from B-3 General Business District to C-1 Commercial District for the property generally located at 240 E Davilla Street, Bartlett, in Bell County, Texas.

MPT Weaver made a motion to table discussion upon further information.

CM Gilmore seconded.

Motion passes 4 - 0

7. Consideration and possible action to nominate a board member to the Tax Appraisal District of Bell County.

No action taken.

8. Consideration and possible action to authorize City Administrator to issue a Request for Qualifications for general engineering services.

MPT Weaver made a motion to approve and authorize the City Administrator to issue a request for qualifications for general engineering services.

CM Cooper seconded.

Motion passes 4 - 0

9. Consideration and possible action to approve a resolution authorizing indebtedness and security to Cadence Bank.

CM Cooper made the motion to approve resolution authorizing indebtedness and security to Cadence Bank.

CM Gilmore seconded.

Motion passes 4 - 0

10. Consideration and possible action to appoint official newspaper for the City to use for FY2024.

CM Cooper made the motion to appoint the Temple Daily Telegram as the official newspaper for the City of Bartlett FY 2024.

CM Luna seconded.

Motion passes 4 - 0

EXECUTIVE SESSION:

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

11. §551.074: Deliberate the appointment, employment, evaluation, compensation, reassignment, duties, discipline, and/or dismissal of a public employee or officer regarding: (i) Chief of Police

Reconvene into Open Session:



Chad Mees, Mayor
Phillip Weaver, Mayor Pro-Tempore
Gayle Jones, Council Member
Vickie Cooper, Council Member
Jesse Luna, Council Member
Shelton Gilmore, Council Member

a. Take action, if any, on matters discussed in Executive Session.

Executive Session convened at 07:50 P.M.

Executive Session reconvened into open session at 08:48 P.M.

No action taken in executive session at this time.

FUTURE AGENDA ITEMS

ADJOURN

CM Cooper made the motion to adjourn at 08:51 P.M.

MPT Weaver seconded.

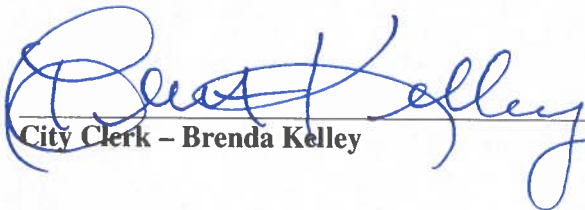
Motion passes 4 - 0

MINUTES APPROVED:

Mayor Chad Mees

Date

ATTEST:



City Clerk - Brenda Kelley

Date

CODE OF ORDINANCES
OF THE
CITY OF BARTLETT, TEXAS

As Codified By:



2435 20th Street
Lubbock, Texas 79411
806.797.8281
www.franklinlegal.net

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ARTICLE 1.01 CODE OF ORDINANCES

§ 1.01.001 Adoption.

There is hereby adopted the Code of Ordinances of the City of Bartlett, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc.

(Ordinance adopting 2023 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 Bartlett, Texas,” and may be so cited.

(Ordinance adopting 2023 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 2023 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 Bartlett, 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 Bartlett, 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 Bartlett, Texas.

County. The term “county” or “this county” shall mean the County of Bell and/or the County of Williamson, 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 2023 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 2023 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 2023 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 2023 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 2023 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, other than the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).

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

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

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

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

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

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

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

(Ordinance adopting 2023 Code)

ARTICLE 1.02 EMERGENCY MANAGEMENT

Division 1. Generally

§§ 1.02.001–1.02.030 Reserved.

Division 2. Emergency Management Program

§ 1.02.031 Organization.

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

- (1) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
- (2) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this division. He/she may delegate authority for execution of these duties to the coordinator, but the ultimate responsibility for such execution shall remain with the director.
- (3) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.101)

§ 1.02.032 Powers and duties of emergency management director.

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

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

- (8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and other municipalities with 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) Authorization 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.

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.102)

§ 1.02.033 Emergency management plan.

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

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.103)

§ 1.02.034 Interjurisdictional program.

The mayor is hereby authorized to join with the county judge of the County of Bell and the mayors of the other cities in said 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 89-1 adopted 1/16/1989; 1989 Code, sec. 5.104)

§ 1.02.035 Override.

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

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.105)

§ 1.02.036 Liability.

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

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.106)

§ 1.02.037 Commitment of public 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 89-1 adopted 1/16/1989; 1989 Code, sec. 5.107)

§ 1.02.038 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 in an amount in accordance with state law.

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.108; Ordinance adopting 2023 Code)

§ 1.02.039 Limitations.

This division shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation.

(Ordinance 89-1 adopted 1/16/1989; 1989 Code, sec. 5.110)

CHAPTER 2

ADMINISTRATION AND PERSONNEL

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ARTICLE 2.01 GENERAL PROVISIONS

§ 2.01.001 Incorporation of city.

(a) The City of Bartlett was initially incorporated on January 17, 1891 as the Town of Bartlett in accordance with the provisions of article 513, Sayles Texas Civil Statutes. At an election held on January 14, 1891, forty-five (45) ballots were cast, thirty-six (36) for incorporation and nine (9) against incorporation.

(b) The order of the Williamson County judge canvassing the election and incorporating the Town of Bartlett will be found on page 79, Minute Book 8, Williamson County Commissioners Court Minutes.

(1989 Code, sec. 1.100)

§ 2.01.002 Service plan for annexations.

(a) Applicability. A service plan for each tract annexed shall apply to each and every proposed annexation of the city for which an ordinance has not been considered by the city council as of September 1, 1981.

(b) Contents; approval by council.

(1) Upon the filing of an application for annexation, the mayor is directed to prepare a service plan that provides for the extension of municipal services into each area proposed to be annexed. The service plan shall include the following:

(A) A program under which the city will provide:

- (i) Police protection;
- (ii) Fire protection;
- (iii) Solid waste collection;
- (iv) Maintenance of public water and wastewater facilities;
- (v) Maintenance of public roads and streets (including lighting);
- (vi) Maintenance of parks, playgrounds, and swimming pools;
- (vii) Maintenance of any other publicly owned facility, building, or service within each area to be annexed.

(B) A program under which the city will initiate, within two and one-half (2-1/2) years, acquisition or construction of any capital improvements necessary for providing municipal services for the particular area, taking into consideration the different characteristics of topography, land utilization and property density and determining the different levels of services.

(2) The service plan shall be approved by the city council prior to the first public hearing.

(c) Public hearings. The proposed service plan shall be made available for inspection by and explained to those persons attending the public hearings in connection with the proposed annexation. It may be amended at such hearings in accordance with state law. Upon completion of the public hearings, the service plan shall be approved as part of that ordinance. Thereafter, it may be amended or repealed in accordance with V.T.C.A., Local Government Code, chapter 43, as now or hereafter amended.

(Ordinance 82-2 adopted 4/23/1982; 1989 Code, sec. 1.370; Ordinance adopting 2023 Code)

§ 2.01.003 Elections.

All elections pertaining to affairs of the city shall be governed by and conducted in accordance with the election laws of the state, specifically, V.T.C.A., Election Code.

(Ordinance 204 adopted 2/16/1948; 1989 Code, sec. 1.210; Ordinance adopting 2023 Code)

§ 2.01.004 Waiver of confidentiality and privileged communications.

City employees, officers, consultants, contractors, representatives, or members of the governing body shall not be entitled to waive confidentiality or any privilege established by law, including the attorney-client privilege, unless authorized to do so by a two-thirds affirmative vote of the entire city council. It is an exception to this section that waiver is required by a court order or agency ruling that the city council has declined to challenge.

(Ordinance 2013-01 adopted 1/14/2013)

§ 2.01.005 Former city employees prohibited in certain areas of city facilities.

(a) Restrictions. No person formerly employed by the city may be physically present behind the main desk of city hall, in any business office located within city hall (excluding the city council chambers and restrooms), nor any part of the city sewer plant.

(b) Penalty. Any person violating this section is guilty of a class C misdemeanor, and upon conviction shall be punished by a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code, per offense. Any person violating this section is subject to a suit for injunction as well as prosecution for all other applicable criminal violations.

(Ordinance 2016 adopted --/2016; Ordinance adopting 2023 Code)

§ 2.01.006 Time limits and personnel fees applicable to records requests.

(a) Annual time limit. Pursuant to Texas Government Code section 552.275(a) and (b), thirty-six (36) hours is the reasonable limit on the amount of time that personnel of the city are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, in any given twelve-month period commencing on October 1 of each year, without recovering the city's costs attributable to that personnel time.

(b) Monthly time limit. Pursuant to Texas Government Code section 552.275(a) and (b), fifteen (15) hours is the reasonable limit on the amount of time that personnel of the city are required to spend producing public information for inspection or duplication by a requestor, or providing

copies of public information to a requestor, in any given monthly period commencing on the 1st date of each month, without recovering the city's costs attributable to that personnel time.

(c) Records of time spent fulfilling requests. The city secretary or designee shall be responsible for maintaining records of the cumulative amount of personnel time spent complying with requests for public information from each individual requestor.

(d) Charges for personnel time spent in excess of time limits. Notwithstanding any provision of this section to the contrary, any requestor of public information will be charged personnel costs in accordance with Texas Government Code section 552.275 for all time in excess of thirty-six (36) hours in any given twelve-month period commencing on October 1 of each year or fifteen (15) hours in a given monthly period commencing on the 1st date of each month, spent by personnel of the city in producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor. The city secretary or designee shall be responsible for providing all notices to the requestor as required by law, including written statements of accrued time required by Texas Government Code section 552.275(d) and written estimates of charges required by Texas Government Code section 552.275(e).

(e) "Requestor" defined. For purposes of this section, "requestor" shall have the meaning set forth in Texas Government Code section 552.003(6).

(Ordinance 20180910-4F adopted --/2018)

§ 2.01.007 Sale of city-owned property.

The city council hereby incorporates, as if fully set forth herein, the provisions of chapters 253 and 272 [of the Local Government Code], that govern the sale of city-owned property applicable to a general law type A municipality. The city council further adopts the following rules and regulations:

- (1) If the city sells property through a public auction under section 253.001 of the Local Government Code, then the city must utilize the services of an auctioneer that was either secured by:
 - (A) A competitive bidding process if the service will cost the city \$50,001.00 or more;
 - (B) As a "personal service" exception under section 252.022(a)(4) of the Local Government Code; or
 - (C) After three informal quotes if the auctioneering services are found to be under \$50,000.00.
- (2) If the city sells property through a sealed bid process under section 272.001 of the Local Government Code, then the city must publish public notices in a newspaper of general circulation that include an accurate and verified legal and common description of the land, its location [in relation] to main thoroughfares, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The public notice must be published on two (2) separate dates and the sale or exchange may not be made until after the fourteenth (14th) day after the date of the second

publication. The city is not required to accept a bid and may reject any or all the bids it receives.

- (3) Any sale of city-owned property shall only be made after a super majority affirmative vote of the membership of city council. To be clear, an affirmative vote shall be four (4) of the five (5) members of the city council without regard to absences or vacancies.
- (4) All properties must be approved by the city council committee (mayor and two councilmembers) before being placed on bid list.
- (5) A violation of this section by a current member of the city council, including the mayor, shall be considered a violation of the city’s ethics ordinance.

(Ordinance 20201019-05 adopted 10/19/2020; Ordinance adopting 2023 Code)

ARTICLE 2.02 CITY COUNCIL

§ 2.02.001 Composition; quorum; terms.

(a) The municipal government of the city shall consist of a city council, composed of the mayor and five aldermen, a majority of whom shall constitute a quorum for the transaction of business, except at call meetings or meetings for the imposition of taxes when two-thirds (2/3) of a full board shall be required unless herein otherwise specified.

(b) The above-named officers shall be elected by the qualified electors of the city as herein provided for and shall hold their offices for two years and until the election and qualification of their successors.

(1989 Code, sec. 1.200(a), (b))

§ 2.02.002 Powers and duties of mayor.

(a) Powers and duties.

- (1) The mayor and/or their designee is the chief executive officer of the municipality. The mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out. The mayor shall perform the duties and exercise the powers prescribed by the governing body of the municipality.
- (2) The mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished.
- (3) The mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality.
- (4) The mayor may administer oaths of office.

- (5) In the event of a riot or unlawful assembly or to preserve the peace and good order in the municipality, the mayor may order and enforce the closing of a theater, ballroom, or other place of recreation or entertainment, or a public room or building, and may order the arrest of a person who violates a state law or a municipal ordinance in the presence of the mayor.

(b) Signing of ordinances and resolutions. All ordinances and resolutions adopted by the city council shall, before they take effect, be placed in the office of the city secretary, and if the mayor approves thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration, a majority of the whole number of the aldermen agree to pass the same and enter their votes on the journal of their proceedings, it shall be in force, and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the secretary's office, as aforesaid, the same shall go into effect.

(Ordinance 3 adopted 4/15/1902; 1989 Code, sec. 1.220; Ordinance adopting 2023 Code)

§ 2.02.003 Powers of council.

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council, provided that the council shall have no power to exercise those powers which are expressly conferred upon city officers by this code or under the laws of the state. The compensation of all appointive officers and employees shall be fixed by the city council, who may increase or diminish such compensation at will or abolish, except those required by this code or the laws of the state, and create any appointive office at any time.

(Ordinance adopting 2023 Code)

§ 2.02.004 President and president pro tem.

The city council shall be composed of the mayor and aldermen provided for herein. The mayor shall be the president of the council, and in case of a tie on any question, he shall have the casting vote. At the first meeting of each new council or as soon thereafter as practicable, one of the aldermen shall be elected president pro tem, who shall hold his office for one year. In case of the failure, inability or refusal of the mayor to act, the president pro tem shall perform the duties and receive the fees and compensation of the mayor.

(Ordinance 1 adopted 3/13/1902; 1989 Code, sec. 1.230)

§ 2.02.005 Keeping of minutes and recording of meetings.

- (a) The city secretary shall keep accurate minutes of each meeting held by the city council.
- (b) For each agenda item, the minutes shall state the subject of each agenda item deliberated and shall indicate each vote, order, decision, or other action taken.
- (c) For public hearing agenda items, the minutes shall indicate each person who speaks at the public hearing, each person's address if the address is provided, and a brief description of the content of the person's comments.

(d) The minutes shall indicate the time that the meeting is opened and adjourned, and the times that the city council convenes into and reconvenes from any executive session.

(e) Minutes prepared by the city secretary shall be presented to the city council for review and approval.

(Ordinance 2012-04 adopted 5/14/2012)

§ 2.02.006 Public comment at council meetings.

The city council hereby adopts the following as the rules for members of the public:

- (1) Persons who disrupt the council meeting may be asked to leave and be removed.
- (2) Members of the public wishing to address the council must sign up to speak in accordance with this section.
- (3) A member of the public may address the council during:
 - (A) A public hearing by submitting to the city secretary the registration form before the item is called;
 - (B) The citizen comments on the agenda items portion of the council meeting by submitting to the city secretary the registration form before the council meeting is called to order; or
 - (C) The citizens communication portion of the council meeting by filing a request with the city secretary by noon of the Friday prior to the Monday council meeting stating the subject to be addressed.
- (4) Members of the public shall be allowed a maximum of three minutes to speak but may take up to a maximum of six minutes, if another individual who has signed up to speak and is present at the meeting yields his/her time to that speaker; provided, however, if more than 20 speakers sign up to speak on an agenda item, each member of the public shall be allowed a maximum of two minutes to speak but may have up to a maximum of four minutes, if another individual who has signed up to speak and is present at the meeting yields his/her time to that speaker.

(Ordinance 2021-1011-06 adopted 10/11/2021)

ARTICLE 2.03 OFFICERS AND EMPLOYEES

Division 1. Generally

§ 2.03.001 Generally.

The officers of the city other than the mayor and aldermen shall be a city secretary, a city attorney, a chief of police, a health officer, a fire marshal, a city judge, and such other officers and agents as the city council may from time to time direct.

(1989 Code, sec. 1.200(c))

§ 2.03.002 City attorney.

(a) Appointment; compensation. The office of the city attorney shall be elected by the city council for a period of one year, and he shall receive such compensation for his services as may be from time to time determined by the city council, but the city council shall have the power to discharge such city attorney at any time without cause.

(b) Duties. It shall be the duty of the city attorney to attend the meetings of the city council, advise it in legal matters, represent the city in the municipal court, collect delinquent taxes, and attend to such matters as the city council may require of him.

(Ordinance 180 adopted 3/18/1940; 1989 Code, sec. 1.243; Ordinance adopting 2023 Code)

§ 2.03.003 City secretary.

(a) Powers and duties. The office of city secretary shall have all the powers and perform all the duties prescribed to it by law. These duties shall include the following:

- (1) Attend every meeting of the city council and shall keep accurate minutes of the proceedings of said council in a book provided for that purpose.
- (2) Engross and enroll all motions and resolutions of the city council and ordinances of the city council.
- (3) Attest all commissions and licenses issued by the mayor.
- (4) Preserve and keep in order all books, papers, documents, and records of the council, and keep a record of such books, papers, documents, and records.
- (5) Have custody of all laws and ordinances of the city.
- (6) Have custody of the seal of the city and shall affix the same to obligations of the city only by order of the city council.
- (7) Perform such services and comply with such regulations as may be prescribed by ordinance or resolution.

- (8) In order to comply with the open meeting law, post in a place readily accessible to the public and 72 hours preceding such meetings, notices of the meetings of the city council.
- (9) Perform all other necessary duties that pertain to such office and all other duties as required by the mayor and the city council, as though such services were particularly required by ordinance.

(b) Appointment and discharge; compensation. The city secretary shall be appointed for an indefinite period of time 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 of which is to be paid by the city.

(c) Bond. He shall give bond in such amount and such form as the city council may from time to time prescribe, with good sufficient securities, and the city council may require a new bond whenever, in their opinion, the existing bond is insufficient, and whenever such bond is required, he shall perform no official act until said bond shall be given and approved. He shall perform all such other duties, and in such manner and according to such rules and regulations as the city council may at any time hereafter prescribe.

(Ordinance 2017-0403-15 adopted 4/3/2017; Ordinance adopting 2023 Code)

§ 2.03.004 City treasurer.

- (a) Office created. The office of city treasurer is hereby created.
- (b) Duties. The city treasurer shall perform the duties of city treasurer as contained in Local Government Code section 22.075, as amended, and those duties required of the city secretary as contained in Local Government Code sections 22.073(d), (e), (f), and (g) as amended.
- (c) Bond. The city treasurer shall post a bond by placing \$1,000.00 in an escrow account managed by the city. Said bond shall be paid by the city and is executed on the condition that the city treasurer will faithfully discharge the duties of the office, as required by Local Government Code section 22.075.
- (d) Payments for city expenses. In accordance with Local Government Code section 22.075, the city council hereby directs that an order be issued authorizing that all payments for city expenses be made by the city treasurer.

(Ordinance 2017-0403-15 adopted 4/3/2017)

§§ 2.03.005–2.03.030 Reserved.

Division 2. City Administrator

§ 2.03.031 Office established.

The position and office of city administrator is hereby created and the criteria for appointment, removal, compensation, and the authorities, powers, duties and responsibility of the office of city administrator shall be as hereinafter set forth.

(Ordinance 2012-03, sec. 1, adopted 3/12/2012)

§ 2.03.032 Appointment.

The city administrator shall be appointed by a majority vote of the city council and shall serve at the will of a majority of the city council. The city council may designate some qualified person to act in the absence or disability of the city administrator.

(Ordinance 2012-03, sec. 2, adopted 3/12/2012)

§ 2.03.033 Compensation and benefits.

The city administrator shall receive such compensation and benefits as may be established from time to time by the city council.

(Ordinance 2012-03, sec. 3, adopted 3/12/2012)

§ 2.03.034 Powers and duties.

(a) The city administrator shall be the chief administrative and chief operating officer of the city. He or she shall be responsible to the city council for the administration and operation of all city affairs placed in his or her charge by the city council.

(b) All communication and direction to city employees will come through the city administrator and the mayor and city council may not directly control or direct the actions of city employees.

(c) The city administrator shall have the following powers and duties:

- (1) He or she shall appoint and, when deemed necessary for the good of the city, suspend, discipline and remove all city employees, except as otherwise provided by law and personnel rules adopted by the city council. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (2) He or she shall direct and supervise the administration and operation of all departments, offices and agencies of the city, except as otherwise provided by law.
- (3) He or she shall prepare the council meeting agenda and shall attend all city council meetings and shall have the right to take part in discussions but may not vote.
- (4) He or she shall see that all laws, ordinances and acts of the city council, subject to enforcement by him or by officers subject to his or her direction and supervision, are faithfully executed to the best of his or her ability.

- (5) He or she shall prepare and submit the annual budget and capital improvement program pursuant to the revenue and expenditure policy adopted by the city council.
- (6) He or she shall submit to the city council and make available to the public a complete report on the finances and administrative activities of the city during each fiscal year.
- (7) He or she shall make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to his or her direction and supervision.
- (8) He or she shall make such other reports to the city council to keep them fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as he or she deems desirable.
- (9) He or she shall draw the city council's attention to community needs and recommend alternatives by which the city council can respond to those needs.
- (10) He or she shall sign documents such as agreements, deeds, contracts and the like on the city's behalf when directed by the city council.
- (11) He or she shall designate a current city employee to act in his or her temporary absence as the city administrator.
- (12) He or she shall execute a bond in favor of the city paid from city revenues, conditioned that the administrator will faithfully perform the duties of administrator, in the amount of \$25,000.00, with an appropriate corporate surety. Such bond shall be maintained, whether by its original term or otherwise, during the term of the appointment of the city administrator.
- (13) He or she shall perform such other duties as specified by ordinance or resolution of the council.

(Ordinance 2012-03, sec. 4, adopted 3/12/2012; Ordinance adopting 2023 Code)

§ 2.03.035 Relationship with duties of mayor.

The limited administrative and personnel duties and responsibilities of the mayor, with respect to the day-to-day operation of the city, which are by statute to be performed by solely by the mayor, may be delegated by the mayor to the city administrator. The duties and responsibilities of the city administrator shall be in addition to, and not in lieu of, the day-to-day administrative and personnel duties of the mayor. To the fullest extent not in conflict with state law, this division, or the express actions and directions by a majority vote of the city council, the city administrator shall have the responsibility and the authority incident thereto, for the day-to-day supervision and management of the city and the salaried officers, employees and personnel of the city.

(Ordinance 2012-03, sec. 5, adopted 3/12/2012)

ARTICLE 2.04 PERSONNEL POLICIES

§ 2.04.001 Personnel manual.

(a) Adopted.

- (1) The city hereby repeals all personnel policy manuals, policies, and amendments thereto, dated prior to the adoption of this Ordinance 20180212-4E.
- (2) The city adopts the wholly revised “Personnel Manual” dated February 12, 2018, which shall serve as the policy for all employees of the city. All city employees shall adhere to the policy as adopted or amended, in accordance with the provisions of this section.
- (3) The “Personnel Manual” shall be the only policy by which city employees shall be governed, except where superior laws may apply.
- (4) Such manual is adopted by reference, a current copy of which shall be maintained by the city secretary as if fully incorporated herein.

(b) Amendments.

- (1) The “Personnel Manual” may be amended from time to time, by a two-thirds majority vote of the members of the city council acting in regular or special session of the city council.
- (2) Any such amendments shall affect only the specific part or section as amended.
- (3) Amendments shall be made by motion, properly seconded, debated, and voted upon, and shall not require amendment of this section.

(Ordinance 20180212-4E adopted 2/12/2018)

§ 2.04.002 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 2023 Code)

ARTICLE 2.05 RECORDS MANAGEMENT

§ 2.05.001 Definition of municipal records.

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall

be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner.

(Ordinance 2012-09, sec. 1, adopted 12/10/2012)

§ 2.05.002 Additional definitions.

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

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

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

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

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

Records management officer means the person designated in section 2.05.005 of this article.

Records management plan means the plan developed under section 2.05.006 of this article.

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

(Ordinance 2012-09, sec. 2, adopted 12/10/2012)

§ 2.05.003 Municipal records declared public property.

All municipal records as defined in section 2.05.001 of this article are hereby declared to be the property of the city. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

(Ordinance 2012-09, sec. 3, adopted 12/10/2012)

§ 2.05.004 Policy.

It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

(Ordinance 2012-09, sec. 4, adopted 12/10/2012)

§ 2.05.005 Designation of records management officer.

The city secretary, and the successive holders of said office, shall serve as records management officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty days of the initial designation or of taking up the office, as applicable.

(Ordinance 2012-09, sec. 5, adopted 12/10/2012)

§ 2.05.006 Records management plan to be developed; approval of plan; authority of plan.

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

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

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

(Ordinance 2012-09, sec. 6, adopted 12/10/2012)

§ 2.05.007 Duties of records management officer.

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

- (1) Administer the records management program and provide assistance to department heads in its implementation;
- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

- (3) In cooperation with department heads identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
- (7) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (8) Disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
- (9) Ensure that the maintenance, preservation, digitizing, destruction, or other disposition of the records of the city are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (10) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
- (11) Report annually to the city council on the implementation of the records management plan in each department of the city, including summaries of the statistical and fiscal data compiled under subsection (10); and
- (12) Bring to the attention of the city council noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

(Ordinance 2012-09, sec. 7, adopted 12/10/2012)

§ 2.05.008 Duties and responsibilities of department heads.

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

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article;
- (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

- (3) Maintain the records in his or her care and carry out their preservation, digitization, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

(Ordinance 2012-09, sec. 8, adopted 12/10/2012)

§ 2.05.009 Records control schedules adopted.

(a) The records management officer, in cooperation with department heads, shall review state library records control schedules on a department-by-department basis to identify all records series created or received by the department and the retention period for each series. Records control schedules also contain such other information regarding the disposition of municipal records as the records management plan may require.

(b) Each records control schedule shall be monitored by the records management officer on a regular basis to ensure that the city downloads and prints out the most current version of the records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

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

(Ordinance 2012-09, sec. 9, adopted 12/10/2012)

§ 2.05.010 Implementation of records control schedules; destruction of records under schedule.

(a) A records control schedule for a department that has been approved and adopted under section 2.05.009 shall be implemented by department heads according to the policies and procedures of the records management plan.

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

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the city council.

(Ordinance 2012-09, sec. 10, adopted 12/10/2012)

§ 2.05.011 Destruction of unscheduled records.

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule.

(Ordinance 2012-09, sec. 11, adopted 12/10/2012)

ARTICLE 2.06 POLICE

§ 2.06.001 Chief of police.

(a) The office of the chief of police shall have a term of one year, and the city council shall have the right to remove the said officer at any time and appoint another. It shall be the duty of the city council, immediately after the election and qualification of its members, to appoint some suitable person to fill such office and at the same time to fix the compensation to be paid to him.

(b) The chief of police may appoint one or more deputies, and shall either in person or by deputy attend upon the municipal court while in session, and shall promptly and faithfully execute all writs and processes issued from said court. He shall have the power with the sheriff of the county to execute the writ of search warrant. He shall be active in the quelling of riots, disorders, and disturbances of the peace within the limits of the city, and shall take into custody all persons so offending against the peace of the city and shall have authority to take suitable and sufficient bail for the appearance before the municipal court, [of] any persons charged with an offense against the ordinances or laws of this city.

(c) It shall be his duty to arrest without warrant all violators of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disobedience whatever; to prevent a breach of the peace or preserve quiet and good order, he shall have the authority to close any theater, ball-room, drinking-house or any other house or building of public resort; and in the prevention and suppression of crime, and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff of a county under the laws of the state. The chief of police shall give bond in the sum of one thousand dollars (\$1,000.00) for the faithful performance of his duties, and he shall perform such other duties and possess such other powers, rights and authority as the city council may hereafter by ordinance require.

(Ordinance 3 adopted 4/15/1902; Ordinance 177 adopted 12/22/1939; 1989 Code, sec. 1.241)

ARTICLE 2.07 MUNICIPAL COURT

§ 2.07.001 Creation.

There is hereby created and established in the city a court to be known as the municipal court of the city, which court shall have the jurisdiction hereinafter prescribed.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.101)

§ 2.07.002 Jurisdiction.

Said court shall have jurisdiction within the territorial limits of the city in all criminal cases arising under the ordinances of the city or hereafter to be passed and shall also have jurisdiction concurrently with the justices of the peace of Precinct No. 2, in Williamson County, Texas, and Precinct No. 3, in Bell County, Texas, in all criminal cases arising under the criminal laws of this

state in which the punishment is by fine only and where the maximum of such fine may not exceed the amount allowed by V.T.C.A., Government Code, section 29.003, and arising within the territorial and corporate limits of the city.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.102; Ordinance adopting 2023 Code)

§ 2.07.003 Judge.

(a) Said court shall be presided over by a judge to be known as the judge of the municipal court, and the mayor of the city shall be ex officio recorder of said court.

(b) The office of the judge of the municipal court shall be filled by appointment by the city council. The judge shall perform the duties as prescribed by the laws of the state. The judge shall be appointed for a term of office running concurrently with that of the mayor. He shall receive such compensation as the city council shall fix by ordinance or resolution and shall furnish such surety bond as may be required by the city council, the premium of which is to be paid by the city.

(Ordinance 287 adopted 12/20/1965; 1989 Code, sec. 6.103)

§ 2.07.004 Clerk.

The city secretary shall be the ex officio clerk of said court and may appoint a deputy who shall have the same power as said clerk and shall hold his office during his term as city secretary. It shall be the duty of said clerk to keep minutes of the proceedings of said court and to issue all processes and generally to do and perform all the duties of a clerk of a court as prescribed by law for the clerk of the county court insofar as the same is applicable.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.104)

§ 2.07.005 Rules of practice and procedure.

Complaints before such court may be sworn to before the judge of the municipal court, the clerk of said court, the city secretary, the city attorney or his deputy, or before an officer authorized by law to administer oaths; provided that in said municipal court the rules of pleading, practice and procedure now established for justice courts shall apply to such municipal court in the city as far as the same may be applicable.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.105)

§ 2.07.006 Seal.

The said municipal court shall have a seal, having engraved thereon a star of five points in the center and the words, "Municipal Court in Bartlett, Texas," the impress of which shall be attached to all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the official acts of the clerk and of the judge, where he is authorized or required to use the seal of office.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.106)

§ 2.07.007 Language of complaints; prosecutions.

All prosecutions in said court, whether under an ordinance or under the provisions of the Penal Code, shall be commenced: “In the name of the State of Texas,” and shall conclude, “against the peace and dignity of the State,” and where the offense is covered by an ordinance the complaint may also include, “as contrary to the said ordinance,” and also such prosecutions in said court shall be conducted by the city attorney or his deputy; but the city attorneys of Bell County and Williamson County may, if they so desire, also represent the state in such prosecutions, but in all such cases said city attorneys shall not be entitled to receive any fees or other compensation whatever for said services and in no case shall the said city attorney have the power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the judge of said court.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.107)

§ 2.07.008 Disposition of fines and costs.

All costs and fines imposed by said court in the city, in any prosecution therein, shall be paid to the city treasury of the city, for the use and benefit of the city.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.108)

§ 2.07.009 Schedule of costs.

(a) There shall be taxed against and collected of each defendant in case of his conviction before said court the costs set forth in the fee schedule in appendix A of this code.

(b) All of such costs shall be collected by the city secretary together with the fine imposed and paid by him into the treasury of the city.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.109; Ordinance adopting 2023 Code)

§ 2.07.010 Jury and witness fees; enforcement of attendance of witnesses.

The provisions of the Code of Criminal Procedure now in force regulating the amount and collection of jury and witness fees and for enforcement of the attendance of the witnesses in the criminal cases tried before the justice of the peace shall, as far as applicable, govern and be applicable to the trial of cases before the municipal court.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.110)

§ 2.07.011 Power of judge to punish for contempt; taking and forfeiture of recognizances and bail.

The judge of said municipal court shall have the power to punish for contempt to the same extent and under the same circumstances as the county judge may punish for contempt of the county court. He shall have the power to make recognizances, admit to bail, and forfeit recognizances and bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.111)

§ 2.07.012 Service of process.

All process issuing out of said municipal court shall be served by the chief of police of the city or his deputy under the same rules and regulations as are now provided by law for the service of sheriffs and constables of process issuing out of the county court, so far as the same are applicable. Said municipal court shall hold no terms but shall be deemed at all times open for the transaction of business, but each defendant shall be entitled to at least one day's notice of any complaint against him if such time he demand.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.112)

§ 2.07.013 Payment of fines and costs.

Any person convicted of an offense in this court shall be committed to the custody of the chief of police, and by him held until said person shall have discharged the fine and costs adjudged against him; provided that said person may be put to work by said chief of police and forced to work upon the public streets and alleys, or other public works in this city, in which event said person shall receive the sum of two dollars and fifty cents (\$2.50) a day for each day he thus works, which amount will be credited upon the fine and costs adjudged against him. Nothing herein, however, shall be construed to prevent the city from execution or other process to issue and seize the property of such person to satisfy the fine and court costs that may have been adjudged against him in the municipal court in the city.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.113)

ARTICLE 2.08 TAXATION

Division 1. Generally

§§ 2.08.001–2.08.030 Reserved.

Division 2. Sales and Use Tax

§ 2.08.031 Sales and use tax elections.

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

(Ordinance adopting 2023 Code)

§ 2.08.032 Tax on telecommunication services.

A tax is authorized on all telecommunication services sold within the city. For purposes of this section, the sale of telecommunication services is consummated at the location of the telephone or other telecommunications device from which the call or other communication originates. If the point of origin cannot be determined, the sale is consummated at the address to which the call or other communication is billed, and shall include the following services:

- (1) Metropolitan service.

- (2) Trunks-flat rate PBX (does not include hotel motel trunks).
- (3) Multi-line (rotary).
- (4) Customer calling features.
- (5) Touchtone.
- (6) Private line (local and toll).
- (7) WATS.
- (8) Mobile.
- (9) Intrastate toll (including non-sent paid coin).
- (10) Mileage.
- (11) Directory assistance (information, interrupt, busy verify).
- (12) Sale of semi-public coin booths.
- (13) Reach Out Texas (evening, night, and weekend calls).
- (14) CCS Plus usage.
- (15) 976 usage.
- (16) Mobile channel usage.
- (17) Private coin usage.
- (18) CABS special access (private line).
- (19) Sale of directories.
- (20) MOOSA: Mechanized out of service adjustments (if service being adjusted is subject to sales tax).
- (21) Foreign exchange (FX) usage.
- (22) List services.
- (23) Toll and WATS studies.
- (24) Joint user service.
- (25) City gross receipts tax (if the service being billed is subject to the sales tax).

(26) Service connection move and change charges for intrastate services.

(Ordinance 87-2 adopted 7/27/1987; 1989 Code, sec. 18.201)

§§ 2.08.033—2.08.060 Reserved.

Division 3. Hotel Occupancy Tax

§ 2.08.061 Definitions.

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

City administrator means the city administrator or his designated representative.

Consideration means the cost of the room in such hotel only if the room is one ordinarily used for sleeping and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.

Hotel means a building or buildings in which 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 or other buildings where rooms are furnished for a consideration, but “hotel” shall not be defined so as to include hospitals, sanitariums or nursing homes.

Hotel occupancy tax means the tax imposed by section 2.08.062.

Monthly/month collection/reporting period means the regular calendar months of the year.

Occupancy means the use or possession, or the right to the use or possession, of any room in a hotel if the room is one ordinarily used for sleeping and if the occupant’s use, possession or right to use or possession extends for a period of less than 30 days.

Occupant means anyone who, for a consideration, uses, possesses or has a right to use or possess any room in a hotel if the room is one ordinarily used for sleeping.

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

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

(Ordinance 2020-0713-06, sec. 18.100.001, adopted 7/13/2020)

§ 2.08.062 Levy of tax, rate; exemptions.

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 \$2.00 or more per day, such tax to be equal to seven percent 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. Exemptions to

the levy of the hotel occupancy tax described herein shall be the same as those prescribed by V.T.C.A., Tax Code section 351.006, as it exists or may be amended.

(Ordinance 2020-0713-06, sec. 18.100.002, adopted 7/13/2020)

§ 2.08.063 Extraterritorial jurisdiction.

Any hotel occupancy tax provided herein shall be imposed in the city extraterritorial jurisdiction; provided, however, that the levy such taxed shall not result in a combined rate of state, county or municipal hotel occupancy taxes in the extraterritorial jurisdiction which exceeds 15 percent of the price paid for a room in a hotel.

(Ordinance 2020-0713-06, sec. 18.100.003, adopted 7/13/2020)

§ 2.08.064 Disposition of revenue.

The revenue derived from the hotel occupancy tax will only be used for the purposes authorized by V.T.C.A., Tax Code section 351.001 et seq., as it exists or may be amended, as the city council may direct and authorize.

(Ordinance 2020-0713-06, sec. 18.100.004, adopted 7/13/2020)

§ 2.08.065 Collection.

Every person owning, operating, managing or controlling any hotel shall collect the hotel occupancy tax imposed in section 2.08.062.

(Ordinance 2020-0713-06, sec. 18.100.005, adopted 7/13/2020)

§ 2.08.066 Reports.

(a) On the last day of the month following each quarterly period, every person required in section 2.08.065 to collect the tax imposed in section 2.08.062 shall file a report with the city administrator showing the consideration paid for all room occupancies in the preceding quarter, the amount of the tax collected on such occupancies and any other information as the city administrator or his designated representative may reasonably require. Such person shall pay the hotel occupancy tax due on such occupancies at the time of filing such report.

(b) Effective August 1, 2020, every person required in section 2.08.065 to collect the tax imposed in section 2.08.062 shall file a report with the city administrator showing the consideration paid for all room occupancies in the preceding calendar month, the amount of the tax collected on such occupancies and any other information as the city administrator may reasonably require. Timely reports must be submitted so as to arrive at the city administrator's office by the 20th day of the month following the calendar month collection/reporting period. Such person shall pay the hotel occupancy tax due on such occupancies at the time of filing such report.

(Ordinance 2020-0713-06, sec. 18.100.006, adopted 7/13/2020)

§ 2.08.067 Rules and regulations.

The city administrator shall have the power to make such rules and regulations as are necessary to effectively collect the hotel occupancy tax levied by this division and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required by this division and the amount of taxes due under the provisions of this division.

(Ordinance 2020-0713-06, sec. 18.100.007, adopted 7/13/2020)

§ 2.08.068 Penalty for violation; penalty and interest on delinquent tax.

If any person, firm, corporation or business entity shall fail to collect the hotel occupancy tax imposed by this division, or shall fail to file a report as required herein, or shall fail to pay to the city administrator the tax imposed by this division when said report for payment is due, or shall file a false report, then such person, firm, corporation or business entity shall be deemed guilty of a misdemeanor and upon conviction be punished a fine of not less than \$50.00 nor more than \$500.00. In addition, such person, firm, corporation or business entity who fails to remit the hotel occupancy tax imposed by this division within the time required shall forfeit ten percent of the amount due as a penalty, and after the first 30 days shall forfeit an additional ten percent of such hotel occupancy tax. Provided, however, that the penalty shall never be less than \$1.00. Delinquent hotel occupancy taxes shall draw interest at the rate of ten percent per annum beginning 60 days from the date due.

(Ordinance 2020-0713-06, sec. 18.100.008, adopted 7/13/2020)

§ 2.08.069 Collection fee.

The city shall retain one percent of the gross amount of the hotel occupancy taxes collected to cover the cost of said collection duties.

(Ordinance 2020-0713-06, sec. 18.100.009, adopted 7/13/2020)

CHAPTER 3

ANIMAL CONTROL

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ARTICLE 3.01 GENERAL PROVISIONS**§ 3.01.001 Definitions.**

In this chapter, the following words and terms shall have the following meanings ascribed to them, unless the context indicates otherwise:

Abandon means to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animals and shall also mean failing to properly redeem any animal impounded or quarantined by the city.

Animal means any living creature, domestic or wild, including mammals, birds, reptiles, amphibians, and fish but not including insects or humans.

Animal welfare board means the board approved by the city council with members appointed by the city administrator, and contains, at a minimum, one municipal official, the animal welfare officer, and one representative from the city.

Animal welfare officer means the person designated by the city council to enforce this chapter, or an authorized representative.

Cat means *Felis catus* and any hybrids thereof.

Dangerous dog means a dog that:

- (1) Makes an unprovoked attack on a person or another animal that causes bodily injury and 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 caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog means *Canis lupus familiaris* and any hybrids thereof.

Foster means the process of temporarily supplying food, shelter, and other necessary care to a homeless animal until a permanent owner can be found.

Fowl means geese, ducks, turkeys, chickens, roosters, peafowl, guineas, ostriches, and emus.

Grandfathered means an exception which allows something pre-existing to remain as it is, despite a change to the contrary in the rules applied to newer situations.

Guard dog means any dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to V.T.C.A., Occupations Code, chapter 1702, as amended from time to time.

Hybrid means the product of the mating of two different species of animals regardless of the number of generations born since that original mating.

Licensed veterinarian means a person currently licensed to practice veterinary medicine in the state.

Livestock means horses, or any member of the domesticated horse family including but not limited to mules, donkeys, and ponies; all types of varieties of cattle, bulls, and all members of the cow family; and all types of domesticated swine, sheep, and goats.

Microchip means a transponder that is placed under an animal's skin by an injector and can be read by a microchip scanner.

Owner means any person owning, keeping, or harboring an animal or feeding said animal for thirty (30) or more days except for feral cats.

Person means an individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal means an animal other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations, including but not limited to the following:

- (1) Class Reptilia: Family Helodermatidea (venomous lizards); family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of family Colubridae - Dispholidus typus (Boomsnake), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only; order Phidippidae, family Boidae (racers, boas, water snakes, and pythons); and order Crocodylia (crocodiles, alligators, caimans, and gavials);
- (2) Class Aves: Order Falconiformes (such as hawks, eagles, and vultures), subdivision Ratitae (such as rheas and cassowaries); and order Strigiformes (such as owls);
- (3) Class Mammalia: Order Carnivora, family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs; family Mustelidae (such as weasels, skunks, martens, mink, and badgers); family Procyonidae (raccoons); family Ursidae (such as bears); order Marsupialia (such as kangaroos and common opossums); order Edentata (such as sloths, anteaters, and armadillos); order Proboscidea (elephants); order Primata (such as monkeys, chimpanzees, and gorillas); order Rodentia (such as porcupines); and order Ungulata (such as antelope, deer, bison, and camels);
- (4) Animals not listed: The animal welfare officer may declare any species of animal not listed in this definition as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety; and does not mean:
 - (A) A bird kept in a cage or aviary that is not regulated by international, federal, or state law; or
 - (B) A gerbil, hamster, ferret, guinea pig or laboratory mouse or rat.

Running at large means not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is on a leash, or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. Any animal confined within an automobile or other vehicle shall not be deemed running at large.

Secure enclosure means a fenced area or structure that equates to the size of the animal(s) and is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of the animal(s);
- (4) Clearly marked if containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures that have been established by the animal welfare officer.

Serious bodily injury means any physical injury that involves a substantial risk of death/disfigurement, or impairment of any part of the body including, but not limited to, a broken bone or a laceration requiring either stitches or cosmetic surgery.

Unprovoked means action by an animal that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, immediate territory, or nursing offspring.

Wild animal means any animal except the common domestic species.

(Ordinance 2015-004, sec. 1, adopted 9/14/2015)

§ 3.01.002 Enforcement.

- (a) The city council shall designate an employee as the animal welfare officer.
- (b) Enforcement of this chapter and any state laws regulating animal control shall be the responsibility of the animal welfare officer.
- (c) The animal welfare officer is authorized to:
 - (1) Impound any animal in violation of this chapter;
 - (2) Issue citations for any violation of this chapter or applicable state law.

(d) No person shall interfere with any animal welfare officer or any authorized representative in the performance of their duties.

- (1) For purposes of discharging the duties imposed by this chapter, and to enforce the same, an animal welfare officer or other authorized representative may enter upon private property to the full extent permitted by law, which shall include but not be limited to entry upon private property when in pursuit of any animal which he or she has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws. An animal welfare officer shall have the right to pursue and apprehend an animal which is at large onto private property without first requesting permission from the owner of the property before entering the property or without obtaining a search warrant.
- (2) Whenever it is necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law regarding animals or whenever an animal welfare officer has reasonable cause to believe that there exists in any building or structure or upon any premises any violations of this chapter or other applicable law, the officer is hereby authorized to enter such property at any reasonable time and to inspect the same and to perform any duty imposed upon the officer by this chapter or another applicable law; provided that if such property be occupied, the officer shall first present proper credentials to the occupant and request to enter, explaining the reason therefor, and obtain permission from said occupant.
- (3) Notwithstanding the foregoing, if the officer has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, the officer shall first present proper credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of inspection.
- (4) Whenever an animal welfare officer is denied admission to inspect any premises under this chapter and the officer cannot determine whether violations exist on the premises, the animal welfare officer is authorized to request a warrant for the inspection of the premises from the municipal judge, a magistrate, or a justice court to enter and inspect the premises.

(e) The city council shall establish the fees required by this chapter by resolution from time to time.

(Ordinance 2015-004, sec. 2, adopted 9/14/2015)

§ 3.01.003 Animal welfare advisory board.

There is hereby created the animal welfare advisory board. The welfare board shall be approved by the city council and appointed by the city administrator. The purpose of the animal welfare advisory board is to provide recommendations to the city council.

(Ordinance 2015-004, sec. 6(A), adopted 9/14/2015)

§ 3.01.004 Applicability of state regulations.

The city shall comply with any applicable rules and regulations adopted by the department of state health services.

(Ordinance 2015-004, sec. 25, adopted 9/14/2015)

§ 3.01.005 Culpability.

If the definition of an offense under this chapter does not prescribe a culpable mental state, then a culpable mental state is not required and the offense is one of strict liability.

(Ordinance 2015-004, sec. 28, adopted 9/14/2015)

§ 3.01.006 Penalty.

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

(b) An offense under this chapter is punishable by a fine not to exceed:

- (1) Five hundred dollars (\$500.00);
- (2) Two thousand dollars (\$2,000.00), if the provision violated governs public health or sanitation; or
- (3) The amount fixed by state law if the violation is one for which the state has fixed a fine.

(Ordinance 2015-004, sec. 29, adopted 9/14/2015)

§ 3.01.007 Grandfather clause.

Any prohibited animal(s) or livestock currently owned by residents of the city will be considered “grandfathered” for the purpose of this chapter. Any animals that come under the grandfather clause will be required to be registered with the city, and such animal(s) must not be able to produce any offspring. The exception to this section would be, if the grandfathered animal(s) was/were being kept in unsanitary or hazardous conditions, the animal welfare officer could remove the animal(s) from the home.

(Ordinance 2015-004, sec. 30, adopted 9/14/2015)

§ 3.01.008 Fees.

Fees for animal registration and other fees related to this chapter are as set forth in the fee schedule in appendix A of this code.

(Ordinance adopting 2023 Code)

§ 3.01.009 Vaccination of dogs and cats.

(a) The owner of a domestic dog (*Canis lupus familiaris*, excluding hybrids) or domestic cat (*Felis catus*, excluding hybrids) shall keep the animal currently vaccinated against rabies according to Texas Health and Safety Code chapter 826 (Rabies Control Act) and title 25 of the Texas Administrative Code, chapter 169 (Rabies Control and Eradication).

(b) A person, including a fostering organization, commits an offense if the person owns, keeps, or harbors a dog or cat within the city without a current rabies vaccination, and fails to display a current license tag on a dog or able to be presented for a cat.

(Ordinance 2015-004, sec. 3, adopted 9/14/2015)

§ 3.01.010 Registration of dogs and cats required; private breeders.

(a) The owner of a dog or cat four (4) months of age or older shall annually register the animal with the city. Written application to register the animal for a license and payment of the applicable license fee shall be made to the city. The application shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon acceptance of the application, a city license tag shall be issued, which shall bear an identifying number for the animal and the year of issuance.

- (1) The license tag shall be securely attached to the collar or harness of a dog and worn at all times.
- (2) If the tag is not worn around the cat’s neck, the owner of a cat must be able to present the tag for the cat.
- (3) No license fee shall be charged for:
 - (A) Dogs trained to assist audio- or visually-impaired persons;
 - (B) Police dogs; or
 - (C) Feral cats.
- (4) A special license in lieu of this license is required for guard dogs and dogs which have been declared “dangerous.”

(b) A person fostering a dog or cat within the city is exempt from registering the animal until such time as the animal is adopted. However, the animal must be vaccinated against rabies and spayed or neutered and either wear identification or be microchipped. Also, the person fostering an animal must register with the animal welfare officer within 30 days of fostering an animal.

(c) Except as provided in subsection (b) above, a person commits an offense if the person owns, keeps, or harbors a dog or cat over four (4) months of age without having such dog or cat currently licensed by the city.

(d) A person commits an offense if the person owns, keeps, or harbors a dog or cat required to be licensed by this section and fails to display on the dog at all times a valid city license tag or be able to present a valid city license tag for a cat immediately upon request.

(e) A person commits an offense if the person owns, keeps, or harbors a dog or cat and displays on the animal a city license tag issued to another animal.

(f) No dogs or cats can be sold within the city limits without the owner having a private breeder transfer permit and the premises containing the animals must be inspected and approved by the animal welfare officer.

(Ordinance 2015-004, sec. 4, adopted 9/14/2015)

§ 3.01.011 Denial or revocation of registration.

(a) The animal welfare officer may deny or revoke registration for an animal owned by a person who:

- (1) Has been convicted of Texas Penal Code section 42.09 [or 42.092] (cruelty to animals), as amended; or four (4) or more separate violations of this chapter or of an animal control ordinance of another jurisdiction within any twelve (12) month period;
- (2) Has had the same animal impounded four (4) or more times within any twelve (12) month period; or
- (3) Has abandoned an animal.

(b) If the animal welfare officer revokes or denies registration of a dog or cat, a written notice of the action and of the right to an appeal shall be given to the owner. The owner may appeal the decision of the animal welfare officer to the city council. The filing of a request for an appeal hearing stays an action of the animal welfare officer in revoking or denying the registration until the city council makes a final decision.

(c) Within fifteen (15) calendar days after receipt of a notice of revocation or denial of registration, or after a final decision of the city council if an appeal is filed, a dog or cat owner shall remove the affected animal from within the city limits. The animal welfare officer or the city council may extend the fifteen (15) day removal period for an additional fifteen (15) calendar days. The owner shall provide the animal welfare officer with a sworn statement confirming the removal of the animal to a bona fide shelter or rescue group.

(d) A person commits an offense if the person owns, keeps, or harbors a dog or cat within the city during a period when registration for the animal has been revoked or denied, or fails to remove a dog or cat when required by this section.

(e) Every dog and cat must be identifiable. Identifiable shall mean:

- (1) Wearing a rabies vaccination tag, a license tag, or a personalized identification tag with the owner's name, address, and telephone number; or
- (2) Being microchipped with a current microchip registration.

(f) It is unlawful to transfer an animal's tag to another animal. If the animal is microchipped, the registration of the microchip must be current.

(Ordinance 2015-004, sec. 5, adopted 9/14/2015)

§ 3.01.012 Appeal of denial or revocation of registration.

The denial or revocation of registration may be appealed by filing with the animal welfare officer a written request for hearing within ten (10) calendar days after notification of the denial or revocation. The filing of a request for an appeal stays the action until the city council makes a final decision, although it does not preclude the necessity for the animal to be removed from the city until all appeals are final. If written request for an appeal is not made in a timely manner, the denial or revocation is final. The city council may consider evidence offered by any interested person. The formal rules of evidence do not apply. The city council shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The council should conduct a hearing and render a decision within fifteen (15) calendar days after the request for an appeal is filed or as soon thereafter as practicable. The city council may affirm or reverse the denial or revocation. The decision of the council shall be sent to the owner of the affected animal. The decision of the city council is final.

(Ordinance 2015-004, sec. 6(B), adopted 9/14/2015)

§ 3.01.013 Dogs or cats running at large; confinement of female dogs or cats in heat.

(a) It shall be unlawful for the owner of a dog to fail to keep the dog from running at large as defined in this chapter. Cats running at large may be considered public nuisances and a menace to public safety. In addition to, or in lieu of, impounding an animal found at large, an animal welfare officer or a police officer may issue a citation for a violation of this chapter to the known owner of such animal.

(b) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ordinance 2015-004, sec. 7, adopted 9/14/2015)

§ 3.01.014 Trained guard dogs.

All trained guard dogs shall be registered annually with the animal welfare officer prior to use as guard dogs. The city license tag for a guard dog shall be securely attached to the collar or harness on the animal and worn at all times. Guard dogs shall be restrained by a chain or leash, not exceeding six (6) feet in length, and humanely muzzled when off the premises where used.

(Ordinance 2015-004, sec. 8, adopted 9/14/2015)

§ 3.01.015 Animal bites; quarantine.

(a) Any person having knowledge of a bite to a human by an animal shall report the incident to the animal welfare officer or to a city police officer as soon as possible.

(b) Any animal bite to a person shall be handled in accordance with the Texas Health and Safety Code, chapter 826 (Rabies), and title 25 of the Texas Administrative Code, section 169.27 (Rabies Control and Eradication).

(Ordinance 2015-004, sec. 13, adopted 9/14/2015)

§ 3.01.016 Animal nuisances.

The following shall be considered a public nuisance and shall be unlawful:

- (1) The keeping of an animal in such a manner as to endanger the public or animal health by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.
- (2) To permit or allow an animal to defecate upon private property other than the property of the owner of said animal, and to fail to remove and dispose of in a sanitary manner any feces left by such animal.
- (3) Property not kept free from dead animals or other material likely to decay.
- (4) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.
- (5) The keeping of any animal which causes loud and unusual or frequent barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.
- (6) The breeding, raising or keeping of any dog, game cock, or other animal which is to be used for fighting purposes.

(Ordinance 2015-004, sec. 14, adopted 9/14/2015)

§ 3.01.017 Animals prohibited as novelties.

(a) Baby fowl or rabbits. It shall be unlawful for any person to sell, offer for sale, rent, barter, or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three (3) weeks old, or rabbits under two (2) months old, unless the manner or method is first approved by the animal welfare officer.

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

(Ordinance 2015-004, sec. 15, adopted 9/14/2015)

§ 3.01.018 Animals in parked vehicles.

It shall be unlawful to leave any animal inside any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal welfare officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a

vehicle whenever it appears the animal's health or safety is or soon will be endangered, and said neglected or endangered animal shall be impounded.

(Ordinance 2015-004, sec. 16, adopted 9/14/2015)

§ 3.01.019 Tethering.

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the animal welfare officer. The terms "unhealthy situation" and "potentially dangerous situation" shall include but not be limited to the following:

- (1) To tether any animal in such a manner as to permit the animal access upon any public right-of-way;
- (2) To tether any animal in such a manner as to cause the animal injury or pain or not to permit the animal to reach shelter, food and/or water or otherwise create an unsafe or unhealthy situation;
- (3) To tether any animal in such a manner as to permit the animal to leave the owner's property;
- (4) To tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;
- (5) To tether any animal in a manner whereby the animal is subject to harassment, stings or bites from outdoor insects, or attacks by other animals;
- (6) To tether any animal with a tether that is less than ten (10) feet in length;
- (7) To tether any animal with a tether that is not equipped with swivel ends;
- (8) To tether any animal in such a manner that does not prevent the animal from becoming entangled with any obstruction, from partially or totally jumping any fence, or from leaving part of its owner's property;
- (9) To fail to remove waste from the tethered area on a regular basis;
- (10) To tether any animal without using a properly fitted collar or harness;
- (11) To use choke-type collars to tether any animal; or
- (12) To use a tether that weighs more than one-fifth (1/5th) of the animal's body weight.

(Ordinance 2015-004, sec. 17, adopted 9/14/2015)

§ 3.01.020 Wild, wild-hybrid and prohibited animals.

- (a) It shall be unlawful to own, possess, keep or harbor any prohibited animal within the city.

- (b) It is a defense to prosecution under this section if the owner or possessor:
- (1) Holds a valid prohibited animal permit issued under this section;
 - (2) Is a governmental entity; or
 - (3) Is in temporary possession of a wild animal and is rehabilitating such animal because it is injured or orphaned. The possessor must have the appropriate state parks and wildlife department rehabilitation permits.
- (c) A permit for possession of a prohibited animal may be issued to:
- (1) A public zoo;
 - (2) A public or private primary or secondary school; or
 - (3) An animal exhibition, rodeo, or circus of which the animal is an integral part if the animal is restrained from inflicting injury upon persons, property, or other animals.
- (d) 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 2015-004, sec. 18, adopted 9/14/2015; Ordinance adopting 2023 Code)

§ 3.01.021 Dangerous dogs.

- (a) Nuisance declared. It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous dog in the city unless the owner complies with the requirements of this section, and state statutes regulating dangerous dogs.
- (b) Requirements for owner of dangerous dog.
- (1) Not later than the thirtieth (30th) day after a person learns that the person is the owner of a dangerous dog, the person shall:
 - (A) Register the dangerous dog with the animal welfare officer;
 - (B) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
 - (C) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00), to cover damages resulting from an attack by the dangerous dog causing injury to a person.
 - (2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
 - (A) The owner knows of an attack described in the definition of “dangerous dog”;
or

- (B) The owner is informed by the animal welfare officer that the dog is a dangerous dog.
 - (3) If a person reports an incident described in the definition of “dangerous dog,” the animal welfare officer may investigate the incident. If, after receiving sworn statements of any witnesses, the animal welfare officer determines the dog is a dangerous dog, he shall notify the owner of that fact.
 - (4) The owner, not later than the thirtieth (30th) 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 animal welfare officer to the municipal court. An owner may appeal a decision of the municipal court in the same manner as appeal for other civil cases. The determination of the animal welfare officer is final if the owner does not timely appeal.
 - (5) The animal welfare officer shall provide notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.
- (c) Registration.
- (1) The animal welfare officer shall annually register a dangerous dog if the owner:
 - (A) Presents:
 - (i) Proof of liability insurance or financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00), to cover damages resulting from an attack by the damages resulting from an attack [sic] by the dangerous dog causing bodily injury to a person.
 - (ii) Proof of current rabies vaccination of the dangerous dog.
 - (iii) Proof of a secure enclosure in which the dangerous dog will be kept.
 - (B) Pays an annual registration fee as established by the city council from time to time.
 - (C) Provides two (2) color identification photographs of at least three inches by three inches (3" x 3") of each dangerous dog with one (1) photograph showing the frontal view and the other photograph showing the side view of each dog.
 - (D) Provides the name and general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous dog.
 - (2) The animal welfare officer shall provide to the owner registering a dangerous dog a registration tag which shall be placed and maintained on the dog’s collar at all times.

- (3) If the owner of a dangerous dog sells or moves the dog to a new address, the owner, not later than the fourteenth (14th) day after the date of sale or move, shall notify the animal welfare officer. If the dangerous dog has been sold or given, the former owner shall provide the animal welfare officer with the name, address and telephone number of the new owner. If the new owner resides in the city or if the animal is kept in the city, the animal welfare officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous dog. It shall be unlawful for the new owner to fail to comply with such requirements.
 - (4) The owner of a registered dangerous dog shall notify the animal welfare officer or city police department immediately if the dangerous dog is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.
 - (5) A dangerous dog must be kept muzzled at all times it leaves its secure enclosure, and shall be restrained at all times on a leash which is in the immediate control of a competent person in a secure location.
- (d) Attack by dangerous dog.
- (1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a person or another animal outside the dog's enclosure and causes bodily injury to a person or another animal.
 - (2) An offense under this subsection is a class C misdemeanor, unless the attack causes serious bodily injury or death to a person in which event the offense will be referred to the proper authorities.
 - (3) If a person is found guilty of an offense under this section, the court who hears the case may order the dangerous animal destroyed by a licensed veterinarian or a person authorized by state law.
 - (4) In addition to criminal prosecution, a person who commits an offense under this subsection is liable for a civil penalty not to exceed \$100,000.00. The city attorney may file suit in a court of competent jurisdiction to collect the penalty, which shall be retained by the city.
- (e) Violations. A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any requirements for ownership of a dangerous dog. If the owner of any dog determined to be dangerous under this section fails or refuses to comply with the requirements of this section, the dog shall be seized by the animal welfare officer and humanely destroyed.
- (f) Defenses.
- (1) It is a defense to prosecution under subsection (d) or subsection (e) of this section 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 and control of the dangerous dog in connection with that position.

- (2) It is a defense to prosecution under subsection (d) or subsection (e) of this section 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 correction purposes.
- (3) It is a defense to prosecution under subsection (d) or subsection (e) of this section that the person is a dog trainer or an employee of a guard dog company under the Private Security Act, V.T.C.A., Occupations Code, chapter 1702, as amended.
- (4) It is a defense to prosecution under subsection (d) and subsection (e) of this section that the person is the animal welfare officer or a member of the animal welfare advisory board.

(Ordinance 2015-004, sec. 19, adopted 9/14/2015; Ordinance 2170227-14 adopted 2/27/2017)

§ 3.01.022 Bats.

It shall be unlawful to hunt, sell, purchase or possess a bat, regardless if it is dead or alive.

(Ordinance 2015-004, sec. 21, adopted 9/14/2015)

§ 3.01.023 Commercial businesses.

(a) Permit required. No person shall engage in the business of selling, grooming, breeding, showing, exhibiting or the boarding of animals without first having obtained a permit from the city. Written application for a permit shall be made to the animal welfare officer. The permit issued under this section shall be valid for one (1) year from the date of issuance and shall be renewed annually thereafter. The permit shall be conspicuously displayed in public view at the business at all times. There will be no charge for the permit.

(b) Exceptions. A permit shall not be required for licensed veterinarians, veterinary clinics, or any person raising livestock in an area properly zoned for such use.

(c) Inspection of premises. The animal welfare officer is authorized to inspect any such business, the animals, and the premises where such animals are kept at reasonable times during normal business hours to insure compliance with all provisions of this chapter.

(d) Sanitation. In addition to the other requirements of this chapter, such businesses shall keep all locations where animals are kept in a clean and sanitary condition. Exercise areas shall be cleaned of excrement at least twice each week or more often upon complaints from adjacent property owners.

(e) Sales on roadside, parking lot, etc. It shall be unlawful to sell, give away or display for commercial purposes a live animal on a roadside, public right-of-way, sidewalk, street, parkway or any other public property or any property dedicated to public use, a commercial parking lot, or

at an outdoor special sale, swap meet, flea market, parking lot sale or similar event. Nothing in this section shall prevent adoption events sponsored by the city's animal welfare personnel or an animal welfare organization.

(Ordinance 2015-004, sec. 22, adopted 9/14/2015)

§ 3.01.024 Sanitary requirements.

The owner or person who has custody or control of any animal shall comply with the following standards upon complaints from adjacent property owners:

- (1) All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures as necessary to control foul and offensive odors to an approved disposal site.
- (2) Refuse on the premises shall be removed and disposed of by means approved by the animal welfare officer.
- (3) Watering troughs or tanks shall be equipped with adequate facilities so as to prevent breeding of flies, mosquitoes or other insects.
- (4) No decaying material shall be allowed to accumulate on the premises, and all such materials shall be removed and disposed of by sanitary means.

(Ordinance 2015-004, sec. 23, adopted 9/14/2015)

§ 3.01.025 Animal care.

(a) It shall be unlawful for the owner or person who has custody or control of any animal not to provide:

- (1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;
- (2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;
- (3) Adequate shelter and protection from the weather at all times; and
- (4) Veterinary care as needed to prevent suffering.

(b) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.

(c) No person other than a licensed veterinarian shall crop a dog's ears or tail.

(d) The operator of any motor vehicle which strikes or injures a domesticated animal shall stop and immediately render aid and report such incident to the animal welfare officer or the city police department.

(e) It shall be unlawful for any person to beat, starve, overwork, or to otherwise abuse any animal.

(Ordinance 2015-004, sec. 24, adopted 9/14/2015)

ARTICLE 3.02 IMPOUNDMENT

§ 3.02.001 Authorized.

(a) Animals subject to impoundment. The following animals may be impounded:

- (1) Cats and dogs without identification as defined in section 3.01.010 of this chapter.
- (2) Any animal kept under conditions which can endanger the public or animal health.
- (3) Any animal that has rabies or symptoms thereof or that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the animal welfare officer.
- (4) Any animal running at large.
- (5) Any animal treated in a manner determined to be in violation of Texas Penal Code, section 42.09 [or 42.092] (cruelty to animals), as amended.
- (6) Any animal in violation of any provision of this chapter.
- (7) Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.
- (8) Any prohibited animal.

(b) Confinement by private person. If any animal is found on the premises of any person other than the owner, that person may confine such animal in a humane manner until the animal welfare officer impounds such animal. When so notified, it shall be the duty of the animal welfare officer to impound such animal.

(c) Impoundment facilities. The city council shall select and establish facilities in the city or contract with another governmental entity for the impoundment, quarantine, maintenance, and destruction of animals.

(d) Notification of owner. Reasonable effort shall be made by the animal welfare officer to contact the owner of any animal impounded which is wearing current identification or is microchipped. However, the final responsibility for an impounded animal is that of the owner.

(Ordinance 2015-004, sec. 9, adopted 9/14/2015)

§ 3.02.002 Redemption of impounded animal; sterilization.

- (a) The owner may redeem an impounded animal upon:
 - (1) Payment of all applicable impoundment fees, handling fees, and any veterinary bills or other costs incurred for the impoundment, care, and welfare of the animal; and
 - (2) Proof of compliance with the vaccination requirements of this chapter. Note: Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine.

- (b) The owner of an animal impounded for running at large shall have three (3) days in which to reclaim the animal. An exception allowing seven (7) days instead of three (3) days will be made for the owner of an animal with current identification.

- (c) The impound fees shall be set based on the entity used to impound the animals or an escalating schedule set by the city council by recommendation of the animal welfare advisory board. Each time the same animal is impounded, the impound fee increases. The fees are as set forth in the fee schedule in appendix A of this code.

- (d) Except as provided in subsection (1) or (2), an owner, or his designee, who redeems an animal six (6) months of age or older for a third (3rd) or subsequent impound shall provide proof that the animal has been spayed or neutered/castrated prior to the release of the animal. If proof that the animal is spayed or neutered/castrated is not provided, the animal will be spayed or neutered/castrated at the owner's expense prior to its release.
 - (1) Sterilization may be postponed for a period greater than thirty (30) days, but not more than ninety (90) days, after release in cases of female animals that are in estrus or pregnant.
 - (2) If an up-to-date kennel breeding permit has been purchased or is purchased before the animal is claimed, sterilization shall be postponed at that time. However, if an animal for which a breeding permit has been purchased is subsequently impounded, the animal shall be sterilized, despite having purchased a breeding permit. The city expects that persons with breeding permits accept a higher level of responsibility in keeping permitted intact animals confined.

- (e) Any animal that is found running at large more than three (3) times in a twelve (12) month period may be deemed a public nuisance and permanently removed from its owner.

- (f) An animal apprehended for running at large may be returned to the owner without fees or citation provided the following requirements are met:
 - (1) It is the animal's first (1st) time to be apprehended; warning to be issued except when the dog has caused physical harm which will result in automatic citation;
 - (2) The animal is wearing current identification as defined in section 3.01.010 of this chapter; and

- (3) The owner can be located.

(Ordinance 2015-004, sec. 10, adopted 9/14/2015; Ordinance adopting 2023 Code)

§ 3.02.003 Disposition of impounded animals.

(a) Except as provided herein, any animal not redeemed within the above-stated time periods after impoundment or release from quarantine shall become the property of the city and shall, at the direction of the animal welfare officer, be placed for adoption, transferred to a bona fide humane society or shelter or transferred to a bona fide rescue group, or humanely destroyed.

(b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.

(c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately placed in foster care or destroyed to prevent further suffering if advised by a vet.

(d) Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.

(Ordinance 2015-004, sec. 11, adopted 9/14/2015)

§ 3.02.004 Adoption of dogs and cats.

(a) A person may adopt a dog or cat from an impoundment facility that has been spayed or neutered/castrated, microchipped, and classified as adoptable. If the animal is not old enough to be surgically sterilized, the adopting owner must sign an agreement to have the animal spayed or neutered/castrated when the animal becomes old enough to be surgically sterilized.

(b) The animal welfare officer may refuse to allow a person to adopt an animal whom he has reason to believe:

- (1) Would not have proper facilities to contain or care for the animal.
- (2) Wants the dog or cat for the purpose of resale or for purposes other than pet ownership.
- (3) There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty.
- (4) Previous history of abandonment or cruelty.

(c) The person adopting the dog or cat shall pay all applicable costs of adoption.

(Ordinance 2015-004, sec. 12, adopted 9/14/2015)

ARTICLE 3.03 LIVESTOCK AND FOWL

§ 3.03.001 Keeping livestock, swine, ostriches, emus or poultry.

- (a) Keeping swine. It shall be unlawful for any person to keep any swine within the city.
- (b) Area requirements. It shall be unlawful for any person to keep a cow, goat, horse, ostrich, or emu on any premises where the overall area is less than one-third (1/3) of an acre for each cow, 10 goats, horse, ostrich, or emu kept, or keep more of said animals than can be cared for under sanitary conditions. The total number of cows, goats, horses, ostriches, or emus permitted shall not exceed one (1) adult per one-third (1/3) acre for the first (1st) acre except for ten (10) goats, and two (2) adults per acre for each additional acre over two (2) acres of a single tract of land except for twenty (20) goats.
- (c) Pens and enclosures. Livestock pens, stables, corrals, or enclosures shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock.
- (d) Distance from occupied buildings. It shall be unlawful for any person to confine any horse, cow, sheep, goat, or any other livestock or poultry within twenty feet (20') of any adjacent residence or occupied building.
- (e) Exceptions. An exception to this section will be made for students of the Bartlett Independent School District who, for educational purposes, elect to raise livestock for FFA (Future Farmers of America) and 4H. Any such livestock will be kept in a designated area at the Bartlett Independent School in Bartlett, Texas.

(Ordinance 2015-004, sec. 20, adopted 9/14/2015)

§ 3.03.002 Fowl running at large.

- (a) Running at large prohibited.
 - (1) The running at large of chickens, ducks, turkeys, geese, or other domestic fowls upon the public streets and alleys of the city, or upon the lands of any person other than the lands owned or controlled by the owner of such domestic fowls, constitutes a public nuisance and is injurious to the public health and comfort of the citizens of the city.
 - (2) It shall be unlawful for any person who owns or has under his or her control within the city any chickens, ducks, turkeys, geese, or other domestic fowls to allow any of such domestic fowls to run at large upon any of the public streets or alleys of the city, or upon the lands of any person other than the lands owned or controlled by the owners of such domestic fowls.
- (b) Penalty. Any person violating 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 an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 111 adopted 5/1/1922; 1989 Code, secs. 2.501, 2.502; Ordinance adopting 2023 Code)

CHAPTER 4

BUILDING REGULATIONS

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ARTICLE 4.01 GENERAL PROVISIONS

§ 4.01.001 Permit and inspection fees.

(a) The fees for building permits and inspections are as set forth in the fee schedule in appendix A of this code.

(b) Anyone failing to have a permit and found to be performing work that would require a permit shall pay double the amount of the permit price listed in the fee schedule.

(Ordinance 2020-2010-10 adopted 2/10/2020)

ARTICLE 4.02 CONSTRUCTION CODES AND STANDARDS*

§ 4.02.001 General provisions.

(a) Within the International Codes, when reference is made to the duties of certain officials named therein, the responsible party insofar as enforcing the provisions of the code is the designated official of the city who has duties corresponding to those delineated in the code.

(b) It is the responsibility of any permit applicant for construction contemplated by this chapter to make inquiry to the designated city official regarding the most current building code adopted by the city and to abide with the requirements of the most current code adopted at the time of the application for a construction permit.

(c) The designated official of the city, who has duties corresponding to those delineated in the code, has authority to file complaints for violations of this article with the city municipal court for enforcement of this article.

(Ordinance 20230522-07, sec. 3.101, adopted 5/22/2023)

§ 4.02.002 Building code.

The city adopts the International Building Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.102, adopted 5/22/2023)

§ 4.02.003 Electrical code.

The city adopts the National Electrical Code, 2020 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.103, adopted 5/22/2023)

* **Editor’s note**—Ordinance 20230522-07, adopted May 22, 2023, from which article 4.02 is derived, had an effective date of October 1, 2023.

§ 4.02.004 Plumbing code.

The city adopts the International Plumbing Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.104, adopted 5/22/2023)

§ 4.02.005 Residential code.

The city adopts the International Residential Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.105, adopted 5/22/2023)

§ 4.02.006 Existing building code.

The city adopts the International Existing Building Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.106, adopted 5/22/2023)

§ 4.02.007 Fire code.

The city adopts the International Fire Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 2021-0111-05 adopted 1/11/2021; Ordinance 20230522-07, sec. 3.107, adopted 5/22/2023)

§ 4.02.008 Mechanical code.

The city adopts the International Mechanical Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.108, adopted 5/22/2023)

§ 4.02.009 Fuel gas code.

The city adopts the International Fuel Gas Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.109, adopted 5/22/2023)

§ 4.02.010 Energy conservation code.

The city adopts the International Energy Conservation Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.110, adopted 5/22/2023)

§ 4.02.011 Property maintenance code.

The city adopts the International Property Maintenance Code, 2018 edition, a copy of which together with all amendments thereto is on file in the city secretary’s office.

(Ordinance 20230522-07, sec. 3.111, adopted 5/22/2023)

ARTICLE 4.03 CERTIFICATE OF OCCUPANCY

§ 4.03.001 Required.

Hereafter when any existing dwelling, building or other structure in the corporate limits of the city becomes vacant, such dwelling, building or other structure shall not be reoccupied until a certificate of occupancy has been issued by the city secretary.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.202)

§ 4.03.002 Minimum standards.

Each dwelling, building or other structure shall conform to the following standards, which are deemed to be the minimum standards necessary for the health and general welfare of the city:

- (1) Dwelling units.
 - (A) Each dwelling unit shall have one separate room which shall be provided with a water closet, lavatory and either a bathtub or a shower.
 - (B) Each dwelling unit shall be provided with one (1) sink in some part of the building other than the room with the water closet.
 - (C) Each plumbing fixture, including water closets, bathtubs, showers, sinks, or lavatories, installed in any dwelling unit shall be provided with running water.
 - (D) Each plumbing fixture installed in any dwelling unit shall be provided with adequate drain facilities connected either to the city sanitary sewer where available or to a septic tank of proper design and construction.
 - (E) Each dwelling unit shall be of such construction and in a state of repair that all floors, walls, doors and windows are intact. Floors shall be reasonably level and walls shall be reasonably straight.
 - (F) The city secretary shall not issue a certificate of occupancy until the dwelling unit has been inspected and found to conform with all of the provisions above.
 - (G) No dwelling unit shall be considered as meeting the above provisions when, in the opinion of the city secretary, the building is so dilapidated and unsightly to be considered inadequate housing.

- (2) Business buildings and other structures.
 - (A) No building shall be occupied by any business serving food or beverages unless there are separate and adequate restroom facilities for men and women. Adequate restrooms are those provided with a water closet and lavatory, each fixture provided with running water and equipped with adequate drain facilities to either the city sanitary sewer or a septic tank.
 - (B) Floors, walls and ceilings shall be in such a state of repair that they shall be considered safe and sanitary.
 - (C) No certificate of occupancy shall be issued for any business purpose until the building has been inspected and found to meet the above provisions.
 - (D) No building shall be considered as meeting the above provisions when in the opinion of the city secretary it is so dilapidated or so badly in need of repair that it is not considered adequate for the type of business proposed.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.203)

§ 4.03.003 Responsibility of owner or manager.

It shall be unlawful for any person controlling, renting or managing, either as owner, agent or otherwise, any dwelling, building or other structure, to permit such dwelling or other building or structure to be occupied without first obtaining a certificate of occupancy from the city secretary.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.204)

§ 4.03.004 Application.

Application for a certificate of occupancy shall be made on a form provided for that purpose and obtainable from the city secretary.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.205)

§ 4.03.005 Appeal of denial.

Any person controlling property, either as owner, agent or otherwise, who has been denied a certificate of occupancy after proper application has been made, shall have the right to appeal to the city council or reconsideration of the request.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.206)

§ 4.03.006 Occupancy prior to issuance prohibited.

No person shall occupy any dwelling, building or other structure, either as a dwelling or as a business, until after a certificate of occupancy has been issued.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.207)

§ 4.03.007 Penalty.

Whoever violates the provisions of this article shall be deemed guilty of a misdemeanor and shall be fined in an amount in accordance with the general penalty provided in section 1.01.009 of this code, and each day the offense is continued shall constitute a separate offense.

(Ordinance 68-5 adopted 7/22/1968; 1989 Code, sec. 3.208; Ordinance adopting 2023 Code)

ARTICLE 4.04 DANGEROUS BUILDINGS**§ 4.04.001 Definitions.**

As used in this article, the following terms shall have the meanings given below:

Building official or building inspector means the person, his staff or employees, or entity designated by the city or appointed to perform the duties and responsibilities set forth herein, or, if none has been appointed, the chief administrative officer. Where the inspection is for plumbing, electrical, or other such inspection or permitting, the inspector designated to perform such specific duties is the building official for such project.

Dangerous building or unsafe building means any structure or building located within the incorporated limits of the city that is:

- (1) In such a state or condition of repair or disrepair that all or any of the following conditions exist:
 - (A) Walls or other vertical structural members list, lean, or buckle;
 - (B) Damage or deterioration exists to the extent that the building is unsafe;
 - (C) Loads on floors or roofs are improperly distributed or the floors or roofs are of insufficient strength to be reasonably safe for the purposes used;
 - (D) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
 - (E) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety and welfare;
 - (F) Light, air, and sanitation facilities are inadequate to protect the health, morals, safety, or general welfare of persons who assemble, work, or live therein;
 - (G) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;

- (H) Parts or appendages of the building or structure are so attached that they are likely to fall and injure persons or property;
- (2) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare of the city's residents;
- (3) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (4) Boarded up, fenced or otherwise secured in any manner if:
 - (A) The building constitutes a danger to the public even though secured from entry;
 - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
 - (C) Defined as a dangerous or unsafe building by the 2003 International Property Maintenance Code, published by the International Code Council, Inc.

Responsible parties means the owner, occupant or person in custody of the building or structure, and any mortgagee or lienholder.

(Ordinance 2010-002, sec. 2, adopted 2/--/2010)

§ 4.04.002 Property maintenance code adopted.

(a) Adoption. The 2003 International Property Maintenance Code, published by the International Code Council, Incorporated, a copy of which has been exhibited to and approved by the city council, and certified copies of which are on file in the offices of the city secretary, is hereby adopted by reference and declared to be the unsafe building abatement code of the city for the regulation, vacation, removal, repair, or demolition of unsafe buildings in a timely and legal manner in the city; save and except section 108, which is deleted in its entirety and replaced by the provisions of this article.

(b) Amendments. The 2003 International Property Maintenance Code is further amended as follows:

- (1) Each reference to "jurisdiction" or location for insertion of name of jurisdiction shall mean the City of Bartlett, Texas.
- (2) Each reference to "code official" shall mean the building official or code enforcement officer of the City of Bartlett, Texas.
- (3) Each reference to "board" shall mean the board of adjustment and appeals of the City of Bartlett, Texas. The city council shall sit as the board of adjustment and appeals.
- (4) Section 103.5 is deleted.

- (5) The following numbered sections are deleted and replaced in full with the text indicated:
- (A) Section 103.1. This code shall be enforced by the building official. The building official is the person designated by the city council for purposes of making inspections, sending notices, and otherwise enforcing the provisions of this code.
 - (B) Section 103.2. (Reserved.)
 - (C) Section 106.4, Penalties. Any person who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, and subject to a fine of between \$1.00 and \$2,000.00. Each day a violation occurs constitutes a separate offense.
 - (D) Section 111, Appeal. A new section 111.6(A) is added to provide that any occupant, owner or lienholder aggrieved by a decision of the board of appeals may appeal such decision to the city council by filing a written appeal to the city secretary within fifteen days of the decision that is being appealed.
 - (E) Section 302.4. “(jurisdiction to insert height in inches)” shall be replaced with “twelve inches (12)”.
 - (F) Section 302.7. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair. All accessory structures shall be protected from the elements by painting, staining or other waterproofing or surface treatments.
 - (G) Section 304.14. “During the period (DATE) to (DATE)” shall be replaced with “During the period April 1 to November 1, unless functioning AC is provided.”.
 - (H) Section 602.3. “(DATE) to (DATE)” shall be replaced with “October 1 through April 1”.
 - (I) Section 602.4. “(DATE) to (DATE)” shall be replaced with “October 1 through April 1”.

(Ordinance 2010-002, sec. 3, adopted 2/--/2010)

§ 4.04.003 Unsafe buildings declared nuisance.

- (a) It shall be unlawful for any person to maintain or permit the existence of any unsafe building in the city, and it shall be unlawful for any person to permit same to remain in such condition.
- (b) All unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this article.

(c) The building official shall enforce the provisions of this article.

(Ordinance 2010-002, sec. 4, adopted 2/--/2010)

§ 4.04.004 Inspections; duties of building official.

The building official shall inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is determined to be unsafe, the building official shall give the responsible parties notice in accordance with the requirements set forth in sections 4.04.005 and 4.04.006 of this article. The building official shall further:

- (1) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multi-family residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a “dangerous building” as defined herein.
- (2) Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (3) Report to the board of adjustments and appeals any noncompliance with the minimum standards set forth in this article. The city building official shall obtain from the secretary of the board of adjustments and appeals a hearing date for a public hearing by the board of adjustments and appeals on any structure believed to be a dangerous building and shall provide the secretary of the board of adjustments and appeals with copies of the written notice to persons with interests in the property as provided for in section 4.04.005 hereof.
- (4) Appear at all hearings conducted by the board of adjustments and appeals and testify as to the conditions of dangerous buildings within the city.
- (5) Place a notice on all dangerous buildings reading as follows: “This building has been found to be a dangerous building by the City of Bartlett Building Official. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the owner(s), occupant(s) and person(s) with interests in the property as shown by the records of the City Secretary and the Tax Appraisal District. It is unlawful to remove this notice until such notice is complied with.”
- (6) Request the city engineer, or an appropriate engineer, to provide additional inspections, reports and act as an expert witness at hearings for buildings that appear marginally dangerous.
- (7) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

(Ordinance 2010-002, sec. 5, adopted 2/--/2010)

§ 4.04.005 Notice to repair required.

(a) Should the building official determine that any building or structure within the incorporated limits of the city is a dangerous building or unsafe building he/she shall cause written notification to be sent, by certified mail, or by United States Postal Service using signature confirmation service, to the owner and all other persons having an interest in the building after a diligent effort to discover each owner, mortgagee, and lienholder. Such notice shall contain:

- (1) A description of the building or structure deemed unsafe and its location;
- (2) A statement of the particulars which make the building or structure a dangerous building;
- (3) Notice of the date and time of a public hearing before the board of adjustments and appeals to determine whether the building complies with the standards set out in this article;
- (4) A statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building 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 amount of time it will take to reasonably perform the work.

Such notice [shall] be served upon the responsible parties as set out in this article.

(b) The requirements to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee are satisfied if the municipality searches the following records:

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

(Ordinance 2010-002, sec. 6, adopted 2/—/2010)

§ 4.04.006 Sufficiency of notice.

(a) A notice to repair, notice of securing a dangerous building, and a notice of a public hearing pursuant to this article shall be deemed properly served upon the responsible parties if a copy thereof is posted in a conspicuous place in or about the building affected by the notice and:

- (1) Served upon him/her personally;

- (2) Sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the city; or
- (3) Sent by United States Postal Service using signature confirmation service.

(b) The city may file notice of the hearing in the standards commission public records of real property of Bell County.

(Ordinance 2010-002, sec. 7, adopted 2/--/2010)

§ 4.04.007 Securing of dangerous building.

(a) Should the building official determine that any building or structure within the incorporated limits of the city is a dangerous building or is unoccupied or is occupied only by persons who do not have a right of possession of the building, he/she may cause the building to be secured.

(b) Before the 11th day after the date the building is secured, the municipality shall give notice to the owner by:

- (1) Personally serving the owner with written notice;
- (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
- (3) Publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(c) The notice must contain:

- (1) Identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of the city standards that is present at the building;
- (3) A statement that the city will secure or has secured, as the case may be, the building; and
- (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.

(d) The board of adjustments and appeals shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within 30 days after the date the building official secures or causes to be secured the building, the owner files with the city a written request for the hearing. The board of adjustments and appeals shall conduct the hearing within 20 days after the date the request is filed.

(e) The city shall impose a lien against the land on which the building stands, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the cost of securing the building. Promptly after the imposition of the lien, the city shall file for record, in recordable form, in the office of the Bell County clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.

(Ordinance 2010-002, sec. 8, adopted 2/2/2010)

§ 4.04.008 Duties of board of adjustments and appeals; hearing and issuance of order; performance of work by city.

The board of adjustments and appeals shall:

- (1) Schedule and hold a hearing and hear testimony from the building official, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the unsafe building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- (2) Upon conclusion of the hearing, the board of adjustments and appeals shall determine by majority vote whether the building or structure in question is a dangerous building. Upon a determination that the building or structure in question constitutes a dangerous building, the board of adjustments and appeals shall issue an order:
 - (A) Containing an identification of the building and the property on which it is located;
 - (B) Making written findings of the violations of the minimum standards that are present at the building;
 - (C) Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within thirty (30) days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, in which instance the board of adjustments and appeals shall specify a reasonable time for the completion of the work; and
 - (D) Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the board of adjustments and appeals.
- (3) If repair or demolition is ordered, the board of adjustments and appeals shall send a copy of the order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders, within a reasonable period of time after the hearing. Within 10 days after the date that the order is issued, the city shall:

- (A) File a copy of the order in the office of the municipal secretary or clerk; and
 - (B) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
 - (i) The street address or legal description of the property;
 - (ii) The date of the hearing;
 - (iii) A brief statement indicating the results of the order (may be a copy of the order; and
 - (iv) If not provided in the notice, instructions stating where a complete copy of the order may be obtained.
- (4) If repair or demolition is ordered and notice of public hearing was not filed in the official public records of real property of Bell County, the city may file and record a copy of the order in such records of Bell County.
- (5) If the board of adjustments and appeals allows the owner or a person with an interest in the dangerous building more than thirty (30) days to repair, remove, or demolish the building, the board of adjustments and appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city building official.
- (6) The board of adjustments and appeals may not allow the owner or person with an interest in the dangerous building more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:
- (A) Submits a detailed plan and time schedule for the work at the hearing; and
 - (B) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (7) If the board of adjustments and appeals allows the owner or person with an interest in the dangerous building more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the board of adjustments and appeals shall require the owner or person to regularly submit progress reports to the board of adjustments and appeals to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city building official to demonstrate compliance with the time schedules.
- (8) In the event the owner or a person with an interest in a dangerous building fails to comply with the order within the time specified therein, the city may cause any occupants of the dangerous building to be relocated, and may cause the dangerous

building to be secured, removed, or demolished at the city's expense. The city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the dangerous building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner of the dangerous building if that information can be determined by a diligent effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.

- (9) In addition to the authority set forth in subsection (8) above, after the expiration of the time allotted in the order for the repair, removal, or demolition of a dangerous building, the city may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by this article, and to the extent such repairs do not exceed minimum housing standards. This section shall be applicable only to residential buildings with ten (10) or fewer dwelling units. The city shall follow the procedures set forth in subsection (8) above for filing a lien on the property on which the building is located.

(Ordinance 2010-002, sec. 9, adopted 2/–/2010)

§ 4.04.009 City council action.

If the owners or persons having an interest in a building or structure that is, pursuant to this article, ordered to be repaired, rehabilitated, demolished, or removed, fail to timely comply with such order, the city council may:

- (1) Authorize the building official to obtain the repair, securing or demolition of the building or structure as authorized by this article, and to file a lien against such property for the cost and expense of such work;
- (2) By ordinance, assess a civil penalty of up to \$1,000.00 per day against the owners and persons having an interest in the property;
- (3) Authorize and take such other action as contemplated by this article, or chapter 214 [of the Local Government Code], as is necessary or advisable in the judgment of the city council to protect the public health, safety or welfare; and
- (4) The city council may also take any such action following an appeal to the city council.

(Ordinance 2010-002, sec. 10, adopted 2/–/2010)

§ 4.04.010 Assessment of expenses and penalties.

(a) If the time allotted for the repair, removal or demolition of a building under this article has expired, then the city council may, in addition to the authority granted under chapter 214, Texas Local Gov't. Code, and the foregoing sections of this article:

- (1) Order the repair of the building at the city's expense and assess the expenses on the land on which the building stands or to which it is attached; or
- (2) Assess a civil penalty of up to \$1,000.00 per day against the responsible party for failure to repair, remove, or demolish the building.
- (3) Authorize the city building official to invite at least two (2) or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The building official shall cause to be made an assessment of expenses, and may also recommend civil penalties, based on such estimates. The building official shall endeavor to minimize the expenses of any building repairs, removal or demolitions order pursuant to this article.

(b) The city may repair a building under subsection (a) only to the extent necessary to bring the building into compliance with the minimum standards of the city and only if the building is a residential building with 10 or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum standards prescribed by the city.

(c) The city shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair, removal, or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the city shall file for record, in recordable form in the office of the Bell County clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.

(d) The city's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the Bell County clerk before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The city's lien is superior to all other previously recorded judgment liens.

(e) Any civil penalty or other assessment imposed under this section accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The city may further file with the district clerk a copy of an ordinance assessing a civil penalty pursuant to this article.

(f) In any judicial proceeding that is filed that appeals a decision made pursuant to this article, or that challenges this article, or that regards enforcement of the city's rights under this article, the city shall be entitled to recover reasonable attorney's fees and costs if the decision is affirmed or not substantially reversed but only modified by the court.

(g) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

(Ordinance 2010-002, sec. 11, adopted 2/--/2010)

§ 4.04.011 Violations; penalty.

(a) The owner of any unsafe building or dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building or structure, such notice or order given by the authority of the board of adjustments and appeals, or the city council, shall be guilty of a misdemeanor.

(b) An occupant or lessee in possession of any unsafe building or dangerous building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the board of adjustments and appeals shall be guilty of a misdemeanor.

(c) Any person removing the notice of a dangerous building as provided for in sections 4.04.005 and 4.04.006 of this article shall be guilty of a misdemeanor.

(d) The violation of any provision of this article shall be unlawful and a misdemeanor offense punishable by a fine not exceeding five hundred (\$500.00). Each day a violation of this article continues shall constitute a separate offense.

(Ordinance 2010-002, sec. 12, adopted 2/--/2010)

§ 4.04.012 Applicability of state law.

Chapter 214, subchapter A, Texas Local Gov't. Code, is hereby adopted by the city and made a part of this article. In the event of any conflict or inconsistency between the terms and provisions of this article and chapter 214, the terms and provisions of chapter 214 shall govern and control.

(Ordinance 2010-002, sec. 13, adopted 2/--/2010)

ARTICLE 4.05 FLOOD DAMAGE PREVENTION**§ 4.05.001 Statutory authorization, findings of fact, purpose and methods.**

(a) Statutory authorization. The legislature of the state has in Texas Water Code section 16.315 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

(b) Findings of fact.

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

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

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in the floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

(d) Methods of reducing flood losses.

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ordinance 88-1 adopted 8/22/1988; 1989 Code, sec. 17.202)

§ 4.05.002 Definitions.

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

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent (1%) chance or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map (FIRM), zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

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

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

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

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

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

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

Flood hazard boundary map (FHBM) means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the flood, [and] mudslide (i.e., mudflow) related erosion areas having special hazards have been designed as zone A, M, and E.

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

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

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

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

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

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred and eighty consecutive (180) days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

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

New construction means, for flood management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-3481), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

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

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

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

(Ordinance 88-1 adopted 8/22/1988; 1989 Code, sec. 17.203)

§ 4.05.003 General provisions.

- (a) Lands to which article applies. This article shall apply to all areas of special flood hazard with the jurisdiction of the city.
- (b) Basis for establishing areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency on its flood hazard boundary map (FHBM), Community No. 88-01, dated August 22, 1988, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.
- (c) Development permit required. A development permit shall be required to ensure conformance with the provisions of this article.
- (d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

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

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

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

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

(Ordinance 88-1 adopted 8/22/1988; 1989 Code, sec. 17.204)

§ 4.05.004 Administration.

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

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

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (3) Review, approve, or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a

mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state water development board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with subsection (b) of this section, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 4.05.005.

(c) Application for development permit.

- (1) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (A) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - (B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 4.05.005(b)(2);
 - (D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - (E) Maintain a record of all such information in accordance with section 4.05.004(b)(1).
- (2) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (A) The danger to life and property due to flooding or erosion damage;
 - (B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (C) The danger that materials may be swept onto other lands to the injury of others;

- (D) The compatibility of the proposed use with existing and anticipated development;
 - (E) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (F) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (G) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (H) The necessity to the facility of a waterfront location, where applicable;
 - (I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (J) The relationship of the proposed use to the comprehensive plan for that area.
- (d) Variance procedures.
- (1) The city council shall hear and render judgment on requests for variances from the requirements of this article.
 - (2) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
 - (3) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.
 - (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
 - (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
 - (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 4.05.004(c)(2) have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

- (7) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of section 4.05.001(c).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Prerequisites for granting variances are as follows:
 - (A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (B) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (C) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in subsections (d)(1) through (9) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 88-1 adopted 8/22/1988; 1989 Code, sec. 17.205; Ordinance adopting 2023 Code)

§ 4.05.005 Provisions for flood hazard reduction.

- (a) Provisions for construction. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 - (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 4.05.003(b), section 4.05.004(b)(8), or subsection (c)(3) of this section, the following provisions are required:

- (1) Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 4.05.004(c)(1)(A), is satisfied.
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including the basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review structural design, specifications, and plans for the construction, and certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) Manufactured homes.
 - (A) It is required that all manufactured homes to be placed within zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of

anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) All manufactured homes shall be in compliance with subsection (b)(1) of this section.

(c) Subdivision proposals.

- (1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with section 4.05.001(b), (c), and (d).
- (2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of section 4.05.003(c) and section 4.05.004(c) and the provisions of this section.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which are greater than 50 (fifty) lots or 5 (five) acres, whichever is lesser, if not otherwise provided pursuant to section 4.05.003(b) or section 4.05.004(b)(8).
- (4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance 88-1 adopted 8/22/1988; 1989 Code, sec. 17.206)

ARTICLE 4.06 MANUFACTURED, MODULAR AND MOBILE HOMES

§ 4.06.001 Definitions.

Code means the Texas Manufactured Housing Standards Code.

HUD-code manufactured home.

- (1) “HUD-code manufactured home,” also referred to as “manufactured home,” means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. In this article, the term “manufactured home” shall have the same interpretation as “HUD-code manufactured home.” The term does not include a travel trailer or recreational vehicle as defined by Texas Administrative Code, Rule 3.72 [34 TAC section 3.72].

- (2) The terms “single-wide” and “double-wide” are often used to describe the type of structure which is defined as:
 - (A) A “single-wide home” square footage ranges from 600 square feet up to 1,330 square feet. The width of a single-wide is 18 feet or less and the length is 90 feet or less. Single-wide homes are shipped as one unit on one semi-trailer.
 - (B) A “double-wide home” square footage ranges from 1,067 square feet and up to 2,300 square feet. Double-wide homes have a width of 20 feet or more and their length is 90 feet or less. Double-wide homes are shipped as two separate units that are later joined together seamlessly to make a completed double-wide home.

Installation, when used in reference to manufactured housing, means the construction of the foundation systems, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, and minor adjustments.

Label means a device, decal or insignia issued to indicate compliance with the standards, rules, and regulations related to the types of dwellings, set forth as:

- (1) A “red label” is affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, and serves as the manufacturer’s certification that the home is built in accordance to the standards set by the United States Department of Housing and Urban Development.
- (2) A “blue label” is affixed to modular homes signifying that the home is built to model code standards that comply with the International Residential Code and issued by the state department of licensing and regulation.

Manufactured home park, also referred as “mobile home park,” is a parcel of land under single entity ownership, in an area determined appropriate by the municipality and improved for the placement of HUD-code manufactured homes, and meeting all requirements of this article, and any applicable ordinances, deed restrictions, and state law.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Modular homes, also referred as “industrialized homes,” are structures designed for the occupancy of one or more families, that are constructed in one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the components are transported to the permanent site and erected or installed on a permanent foundation system.

Travel trailer or recreational vehicle, also referred to as “motor home,” [is a vehicle] designed for human habitation as temporary living quarters in connection with recreational, camping, travel, or seasonal use that:

- (1) Is not designed to be used as a permanent dwelling; or
- (2) Is less than eight (8) body feet in width and forty (40) body feet in length in the traveling mode and contains plumbing, heating, and electrical systems that may be operated without connection to outside utilities; or
- (3) Is not a utility trailer, enclosed trailer, or other trailer that is not designed for human habitation as its primary function; or
- (4) Is a motorized dwelling.

(Ordinance 2020-1019-06, sec. 12.101, adopted 10/19/2020)

§ 4.06.002 Mobile homes prohibited.

The future installation of a mobile home within the corporate city limits is prohibited, including mobile homes located in mobile home parks. The prohibition is prospective and does not apply to a mobile home previously legally permitted by and used as a dwelling in the zoning district designated under the city’s zoning ordinance.

(Ordinance 2020-1019-06, sec. 12.102, adopted 10/19/2020)

§ 4.06.003 Modular homes.

(a) Modular homes are permitted in areas of the city as specified in the city’s zoning ordinance. This provision shall not affect the validity of any deed restriction that is otherwise valid.

(b) The erection and installation of a modular home shall be placed on a permanent site, on a permanent foundation, and built to comply with International Residential Code.

(c) Upon making application for the installation of a modular home, documentation from the state department of licensing and regulation must be provided signifying the home is built to code; all modular homes and modular components shall have the appropriate label affixed to it.

(d) Applications for the installation of a modular home shall comply with all applicable construction and building code standards, permitting and inspections requirements adopted by the city.

(e) Permits, plan reviews and inspections for the erection, placement and installation of a modular home are controlled by the procedures adopted by the city council for home and building construction including any process and costs associated with permits, plan reviews and inspections.

(Ordinance 2020-1019-06, sec. 12.103, adopted 10/19/2020)

§ 4.06.004 HUD-code manufactured home applications.

(a) Manufactured home requirements. After the effective date of this article, HUD-code manufactured homes no manufactured home [sic] shall be erected, replaced or installed within the city limits that cannot meet one or more conditions of HUD-code manufactured home requirements.

(b) Allowable areas. The erection, replacement or installation of a manufactured home in the city limits shall only be placed in areas as provided by the city's zoning ordinance; but shall not affect the validity of any deed restriction that is otherwise valid.

(c) Existing mobile homes and manufactured homes. Any mobile home or manufactured home legally located on a site and occupied as a residential dwelling in the city prior to the passage of this article shall be allowed to remain on the site that it is currently located on, but shall not be moved to another site or replaced with another mobile home or manufactured home under any circumstance, except as provided in subsection (d).

(d) Exception - replacement of mobile home with a manufactured home.

- (1) Applications for a replacement must be made within ninety (90) days from the date the mobile home was vacated, removed, demolished, damaged or destroyed; and
- (2) Applications for the replacement of an existing mobile home may only be filed once to replace it with a qualified HUD-code manufactured home in areas otherwise prohibited by the city's zoning ordinance; and
- (3) Has been legally occupied continuously as a residential dwelling by the property owner within the city's limit at the time the home was vacated, removed, demolished, damaged or destroyed, and placement is restricted to its current location; and
- (4) Shall comply with all provisions of the application requirements as provided in subsection (e) and with the installation requirements as provided in section 4.06.005.

(e) Application for erection, installation or replacement. All applicants must be named the owner of the manufactured home and the owner of the property where a manufactured home is proposed to be erected, placed or installed, except if installed within an authorized HUD-code manufactured home park. All applications are subject to permit and inspection fees. Applications shall be completed and submitted to the city administrator for review, and shall contain the following information:

- (1) Property owner's name, mailing address and telephone number.
- (2) The block, lot, subdivision, and physical address of where the manufactured home is sought to be installed.
- (3) The year, make and model of the manufactured home.
- (4) The dimensions of the home.
- (5) A site plan or dimensions of the lot(s) where the home is sought to be installed.

- (6) A colored picture of the home and valid proof of the manufactured home's affixed label.
 - (7) A copy of the manufactured home purchase agreement, or home installation agreement, from the manufactured home company or installation company erecting the home.
- (f) Determination by city administrator. The city administrator has 45 days to review, make determination of findings, and consider whether to approve or deny the application for the installation of a manufactured home. The city administrator, in making his or her determination, shall consider the following:
- (1) Whether the installation of the manufactured home meets all requirements of the city's zoning ordinance.
 - (2) The city's ability to provide police and fire protection to the location.
 - (3) The city's ability to provide necessary services to the location, such as water, sewer, and garbage.
 - (4) The city's conservation of property values in the area where the home is sought to be installed.
 - (5) Any impact that the installation of the home would have on the area where installation is sought.
- (g) Denial. An application to erect, replace or install a manufactured home for residential dwelling use and occupancy shall be deemed approved and granted unless the city administrator denies the application and states the reason for the denial not later than the 45th day from the date the application is received.

(Ordinance 2020-1019-06, sec. 4.06.004, adopted 10/19/2020)

§ 4.06.005 HUD-code manufactured home installation requirements.

The approval of an application for the erection, replacement or installation of a manufactured home, and mobile home replacement, shall be conditional providing the following requirements can be met:

- (1) Manufactured homes shall not exceed the minimum age requirement of five (5) years from the date of application; this requirement applies to all areas designated for manufactured homes and manufactured home parks.
- (2) All manufactured homes shall be installed in compliance with the standards and requirements for the installation and construction of the manufactured home established by the Texas Manufactured Housing Standards Code, that are reasonably necessary in order to protect the health, safety, and welfare of the occupants and the public.
- (3) All manufactured homes shall connect to city utilities, unless otherwise unavailable.

- (4) All manufactured homes shall be equipped with smoke detectors.
- (5) All manufactured homes shall meet all applicable setbacks and lot size requirements set forth in the city's zoning ordinance.
- (6) All manufactured homes shall have house numbers placed in the direction visible from the street.
- (7) All manufactured homes shall attach a permanent deck, porch or stairway having not less than a 4' x 6' landing at the entry of the front door.
- (8) Skirting shall be placed around the home's perimeter, including any deck, porch or stairway, to screen in any wheels, undercarriage and all views from beneath the home, and to enclose all gaps surrounding and between the manufactured home and ground with permanent material. No vinyl, plastic, tin or aluminum materials are accepted.
- (9) All manufactured homes shall have adequate foundation for the placement and tie-down of one (1) single-family manufactured home to secure the superstructure against uplift, sliding, rotation and overturning, which shall support the weight of the manufactured home.
- (10) All manufactured home lots shall provide a minimum of two (2) off-street parking spaces that shall be constructed from base, concrete or asphalt material; all approaches and driveways shall connect to the city's street and be maintained by the property owner, including the installation of culverts to allow for adequate flow and drainage of stormwater.
- (11) All ground surfaces of the manufactured home structure, and beneath, shall be graded and equipped to drain all surface water in a safe and efficient manner as not to permit water to stand or become stagnant.
- (12) No manufactured home shall be erected, placed or installed that will alter, disallow, or transform any dedicated easements for poles, wires, conduits, storm sewers, water lines, open drains, gas lines, or other utilities, and its purpose.

(Ordinance 2020-1019-06, sec. 4.06.005, adopted 10/19/2020)

§ 4.06.006 Manufactured home park site requirements.

- (a) All HUD-code manufactured home parks constructed after the adoption of this article and any extension/addition to an existing HUD-code manufactured home park in the city shall make written application to the city council.
- (b) All manufactured homes erected, installed or placed in a HUD-code manufactured home park shall comply with all requirements of this article, unless specifically regulated within this section.
- (c) All applications shall be accompanied with the appropriate site plan review fee, with five (5) copies of the site plan to include the following site requirements:

- (1) Site plan. A site plan, design, dimensions, and development plans to scale, to include:
 - (A) The property owner name, mailing address, telephone number, developer's name, mailing address and telephone number.
 - (B) Name of subdivision and address where the park is to be located.
 - (C) Names of abutting and adjacent public streets.
 - (D) Number of spaces, space numbering and space dimensions.
 - (E) Utility easements, driveways, streets, sidewalks and recreational areas.
 - (F) Water and sewer plans depicting line locations, grade, size and supply source.
 - (G) Paving and drainage plans depicting directions and proposed specifications of runoff.
 - (H) Park maintenance and improvements plan.
- (2) Office. Every HUD-code manufactured home park shall have an office within the park, and shall be responsible for all registrations, occupancy, and maintenance of the park, and keep records thereof.
- (3) Streets. All internal streets shall be constructed to the standards and specifications of the city's subdivision ordinance. All internal streets shall be privately owned, built, and maintained by the manufactured home park.
- (4) Park area. A manufactured home park area shall have a minimum of two (2) acres of land, and having a maximum of five (5) acres of land dedicated for park area.
- (5) Density. A manufactured home park shall have no more than ten (10) spaces per acre.
- (6) Spacing. Manufactured homes must have a minimum of twenty feet (20') from the distance of any exterior wall to the closest exterior wall of the nearest manufactured home.
- (7) Parking. Spaces must be constructed to provide a minimum of two (2) off-street parking places within each space.
- (8) Utilities. Each space shall have its own separate utility connection for water, sewer, telephone, electricity, and gas, unless otherwise unavailable to the site.
- (9) Disposal. Method of garbage and refuse disposal.
- (10) Setback. All manufactured homes placed in an authorized location shall comply with all setback requirements set forth in the city's zoning ordinance, unless specifically regulated within this section of this article.

(Ordinance 2020-1019-06, sec. 12.106, adopted 10/19/2020)

§ 4.06.007 Travel trailers and recreational vehicles.

(a) It shall be unlawful for any person, firm or corporation to park or permit the parking of a travel trailer and/or recreational vehicle on any lot or tract of land within the city limits, whenever such travel trailer or recreational vehicle is being used or occupied as a residence under any circumstance, except as provided in subsection (b)(5). This prohibition shall not apply to a travel trailer or recreational vehicle which is located in a duly authorized manufactured home park, as long as the travel trailer or recreational vehicle complies with the requirements of this article for its intended occupancy use.

(b) The approval of a permit application for the placement of a travel trailer or recreational vehicle shall not exceed one (1) year, and shall be conditional providing the following requirements can be met:

- (1) Travel trailers or recreational vehicles designed for temporary human habitation are only permitted in areas designated as manufactured home parks for occupancy use as living quarters.
- (2) Have authorized written permission from the manufactured home park to place such travel trailer or recreational vehicle on-site for occupancy use.
- (3) Travel trailers or recreational vehicles shall comply with all manufactured home park site requirements.
- (4) Travel trailers or recreational vehicles must provide proof of current registration, and inspection, and be affixed with a valid state license plate.
- (5) Exception - use and occupancy outside an authorized manufactured home park.
 - (A) The city administrator may issue a temporary one (1) week hardship permit to the property owner allowing the parking, placement or occupancy of a travel trailer or recreational vehicle on any lot or tract of land within the city limits currently being occupied as a residential dwelling when it is determined that such temporary occupancy would have no significant impact on surrounding properties, and one or more of serious hardship grounds is found:
 - (i) Emergencies, illnesses or death occur in the family or relatives of the property owner; or
 - (ii) To relieve temporary economic hardship of a family member or relative of the property owner.
 - (B) All periods expected to extend longer than one (1) week must be approved by the city council.

(Ordinance 2020-1019-06, sec. 4.06.007, adopted 10/19/2020)

§ 4.06.008 Permits, inspections and fees.

(a) It shall be unlawful for any person to transport, erect, install, construct, extend or expand a mobile home, manufactured home, modular home, travel trailer or recreational vehicle within the city limits without first obtaining a valid permit issued by the city.

(b) The city will not authorize any manufactured home [for] the connection to any utility services, including water, sewer, electricity, gas or garbage, that does not comply with the requirements of this article, or in violation thereof.

(c) A duly authorized agent or inspector of the city shall be permitted to make reasonable inspections of any manufactured home, travel trailer or recreational vehicle to determine compliance with this article, or any other ordinance, deed restriction, or state law.

(d) Fees are as set forth in the fee schedule in appendix A of this code.

(Ordinance 2020-1019-06, sec. 12.108, adopted 10/19/2020; Ordinance adopting 2023 Code)

§ 4.06.009 Appeals, variances and special use permits.

(a) All applications for any permits or other administrative procedures required under the provisions of this article that are denied by the city administrator for one or more reasons based on his/her interpretation of the provisions of this article may be appealed to the city council. Upon complying with all requirements set forth in this section, the city council shall review the application and make a final determination to uphold or overturn the decision of the city administrator or consider whether a variance may be issued.

(b) This section shall not be construed to authorize a variance or special use permit that would have the effect of creating an exception to the provisions of the city's zoning ordinance or the provisions of this article governing the erection, replacement or installation, such as:

- (1) Of a mobile home; or
- (2) Of a manufactured home which does not meet the minimum age requirements; or
- (3) Of the placement of a travel trailer or recreational vehicle for any reason.

(c) The city council may allow variances to the provisions of this article if it is determined that the enforcement of regulations of this article in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit which is not caused solely by actions of the landowner, does not serve its intended purpose, is not effective or necessary, or for any other reason determined to be in the best interest of the community in consideration of the health, safety, and welfare of the public and the equities of the situation.

(d) All variance or special use permit applications shall be accompanied with a nonrefundable fee in the amount set forth in the fee schedule in appendix A of this code.

(e) Public notices and notifications of applications shall be issued at least fifteen (15) days prior to the city council making any determination or consideration on such variance application.

(Ordinance 2020-1019-06, sec. 12.109, adopted 10/19/2020; Ordinance adopting 2023 Code)

§ 4.06.010 Penalty.

Any person, firm or corporation in violation of this article or any portion thereof shall be considered guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day that such violation continues shall constitute a separate conviction and fine.

(Ordinance 2020-1019-06, sec. 12.110, adopted 10/19/2020)

ARTICLE 4.07 SIGNS

Division 1. Generally

§ 4.07.001 Purpose.

Signs use private land and the sight lines created by the public right-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erection and maintenance in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

- (1) Safety. To promote the safety of persons and property by providing that signs:
 - (A) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - (B) Do not obstruct firefighting or police surveillance;
 - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver’s ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

- (2) Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - (A) Those signs which provide messages and information most needed and sought by the public are given priorities.
 - (B) Businesses and services may identify themselves.
 - (C) Customers and persons may locate a business or service.
 - (D) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes.

- (E) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer’s purpose.
- (3) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:
 - (A) Do not interfere with scenic views;
 - (B) Do not create a nuisance to persons using the public right-of-way;
 - (C) Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 - (D) Are not detrimental to land or property values.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.002 Authority; applicability of state law.

The provisions of this article are adopted pursuant to Texas Local Government Code chapter 216. Notwithstanding any other provision of this article, no legally erected sign shall be required to be relocated, reconstructed or removed except in compliance with the Texas Local Government Code.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.003 First Amendment rights.

This article shall not be interpreted nor enforced in a manner to violate First Amendment rights and [if] any provision of this article or the application of any provision to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of this article.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.004 Jurisdiction.

In accordance with the Texas Local Government Code, the provisions of this article shall apply to all signs in the city limits and to the areas in the city’s extraterritorial jurisdiction (ETJ).

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§ 4.07.005 Applicability and enforcement.

(a) A sign may not be altered, installed, erected, constructed, placed, painted, created, enlarged, moved or converted within the city or its specified extraterritorial jurisdiction except in compliance with the standards, procedures, exemptions, and other requirements of this code.

(b) The provisions of this article may be enforced against, without limitation, a sign owner, a sign user, an operator or lessee of a sign, or the property owner on which the sign is located. Such persons shall be referred to herein as “responsible persons.”

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.006 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:

Building. A structure which has a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals or chattel.

Dilapidated. Any surface element, background, panels, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

Effective area, attached sign. The sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade. Effective area shall also be referred to as size.

Effective area, monument sign. The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign location above the ground including the sign base. The measurement is to be calculated from a viewpoint which gives the largest rectangle of that kind. The effective area shall also be referred to as size.

Effective area, other sign. Signs that do not meet the definition of attached signs or monument signs shall be referred to as other signs. The effective area of other signs shall be calculated by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign exclusive of its supports. Effective area shall also be referred to as size.

Electronic billboard. An off-premises sign for the purpose of display of commercial or noncommercial digital messages, which includes any of its support, frame, or other appurtenances.

Facade. Any separate face of a building, including parapet walls and omitted wall line, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five degrees of one another, they are to be considered as a part of a single facade.

Graffiti. Any rude inscription, design, motto, or pictograph, scratched, drawn, painted, or in any way marked on the surface of any wall, fence, rock, escarpment, or any other exposed surface of any public or private property.

Historic district. The downtown area within the corporate limits of the city.

Model home. A single-family dwelling structure that is open for inspection by the general public and is not used as a dwelling.

Premises. A lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the city.

Sign. Any form of publicity or advertising which directs attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, or other pictorial matters designed to convey such information and displayed by means of print, bills, posters, panels, or other devices on an open framework, or attached or otherwise applied to stakes, posts, poles, buildings, or other structures or supports.

Sign, abandoned sign. An on-premises sign, attached or detached, advertising a business that has closed or ceased operation for a period of 30 calendar days, or where the operations permit has been revoked or expired.

Sign, attached. Any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) which encloses or covers usable space.

Sign, awning. A permanent sign that is directly applied, attached or painted onto an awning, which is a retractable or non-retractable projection, shelter or structure of rigid or non-rigid canvas, metal, wood, or other similar approved material approved [sic].

Sign, banner. A sign which is not permanently affixed.

Sign, billboard. An off-premises sign for the purpose of display of commercial messages or noncommercial messages. The term includes any of its supports, frame, or other appurtenances.

Sign, detached. Any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation.

Sign, monument. A freestanding sign set on a ground monument base. Monument signs shall include pedestal signs.

Sign, movement control. A sign which directs vehicular or pedestrian movement within or on the premises such as, but not limited to, entrance, exit, or overhead clearance, and which does not advertise the name of the establishment.

Sign, off-premises. A sign that identifies or advertises a business, person, activity, goods, products, entertainment or services at a location other than where the sign is located.

Sign, on-premises. Any sign which identifies or advertises a business, person, activity, goods, products, entertainment or services primarily sold, offered, or conducted, for sale on the premises where the sign is located, installed, maintained, or to which it is affixed, when such premises are used for business purposes.

Sign, political. Any type of sign which refers only to the issues or candidates involved in a political election.

Sign, portable. Any sign designed or intended to be relocated from time to time, whether or not it is permanently attached to a structure, or is located on the ground.

Sign, projecting. A sign attached and projecting out from a building face or wall, generally at a right angle to the building a maximum of 18 inches.

Sign, protective. Any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, “bad dog,” “no trespassing,” and “no solicitors.”

Sign, pylon. A freestanding sign permanently affixed to the ground by supports, but not having the appearance of a solid base.

Sign, subdivision entry. A sign mounted to a screening wall or engraved into a masonry block which identifies a development, either residential or nonresidential, and generally refers to the platted name of the subdivision.

Sign support. Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one (1) inch in height, nor is internally or decoratively illuminated.

Sign, temporary. Any sign that is not intended for permanent use and that is typically utilized for advertisement of seasonal specials or special events. Temporary signs include, but are not limited to, banners, inflatable devices, and wind flags, etc.

Sign, vehicular. Any sign on or in a moving vehicle or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs or lettering on company vehicles that advertises only the company name, address, and phone number. This definition exempts magnetic signs on the sides and rears of cars.

Sign, wall. A sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall.

Sign, window. A sign either attached on a window (by painting or other adhesive) or hanging within the window that generically advertises a commodity, service, activity, or product by means of words, lettering.

Zoning district, business. Any zoning district designated by the zoning ordinance of the city as C-1, C-2, or I, and any PD district with the previous listed zoning prefix is also included in this list, unless specifically excluded by its provisions.

Zoning district, non-business. Any zoning district not designated as a business district in accordance with the above definition.

(Ordinance 03112019 4-B adopted 3/11/2019)

§§ 4.07.007–4.07.030 Reserved.

Division 2. Permit Procedures and Fees**§ 4.07.031 Administration.**

The provisions of this code shall be administered by the city secretary or authorized representative.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.032 Permit required.

No sign shall be erected, constructed, relocated, altered, repaired or maintained except as provided in this division and until a permit for such has been issued and the fee paid, except as otherwise provided in this division.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.033 Application for permit.

All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the plot plan or building facade indicating the proposed location of the sign, and specifications.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.034 Permit fees; expiration of permit.

(a) Permit fees. Every applicant, before being granted a permit, otherwise noted as permitting, shall pay to the city the applicable fee.

- (1) The fee for a permit to erect, alter, replace or relocate a sign shall be as set forth in the fee schedule in appendix A of this code unless otherwise stated in this article.
- (2) It shall be unlawful for any person to repair, excluding repainting or changing the message, any sign requiring a permit without first obtaining a repair permit and making payment of the fee required. The fee for a permit to repair shall be as set forth in the fee schedule in appendix A of this code.

(b) Late fee. When a sign is erected, placed or maintained, or work started thereon, before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this article.

(c) Expiration of permit. A permit for a sign shall expire if the work is not commenced within forty-five (45) days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of forty-five (45) days.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.035 Electrical permit.

Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the electrical code of the city. No sign shall be erected in violation of the electrical code.

(Ordinance 03112019 4-B adopted 3/11/2019)

§§ 4.07.036–4.07.060 Reserved.**Division 3. Provisions for All Zoning Districts****§ 4.07.061 Imitation of traffic and emergency signs prohibited.**

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights which imitate standard public traffic regulatory or emergency signs or signals.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.062 Exemptions.

The following signs are specifically exempt from the provisions of this code:

- (1) Movement control signs. Movement control signs may be erected at any place of occupancy or any premises, other than single-family or duplex premises. The signs may be attached or detached, and may be erected without limits as to number, provided that such signs shall comply with all other applicable requirements of this article. Movement control signs shall be premises signs only and shall not be construed as any sign listed in section 4.07.185 or section 4.07.186. The occupant of a premises who erects a movement control sign shall comply with the following requirements:
 - (A) Each sign must not exceed three (3) square feet in effective area.
 - (B) If a sign is an attached sign, the words must not exceed six (6) inches in height.
 - (C) Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located.
 - (D) The signs must contain no advertising or identification message.
- (2) Protective signs. The occupant of a premises may erect not more than a single protective sign per entrance, in accordance with the following provisions:
 - (A) Each sign must not exceed two (2) square feet in effective area.
 - (B) Detached signs must not exceed two (2) feet in height.

- (C) Letters must not exceed four (4) inches in height.
- (D) Security stickers may be placed at all entrances.
- (3) Vehicular signs. Vehicular signs shall conform to the following restrictions:
 - (A) Vehicular signs shall contain no flashing or moving elements.
 - (B) Vehicular signs shall not project beyond the surface of a vehicle.
- (4) Government signs. Flags, insignia, legal notices, or informational, directional, or traffic signs which are legally required or necessary to the essential functions of government agencies.

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§ 4.07.063 Prohibited signs.

The following types of signs are specifically prohibited:

- (1) Portable signs.
- (2) Balloons, streamers, bunting, banners (except temporary banners under section 4.07.093 of this article), flags (except flags allowed under section 4.07.064 of this article) or signs that contain moving parts unless otherwise specifically allowed by this article.
- (3) Signs erected in violation of the building or electrical code of the city.
- (4) Signs attached to or maintained upon any tree or public utility pole or structure.
- (5) Signs attached to or painted on the outside of a fence, railing or wall that is not a structural part of a building.
- (6) Signs attached to or painted on any sidewalk, curb, gutter or street (except house address numbers).
- (7) Signs illuminated to intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance.
- (8) Signs that move, flash, light intermittently, change color or revolve unless specifically allowed by this article.
- (9) Flag poles unless otherwise specifically allowed by this article.
- (10) Off-premises signs (except for those signs allowed under division 7 of this article).
- (11) Signs erected in the public right-of-way (except for those signs allowed under section 4.07.185 and section 4.07.186 of this article).

- (12) A sign attached to a vehicle parked adjacent to or within a public right-of-way, with the intent to use the parking location for advertising the sale of the vehicle to persons using the public right-of-way. Said sign shall not be a prohibited sign if said vehicle is on or adjacent to the property of the owner of the vehicle.

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§ 4.07.064 Flags.

All flags shall conform to the following requirements:

- (1) Nothing in this article shall be construed to prevent the display of a national, state or city flag.
- (2) Businesses may erect one corporate flag and flag pole, per location, for a bona fide company or corporate office located within the city.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.065 Obscenity.

No person shall display on any sign any obscene, indecent or immoral matter. Any sign which does contain any obscene, indecent or immoral matter must be removed or the obscene, indecent or immoral matter must be removed within twenty-four (24) hours of notice. The owner of the property on which the sign is located shall be responsible for compliance with this section.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.066 Obsolete signs.

All signs relating to a product no longer available for purchase by the public and all signs relating to a business which has closed or moved away shall be removed or the advertising copy shall be removed. Painted wall signs shall be painted over with a color that resembles or matches the wall and does not allow the sign message to be visible after over-painting. The owner of the property on which the sign is located shall be responsible to remove the sign within thirty days of obsolescence.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.067 Maintenance of signs.

All signs shall be maintained in good condition. Signs that are visibly damaged in any way, rusty, or have peeling paint do not meet minimum maintenance criteria and shall be brought into compliance no later than the tenth (10th) day after notice of such violation or the sign must be removed. The owner of the property on which the sign is located shall be responsible for compliance.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.068 Graffiti.

Graffiti (including murals) is specifically prohibited within the city. The owner of the property on which graffiti is located shall remove all graffiti within 72 hours of notice.

(Ordinance 03112019 4-B adopted 3/11/2019)

§§ 4.07.069–4.07.090 Reserved.

Division 4. Provisions for Business Zoning Districts

§ 4.07.091 Signs located near non-business district.

Signs which are located within twenty-five (25) feet of a non-business district boundary shall conform to the requirements of non-business zoning district signs found in division 5 of this article.

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§ 4.07.092 Detached (monument) signs.

Detached (monument) signs are permitted in business districts as follows:

- (1) Shopping centers with multiple tenants are permitted to erect a maximum of two (2) monument signs with the following stipulations:
 - (A) Maximum size: 110 square feet.
 - (B) Maximum height: 12 feet.
 - (C) Setbacks:
 - (i) 15 feet from street right-of-way.
 - (ii) 75 feet from property lines other than those property lines fronting the street right-of-way.
 - (iii) 500 feet from other monument signs on the property.
- (2) Businesses located on individually platted land including individual pad sites within a shopping center are permitted to erect one monument sign with the following stipulations:
 - (A) Maximum size: 75 square feet.
 - (B) Maximum height: 12 feet.
 - (C) Setbacks:
 - (i) 15 feet from street right-of-way.

- (ii) 75 feet from property lines other than those property lines fronting the street right-of-way.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.093 Attached signs.

Attached signs are permitted in business areas in accordance with the following provisions:

- (1) Projection from building. All signs and their words shall be mounted parallel to the building surface to which they are attached and shall project no more than eighteen (18) inches from that surface.
- (2) Effective area. Attached signs shall not exceed the following schedules:
 - (A) An attached sign located at a height of thirty-six (36) feet or less shall not exceed one (1) square foot of sign area for each lineal foot of building frontage, but not to exceed three hundred (300) square feet.
 - (B) An attached sign located above a height of thirty-six (36) feet shall be permitted an increase in maximum effective area equal to an additional 4 square feet for each one foot of height above thirty-six (36) feet, but not to exceed four hundred (400) square feet.
 - (C) Attached signs may be located on each facade; however, the maximum effective area on any one facade shall not exceed three hundred square feet for signs less than thirty-six (36) square feet, or four hundred square feet for signs above thirty-six (36) feet in height.
- (3) Canopies. Signs shall not be attached to canopies, e.g., gasoline service station canopies, unless the sign is incorporated into the canopy.
- (4) Industrial zoned property. Buildings located within an area zoned I are allowed to erect the attached signs as follows:
 - (A) Height of letters/logo.

Wall Height Above Grade	Maximum Letter Height
0 - 50 ft.	48 inches
50 - 100 ft.	60 inches
100 - 150 ft.	72 inches
150 - 200 ft.	84 inches
Above 200 ft.	96 inches

- (B) Area.

Maximum Letter/Logo Height	Maximum Area
48 inches	200 sq. ft.
60 inches	250 sq. ft.

Maximum Letter/Logo Height	Maximum Area
72 inches	300 sq. ft.
84 inches	350 sq. ft.
96 inches	400 sq. ft.

Horizontal and vertical signs shall not exceed seventy-five (75) percent of the wall width (or height, if vertical) of such building or storefront.

- (5) Number of signs.
- (A) One (1) sign per elevation per business. Rear wall signs are prohibited.
- (6) Banner signs.
- (1) Banner signs shall be erected as outlined below. Such signs shall be constructed of cloth, canvas, or similar material and must be anchored in such a way that would prevent the sign from moving freely in the wind. Businesses that erect signs under the provisions of this section shall not display a sign that states “Going Out of Business” or a similar message more than one time.
- (2) During the initial year of operation, a business shall be permitted to erect one (1) temporary banner sign, a maximum of one (1) time. Such signs shall be erected a maximum of forty-five (45) days. The permit application for the sign must include the date the sign will be erected, the date the sign will be removed and a drawing showing the location of the sign. The permit fee for a temporary banner sign shall be as set forth in the fee schedule in appendix A of this code. The effective area for such signs shall not exceed forty (40) square feet.
- (3) A business that has been in operation for a period of one (1) year or more shall be permitted to erect one (1) temporary banner sign at the occupancy two (2) times per calendar year. Such signs shall be erected a maximum of fourteen (14) days for each permit. A new permit for such a sign shall not be issued within thirty (30) days of the date that any temporary banner sign was erected at the occupancy. The permit fee for a temporary banner sign shall be as set forth in the fee schedule in appendix A of this code. The effective area for such signs shall not exceed forty (40) square feet.
- (4) Nonprofit organizations shall be permitted to display temporary banner signs as outlined above. A sign permit is required; however, no permit fee will be assessed.
- (5) New multi-family developments shall be allowed to display one (1) banner sign as provided in this subsection. Signs shall refer to leasing information only and shall be removed within six (6) months of the date the permit was issued. Signs shall not exceed one hundred fifty (150) square feet in effective area. The permit fee for a temporary banner sign shall be as set forth in the fee schedule in appendix A of this code.

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§§ 4.07.094–4.07.120 Reserved.**Division 5. Provisions for Non-Business Zoning Districts****§ 4.07.121 General restrictions; applicability.**

(a) The provisions of this division apply to all signs in any non-business zoning district, and also to signs which are within twenty-five (25) feet of a non-business zoning district boundary.

(b) No sign shall be illuminated in such a manner so as to produce intense glare or direct illumination across any property line.

(c) Owners of property in a non-business zoning district shall only erect signs listed in the following sections of this division.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.122 Detached monument signs.

Churches, model homes, apartments, town homes, schools or government facilities or buildings may have detached monument signs subject to the following restrictions:

- (1) Number of signs. Each premises may have no more than one (1) detached monument sign; provided, however, that a premises with more than seven hundred fifty (750) feet of additional frontage may have two detached monument signs. Signs must be a minimum of seven hundred fifty (750) feet apart.
- (2) Setback from right-of-way; effective area. A minimum setback of fifteen (15) feet from the city right-of-way is required of all detached monument signs. No detached monument sign shall exceed thirty-six (36) square feet.
- (3) Setback for model home signs. The minimum setback for a model home sign shall be three (3) feet from the sidewalk or the property line where there is no sidewalk.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.123 Attached signs.

Churches, model homes, apartments, town homes, schools, or government facilities or buildings may have one (1) attached sign subject to the following restrictions:

- (1) Location. All signs and their words shall be mounted to and parallel to the building surface to which they are attached. No sign or work shall project more than eighteen (18) inches from the surface to which it is attached. Signs shall not be mounted on or to the roof surface and support members and shall not project above roofs.
- (2) Effective area. Attached signs may not exceed thirty-six (36) square feet in effective area.

(Ordinance 03112019 4-B adopted 3/11/2019)

§§ 4.07.124–4.07.150 Reserved.

Division 6. Nonconforming or Illegal Signs

§ 4.07.151 Nonconforming signs.

Signs which do not conform to this article but which lawfully existed and were maintained on the effective date of this article shall be kept in good repair or visual appearance and no structural alterations shall be made thereto. Signs which have been granted variances prior to the adoption of this article may remain; however, any permits for new signs must comply with this article. If more than 60 percent of the total dollar value for replacement of a nonconforming sign is damaged, the sign shall be replaced with a conforming sign rather than repairing the damage.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.152 Enforcement.

The city shall issue a citation and order the repair or removal of any dilapidated, abandoned, illegal, or prohibited signs from property within the corporate city limits. If the owner of the property fails or refuses to comply with this article, the city shall give written notice to the property owner. The notice shall be delivered by U.S. mail or in person to the owner. If delivery in person is not possible or the owner’s address is unknown, notice shall be given by publication in the city’s official newspaper at least once. A notice of violation shall contain a statement setting forth the requirements of this article. The owner has ten working (10) days from the date of this notice to correct the violation. If the owner fails to correct the violation or fails to pay the cost for abatement, a lien shall be filed against the property to secure all costs and fees. In the event that a temporary or portable sign is erected without a permit, the city may remove any sign without notice and the sign shall be destroyed.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.153 Removal of certain nonconforming signs.

Nonconforming signs which have been blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign shall be removed or brought into compliance with this article.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.154 Recovery of impounded signs.

Impounded signs may be recovered by the owner within ten (10) days of the date of impoundment and owner notification. Signs that are not recovered within ten (10) days of impoundment will be destroyed. Impoundment fees are as set forth in the fee schedule in appendix A of this code.

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§§ 4.07.155–4.07.180 Reserved.

Division 7. Exceptions

§ 4.07.181 Applicability.

The signs listed below in this division shall be erected and maintained under the conditions and exceptions listed in the following sections.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.182 Real estate or personal property sale (includes rent or lease) and political signs.

(a) Residential property. Permission is granted to owners or occupants for the erection of non-illuminated real or personal property sale signs to be erected in the required front yard of platted property zoned AG, R-1, R-2, R-3, R-4, R-5 and MF until the ownership has been transferred. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the house but no closer than three (3) feet from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least fifteen (15) feet from the edge of the street (not in the right-of-way). Lots that abut streets where sidewalks exist shall locate the signs no closer than fifteen (15) feet to any street curb line. Lots shall be limited to three (3) such real or personal property signs not exceeding six (6) square feet each. No permit or permit fee is required.

(b) Business property. Permission is granted to owners or occupants of business zoned property for the erection of non-illuminated real estate sale signs until the ownership has been transferred. Such signs shall not exceed six (6) square feet and shall be located no closer than fifteen (15) feet from any property line. No more than one (1) sign shall be located for every 2 acres in a tract of land or portion thereof. No permit or permit fee is required.

(c) Political signs. Political signs shall conform to the following requirements. Political signs may be erected at dwelling premises with no limitation as to their number. On lots where a sidewalk exists within the street right-of-way, the sign shall be located at least fifteen (15) feet from the edge of the street (not in the right-of-way). Signs must be removed within ten (10) days of the completion of the election. Political signs that are located on a dwelling premises shall not exceed thirty-six (36) square feet in effective area per side. No permit or permit fee is required for these signs.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.183 Signs advertising sale of land on Interstate 45; subdivision identification signs.

(a) Signs advertising tracts fronting Interstate 45. Temporary signs advertising the sale of the land upon which the sign is located may be erected on tracts of land fronting Interstate 45, provided that the area of the property is a minimum size of two (2) acres. Such signs (which may be two-sided) shall not exceed two hundred (200) square feet in effective area and shall be limited to one sign per tract. Permits allowing such signs shall be limited to a period of one year from the date that the permit is issued. Businesses or properties will not be eligible to erect signs under this section once 75% of the property has been rented or leased. Signs allowed under this subsection shall be deemed a privilege of ownership and the right to erect any such signs shall be in the owner rather than any particular sales agent. Authorization by the owner to an agent, to erect such

a sign, shall be dated and signed by the owner. Signs erected under the provisions of this subsection shall be located a minimum of fifteen feet from all property lines.

(b) Subdivision identification signs. Permission is granted to property owners of property zoned R-1, R-2, R-3, and R-4 for the erection of signs to identify new subdivisions, developers and builders, as well as builders' phone numbers and new home price information. Only one sign per subdivision is allowed and such signs shall not exceed 36 square feet in effective area. Signs allowed under this subsection shall be deemed a privilege of ownership and the right to erect any such sign shall be with the owner rather than any particular sales agent. Signs erected under the provisions of this subsection shall be located a minimum of 15 feet from all property lines. Height of such signs shall be limited to 15 feet. Permits allowing such signs shall be issued for a period of one year from the date of permit issuance subject to renewal upon approval of the city secretary. These signs must be removed by the time 75% of the subdivision is permitted.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.184 Temporary construction signs.

Permission is granted to builders and developers to erect one (1) temporary construction sign, except on property zoned R-1, R-2, R-3, R-4, R-5, [or] MF, designed to identify contractors, financier, architects, or engineers, or to advertise the coming of a new business on the premises [on which] the sign is located. Such signs shall not be erected prior to the issuance of a building or utility construction permit for the property the sign pertains to. The sign must be removed prior to the issuance of a certificate of occupancy, final inspection or letter of acceptance of the utility construction work from the city. Such signs shall conform to the following provisions:

- (1) Maximum size: 100 square feet.
- (2) Maximum height: 15 feet.
- (3) Setback: 15 feet from the street right-of-way.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.185 Subdivision signs.

Permission is granted to developers and homeowners' associations to erect subdivision signs. Subdivision signs must either be detached monument signs or attached signs placed on a screening or a decorative wall at the entry to the subdivision. Subdivision signs must be approved by the city council. The effective area of subdivision signs shall be limited to thirty-six (36) square feet. The effective area of subdivision signs shall be calculated by drawing the largest possible rectangle around the entire message of words including artistic designs and logos. Subdivision signs that are placed in the median are exempt from section 4.07.063(11).

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

§ 4.07.186 Temporary off-premises signs.

Builders, developers and real estate agents are granted permission to erect temporary off-premises signs as outlined below:

- (1) Builders and developers may erect temporary off-premises signs which refer to a subdivision only. A subdivision shall be defined as a tract of land platted by the city that is zoned R-1, R-2, R-3, and R-4. Separate sections or phases of a subdivision shall not constitute a new and separate subdivision. Such signs shall not list or refer to any individual or group of builders or developers and shall be erected only between the hours of 12:00 noon Friday and 12:00 noon Monday. Such signs shall not exceed six (6) square feet in effective area and may be placed in the city right-of-way provided that they do not project out over the street or sidewalk. No sign shall be allowed to be placed within any street median. No more than ten (10) such signs per subdivision may be placed within the city and shall refer only to subdivisions that are located within the city. No permit or permit fee is required.
- (2) Real estate agents may erect temporary off-premises signs which refer to open houses and listing agency. Such signs shall be erected only between the hours of 12:00 noon Friday and 12:00 noon Monday and shall contain the words "Open House." Signs shall not exceed six (6) square feet in effective area and may be placed within the city right-of-way provided that they do not project out over a street or sidewalk. No sign will be allowed within any street median. Signs are to refer only to real property that is located within the city. No permit or permit fee is required. If any change is made to this section the city secretary will notify the real estate companies that have current listings in the city.
- (3) Homeowners may erect temporary off-premises signs which refer to a garage sale held on their property. Such signs shall be erected only between the hours of noon Friday and noon Monday. Signs shall not exceed six (6) square feet in effective area and may be placed within the city right-of-way, provided that they do not project out over a street or sidewalk. No sign will be allowed within any street median or attached to any tree or to any public utility pole.

(Ordinance 03112019 4-B adopted 3/11/2019)

§ 4.07.187 Holiday lights and decorations.

Temporary lights and holiday decorations shall be exempt from the terms of this article. All temporary holiday decorations must be removed within 30 days of the holiday.

(Ordinance 03112019 4-B adopted 3/11/2019)

§§ 4.07.188–4.07.210 Reserved.

Division 8. Variances

§ 4.07.211 Procedure; fee; existing variances.

(a) The city council may allow signs to vary from the size, location or construction requirements of this article.

(b) An administrative fee as set forth in the fee schedule in appendix A of this code shall be charged to all applicants requesting a variance from this article. Nonprofit organizations shall be exempt from the fee when requesting a variance.

(c) Any sign constructed or which may be hereafter constructed, pursuant to any variance heretofore authorized, shall be considered a sign conforming to the provisions of this article.

(Ordinance 03112019 4-B adopted 3/11/2019; Ordinance adopting 2023 Code)

CHAPTER 5

BUSINESS REGULATIONS

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ARTICLE 5.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 5.02 ALCOHOLIC BEVERAGES

Division 1. Generally

§ 5.02.001 Violations; penalty.

Any person who fails to pay any permit fee prescribed in this article, or who fails to procure a permit as required herein, before engaging in any business for which the payment of a fee and the securing of a permit is required by the terms hereof, or who engages in any such business without holding an unexpired and unrevoked permit from the city, or who shall violate any of the other provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount in accordance with state law.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.107; Ordinance adopting 2023 Code)

§ 5.02.002 Sale near church or school.

It shall be unlawful for any person to sell or engage in the business of selling intoxicating liquor within the corporate limits of the city where the place of business of such person is situated within three hundred feet (300') of any church, school, or other educational institution, the measurements to be along the property lines of the street fronts, and from front door to front door, and in a direct line across intersections where they occur.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.106)

§§ 5.02.003–5.02.030 Reserved.

Division 2. Permits

§ 5.02.031 Beer and wine wholesaler’s permit.

Every person who purchases malt and vinous beverages containing alcohol in excess of four percent (4%) by weight from brewers, wineries, and wine manufacturers holding permits in this state, or who imports such liquors from other states, and who sells the same at wholesale only to holders of permits in this state authorized to purchase and receive the same, shall pay an annual permit fee as set forth in the fee schedule in appendix A of this code, which said permit shall authorize the holder thereof to bottle, package or label wine purchased from wineries or wine manufacturers either within or without the state, and likewise to sell and deliver such liquor to persons outside the state, and upon payment of the fee aforesaid the city will issue to such person what is known as a beer and wine wholesaler’s permit, as defined by the Texas Liquor Control Act.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.101; Ordinance adopting 2023 Code)

§ 5.02.032 Package store permit.

Every person who purchases liquor from the holders of winery, wholesaler's, and beer and wine wholesaler's permits, and who sells such liquor at retail to consumers in unbroken packages only (and not for consumption on, at or near the premises where sold), in the city, shall pay an annual permit fee as set forth in the fee schedule in appendix A of this code, and upon payment of said fee the city will issue to such person what is known as a package store permit, as defined by the Texas Liquor Control Act; provided that the annual permit fee for a package store permit to sell wines only shall be as set forth in the fee schedule in appendix A of this code.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.102; Ordinance adopting 2023 Code)

§ 5.02.033 Wine and beer retailer's permit.

Every person who sells vinous and malt beverages containing in excess of one-half (1/2) of one percent (1%) and not more than fourteen percent (14%) of alcohol by volume from broken packages or unsealed containers for consumption on the premises where sold, in the city, shall pay an annual permit fee as set forth in the fee schedule in appendix A of this code, and upon the payment of said fee the city will issue to such person what is known as a wine and beer retailer's permit, as defined by the Texas Liquor Control Act.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.103; Ordinance adopting 2023 Code)

§ 5.02.034 State permit required; payment of fee.

No permit required under the terms of this article shall be issued until he shows that he holds a state permit for the particular phase of liquor traffic in which he desires to engage in the city, and until the fee required by the city for such permit has been paid to the city secretary.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.104)

§ 5.02.035 Expiration of permit.

All permits issued under the terms of this article shall expire at the time shown in the state permits presented by the applicant and shall terminate at midnight on the thirty-first day of August next succeeding. If the permit sought is issued for a period of time less than one year, only a proportionate part of the annual fee shall be exacted and collected; provided, however, a fractional part of any month shall be counted as one month in calculating the fee which is to be paid.

(Ordinance 158 adopted 12/14/1936; 1989 Code, sec. 18.105)

ARTICLE 5.03 PEDDLERS AND ITINERANT MERCHANTS

§ 5.03.001 Penalty.

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon the conviction thereof shall be fined in any sum in accordance with the general penalty

provided in section 1.01.009 of this code. Each and every day any person shall peddle without a license shall be a separate offense.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.109; Ordinance adopting 2023 Code)

§ 5.03.002 Permit required.

It shall be unlawful for any itinerant merchant who may move from place to place and sell or offer for sale any bankrupt, fire or water damaged stock or merchandise, or goods, wares, or any other commodity, or for any person to go from house to house or from place to place in the city for soliciting, selling, or taking orders for goods, wares, merchandise, subscriptions to magazines or newspapers, to expose plates or films to make negatives, to make pictures or photographs for future delivery, or any article for future delivery, without first applying for and obtaining a permit or license to do so from the city secretary.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.101)

§ 5.03.003 Application for permit.

Any person desiring to engage in the business of itinerant merchant or that of peddling within the corporate limits of the city shall make written application for a permit or license to do so to the city secretary. The application shall show the name and address of the applicant, the name and address of the person, firm or corporation which the applicant represents, the kinds of goods, wares and merchandise offered for sale, and whether such applicant upon any such order so obtained will demand, accept or receive payment or deposit of money in advance of final delivery, and the period of time such applicant wishes to so solicit, sell or take orders in the city.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.102)

§ 5.03.004 Issuance of permit; bond.

(a) Where the application for a permit shows that the applicant will not demand, receive or accept payment and/or deposit money in advance of final delivery of goods, wares, merchandise, or articles to be sold and/or solicited by the applicant, then it shall be the duty of the city secretary to issue to such applicant a permit to solicit, sell and make orders for such goods, wares, merchandise and/or articles set out in the applicant's application for his permit within the city for a period of twelve months, except that of itinerant merchants, from the date of the issuance of the permit.

(b) If the applicant shows that the applicant shall receive, demand and/or accept payment and/or deposit money in advance of final delivery of goods, wares, merchandise and/or articles sold, then such application shall be accompanied by a bond in the penal sum of five hundred dollars (\$500.00) executed by the applicant as principal and a surety company licensed to do business in the State of Texas, or by two financially responsible owners of property situated in the State of Texas, subject to execution of the value in double of the amount of said bond, continued [conditioned] upon making final delivery of such wares, goods, merchandise, magazines, newspapers, plates, films, and photographs and articles in accordance with the terms of such

order and/or orders obtained and which bond shall be for the use and benefit of all persons, firms or corporations who may pay in advance or make any advance deposit on the purchase price of said orders, and shall stipulate in its terms.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.103)

§ 5.03.005 Permit fee; duration.

(a) The city secretary shall issue a license upon the payment of a fee in the amount set forth in the fee schedule in appendix A of this code.

(b) Persons offering for sale agricultural products, meats, poultry, or other articles of food grown or produced by such persons shall not be required to pay license fees, but a license shall be issued to such persons by the city secretary upon satisfactory proof that they have produced or grown the products to be peddled and such license shall so state.

(c) All licenses are to be issued for a period of twelve (12) months from the date of issuance.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.104; Ordinance adopting 2023 Code)

§ 5.03.006 Exemptions.

Anyone selling goods, wares, or merchandise for local schools, churches or clubs shall be exempt from the purchase of a permit.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.105)

§ 5.03.007 Peddling in fire limits prohibited.

Licenses shall not be issued to any person authorizing peddling in the fire limits of the city.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.106)

§ 5.03.008 Time limit for stopping on street.

It shall be unlawful for any peddler to take a stand, or stop or stand his vehicle, on any public street within the corporate limits of the city for a longer time period than ten (10) minutes.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.107)

§ 5.03.009 Nonresident sales representatives.

Any person or company divisions to sell on a door-to-door basis any product, wares, goods, or services which have sales representatives who are nonresidential shall be deemed in violation of this article unless said person is duly bonded and licensed to sell or distribute such items.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.108(a))

§ 5.03.010 Approval of applicant by city council.

If the city secretary is of the opinion that the applicant applying for a peddler's permit has a questionable purpose or intent they shall not be permitted to present for sale their goods, wares, products, or services until they appear before the city council at their regular scheduled meeting to either receive or be denied permission to sell in the city limits.

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.108(b))

CHAPTER 6

FIRE PREVENTION AND PROTECTION

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ARTICLE 6.01 GENERAL PROVISIONS

§ 6.01.001 Storage and unloading of flammable liquids at retail establishments

(a) Storage at retail establishments. No person, association, or corporation shall keep or store within the corporate limits of the city gasoline or other volatile inflammable oil in or under the premises used as retail establishments, in a total amount greater than two (2) ten-thousand-gallon (10,000 gal.) tanks underground and properly vented, with no limit on smaller sized tanks properly vented and underground.

(b) Unloading at retail establishments. No person, firm, association or corporation shall unload gasoline or other volatile inflammable oil at any retail establishment within the corporate limits of the city from a tank truck or any other container which contains more than ten thousand gallons (10,000 gal.) of such gasoline or other volatile inflammable oil.

(c) Applicability. This section shall not apply to any person, firm or corporation transporting gasoline or other volatile inflammable oil within or through the corporate limits of the city in the normal course of business, and not for the purpose of unloading the same at retail establishments within such corporate limits.

(d) Penalty. Any person, firm or corporation who shall violate this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 203 adopted 11/17/1947; Ordinance 76-2B adopted 10/22/1976; 1989 Code, secs. 7.201–7.204; Ordinance adopting 2023 Code)

§ 6.01.002 Arson reward

The city offers a reward of two hundred and fifty dollars (\$250.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the city. This reward is a standing offer and shall be paid out of the general fund of the city.

(Ordinance 271 adopted 2/18/1963; 1989 Code, sec. 7.401)

ARTICLE 6.02 FIRE MARSHAL

§ 6.02.001 Appointment

The office of fire marshal shall be independent of the other city departments and the fire marshal shall report directly to the mayor and city council. Such office shall be filled by appointment by the mayor and with the consent of the city council. The said fire marshal shall be properly qualified for the duties of his office and shall be subject to removal at all times and for any reason.

(Ordinance 238 adopted 11/23/1953; 1989 Code, sec. 1.246; Ordinance adopting 2023 Code)

§ 6.02.002 Duty to investigate fires

It shall be the duty of the fire marshal to investigate the cause, origin and circumstances of every fire occurring within the city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires occurring within the city, together with all facts, statistics and circumstances including the origin of the fires and the amount of the loss, which may be determined by investigation.

(Ordinance 238 adopted 11/23/1953; 1989 Code, sec. 1.246)

§ 6.02.003 Taking of testimony; duty when evidence indicates crime

It shall be the duty of the fire marshal, when in his opinion further investigation is necessary, to take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing. If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person with crime of arson, or with the intent to commit the crime of arson, or of conspiracy to defraud, or criminal conduct, in connection with such fire, he shall cause such person to be arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

(Ordinance 238 adopted 11/23/1953; 1989 Code, sec. 1.246)

§ 6.02.004 Power to summon witnesses and require production of evidence

The fire marshal shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any books or documents deemed pertinent thereto. The said fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him, and false swearing in any matter or proceedings aforesaid shall be perjury and shall be punished as such. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under consideration, or who is guilty of any contemptuous conduct after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the fire marshal to make complaint against said person or persons so refusing to comply with the summons or order of said fire marshal before any justice of the peace, police magistrate, or any court of record within the city, and upon the filing of such complaint, such cause shall proceed in the same manner as other criminal cases. All investigations held by or under the direction of the fire marshal may in his direction [discretion] be private, and persons other than those required to be present may be excluded from the place where such investigation is held and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(Ordinance 238 adopted 11/23/1953; 1989 Code, sec. 1.246)

§ 6.02.005 Authority to enter premises where fire has occurred

The fire marshal shall have the authority at all times of day or night, in the performance of the duties imposed upon him, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same.

(Ordinance 238 adopted 11/23/1953; 1989 Code, sec. 1.246)

§ 6.02.006 Inspections for fire hazards

It shall be the duty of the fire marshal, upon complaint of any person having an interest in any building or property adjacent, to enter into and upon all buildings and premises within this city at reasonable hours for the purpose of examination. It shall be his duty, quarterly or more often, to enter upon and make, or cause to be entered upon and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces, or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable and refuse materials, or other conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied and such order shall be complied with by the owner or occupant of said building or premises; provided, however, that if the said owner or occupant deems himself aggrieved by such order he may within five days appeal to the mayor, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be complied with by the said owner or occupant.

(Ordinance 238 adopted 11/23/1953; 1989 Code, sec. 1.246)

ARTICLE 6.03 FIRE DEPARTMENT**§ 6.03.001 Established; responsibilities; organization**

(a) Department established; operation. The city fire department is an integrated (combined) public service organization within the city and outlying rural areas designated as its fire district. The department is made up of a resource of volunteer members with its own internal structure of officers. The officers are elected by the volunteer personnel. The officer structure and members are governed directly and only when deemed necessary by the city mayor and city council. The operation budget for the fire department is funded by the city. The city reserves the right to intervene at any time it deems necessary in the operation of its volunteer organization at any time. The city fire department is housed and operated from its station located at 200 West Clark Street, Bartlett, Texas.

(b) Responsibilities. The department's role and responsibilities are as follows:

- (1) Life and property protection.
- (2) Fire suppression and prevention.

- (3) Enforcement of fire codes.
- (4) Public fire education.
- (5) Firefighter training.
- (c) Other delegated roles and assignments.
 - (1) Mutual aid fire response as authorized or recognized by the city's governing body.
 - (2) Activation of resources in preparation of emergency management tasks.
 - (3) Augmented support to other city services whenever directed.
- (d) Organizational structure. The following outlines the respective positions authorized for the functional operators of the department:
 - (1) Volunteer staffing - fire suppression:
 - (A) Fire chief/fire marshal.
 - (B) Assistant chief.
 - (C) Fire captain (1).
 - (D) Fire captain (2).
 - (E) Training officer.
 - (F) Firefighters.
 - (2) Organization structure:
 - (A) Fire chief/fire marshal.
 - (B) President.
 - (C) Secretary/treasurer.
- (e) Responsibilities for volunteer staffing.
 - (1) Fire chief: Department head; has immediate control of and command of the department; oversees operations of the department and follows directives and orders of the city council and mayor.
 - (2) Assistant chief: Serves in this capacity at the discretion of the chief; assists the chief in delegation of duties; reports to the same.

- (3) Captains: Has delegated responsibility for company operations; shall uphold all rules, regulations and directives and shall follow S.O.P. as directed; shall report to F.G.C. to coordinate and assist in firefighters operations.
- (4) Firefighters: Functions in assigned role; responsible for carrying out assigned duties and tasks; works under supervision of fire captains and is the essential backbone of the department.

(Ordinance 77-5 adopted 10/17/1977; 1989 Code, sec. 7.102)

ARTICLE 6.04 OPEN BURNING

§ 6.04.001 Burning rubbish, leaves, etc.

(a) Prohibited; exceptions. It shall hereafter be unlawful for any person, persons, firm or corporation to burn or have burned any rubbish, trash, brush, waste tires, leaves, grass, weeds, shavings, lumber, cotton hulls, burrs, gin trash or lint in or on any street or alley or on any lot in the city, except in a stove or fireplace inside a residence or inside a structure used for business, religious, educational, social or governmental purposes or wood and charcoal used in the preparation of food in outside barbecue pits, provided that these fires are well-supervised and safe.

(b) Penalty. Any person, firm or corporation violating any provisions of this section or failing to observe any provision hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 85-2 adopted 4/22/1985; 1989 Code, secs. 9.211, 9.212; Ordinance adopting 2023 Code)

ARTICLE 6.05 FIREWORKS

§ 6.05.001 Definitions

(a) General rules of construction. Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases which are not defined in this article but are defined in other ordinances of the city shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

(b) Specific definitions.

City means the City of Bartlett, a duly incorporated municipality lying within Bell and Williamson Counties, Texas, and all officials, agents and employees who are authorized to act on behalf of the city.

City boundaries means the municipal boundaries (i.e., “city limits”) of the city. The term does not include the extraterritorial jurisdiction.

Code official means the person or persons officially designated by the city to assist the city in implementing the provisions of this article. Such person or persons may include, but are not limited to, the fire prevention officer, a city code compliance officer, or a city police officer, and such assistance includes, but is not limited to, conducting investigations for possible violations of this article.

Council means the council of the City of Bartlett, the governing body of the municipality.

Fire prevention officer means the person designated as such by the council of the city. Such persons may include but are not limited to the chief of a fire department, a fire marshal, a county fire marshal, a sheriff, a constable, another local enforcement officer, or if there is no local fire authority, the state fire marshal.

Fireworks means any combustible or explosive composition, or any substance or combination of substances, or article or device, prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. The term includes “firecrackers” and “pyrotechnics.”

Licensed operator means the person who is properly licensed by the state and shall coordinate, oversee, and be the principal conductor for the entirety of the fireworks display.

Person means an individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal or illegal entity.

Possess means actual care, custody, control, or management.

State fire marshal means the chief law enforcement officer of the state charged with the responsibility of fire prevention.

(Ordinance 20160815-01, sec. II (7.301), adopted 8/15/2016)

§ 6.05.002 Enforcement; penalties

(a) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$2000.00. Each day and each discharge that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(c) Civil remedies. Nothing in this article shall be construed as a waiver of the city’s right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and

- (2) A civil penalty up to \$1000.00 a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- (3) Other available relief.

(Ordinance 20160815-01, sec. II (7.305), adopted 8/15/2016)

§ 6.05.003 Sale, discharge or possession prohibited

- (a) No person may sell fireworks within the city boundaries.
- (b) No person may use or discharge fireworks within the city boundaries. The city expressly adopts a “zero tolerance” policy for any violation of this article.
- (c) No person may possess fireworks with the intent to discharge such fireworks within the city boundaries.

(Ordinance 20160815-01, sec. II (7.302), adopted 8/15/2016)

§ 6.05.004 Exemptions; display permits

(a) City approved events. The restrictions in this article on the use or discharge of fireworks do not apply if such use, possession, or discharge occurs as part of a city approved and supervised event that complies with the provisions of a Bell or Williamson County burning ban and applicable drought status and further provided that:

- (1) All persons who assemble, conduct, or supervise a public or private fireworks display shall have the appropriate license issued by the state.
- (2) All persons who conduct a public or private fireworks display shall comply with the regulations as set forth in Texas Occupations Code chapter 2154 (regulation of fireworks), National Fire Protection 1123 and 1124, and any other standards set forth by federal and state regulations.

(b) Exemptions under state law. The restrictions on the use, possession, or discharge of fireworks in this article do not apply to any exemption provided under Texas Occupations Code section 2154.002, as amended.

(c) Display permits.

- (1) No person may conduct a public or private fireworks display without a display permit having been issued by the city;
- (2) An application for a display permit to conduct a public or private fireworks display within the city boundaries must be submitted by an authorized person on a form provided by the city and shall have the signature of the licensed operator applying for the permit. The application shall be filed with the city no less than sixty (60) calendar days prior to the regular meeting of the council immediately preceding the event. Within thirty (30) calendar days after receipt of the application, the city shall approve

the permit, with or without conditions, or deny the permit. If the permit is denied, the reasons shall be so stated on the notice of denial. The denial of a permit may be appealed to the council if submitted in writing no less than twenty-five (25) calendar days prior to the regular meeting of the council immediately preceding the fireworks display event;

- (3) A nonrefundable application fee in the amount set forth in the fee schedule in appendix A of this code shall be included with the application;
- (4) Proof of liability insurance, in an amount of no less \$1,000,000.00, shall be included with the application;
- (5) A copy of the licensed operator's license as issued by the state;
- (6) A plan listing all licensed operators and technicians, detailing the site, listing all pyrotechnics to be on-site and annotating those that will be discharged, and an itinerary of the event shall be included with the application;
- (7) A memorandum of agreement, contract, or similar instrument demonstrating that fire suppression and emergency medical services [will be provided] as required by the city fire department or the city's designated fire service shall be submitted within ten (10) calendar days of the submission of the application; and
- (8) If issued, such a display permit shall be valid only for stated conditions and the date and time period set forth in the permit. The permit holder shall indemnify and hold harmless the city, who shall not be responsible nor liable for any injury, loss of life, or damage to property that may occur during the course of the fireworks display. The permit holder and all participants shall be solely responsible and liable for, indemnify and hold harmless the city for any injury, death, or damage to any property during the course of the fireworks display, to include, but not limited to, any preparations, display or discharge of any pyrotechnics, and post-event duties.

(Ordinance 20160815-01, sec. II (7.303), adopted 8/15/2016; Ordinance adopting 2023 Code)

§ 6.05.005 Filing of complaint about violation

Any city resident or property owner may file a complaint alleging a violation of this article. The complaint:

- (1) May be made orally or in writing;
- (2) Must provide sufficient details about the violation; and
- (3) Must be made to the code official, the city mayor, the city administrator, the city secretary, or a city police officer or other law enforcement agency.

(Ordinance 20160815-01, sec. II (7.304), adopted 8/15/2016)

CHAPTER 7

HEALTH AND SANITATION

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ARTICLE 7.01 GENERAL PROVISIONS

(RESERVED)

ARTICLE 7.02 AMBULANCE SERVICE

§ 7.02.001 Purpose; service area.

The city ambulance service organization is for the purpose of supplying drivers and volunteer attendants for city-owned ambulances as needed. The ambulance service is to serve both inside and outside the city limits.

(Ordinance 77-5 adopted 10/17/1977; 1989 Code, sec. 9.110(a))

§ 7.02.002 Fees.

(a) Any person who utilizes the city ambulance service, whether such person requested same or not by reason of emergencies then existing, shall pay for such services the amounts specified in the fee schedule in appendix A of this code.

(b) The city will accept insurance assignments as a method of payment.

(Ordinance 77-5 adopted 10/17/1977; 1989 Code, sec. 9.110(b)–(e); Ordinance adopting 2023 Code)

ARTICLE 7.03 FOOD ESTABLISHMENTS

Division 1. Generally

§§ 7.03.001–7.03.030 Reserved.

Division 2. Food Handlers

§ 7.03.031 Definitions.

To safeguard and promote public health in the city, the following definitions shall apply in the interpretation and enforcement of this division:

Food establishment means any hotel, restaurant, cafe, tavern, grocery store, bakery, fruit stand, bottling plant, or any other place where food or drink is handled, stored, packed, served, or sold in the city.

Food handler means any person employed or working in a food establishment who handles food or drink during preparation or serving, or who comes in contact with any eating, drinking, or cooking utensils, or who works in a room or rooms in which food or drink is prepared, served or stored.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.121)

§ 7.03.032 Penalty.

Any person who shall violate any of the provisions hereof shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code, and each day that a violation hereof continues shall constitute a separate offense.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.129; Ordinance adopting 2023 Code)

§ 7.03.033 Compliance with applicable laws.

It shall hereafter be unlawful for any person, firm, corporation, or association, managing or conducting any food establishment where food or drink is served, sold or otherwise handled, to work or employ any food handler until such food handler has fully complied with all state laws and regulations and all city ordinances now or hereafter enacted and with all the provisions of this division [and] until such food handler has received a food handler's registration certificate from the city health department which is valid at the time of such employment.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.122)

§ 7.03.034 Registration certificate required.

The city health department or city health officer shall issue food handler's registration certificates to food handlers who satisfactorily pass the test and health examination hereinafter described, which certificates shall be valid for the length of time hereinafter specified and shall be required to be renewed as herein stated.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.123)

§ 7.03.035 Health examination.

No food handler's certificate for use in the city shall be issued by the city health department to any person required by law or by this division to have or exhibit such certificate certifying the holder to be free from contagious, infectious or communicable diseases, until the applicant for such certificate shall have been first tested and examined under the recognized standard test for syphilis which must have been given a physician by a physician [sic] licensed to practice in Bell or Williamson County, Texas, and if the specimen is then found to have no positive reaction, the applicant must then secure a certificate from a licensed practicing physician indicating that the physical examination shows the applicant to be free of all contagious, infectious, or communicable diseases.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.124)

§ 7.03.036 Tuberculosis examination.

In addition to the foregoing, each applicant shall be required once each year to be further examined for tuberculosis by tuberculin skin test and/or X-ray examination of the lungs, and in the event the applicant takes the tuberculin skin test and it shows a positive reaction, such applicant will be required to have an X-ray examination of the lungs by a licensed physician in Texas, or by the city health department. In the event the tuberculin test and/or X-ray examination of the lungs shows the applicant to be free of tuberculosis, the city health department or physician

making the test or examination, as the case may be, shall issue to the applicant a certificate showing the applicant to be free from tuberculosis.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.125)

§ 7.03.037 Issuance of certificate; renewal.

After the above has been accomplished, the applicant shall be issued a food handler's registration certificate by the time of taking such physical examination [sic]. Each such applicant [certificate] must be renewed by such applicant each twelve (12) months by the same procedure as outlined above.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.126)

§ 7.03.038 Working without valid certificate; posting of certificate.

It shall hereafter be unlawful for any food handler, as defined in this division, to work for any person, firm, corporation, or association as a food handler in the city without having a food handler's registration certificate issued to him or her by the Bell or Williamson County health department, which is valid at the time of such employment. Said food handler's registration shall be surrendered to the employer, who shall post it in a conspicuous location.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.127)

§ 7.03.039 Authority of health officer on suspicion of infectious disease.

When the city health officer, the director of the Bell or Williamson County department or a representative of said department has reason to believe that there exists a possibility of transmission of infection from a food handler, he shall be authorized to require any or all of the following:

- (1) The immediate exclusion of the employee, as an employee, from all food establishments.
- (2) The immediate closing of the food establishment concerned until no further danger of disease outbreak exists.
- (3) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated. The expense of such examinations is to be the responsibility of the employer.

(Ordinance 276 adopted 1/20/1964; 1989 Code, sec. 9.128)

§§ 7.03.040—7.03.060 Reserved.

Division 3. Mobile Food Vendors and Establishments**§ 7.03.061 Permit form adopted.**

The city hereby adopts the “Mobile Food Vendors and Establishments (MFVE) Permit” form including all requirements, regulations, and provisions therein as attached to Ordinance 20230123-01 in exhibit A.

(Ordinance 20230123-01 adopted 1/23/2023)

**ARTICLE 7.04 WEEDS, RUBBISH, AND OTHER UNSANITARY OR
OBJECTIONABLE MATTER****Division 1. Generally****§ 7.04.001 Authority.**

This article is adopted pursuant to the police powers and authority given general-law cities by the constitution, codes and general laws of the state, including but not limited to chapter 51, Texas Local Gov’t. Code, and the Texas Health and Safety Code.

(Ordinance 2013-03, art. I, sec. 1, adopted 2/11/2013)

§ 7.04.002 Purpose.

The purpose of this article is to provide for public health and general welfare, the efficient and effective provision of city services and the protection of the environment and natural resources of the community. From and after the passage of this article all occupancies and uses within the city shall conform to the following rules and regulations.

(Ordinance 2013-03, art. I, sec. 2, adopted 2/11/2013)

§ 7.04.003 Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section; provided that, unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage, and so as to give this article its most reasonable application.

Brush. All uncultivated shrubs, bushes and small trees.

Earth and construction materials. Earth, rocks, bricks, concrete, other similar materials and waste materials resulting from construction or remodeling.

Garbage. Rubbish, trash, kitchen and household waste, ashes, bottles, cans, rags, paper, food, food containers, lawn trimmings, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse, and all decayable wastes, including animal and vegetable matter.

Hazardous waste. Solid or liquid waste, in any amount, which is defined, characterized, identified or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law, including motor oil and radiator, engine crankcase, transmission or differential fluid, gasoline, paint, paint cans, toxic or corrosive materials or any material found harmful to personnel or equipment as determined by the director of public works.

Junk. All worn-out, worthless and discarded material, in general, including, but not limited to, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, glass, paper, cordage, cloth, rubber, rope, tinfoil, bottles, old cotton, machinery, tools, construction materials, appliances, furniture, fixtures, utensils, boxes or crates, pipe or pipe fittings, automobile or airplane tires, dismantled motor vehicles, boats, boat trailers, boathouses or travel trailers or parts thereof, or other manufactured goods or odds and ends that are worn-out, worthless, deteriorated, obsolete, discarded material or other wastes, especially those that are unusable in their existing condition.

Litter. Any quantity of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage, or junk not placed in a solid waste container.

Lot. Any tract, block or other parcel of land, or portion thereof, located within the city limits.

Motor vehicle. Every vehicle, car, boat or similar vehicle that is, or was originally, designed to be self-propelled.

Person. Means and includes an individual human, partnership, co-partnership, firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

Refuse. See “Garbage.”

Rubbish. All refuse, junk, rejected tin cans, old vessels of all sorts, useless articles, abandoned pipe, waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste, pulp and other products used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, textiles and objects of all sorts, and in general all litter. The words “any and all objectionable or unsanitary matter,” not included within the meaning of the other terms as herein used, means those which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the general locality where the same are situated.

Sewage or wastewater. A combination of waterborne wastes from residences, business buildings, institutions, and commercial and industrial establishments, together with such ground, surface and storm waters as may be present.

Solid waste. Household garbage and refuse and commercial garbage and refuse, brush cuttings and weeds.

Solid waste service. Collection and hauling of residential and business solid waste, e.g., garbage, trash and refuse, for disposal at a state licensed landfill; and the actions and services directly related thereto or necessary for the provision of such services to consumers or customers in the city.

Structure. As used in this article, means the same thing as it does in the building code.

Trash. See “Garbage.”

Unwholesome matter. All stagnant water, filth, carrion, impure matter and any condition liable to produce, harbor or spread disease or germs or cause noxious, foul and offensive odors, including foodstuffs or byproducts thereof of any animal nature, or any fruit, vegetable or other thing which may become tainted, diseased, fermented or decaying or otherwise unwholesome or unclean.

Waste. Rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural, commercial, or industrial activities.

Weeds. All rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass or breeding place for flies, mosquitoes, snakes, rats or other vermin.

(Ordinance 2013-03, art. I, sec. 4, adopted 2/11/2013)

§§ 7.04.004–7.04.030 Reserved.

Division 2. Littering

§ 7.04.031 Littering by pedestrians and motorists prohibited.

(a) It shall be unlawful for any person to throw, discard, place, or deposit litter in any manner or amount on any public or private property within the corporate limits of the city, except in lawfully provided containers.

(b) In prosecuting the owner of a motor vehicle for violating subsection (a), proof that the litter originated from the particular vehicle described in the complaint, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of said vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.

(c) It shall be the duty of every person distributing handbills, leaflets, flyers, or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property.

(d) To facilitate proper disposal of litter by pedestrians and motorists, publicly patronized or used establishments shall provide, regularly empty, and maintain in good condition adequate containers that meet standards prescribed by the city. This requirement shall be applicable to, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, and public institutions.

(Ordinance 2013-03, art. II, sec. 1, adopted 2/11/2013)

§ 7.04.032 Vehicles transporting loose materials.

(a) It shall be unlawful for any person, firm, corporation, institution, or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and secured in such manner as to prevent depositing of litter on public and private property.

(b) Subsection (a) shall also apply to the owner or operator of the truck or other vehicle.

(c) In prosecuting a person, firm, corporation, institution, organization, or owner or operator of a truck or other vehicle under subsection (a), proof that the cargo was not adequately covered and secured shall constitute in evidence a presumption of a violation of this section.

(Ordinance 2013-03, art. II, sec. 2, adopted 2/11/2013)

§ 7.04.033 Loading and unloading operations.

(a) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter and shall make appropriate arrangements for its collection.

(b) Further, it shall be the duty of the owner or occupant under subsection (a) to remove any litter that has not been containerized at the end of each day.

(Ordinance 2013-03, art. II, sec. 3, adopted 2/11/2013)

§ 7.04.034 Responsibility to keep property clean.

(a) The owner, agent, occupant, or lessee of private property shall keep the exterior free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at locations such as fence and wall bases, grassy and planted areas, borders, embankments, and other lodging points.

(b) Owners, agents, occupants, or lessees of private property that faces city sidewalks and strips between streets shall keep such sidewalks and strips free of litter.

(c) It shall be unlawful for a person under this section to sweep or push litter from sidewalks and strips into streets. Owners, agents, occupants, or lessees of private property must pick up and put sidewalk and strip sweepings into household or commercial solid waste containers.

(d) Nonresident owners of vacant lots or other vacant property shall appoint a resident agent to keep that lot or other property free of litter.

(Ordinance 2013-03, art. II, sec. 4, adopted 2/11/2013)

§ 7.04.035 Dumping refuse or other material.

It shall be unlawful for any person to dump refuse, garbage, rubbish, junk, or any other material, including, but not limited to, cement or any earth or construction materials, on or near city streets, private property, parks, parking lots, commercial or public buildings, or on adjoining highways

and rights-of-way; provided, however, the owner or resident of private property may deposit a reasonable amount of refuse or garbage on his or her private [property] for soil composting purposes, so long as such is done in a manner that prevents the deposit from being blown by the wind or strewn or scattered by animals.

(Ordinance 2013-03, art. II, sec. 5, adopted 2/11/2013)

§§ 7.04.036–7.04.060 Reserved.

Division 3. Repair of Motor Vehicles and Storage of Materials Outdoors

§ 7.04.061 Repair or maintenance of motor vehicle on public property, parking lot or vacant lot.

It shall be unlawful to repair, strip, assemble, or perform ordinary maintenance on a motor vehicle on public property, parking lots or any vacant lots within the city limits, except in those situations in which immediate action is necessary because the vehicle is disabled.

(Ordinance 2013-03, art. III, sec. 1, adopted 2/11/2013)

§ 7.04.062 Repair or storage of disabled motor vehicle on private property.

It shall be unlawful to repair, strip, assemble or store a disabled motor vehicle, or parts thereof, on any private property, unless said vehicle is totally enclosed within a structure or behind a six-foot (6') privacy fence where the vehicle is completely screened from the view of the public and is not visible from a public roadway, except in those situations in which immediate action is necessary because a vehicle is disabled and the vehicle remains for no longer than forty-eight (48) consecutive hours.

(Ordinance 2013-03, art. III, sec. 2, adopted 2/11/2013)

§ 7.04.063 Refrigerators and other airtight containers.

(a) This section applies to a refrigerator, icebox, or other airtight or semi-airtight container that has:

- (1) A capacity of at least 1-1/2 cubic feet;
- (2) An opening of at least fifty (50) square inches; and
- (3) A door or lid equipped with a latch or other fastening device capable of securing the door or lid shut.

(b) No person shall place a container described in subsection (a) outside of a structure or in a warehouse, storage room, or unoccupied or abandoned structure so that it is accessible to children.

(c) No person shall permit a container described in subsection (a) to remain outside of a structure or in a warehouse, storage room, or unoccupied or abandoned structure so that it is accessible to children.

(Ordinance 2013-03, art. III, sec. 3, adopted 2/11/2013)

§ 7.04.064 Residential solid waste containerization and removal.

(a) All owners or residents of residential property shall have sufficient container capacity to accommodate their volume of solid waste between collections.

(b) Owners or residents of residential property shall deposit all items too large to fit into containers, such as, but not limited to, appliances, furniture, and mattresses, through fee-payment bulk collection service or self-transport of such items to end-disposal facilities outside the city.

(c) Owners or residents of residential property shall bundle and securely tie all loose materials which normally fit into containers, but which are excess as a result of special circumstances, such as holidays, so as to repel animals, prevent materials from blowing or scattering, and place such materials beside the containers.

(d) Owners or residents of residential property shall keep containers covered at all times.

(e) The owner or user of any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents or the public generally shall replace the container after receiving written notice of such defects from the city. Failure to do so within five (5) days of such notification shall constitute a violation of this section.

(f) The owner of containers used for collection shall take necessary precautions so that the contents do not become litter when placing and removing them.

(g) It shall be unlawful for any resident to deposit household solid waste in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

(Ordinance 2013-03, art. III, sec. 4, adopted 2/11/2013)

§ 7.04.065 Commercial solid waste containerization and removal.

(a) All owners of establishments and institutions which generate solid waste for collection by approved contractors shall obtain adequate containers approved by the city and shall keep said containers in such a manner that they are not visible from adjacent public or private property.

(b) Owners described in subsection (a) shall keep containers covered at all times.

(c) The owner or user of any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents or the public generally shall replace the container after receiving written notice of such defects from the city. Failure to do so within five (5) days of such notification shall constitute a violation of this section.

(d) It shall be unlawful for any owner, manager, or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

(Ordinance 2013-03, art. III, sec. 5, adopted 2/11/2013)

§§ 7.04.066–7.04.090 Reserved.

Division 4. Nuisances and Offensive Conditions on Private Property

§ 7.04.091 Nuisances described.

(a) Health and sanitation nuisances are those things that render the ground, water, air, or food hazardous or injurious to human life or health, that are offensive to the senses, or that threaten to become detrimental to the public health. Any person causing, permitting, or suffering a nuisance to exist upon any premises or upon any building occupied or controlled by him or her or in any street, alley, sidewalk, or gutter immediately adjacent to such premises shall, upon conviction, be guilty of a misdemeanor.

(b) In addition to other nuisances identified herein, the following health and sanitation nuisances are specifically declared to constitute public nuisances:

- (1) Bakeries, restaurants, food markets, and other places where food is prepared, kept for sale, or served and not kept in a clean, sanitary condition, or for which a valid health certificate has not been issued, in which employees have a communicable disease, in which suitable sanitary toilet facilities are not provided, or in which insects, flies, rats, mice, or vermin have access to food.
- (2) The storage, sale, or transportation of spoiled or diseased meats or other foods.
- (3) The maintenance of organic material accumulations, such as manure piles in barns, stables, hog pens, chicken yards, and cow lots, that are breeding places of insects, flies, or mosquitoes or convenient harborage for rats and mice.
- (4) The discharge or exposure of sewage, human excreta, wastewater, garbage, or other organic filth into or on any place in such a manner that transmission of disease from the infected material may result, or the placing or maintaining of such materials as tin cans or rubbish of any sort that might constitute a breeding place for mosquitoes or flies or offer a hiding place or protection for rodents.
- (5) Privies not protected against flies or privies and cesspools the drainage from which is likely to pollute the soil, surface water, or water supply from which water for public or private consumption is obtained.
- (6) Cellars, vaults, drains, pools, privies, sewers, yards, grounds, or premises which have become foul, nauseous, or not maintained with adequate ingress or egress or not sufficiently supported, ventilated, sewerred, drained, cleaned, or lighted.
- (7) Any transportation of garbage, human excreta, or other organic waste, except in tight covered wagons or containers which prevent leakage or access to flies.

- (8) Stagnant water on private or public premises likely to afford breeding places for mosquitoes.
- (9) Hide houses, bone boiling, or rendering establishments, tallow soap works, or other trades deleteriously affecting public health.
- (10) All carcasses; all decaying flesh, fish, fowls, fruit, or vegetables; all deposits of manure; all flesh of any kind or description whatever; all filthy or offensive water or slops in any private yard or premises; and all other unwholesome substances upon any street, alley, public ground, or enclosure.
- (11) Sweeping or depositing of trash, paper, or rubbish into any street, alley, public thoroughfare, or other public place.
- (12) Burning any substance that may cause or produce an offensive smell, smoke, or odor capable of annoying persons living in the vicinity or persons passing along the streets, alleys, or public thoroughfares.
- (13) Permitting or allowing weeds, filth, or rubbish of any kind to remain on any sidewalk in front of or at the side of any premises or in the street adjacent to the premises, or upon any alley that may be at the rear or side of the premises.
- (14) Scattering or distributing any advertisements, circulars, handbills, printed or written announcements, or paper of like character, or any medicines, upon the streets, sidewalks, alleys, or within the public buildings or grounds of the city.
- (15) Conducting or causing to be conducted any matter that obstructs any alley or gutter, drain, or public ground, except such articles as are permitted by city law.
- (16) Buildings, barns, sheds, filling stations, construction camps, junk shops, camp houses, or any part thereof, which are in such a dilapidated or filthy condition as to harbor vermin or endanger the life or health of persons living in the vicinity or the public generally.
- (17) Displaying food in the open air, unless in proper cases constructed so as to protect such food from insects, flies, dust, filth, dogs, rodents, and insects.
- (18) Every trade, business, or occupation injurious to the health or comfort of persons who reside in the vicinity, and any can or receptacle containing water or slops that have become stagnant, offensive or unwholesome.
- (19) Conducting any business or enterprise that allows paper, paper cups, or any other debris to escape from such premises or building and litter any sidewalk, alley, street, or other public place or private property.
- (20) Allowing weeds, grass, or other uncultivated plants to attain a height greater than twelve (12) inches on any lot or tract of land within the city.

- (21) Allowing rubbish, brush, or any other unsightly, objectionable, or unsanitary matter to grow or accumulate on any lot within the city.

(Ordinance 2013-03, art. IV, sec. 1, adopted 2/11/2013)

§ 7.04.092 Prohibited conduct.

It shall be unlawful for an owner, occupant, lessee or renter of any lot or parcel of ground within the city limits (herein cumulatively referred to as “owner” or “occupant”) to:

- (1) Fail to maintain such property:
 - (A) Free of accumulations of brush, earth and construction materials, garbage, litter, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matter and any other objectionable, unsightly, or unsanitary matter of whatsoever nature;
 - (B) Free and clear from weeds and tall grass from the line of such property, including the sidewalks, to the established curb line next adjacent thereto;
 - (C) Free of drain holes and depressions in which water collects or to fail to regrade any lots, grounds or yards or any other property owned or controlled by the owner or occupant which shall be unwholesome or have stagnant water thereon, or which from any other cause is in such condition as to be liable to produce disease;
 - (D) Free from filth, carrion or other impure or unwholesome matter of any kind, on any portion of the property under the owner or occupant’s control, including any house, building, establishment, lot, yard or ground owned or occupied, especially any such filth, carrion or other impure or unwholesome matter that exudes any noxious, foul or offensive odor that is detectable past or beyond the boundary of the property upon which the matter is located;
 - (E) Free of discharge of sewage or hazardous wastes into the soil or subsurface soil without proper containment thereto; or
 - (F) In any manner that is inconsistent with this article;
- (2) Suffer, allow or permit any person to bring or transport onto the property any filth, carrion, decaying animal or vegetable matter, or other impure or unwholesome matter of any kind, that exudes any noxious, foul or offensive odor that is detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant; or
- (3) Operate or conduct any business or activity on the property in a manner that causes or results in any noxious, foul or offensive odor that originates on the property, or that emanates from any source that such owner or occupant has suffered, allowed or permitted to come onto the property, being detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant.

(Ordinance 2013-03, art. IV, sec. 2, adopted 2/11/2013)

§ 7.04.093 Duty to abate.

Whenever brush, earth or construction materials, garbage, litter, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matter and any other objectionable, unsightly, or unsanitary matter whatsoever shall exist, covering or partially covering the surface of any lot or parcel of any real estate situated within the city, or when any of said lots or parcels of real estate as aforesaid shall have the surface thereof filled or partly filled with holes or be in such condition that the same holds or is liable to hold stagnant water therein, or if from any other cause shall be in such condition as to cause disease, or produce, harbor or spread disease or germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious, or shall contain unwholesome matter of any kind or description, or any other conduct prohibited hereby occurs upon any lot or parcel in the city, the same is hereby declared to constitute a public nuisance, the prompt abatement of which is hereby declared to be a public necessity. Any such nuisance shall be removed from the property by the owner or other person in possession or control of such property.

(Ordinance 2013-03, art. IV, sec. 3, adopted 2/11/2013)

§ 7.04.094 Noxious odors.

If the owner or occupant of any lot or parcel of land within the city shall suffer, allow or permit any spoiled, rotting or decaying animal or vegetable matter to be on the property, and such spoiled, rotting or decaying animal or vegetable matter shall cause or result in a noxious, foul or offensive odor being detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant, the same is hereby declared to be and constitute a public nuisance. Any such nuisance shall be removed from the property by the owner or other person in possession or control of such property.

(Ordinance 2013-03, art. IV, sec. 4, adopted 2/11/2013)

§ 7.04.095 Storage of garbage, sewage or other unwholesome materials.

All garbage, sewage, hazardous wastes and other unwholesome materials of any kind shall be stored in containers to prevent such materials from dispersing beyond the storage location, seepage into the ground, or permitting the escape of noxious, foul or offensive odors into the air across the boundaries of the owner or occupant's property to another property.

(Ordinance 2013-03, art. IV, sec. 5, adopted 2/11/2013)

§ 7.04.096 Maintenance of food processing and food manufacturing establishments.

The entire yard and premises occupied by any butcher shops, meat markets, and food processing or food manufacturing establishments of any animal or vegetable matter shall be well drained, the floors shall be free of sawdust, shavings or other dust creating or filth-collecting coverings and all back rooms, sheds or yards, or other places connected by any opening with any room, shall at all times be kept in a clean and sanitary condition, and free from filth, exposed refuse or garbage, trash and unrefrigerated animal or vegetable scraps. Each room and the floors, walls, ceilings, windows and doors thereof, and all the fixtures, furniture, receptacles, utensils, machinery, implements and other things, excepting receptacles used to hold refuse, in each such room, or used in connection with any such business, shall at all times be kept free from dirt, adhering foreign matter, unwholesome odors, decaying substances, cobwebs, trash, scraps, etc., and in a

clean and sanitary condition. Further, all butcher shops, meat markets, and food processing or food manufacturing establishments shall comply with the following requirements:

- (1) Two (2) adjacent deep vats shall be provided for in all rooms containing the actual butcher shops, meat markets, and food processing or food manufacturing establishments with hot and cold running water under pressure.
- (2) No slaughtered meat, fish, poultry or meat products, and no milk, butter, cheese or dairy products, shall be left open or exposed to contamination by dust, air, insects or other extraneous matter, either within or without any such room or place of business, and all fresh or uncooked meat, fish, poultry and all milk and butter shall be immediately placed and kept in a refrigerator, or icebox or cold-storage room, except when removed therefrom for the immediate purposes and operation of the business. Meats and fish shall not be kept in the same compartment with milk and butter.
- (3) Each refrigeration, icebox or cold storage room shall be well constructed, tight and secure, and shall be kept reasonably dry on the inside and free from foul odors, mold and slime, and shall be kept in a clean and sanitary condition.
- (4) All readily perishable products shall be kept at fifty (50) degrees Fahrenheit or below, including offal, bones and other waste products while on the property. All liquid wastes from such refrigeration equipment shall be connected to a public sewer in an approved manner.
- (5) No refuse or tainted or decaying meat, fish or other substance shall be allowed to remain in any refrigerator, icebox or cold-storage compartment, unless such refrigerator, icebox or cold-storage compartment is designated and maintained exclusively for such purpose. Offal, bones or other garbage or discarded organic matter, animal or vegetable, or slops or refuse of any character whatsoever, shall not be left exposed to the atmosphere of any room, but shall immediately be deposited and kept in a closed container which shall be emptied and cleaned at least once each day. All refuse and tainted or decaying meat, fish, poultry, cheese or other organic matter, whether animal or vegetable, shall be stored and removed from the property in a manner to prevent any foul, noxious or offensive odor from being detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant.
- (6) Each room shall be kept free from flies, rats, roaches and other insects and vermin.
- (7) No animals or fowl shall be kept or allowed to be kept in the same room as any food processing or manufacturing.

(Ordinance 2013-03, art. IV, sec. 6, adopted 2/11/2013)

§ 7.04.097 Waste transportation and disposal.

All vehicles, wagons, carts, transports and conveyances used for delivering, collecting or transporting, through the city, any offal, bones, or other garbage or discarded organic matter, animal or vegetable matter, or slops refuse of any character in an amount of greater than forty-five pounds (45 lbs.) shall keep, maintain, haul and transport the waste in an enclosed storage container that is well constructed, tight and secure, to prevent the escape of any such matter and

to prevent any noxious, foul or offensive smells from escaping the confines of such storage container within the city limits.

(Ordinance 2013-03, art. IV, sec. 7, adopted 2/11/2013)

§ 7.04.098 Limitation on height of grass and weeds.

It shall be unlawful for any person who shall own or occupy any lot or lots in the city limits to allow weeds and/or grass to grow on such lot or lots to a height of more than twelve (12) inches. Weeds and/or grass of a height exceeding twelve (12) inches are declared a nuisance. Provided, however, this section shall not apply to property used for the growing of agricultural crops or grass if such property has not been platted into lots.

(Ordinance 2013-03, art. IV, sec. 8, adopted 2/11/2013)

§ 7.04.099 Discharge of sewage or hazardous wastes prohibited.

Any person or persons who shall allow or permit sewage or hazardous wastes to discharge into the ground or subsurface soil, which shall have the effect of causing odors or obnoxious, unhealthy and unwholesome conditions to exist, is declared to have caused a public nuisance and shall be in violation of this article.

(Ordinance 2013-03, art. IV, sec. 9, adopted 2/11/2013)

§ 7.04.100 Presumption of responsibility for discharge of sewage or hazardous wastes.

In any prosecution charging a violation of this article governing the discharge of sewage or toxic wastes, proof that the particular sewage or toxic wastes described in the complaint was discharged into the ground or subsurface soil in violation of section above, together with proof that the defendant named in the complaint was, at the time of such discharge, the registered owner or occupant of such lot or lots, shall constitute in evidence a prima facie presumption that the registered owner or occupant of such lot or lots was the person who discharged such sewage or toxic wastes when such violation occurred.

(Ordinance 2013-03, art. IV, sec. 10, adopted 2/11/2013)

§ 7.04.101 Disposal of dead animals.

The owner, if known, and if not known, the owner or tenant of the premises where the carcass of any animal, dead of disease or other cause and not slaughtered for food, is found, shall remove and dispose of such carcass at his or her own expense, within twenty-four (24) hours after such death.

(Ordinance 2013-03, art. IV, sec. 11, adopted 2/11/2013)

§§ 7.04.102–7.04.120 Reserved.

Division 5. Nuisance Water Regulations

§ 7.04.121 Mosquito control.

(a) It shall be unlawful for any person to have, keep, maintain, cause, or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless the collection of water is treated to prevent breeding.

(b) The collections of water specified in subsection (a) are those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except livestock troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, automobile tires, tanks, or flush closets, or other similar water containers.

(c) The city deems the natural presence of mosquito larvae in standing or running water as sufficient evidence that mosquitoes are breeding.

(d) It is unlawful for any person to fail to prevent mosquito breeding within three (3) days after the code enforcement officer gives the person written notice of a violation of this section.

(e) The code enforcement officer shall approve one or more of the following methods of treatment of collections of water to prevent mosquito breeding:

- (1) Screening with wire netting of at least sixteen (16) meshes to the inch each way or with any other material which will prevent the ingress or egress of mosquitoes;
- (2) Emptying of unscreened containers every seven (7) days, together with thorough drying or cleaning;
- (3) Application of a larvicide approved by and under the direction of the code enforcement officer;
- (4) Covering surface water with kerosene, petroleum, or paraffin oil once every seven (7) days;
- (5) Cleaning and keeping ponds and other collections of water sufficiently free of vegetable growth and other obstructions and stocking with mosquito-destroying fish;
- (6) Filling or draining ponds or other collections of water to the code enforcement officer's satisfaction or his or her authorized representative; and/or
- (7) Removing or destroying tin cans, tin boxes, broken or empty bottles, and similar containers likely to hold water.

(f) The city is authorized to take all necessary measures and costs to prevent or halt the conditions responsible for mosquito breeding and levy a lien against a person's property for all costs incurred by the city if the person responsible for conditions giving rise to the breeding of mosquitoes fails or refuses to take measures necessary to prevent mosquito breeding within three (3) days after the code enforcement officer gives the person due notice.

(g) The code enforcement officer or his other agent may enter any premises within his or her jurisdiction at all reasonable times to enforce this section.

(Ordinance 2013-03, art. V, sec. 1, adopted 2/11/2013)

§ 7.04.122 Collections of water containing Bacillus coli declared nuisance.

Any person maintaining or allowing to be maintained a well, pool, spring, or collection of water within the city containing the Bacillus coli germ or bacteria on premises owned or controlled by him or her shall be guilty of a misdemeanor for a public nuisance.

(Ordinance 2013-03, art. V, sec. 2, adopted 2/11/2013)

§ 7.04.123 Collections of water containing Bacillus coli to be eliminated.

The code enforcement officer shall instruct a person owning or controlling a well, pool, spring, or collection of water within the city contaminated with Bacillus coli on their property to seal, fill, or drain such well, pool, spring, or water collection so that it can no longer be used for drinking, bathing, or domestic purposes.

(Ordinance 2013-03, art. V, sec. 3, adopted 2/11/2013)

§ 7.04.124 Impairing drainageway.

It shall be unlawful for any person to throw or place in any street, alley, drainage ditch, or gutter any trash, tin, shavings, refuse, or other matter that prevents the free passage of water or that causes it to stagnate. It is unlawful for any person installing or repairing water, gas, or service pipes to leave any street, alley, drainage ditch, or gutter in a condition that impairs the drainage.

(Ordinance 2013-03, art. V, sec. 4, adopted 2/11/2013)

§§ 7.04.125–7.04.150 Reserved.

Division 6. Miscellaneous Requirements

§ 7.04.151 Public toilets required; to be kept in sanitary condition.

All owners or persons in charge of public buildings, filling stations, camps, and other places of public assemblage shall provide clean and sanitary, sufficient and suitable, and well-lighted and ventilated toilet accommodations for each sex. Such accommodations must be kept in a thoroughly clean and sanitary condition.

(Ordinance 2013-03, art. V, sec. 5, adopted 2/11/2013)

§§ 7.04.152–7.04.180 Reserved.

Division 7. Administration and Enforcement

§ 7.04.181 Abatement of dangerous conditions without notice.

Whenever an immediate danger to the health, life or safety of any person exists as a result of garbage, rubbish, junk, trash, unwholesome matter, sewage or toxic waste discharge, storage of airtight containers in an unsafe location, or weeds which have grown to a height, at any point on the property, of greater than 48 inches, the city may abate the nuisance without notice to the owner. In the event the city abates the nuisance under this section, the city shall forward notice to the owner within seven (7) days in the manner set forth in section 7.04.183.

(Ordinance 2013-03, art. VI, sec. 1, adopted 2/11/2013)

§ 7.04.182 Right to inspect.

The code enforcement officer or designee is authorized to inspect any property within the corporate limits of the city, at any reasonable time, subject, however, to the requirements for obtaining the permission of the occupant, or obtaining a warrant for the entry and inspection of private residences.

(Ordinance 2013-03, art. VI, sec. 2, adopted 2/11/2013)

§ 7.04.183 Violations; notice to abate; abatement by city.

(a) If an officer charged with the enforcement of this article shall determine that a person has violated any provision of this article, such officer may issue a citation.

(b) If an officer charged with the enforcement of this article shall determine that a situation exists which immediately affects or threatens the health, safety and well-being of the general public, and that immediate action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner and/or occupant of the property upon which such condition exists, as may be deemed appropriate and necessary.

(c) If an officer charged with enforcement of this article determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner or occupant of the property is absent or fails to immediately remedy the violation, the city council may, at a regular session or at an emergency session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare. In such event, the city may prosecute an action in any court of competent jurisdiction to recover its costs.

(d) If any owner or occupant shall fail or refuse to remedy any of the conditions prohibited by this article within seven (7) days after notice to do so, the city may do such work or cause the same to be done, and pay therefor, and charge the expenses in doing or having such work done or improvements made to the owner(s) of the property, and such charge shall be a personal liability of such owner to the city.

(e) Notices required pursuant to this article shall be in writing. Such notices may be served upon such owner and/or occupant as follows: in person by an officer or employee of the city; by letter addressed to such owner or occupant at his/her post office address; or, if personal service

may not be had, or the owner or occupant's address be not known, then notice may be given by publishing a brief summary of such order at least once in the official newspaper of the city or by posting a notice on or near the front door of each building on the property upon which the violation relates, or, if no building exists, by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates. The notice shall state "Sanitary Improvements," "To Whom It May Concern," and a brief statement of the violation(s). Service of the notice by any one of the above methods, or by a combination thereof, shall be deemed sufficient notice.

(f) If an owner is mailed a notice in accordance with subsection (e) 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.

(g) Notices provided by mail or by posting as set forth in subsection (e) may provide for year-round abatement of the nuisance and inform the owner that, should the owner commit any other violation of the same kind that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may abate the violation at the owner's expense and assess the costs against the property.

(h) Persons littering, in violation of division 2 of this article, or causing or creating a prohibited nuisance in the presence of a person authorized to enforce this article, may be cited or a complaint filed for such violation without notice of the violation, or warning, and such citation or complaint shall be filed in the municipal court of the city.

(Ordinance 2013-03, art. VI, sec. 3, adopted 2/11/2013)

§ 7.04.184 Assessment of city's costs; appeals.

In addition to any other remedy provided in this article and cumulative thereto, the code enforcement officer, after giving to the owner of the property seven (7) days' notice in writing, as provided in section 7.04.183, may cause any of the work or improvements mentioned in this article to be done at the expense of the city, and charge the utility bill of the property on which such work or improvements are done, and cause all of the actual cost to the city to be assessed on the real estate or lot on which such expenses occurred; provided that the owner of any such real estate may appeal to the city council from the order of the code enforcement officer by filing a written statement with the code enforcement officer within seven (7) days after receipt of the notice provided for above, stating that such real estate complied with the provisions of this article before the expiration of a seven (7) day period. The city council shall set a date, within thirty (30) days from the date of the appeal, for hearing the appeal to determine whether the real estate complied with the provisions of this article before the expiration of such seven (7) day period. The authority of the code enforcement officer to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending. If it shall be determined by the city council that the premises complied with the provisions of this article before the expiration of the seven (7) day period, then no personal liability of the owner shall arise nor shall any lien be created against the premises upon which such work was done.

(Ordinance 2013-03, art. VI, sec. 4, adopted 2/11/2013)

§ 7.04.185 Cost of abatement constitutes lien.

Cumulative of the city’s remedy by fine, as set forth herein, the city may do such work or cause the same to be done to remedy such condition to remove such matter from such owner’s premises at the city’s expense and charge the same to the utility bill of such property and assess the same against the real estate or lot or lots upon which such expense is incurred.

- (1) Expenditures plus ten (10) percent per annum interest on the expenditures from the date of such payment by the city shall be added to the next billing cycle for utility bills for the real estate or lot or lots, if not already paid. Payment shall be due and payable in full by the owner or occupant at the time of payment of such utility bill. If the property is unoccupied, no utilities shall be furnished to the property where the work occurred until such obligation, as herein set out, payable to the city for abatement of any nuisance described herein, is paid in full.
- (2) Upon filing with the county clerk of Bell or Williamson County, Texas, depending on where the violation occurred, of a statement by the city secretary or designee of such expenses, the city shall have a privileged lien upon said real estate or lot or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten (10) percent per annum interest on the amount from the date of such payment so made by the city.
- (3) The city may, additionally, institute suit and recover such expenses and foreclose such lien in any court of competent jurisdiction, and the statement so filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements to remedy such condition or remove any such matter.

(Ordinance 2013-03, art. VI, sec. 5, adopted 2/11/2013; Ordinance 2019-09-19-2C adopted 9/16/2019)

§ 7.04.186 Enforcement officers.

The civil and criminal provisions of this article shall be enforced by the persons or agencies designated by the city, including, but not limited to, the Bell or Williamson County sheriff’s department, the city police department, the building official, and the code enforcement officer. It shall be a violation of this article to interfere with a code enforcement officer, or other person authorized to enforce this article, in the performance of his or her duties.

(Ordinance 2013-03, art. VI, sec. 6, adopted 2/11/2013; Ordinance 2019-09-19-2C adopted 9/16/2019)

§ 7.04.187 Penalty.

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(Ordinance 2013-03, art. VI, sec. 7, adopted 2/11/2013)

§ 7.04.188 Additional remedies.

All remedies cited herein are in addition to and not in lieu of all remedies permitted to the city by law.

(Ordinance 2013-03, art. VI, sec. 8, adopted 2/11/2013)

ARTICLE 7.05 RAT CONTROL**§ 7.05.001 Definitions.**

Business building, either vacant or occupied, means any structure, whether public or private, that is adapted for occupancy for the transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, apartment buildings, tenement houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other structures on premises.

Health officer means the superintendent, commissioner or director of health or any duly authorized representative.

Occupant means the individual, partnership, or corporation that uses or occupies any business building or part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or vacant portions thereof, the owner, agent, or custodian shall have the responsibility as occupant.

Owner means the actual owner, agent, or custodian of the business building, whether individual, partnership, or corporation. The lessee shall be construed as the “owner” for the purpose of this article when business building agreements hold the lessee responsible for maintenance and repairs.

Rat eradication means the elimination or extermination of rats within buildings by any or all of the accepted measures, such as: poisoning, fumigation, trapping, or other methods deemed necessary.

Rat harborage means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of any structure.

Ratproofing applies to a form of construction to prevent the ingress of rats into business buildings from the exterior or from one business building or establishment to another. It consists essentially of treating with material, impervious to rat gnawing, all actual or potential openings in exterior walls, ground or other floors, basements, roof and foundations, that may be reached by rats from the ground, or other floors, basements, roof and foundations that may be reached by rats from the ground by climbing or by burrowing.

(Ordinance 212 adopted 6/20/1949; 1989 Code, sec. 9.501)

§ 7.05.002 Requirements for business buildings.

(a) It shall be a requirement that all business buildings in the city shall be ratproofed, freed of rats, and maintained in a ratproof and rat-free condition to the satisfaction of the health officer.

(b) For the purpose of obtaining rat-stoppage of business buildings, the following regulations are set forth as the minimum requirements for applying rat-stoppage to business buildings:

- (1) Approval by health officer. The public health officer or his representative shall approve all materials used and the method of installation.
- (2) Materials. Solid sheetmetal, expanded metal and wire cloth specified in these regulations shall have a rust-resisting, protective coating, preferably galvanized.
- (3) Ventilator openings. All foundation wall ventilator openings shall be covered for their entire height and width with perforated sheetmetal plates of a thickness not less than twenty-four (24) gauge, or with expanded sheetmetal of a thickness not less than eighteen (18) gauge, or with cast iron grills or grates, or with any other material of sufficient strength and equal rat-resisting properties. The openings therein shall be small enough to prevent the ingress of rats, and in no instance shall be larger than one-half inch (1/2") mesh.
- (4) Other openings. All foundations and exterior wall openings excluding those used for the purpose of ventilation, light, doors, and windows, such as those openings around pipes, electric cables, conduits, openings due to deteriorated walls, broken masonry, or [sic] close-fitting sheetmetal or substitute size pipe flanges or other material with equal rat-resisting properties, which shall be securely fastened in place.
- (5) Doors.
 - (A) All exposed edges of the lower eight inches (8") of wooden doors and door jambs, serving as front, rear or side entrances into business buildings, from the ground, basement or cellar floors, and other doors accessible to rats, shall be protected against the gnawing of rats by covering said doors and jambs with solid sheetmetal of not less than twenty-four (24) gauge thickness. The same material shall be used on door sills or thresholds, or such door sills or thresholds may be constructed of cement, stone, steel or cast iron. Doors, door jambs and sills of coal chutes and hatchways that are constructed of wood shall be covered with solid sheetmetal of twenty-four (24) gauge thickness or heavier, or they may be replaced with metal chutes of twenty-four gauge or heavier installed in such manner as will prevent the ingress of rats. All buildings with side and rear door entrances shall be provided with suitable automatic self-closing devices.
 - (B) All doors on which metal channel flashing has been applied shall be properly hinged to provide for free swinging. When closed, doors shall fit snugly so that the maximum clearance between any door, door jambs, and sill shall not be greater than three-eighths of an inch (3/8").
- (6) Windows. All windows and other openings for the purpose of light or ventilation shall be covered for their entire height and width, including frame, with wire cloth of

nineteen (19) gauge or heavier, having a mesh of not larger than one-half inch (1/2"), in installed metal frames of twenty-four (24) gauge and anchored in place with proper anchorage.

- (A) All windows and other openings for the purpose of light or ventilation that may be accessible to rats by way of exposed pipes, wires, conduits and other appurtenances shall be covered as specified above. In lieu of wire cloth covering said wires, pipes and other appurtenances shall be blocked from rat usage by installing sheetmetal guards of twenty-four (24) gauge or heavier.
 - (B) Such guards when used on vertical pipes, wires, conduits or other appurtenances shall be fitted snugly around the pipe, wire, conduit, or other appurtenances.
- (7) Light wells. Light wells with windows in exterior walls that are located below the outside ground level shall be protected from the ingress of rats by one of the following methods:
- (A) Installing over light wells cast iron or steel grills or steel gratings, or other material of equal strength and rat-resisting properties, with openings in grills or gratings not to exceed one-half inch (1/2") in the largest dimension.
 - (B) Installing securely to and completely covering existing metal grills that are broken or have openings larger than one-half inch (1/2") in the largest dimension or otherwise defective, with expanded metal of eighteen (18) gauge or heavier, having openings of not greater than one-half inch (1/2").
 - (C) At the option of the owner the opening in the wall of the building below the grate may be entirely closed with brick or concrete or partially closed and the remaining open space covered with nineteen (19) gauge or heavier wire cloth with mesh not to exceed one-half inch (1/2").
- (8) Buildings constructed on piers.
- (A) Business buildings constructed on piers having wooden floor sills less than twelve inches (12") above the surface of the ground shall have intervening space between the floor sill and the ground protected against the ingress of rats by installing a solid masonry or concrete [curtain wall] not less than four inches (4") thick around the entire perimeter of the business building and extending said curtain wall to a depth of not less than eighteen inches (18") deep with a twelve inch (12") shelf extending outward from the wall and fastening securely to the exterior wall of the business building, in such manner as will prevent rats from entering the building.
 - (B) In lieu of the installation of curtain walls, all ground floors of wood construction may be replaced with concrete of not less than three inches (3") in thickness. Exterior wall protection shall be securely tied into the concrete floor at all points.
 - (C) Business buildings constructed on piers having wooden floor sills greater than twelve inches (12") above the ground level shall have the intervening spaces

between the floor sill and ground protected against the ingress of rats by installing curtain walls in accordance with the preceding subsection, or by protecting said business buildings against the ingress of rats by installing solid sheetmetal coverage of twenty-four (24) gauge or heavier snugly around each pipe, cable, wire, conduit or other utility service passing through the wooden ground floor. Said metal coverage shall not be less than eight inches (8") in diameter larger than the diameter of the pipe, cable, wire, conduit or other utility service, and shall be securely fastened to the wooden floor. All other openings in wooden ground floors through which rats may gain entrance into double walls or the interior of business buildings, such as openings that may exist in floors and double walls above floor sills, shall be closed with twenty-four (24) gauge or heavier solid sheetmetal of sixteen (16) gauge or heavier wire cloth of one-half inch (1/2") mesh or masonry or with concrete. Wood frame constructed business buildings having concrete or masonry foundation walls shall have ventilators in foundation walls protected as herein provided in subsection (4) [(3)] of this section. All miscellaneous wall openings, doors, and windows shall be protected in accordance with this article.

- (9) Curb or farmers' markets. Curb or farmers' markets in which fruit or vegetables or any other products are exposed and offered for sale, on racks, stands, platforms, and in or outside of business buildings, shall have floors paved with concrete or asphalt for the entire surface area of the market. Display racks, stands or platforms on which fruit or vegetables or any other food products are displayed or offered for sale shall be of sufficient height that all such fruits, vegetables or other food products shall be kept at a distance of not less than eighteen inches (18") above the floor pavement and be so constructed that rats cannot harbor therein or thereunder.

(Ordinance 212 adopted 6/20/1949; 1989 Code, sec. 9.502)

§ 7.05.003 Notice to ratproof building.

Upon receipt of written notice and/or order from the health officer the owner of any business building specified therein shall take immediate measures for ratproofing the building, and unless the work and improvements have been completed by the owner in the time specified in the written notice, in no event to be less than fifteen (15) days, or within the time to which a written extension may have been granted by the health officer, then the owner shall be deemed guilty of an offense.

(Ordinance 212 adopted 6/20/1949; 1989 Code, sec. 9.503)

§ 7.05.004 Enforcement; powers of health officer.

(a) Notice to eradicate rats. Whenever the health officer notifies the occupant or occupants of a business building, the occupants shall immediately institute rat eradication measures and shall continuously maintain such measures in a manner satisfactory to the health officer. Unless the measures are undertaken within five (5) days after receipt of notice, it shall be construed as a violation of the provisions of this article and the occupants shall be held responsible therefor.

(b) Maintenance of ratproofing. The owners of all ratproofed business buildings are required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing without a specific order of the health officer.

(c) Inspections. The health officer is empowered to make unannounced inspections of the interior and exterior of business buildings to determine full compliance with this article, and the health officer shall make periodic inspections at intervals of not more than forty-five (45) days of all ratproofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in their ratproofing and, when any evidence is found indicating the presence of rats or openings through which rats may again enter business buildings, the health officer shall serve the owners or occupants with notice and/or orders to abate the conditions found.

(d) Authority to close buildings. Whenever conditions inside or under occupied business buildings in the opinion of the health officer provide extensive harborage for rats, he is empowered, after due notification in accordance with section 7.05.003, to close such buildings until such time as the conditions are abated by ratproofing and harborage removal including, if necessary, the installation of suitable concrete floors in basements or replacement of wooden first or ground floors with concrete or other major repairs necessary to facilitate rat eradication.

(e) Condemnation of buildings. Whenever conditions inside or under occupied business buildings provide extensive harborage for rats in the opinion of the health officer, he is empowered to require compliance with the provisions of section 7.05.002, and in the event that said conditions are not corrected in a period of sixty days, or within the time to which a written extension may have been granted by the health officer, he is empowered to institute condemnation and destruction proceedings.

(Ordinance 212 adopted 6/20/1949; 1989 Code, sec. 9.504)

§ 7.05.005 Prohibited acts.

(a) It shall be unlawful for the occupant, owner, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the ratproofing from any business building for any purpose. Further, it shall be unlawful for any person or agent to make any new openings that are not closed or sealed against the entrance of rats.

(b) It shall be unlawful for any person, firm or corporation to construct, repair or remodel any building, dwelling, stable or market, or other structure whatsoever, unless such construction, repair or remodeling or installation shall render the building or other structure ratproof in accordance with the regulations prescribed herein. The provisions of this section apply only to such construction, repairs, remodeling or installation as affects the ratproof condition of any building or other structure.

(c) It shall be unlawful for any person, firm or corporation to occupy any new or existing business buildings wherein foodstuffs are to be stored, kept, handled, sold, held or offered for sale without complying with section 7.05.002 of this article, and unless the provisions of this section are complied with, no city permit or license to conduct or carry on such business as defined above will be issued.

(Ordinance 212 adopted 6/20/1949; 1989 Code, sec. 9.505)

CHAPTER 8

OFFENSES AND ADDITIONAL PROVISIONS

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ARTICLE 8.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 8.02 MINORS

Division 1. Generally

§§ 8.02.001–8.02.030 Reserved.

Division 2. Curfew

§ 8.02.031 Definitions.

Curfew hours means:

- (1) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

Emergency means 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 means 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 means:

- (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 means any person less than 17 years of age.

Operator means 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 means a person who is:

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

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

Remain means to:

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

Serious bodily injury means 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 any bodily member or organ.

(Ordinance 05-008, sec. 1, adopted 9/1/2005)

§ 8.02.032 Offenses.

- (a) A minor commits an offense if he remains, walks, runs, stands, drives or rides about in or upon 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 or she knowingly permits, or by insufficient control allows, the minor to remain, walk, stand, drive, or ride about in or upon 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, walk, run, stand, drive or ride about in or upon the premises of the establishment during curfew hours.

(Ordinance 05-008, sec. 2, adopted 9/1/2005)

§ 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, the Bartlett Independent School District, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Bartlett Independent School District, a civic organization, or another similar entity that takes responsibility for the minor;
- (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 under section 8.02.032 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 the curfew hours and refused to leave.

(Ordinance 05-008, sec. 3, adopted 9/1/2005)

§ 8.02.034 Enforcement.

Before taking any enforcement action under this article, 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 article unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.02.033 is applicable.

(Ordinance 05-008, sec. 4, adopted 9/1/2005)

§ 8.02.035 Penalties.

(a) A person who violates a provision of this article 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 not to exceed five hundred dollars (\$500.00).

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.02.032(a) of this article and shall refer the minor to juvenile court.

(Ordinance 05-008, sec. 5, adopted 9/1/2005)

§ 8.02.036 Review of curfew ordinance.

Prior to the third anniversary date of the adoption of the ordinance, and every third year thereafter, this article shall be reviewed as required by section 370.002 of the Texas Local Government Code. Such review shall be conducted following a public hearing regarding the need

to continue the ordinance and the city council shall have the option to continue, abolish or modify the ordinance based upon the review of the ordinance's effects on the community and on the problems the ordinance is intended to remedy.

(Ordinance 05-008, sec. 6, adopted 9/1/2005)

ARTICLE 8.03 NOISE

§ 8.03.001 Definitions.

When used in this article, the following definitions shall apply, unless the context clearly indicates otherwise:

Daytime hours means the hours from 7:00 a.m. on one day and 10:00 p.m. the same day.

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

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

Emergency work means any work performed for the purpose of:

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

Nighttime hours means the hours between 10:01 p.m. on one day and 6:59 a.m. the following day.

Nonresidential property/areas means any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been zoned other than as residential property, and properties that are devoted to public purposes, such as public parks.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, specific words or the artist performing it. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

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

Residential property/areas means any real property zoned for residential use in accordance with the city's zoning ordinance, all other real property which has been platted for residential use on which persons reside, and the public rights-of-way abutting any such real property.

Streets shall be defined as being in the same category as the surrounding zoning. In the case of residential properties/areas which are across the street from nonresidential properties/areas, the street shall be considered to be in a residential area.

(Ordinance 2009-08, exh. A, sec. 1, adopted --/2009)

§ 8.03.002 General prohibitions.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or unusual, the following factors shall be considered: time of day; proximity to residential properties/areas as defined in this article; whether the noise is recurrent, intermittent, or constant; the volume and intensity; and whether the noise has been enhanced in volume or range by any type of electronic or mechanical means.

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

(c) The acts enumerated in this section, among others, are declared to be loud, disturbing, and unnecessary nuisance noises in violation of this article, but such enumeration shall not be deemed to be exclusive. The following noises are presumed to be offensive to a person of ordinary sensibilities in the city and are hereby declared to be a nuisance:

- (1) The use of any motor vehicle so out of repair, or so extra loaded, that it creates any loud and unreasonable or unusual (that is, not standard equipment for the type vehicle, or which violates state regulations for equipment or emissions), grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.
- (2) No person shall operate or allow an engine of any sort of motor vehicle, except emergency equipment or vehicles then located at a permitted public event or parade, to idle for more than one (1) hour.
- (3) The continued or frequent sounding of any horn or other signal device on any automobile or other vehicle except as a danger or warning signal, or the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary purpose or unreasonable period of time.
- (4) The excavation or grading of land, or the erection, construction, demolition or alteration of any building or structure, between the hours of 9:00 p.m. and 7:00 a.m., within six hundred feet (600') of any occupied residential structure, or that generates, produces or results in any noise or sound that may be heard at the property line of any occupied residential structure; provided that this subsection shall not apply to any

such work, construction, repairs or alterations that constitute an urgent necessity for the benefit and interest of the public safety, health or general welfare, e.g., repairs and emergency installations by any public utility, or to any excavation, erection, construction, demolition or alteration authorized by the city council to be undertaken between the hours of 9:00 p.m. and 7:00 a.m.

- (5) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, instrument, stereo receiver, television, MP3 player, compact disc player, cassette tape player, microphone, or any other sound source, when operated:
 - (A) In such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants; or
 - (B) At any time with louder volume than is necessary for convenient hearing for persons who are in a vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto.

For the purposes of subsections (A) and (B), the operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet or more from a vehicle shall be presumed to be a violation of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet or more from the property line of a property or premises in which the amplification is located shall be presumed to be a violation of this section.

- (6) Amplified sound emanating from any horn, loudspeakers, radio receiving set, tape player, cassette tape player, compact disc player, DVD player, MP3 player, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound on any public street, or other public or private place, particularly during nighttime hours.
- (7) The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this article, regardless of the time of the occurrence or whether the sound so created by said animal or bird is within the permissible decibel levels specified in this article.
- (8) The creation of any excessive or unreasonable noise on any street or premises adjacent to any school, place of religious worship, or other institution of learning while the same is in session, or any hospital, which unreasonably interferes with the operation or use of any such institution.
- (9) The raucous shouting or crying of peddlers, hawkers or vendors which unreasonably disturbs the peace and quiet of any neighborhood.
- (10) The use of any mechanical device operated by compressed air, unless the noise to be created thereby has been effectively muffled and reduced.

- (11) The discharge into the open air of the exhaust of any fixed and stationary steam engine, stationary internal combustion engine, or motor vehicle or boat engine, except through an exhaust system in good working order and in constant operation to prevent excessive or unusual noise.
 - (12) The blowing of any steam whistle attached to any stationary boiler, except when giving notice of the time to commence or stop work, or as a warning of danger.
 - (13) Any loud or vociferous language which annoys or disturbs the quiet, comfort or repose of persons in any type of dwelling.
- (d) If conduct that would otherwise violate this article consists of speech or other communication, a gathering with others to hear or observe such speech or communication, or a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person or persons must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or issuance of citations.

(Ordinance 2009-08, exh. A, sec. 2, adopted --/2009)

§ 8.03.003 Maximum permissible sound levels.

(a) In addition to the violations established by the preceding sections of this article, no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that, when measured as provided in this article, exceeds 85 dB(A) during daytime hours and 75 dB(A) during nighttime hours for the respective areas described above. Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth herein is a violation of this article. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(b) Regardless of the measurable dB(A) level established above, the generator of any sound of such a nature as to cause persons occupying or using any property other than the property upon which the sound is being generated to experience physically detectable sound, vibrations or resonance at a distance of fifty feet (50') from the source of the sound caused by the sound shall also be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(Ordinance 2009-08, exh. A, sec. 3, adopted --/2009)

§ 8.03.004 Method of sound measurement.

Whenever portions of this article prohibit sound over a certain decibel limit, measurement shall be made with a type 1 or type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used, if necessary. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot

reasonably be distinguished from the primary noise. Measurements shall be recorded at a point at least fifty feet (50') from the source from which the sound is being generated or at the property boundary, whichever location is further from the source from which the sound is being generated.

(Ordinance 2009-08, exh. A, sec. 4, adopted --/2009)

§ 8.03.005 Defenses.

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

- (1) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or regulation of any governmental entity or agency.
- (2) The sound was produced by an authorized emergency vehicle or law enforcement personnel acting in their official duties.
- (3) The sound was produced by authorized emergency work or an emergency situation.
- (4) The sound was generated:
 - (A) By a parade and/or spectators and participants on the parade route during a lawful parade;
 - (B) By spectators and participants at lawfully scheduled amphitheater, ballfield or stadium event;
 - (C) By patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - (D) By a pyrotechnic display that was inspected and approved by the fire marshal;
or
 - (E) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the city and in full compliance with a permit issued by the city.
- (5) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. when the sound is being produced for the maintenance or upkeep of the property on which it was operated. Golf course mowing and dry stack boat storage operations are permitted to begin at 6:00 a.m.
- (6) The sound was generated as authorized under the terms of a permit issued under article.
- (7) The sound was produced by church bells or church chimes when used during daytime hours for the zone in which the church is located.

- (8) The sound was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic, band and school entertainment practice or events.
- (9) The sound source is a motor vehicle and that:
 - (A) The motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function; and
 - (B) The use is in compliance with all other provisions of this article.

(Ordinance 2009-08, exh. A, sec. 5, adopted --/2009)

ARTICLE 8.04 WEAPONS

§ 8.04.001 Discharging firearm or air gun.

(a) Discharging firearm prohibited. It shall be unlawful for any person to fire off or discharge any gun, pistol, rifle, or other firearm of any description within the corporate limits of the city, and any person so offending this section shall be deemed guilty of a misdemeanor.

(b) Exceptions. Subsection (a) of this section shall not apply when such firing is done in the necessary and lawful protection of one's person, premises or property, unless such firing be recklessly or negligently done; nor shall subsection (a) apply to discharging firearms in a shooting gallery or gunsmith's establishment when such shooting gallery or gunsmith's establishment is properly fitted and arranged for the purpose so that no danger arises therefrom, provided that no shotgun, pistol or rifle of larger than twenty-two (22) caliber shall be used in a shooting gallery, nor shall the exception in the gunsmith's establishment apply except when done in necessary repair of same.

(c) Discharging air gun. It shall be unlawful for any person to shoot or discharge any air gun or rifle into, on or across any public street, avenue, alley or highway, or in any public place whatsoever. By the terms of "air gun" and "air rifle" is meant any instrument or weapon which is commonly known as an air gun or air rifle, and which propels a bullet or other hard pellet with a carrying force as much as twenty-five (25) yards.

(d) Penalty. Any person, firm or corporation violating this section shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 71-2 adopted 3/22/1971; 1989 Code, secs. 14.141–14.144; Ordinance adopting 2023 Code)

ARTICLE 8.05 ABANDONED OR JUNKED VEHICLES**Division 1. Generally****§ 8.05.001 Applicability of state law.**

The Texas Transportation Code chapter 683, as amended, is adopted by reference and the provisions of said chapter shall control and take precedence over any conflicting provisions of this section.

(Ordinance 2013-05, sec. 1, adopted 8/19/2013)

§ 8.05.002 Definitions.

As used in this article, the following terms shall have the meanings indicated below:

Abandoned motor vehicle means a vehicle that:

- (1) Is inoperative and over five years old and is left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for a period of more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in control of the property for more than 48 hours; or
- (4) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours.

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

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

Garagekeeper means an owner or operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of a motor vehicle.

Junked vehicle.

- (1) Junked vehicle means any vehicle that is designed to be self-propelled, and:
 - (A) Does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate; and
 - (B) Is:
 - (i) Wrecked, dismantled, partially dismantled, or discarded; or
 - (ii) Is inoperable and has remained inoperable for a continuous period of more than:

- a. 72 consecutive hours, if on public property; or
 - b. 30 consecutive days, if on private property.
- (2) The term “junked vehicle” shall include a motor vehicle, aircraft, or watercraft. With respect to aircraft and watercraft, when the term “junked vehicle” is used, this article applies only to:
- (A) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. part 47; or
 - (B) A watercraft that:
 - (i) Does not have lawfully on board an unexpired certificate of number; and
 - (ii) Is not a watercraft described by section 31.055, Parks and Wildlife Code.

Motor vehicle means any motor vehicle subject to registration pursuant to the Certificate of Title Act, chapter 501, Texas Transportation Code, as amended.

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

Outboard motor means an outboard motor subject to registration under chapter 31, Parks and Wildlife Code, as amended.

Police department means the city police department and any other law enforcement agency as defined in section 683.001, Texas Transportation Code, as amended.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer’s specifications and, because of its historic interest, is being preserved by hobbyists.

Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

Watercraft means a vessel subject to registration under chapter 31, Texas Parks and Wildlife Code, as amended.

(Ordinance 2013-05, sec. 2, adopted 8/19/2013)

§ 8.05.003 Enforcement.

The administration of this article shall be the responsibility of the police department, code enforcement officers or such department, officer or employee of the city designated by the city council; provided that the chief of police, or such other salaried, full-time employee of the city as designated by the city administrator or city council, is authorized to administer and supervise the procedures, sections and provisions of this article applying to abandoned and junk vehicles.

Whoever is so authorized may enter upon private property for the purposes specified in this section to examine motor vehicles or parts thereof, to obtain information as to the identity of motor vehicles and to remove or cause the removal of a motor vehicle or parts thereof declared to be a nuisance pursuant to this article. Upon request by the officer designated pursuant to this section, the municipal court may issue orders necessary for the enforcement of this article.

(Ordinance 2013-05, sec. 3, adopted 8/19/2013)

§ 8.05.004 Effect on other laws.

Nothing in this article shall affect statutes that permit immediate removal of vehicles left on public property that obstruct traffic or otherwise create an imminent threat to health and safety.

(Ordinance 2013-05, sec. 4, adopted 8/19/2013)

§ 8.05.005 Storage fees.

(a) The police department shall be entitled to charge and collect reasonable storage fees for abandoned and junked vehicles, aircraft, watercraft and outboard motors removed and stored pursuant to this article. Such fees shall be established by the city council and, absent the city council having established such fees, the police department. Such fees may be charged beginning the day the abandoned motor vehicle, aircraft, watercraft, or outboard motor is taken into custody as follows:

- (1) For a period of up to ten (10) days prior to the date of the mailing of written notice pursuant to this article; and
- (2) Beginning on the day after written notice is mailed until the vehicle, aircraft, watercraft or outboard motor is removed, reclaimed or disposed of pursuant to this article.

(b) If any such vehicle is stored with a garagekeeper, the police department shall not charge an additional fee for any day that the garagekeeper charges a fee.

(Ordinance 2013-05, sec. 5, adopted 8/19/2013)

§ 8.05.006 Penalty.

Any person convicted of violating any provision of this article shall be guilty of a misdemeanor and shall be subject to a fine in an amount in accordance with state law, and each day of such violation shall be a separate violation. Proof of a culpable mental state shall not be required to establish a violation of this article.

(Ordinance 2013-05, sec. 6, adopted 8/19/2013; Ordinance adopting 2023 Code)

§§ 8.05.007–8.05.030 Reserved.

Division 2. Abandoned Vehicles**§ 8.05.031 Authority to take possession.**

The police department is authorized to take into custody any abandoned motor vehicle, aircraft, watercraft or outboard motor found on public or private property. The police department may use personnel, equipment and facilities of the police department or other personnel, equipment, and facilities provided by contract with the city to remove, preserve, and store an abandoned motor vehicle, aircraft, watercraft, or outboard motor taken into custody of the police department.

(Ordinance 2013-05, sec. 7, adopted 8/19/2013)

§ 8.05.032 Notice of impoundment.

(a) When information exists sufficient to permit notice of impoundment of an abandoned motor vehicle, aircraft, watercraft, or outboard motor to the owner and lienholder, notice shall be given by mail to the registered owner and lienholder as follows:

- (1) The police department shall send notice of abandonment to each registered owner and lienholder showing of record pursuant to the Certificate of Title Act, chapter 501, Texas Transportation Code, as amended, or, as applicable, chapter 31, Parks and Wildlife Code, as amended, with the Federal Aviation Administration or the secretary of state. A law enforcement agency that takes into custody an aircraft shall contact the Federal Aviation Administration in the manner described by section 22.901 of the Texas Transportation Code to attempt to identify the owner of the aircraft before sending the notice required by this subsection.
- (2) Such notice shall be given within ten (10) days after the date the motor vehicle, aircraft, watercraft or outboard motor is taken into custody, or the date the police department receives a report of abandonment.
- (3) The notice shall be by certified mail, return receipt requested, specifying the year, make, model and identification number of the item, set forth the location of the facility where the item is being held, and inform the owner and any lienholder of the right to reclaim the item not later than the 20th day after the date of the notice, on payment of all towing, preservation, storage and/or garagekeeper charges.
- (4) The notice shall state that the failure of the owner or lienholder(s) to exercise the right to reclaim the item within the time provided shall be deemed a waiver of all right, title, and interest in the item and their consent to the sale of the item at a public auction.

(b) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in a newspaper of general circulation in the city shall be made within ten (10) days from the date the item was taken into custody, or from the date the report of abandonment was received. The published notice shall be

sufficient if it contains the information otherwise required to be included in the notice by mail. A list of more than one motor vehicle, aircraft, watercraft or outboard motor may be included in the same publication.

(Ordinance 2013-05, sec. 8, adopted 8/19/2013)

§ 8.05.033 Use of impounded vehicle by police department or other public agency.

(a) Provided that a garagekeeper's lien has not attached to the vehicle, if an abandoned motor vehicle has not been reclaimed as provided in section 8.05.032 hereof, the police department may:

- (1) Use such abandoned motor vehicle for police department purposes if such use is cost-effective; or
- (2) Transfer the vehicle to any municipal or county agency, a groundwater conservation district governed by chapter 36, Water Code, or a school district for the use of that agency or district so long as the notice requirements of section 8.05.032 are complied with prior to such transfer.

(b) If the police department, municipal or county agency or school district discontinues use of the motor vehicle, the police department shall auction such motor vehicle as provided herein.

(Ordinance 2013-05, sec. 9, adopted 8/19/2013)

§ 8.05.034 Auction sales; disposition of proceeds of sale.

(a) If an abandoned motor vehicle, aircraft, watercraft or outboard motor has not been reclaimed within twenty (20) days after the date of notice and payment of all towing, preservation and storage charges resulting from its impoundment, the police department shall sell the item at a public auction. Proper notice of the public auction shall be given and, in the event a vehicle is to be sold in satisfaction of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of such auction.

(b) The police department shall furnish a sales receipt for each motor vehicle, aircraft, watercraft or outboard motor to the purchaser thereof at the public auction.

(c) The proceeds shall be applied first to reimburse the police department for the expenses of the auction, costs of towing, preserving and storing the vehicle, and all notice and publication costs, and any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in a special fund with the city treasurer which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned vehicles, aircraft, watercraft or outboard motors in custody, whenever the proceeds from a sale of such items are insufficient to meet these expenses and costs. In the event the special fund on deposit with the city treasurer accumulates to in excess of \$1,000.00, the city council may transfer the balance of such fund that exceeds \$1,000.00 to the general fund for use by the police department as budgeted.

(Ordinance 2013-05, sec. 10, adopted 8/19/2013)

§ 8.05.035 Vehicle abandoned in storage facility.

(a) The police department, upon receipt of a report from a garagekeeper that a motor vehicle has been deemed abandoned pursuant to section 683.031, Texas Transportation Code, as amended, shall follow the notification procedures set forth in section 8.05.032 herein for the giving of notice to owners and lienholders of abandoned vehicles, except that custody of the vehicle shall remain with the garagekeeper until after the notification requirements have been satisfied.

(b) A fee as set forth in the fee schedule in appendix A of this code shall accompany the report of the garagekeeper and such fee shall be retained by the police department receiving the report and used to defray the cost of notification or other costs incurred in the disposition of such vehicles, and such fee shall be deposited in the general fund of the city.

(c) Abandoned vehicles left in storage facilities, which are not reclaimed after notice is given in accordance with this section, shall be taken into custody by the police department and sold at auction, as in the cases of other abandoned motor vehicles. The proceeds of the sale shall first be applied to the garagekeeper's charges for providing notice regarding the vehicle and for servicing, towing, impounding, repair, and storage, provided the garagekeeper properly notified the police department within seven (7) days of the abandonment; however, the police department shall retain an amount of two percent (2%) of the gross proceeds of the sale for each vehicle auctioned, but in no event shall it retain less than ten dollars (\$10.00), to be used to defray expenses of custody, auction, and storage fees accrued according to section 8.05.005.

(d) The police department shall not take custody of a motor vehicle, watercraft, or outboard motor more than thirty-one (31) days after the notices are sent according to section 8.05.032. After the thirty-first day, the storage facility having custody of the abandoned vehicle shall dispose of the vehicle pursuant to the requirements of chapter 70, Property Code, as amended, or chapter 2303, Occupations Code, if the storage facility is a vehicle storage facility.

(Ordinance 2013-05, sec. 11, adopted 8/19/2013; Ordinance adopting 2023 Code)

§ 8.05.036 Disposal to demolisher.

The police department is authorized to apply to the state department of motor vehicles for authority to sell, give away or dispose of any abandoned motor vehicle in its possession to a demolisher in accordance with the provisions of chapter 683, Texas Transportation Code, as amended.

(Ordinance 2013-05, sec. 12, adopted 8/19/2013)

§§ 8.05.037–8.05.060 Reserved.

Division 3. Junked Vehicles

§ 8.05.061 Declaration of nuisance.

Section 683.072, Texas Transportation Code, as amended, declares junked vehicles, including parts of a junked vehicle, that are located in any place where they are readily visible at any time of the year from a public place or public right-of-way, are detrimental to the safety and welfare of the general public, reduce the value of private property, invite vandalism, create fire hazards,

constitute an attractive nuisance creating a hazard to the health and safety of minors, and produce urban blight adverse to the maintenance and continuing development of the city, and are a public nuisance. The city council hereby adopts such findings and declarations, and declares that junked vehicles are a public nuisance.

(Ordinance 2013-05, sec. 13, adopted 8/19/2013)

§ 8.05.062 Maintaining nuisance.

It shall be unlawful for any person to maintain a public nuisance, as defined in section 8.05.061 above, within the city. Any person found guilty of maintaining a public nuisance as defined in section 8.05.061 shall be guilty of a misdemeanor and be subject to a fine in an amount in accordance with state law for each offense, and each day of such violation shall be a separate violation. Upon the municipal court finding any person guilty of maintaining a public nuisance as defined in section 8.05.061, the court shall order removal and abatement of the nuisance.

(Ordinance 2013-05, sec. 14, adopted 8/19/2013; Ordinance adopting 2023 Code)

§ 8.05.063 Abatement procedures.

The police department, code enforcement officer, or other authorized official, when desiring to remove and dispose of junked vehicles from private property, public property or public rights-of-way, shall comply with the following procedures:

- (1) A written notice stating the nature of the public nuisance and that it must be removed and abated within ten (10) days of the date the letter was mailed or personally delivered, and further stating that any request for a hearing must be made before the expiration of said ten (10) day period. Notice shall be mailed by certified mail with a five (5) day return receipt requested, personal delivery, or by the United States Postal Service with signature confirmation service, to the last known registered owner of the junked vehicle, any lienholder of record, and the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Postal Service, official action to abate such nuisance shall be continued to a date not earlier than the eleventh day after the date of such return.
- (2) The requirements of subsection (1) above shall also apply to the case of a public nuisance on public property and a similar notice shall be sent to the owner or the occupant of the public premises and to the owner or the occupant of the premises adjacent to the public property whereupon such public nuisance exists.
- (3) If sufficient information is not available to determine the registered owner of the nuisance, after reasonable effort to locate the owner, notice may be placed on the nuisance.
- (4) Once a vehicle has been removed under the provisions of this section, it shall not be reconstructed or made operable.
- (5) If the vehicle is not removed or otherwise brought into compliance, a public hearing will be held after the expiration of ten (10) days or more after mailing or personal delivery of notice to abate the nuisance. A hearing will be held prior to the removal of the vehicle or part thereof as a public nuisance, before the governing body of the

city, the chief of police, other official designated by the governing body, or the municipal court. At the hearing, the junked motor vehicle is presumed to be inoperable, unless demonstrated by the owner to be operable. Should the governing body of the city, the chief of police, other official designated by the governing body or the municipal court find that such vehicle is a public nuisance as defined herein, they shall enter an order requiring the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall, if available, include a description of the vehicle, aircraft or watercraft as appropriate, and the identification number and license number of the vehicle, the federal identification number as described by the Federal Aviation Administration aircraft registration regulations, 14 C.F.R. part 47, as amended from time to time, in the case of aircraft, or the identification number as set forth in the watercraft's certificate number in the case of an aircraft [a watercraft]. Any aggrieved city officer, owner or lienholder may appeal any such decision to the city council.

- (6) The police department shall give notice to the state department of motor vehicles within five (5) days after the date of the removal of a junked vehicle by the department, identifying the vehicle or part thereof.
- (7) The administration of the procedures of this section shall be carried out by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts thereof from property may be accomplished by any other duly authorized person, including authorized wrecker service operators acting at the direction of the city.
- (8) If the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided, in addition to any other procedure authorized by this article, a complaint may also be filed in municipal court for the violation of maintaining a public nuisance; provided that such notice shall not be a requirement for any such complaint being filed in municipal court.

(Ordinance 2013-05, sec. 15, adopted 8/19/2013)

§ 8.05.064 Exceptions.

The procedures set out in this article shall not apply to a vehicle or part thereof 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, a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or an antique and special interest vehicle stored by a collector on his property; provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(Ordinance 2013-05, sec. 16, adopted 8/19/2013)

§ 8.05.065 Disposal.

Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolisher or any suitable site operated by a city or county for processing as scrap or salvage. Relocation of a junked vehicle, for which a notice has been issued under [this article] or the procedures provided

in this article have been otherwise initiated, to another location shall have no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(Ordinance 2013-05, sec. 17, adopted 8/19/2013)

CHAPTER 9

PLANNING AND DEVELOPMENT REGULATIONS

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ARTICLE 9.01 GENERAL PROVISIONS

§ 9.01.001 Planning commission.

The city council shall act as the planning commission for the city and it shall be its duty to make or cause to be made and recommend for adoption a comprehensive city plan as a whole or in parts for the future development and redevelopment of the city and its environs which shall include, but shall not be limited to, the following:

- (1) To make studies and project plans for the improvement of the city with a view of its development and extensions, and to recommend to the city council all matters for the development and advancement of the city facilities, layouts and appearance, and to perform the duties imposed upon the city planning commission by the statutes of the state.
- (2) To make or cause to be made the plans and maps of the whole or any portion of the city and of land outside the city limits located within the planning area of such city limits, and any other land outside the city which in the opinion of the city planning commission bears a relation to the planning of the city and to make or cause to be made such changes in additions and extensions of plans or maps within the city as it deems same advisable.
- (3) To act with and assist all other municipal and governmental agencies in formulating and executing proper plans for municipal development.
- (4) To plan and recommend the location, plan and extent of city streets, alleyways, parks, playgrounds, airports, automobile parking places, and other public grounds and public improvements, for the location and planning of public buildings, schools and other properties, and of public utilities, including bus terminals, railroad depots and terminals, whether publicly or privately owned, for water, lights, sanitation, sewage disposal, drainage, flood control, transportation, communication and shipping facilities, and for the removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of any of the foregoing public places, work, buildings, facilities or utilities.
- (5) To select and recommend routes of streets, avenues and boulevards and particularly to investigate and recommend the opening, widening, or abandonment of streets, boulevards and alleyways or the changing thereof to conform to the city's system, present and future, all streets, avenues, boulevards, alleyways, and parks.
- (6) To investigate and consider the layout and plan of any new subdivision to the city or property situated within the extraterritorial jurisdiction of the city as defined by statute and to approve all plans, plats or replats of additions within the city limits and the said extraterritorial jurisdiction.
- (7) To recommend to the city for adoption, rules and regulations governing plats and subdivisions of land within the corporate limits of the city or within the said extraterritorial jurisdiction to promote health, safety, moral and general welfare of the community, and the safe and orderly and healthful development of the community; such rules and regulations may be adopted by the city council only after a public hearing held thereon.

- (8) To recommend plans for improving, developing, expanding and beautifying the parks, lakes, and public buildings in or adjacent to the city [to] other agencies of the city in devising, establishing, locating, improving, selecting, expanding and maintaining the public parks, playgrounds and lakes for public recreation.
- (9) To recommend plans for the development of civic centers and to make investigations, consider and make recommendations concerning traffic regulations, routing and controlling and highway designations.
- (10) To review the city's present building codes and recommend any changes that may be desirable.

(Ordinance 283 adopted 7/19/1965; 1989 Code, sec. 17.101)

ARTICLE 9.02 ZONING ORDINANCE*

Division 1. Generally

§ 9.02.001 Districts.

(a) For the purpose of promoting health, safety, morals, or the general welfare of the community by regulating and restricting the location of trades and industries and the location of buildings erected or altered for specified uses, and to regulate and limit the size of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of the population, the city is hereby divided into districts of which there shall be seven (7) known as:

- “R-1” One-Family District
- “R-2” Duplex and Apartment District
- “R-3” House Trailer District
- “R-4” Small House District
- “B-1” Retail Business District
- “B-2” General Business District
- “C-1” Commercial District

(b) The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this article, being designated as the “District Map” and said map and all the notations, references and other information shown thereon shall be as much a part of this article as if the matters and information set forth by said map were all fully described herein.

* **Editor's note**—This article consists of the zoning ordinance, Ordinance 66-7 adopted December 19, 1966, as amended, previously published as chapter 21 of the 1989 Code. Section and subsection numbers, style, capitalization and formatting have been changed to be consistent with the remainder of the Code of Ordinances, and this will be maintained in future amendments to this article. Designation of the provisions as divisions 1 through 5 was by the editor. In some cases, section titles have been modified to more accurately reflect the subject matter. Changes in the names of state agencies have been incorporated without notation. Obviously misspelled words have been corrected without notation. Except for these changes, such ordinance is printed herein as set out in the 1989 Code. Any other material added for purposes of clarification is enclosed in brackets.

- (c) Except as hereinafter provided:
- (1) First: No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
 - (2) Second: No building shall be erected, reconstructed or structurally altered to exceed the size herein established for the district in which such building is located.
 - (3) Third: No lot area shall be so reduced or diminished that the yards or other open places shall be smaller than prescribed by this article, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.
 - (4) Fourth: No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing an open yard or open space for any other building, provided further that no yard or open space or an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
 - (5) Fifth: Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot, except as hereinafter provided.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.101)

§ 9.02.002 Definitions.

For the purpose of this article, certain terms and words are herewith defined as follows. Words used in the present tense include the future; words in the singular number include the plural, and the words in the plural number include the singular; the word “building” includes the word “structure”; and the word “shall” in mandatory, and not directory.

Accessory building. A subordinate building or portion of main building, the use of which is clearly incidental to that of the main building.

Alley. A way which affords only a secondary means of access to abutting property.

Apartment house. See “Dwelling, multiple.”

Basement. A story partly underground and having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story of [sic] subdivided and used for dwelling or business purposes.

Bed and breakfast. An owner-occupied dwelling unit that contains no more than eight (8) guest rooms without individual cooking facilities that is rented for overnight lodging for compensation and serves at least one meal per day.

Boarding house. A building other than a hotel where lodging and meals for five (5) or more persons are served for compensation.

Building. A structure having a roof supported by columns or walls and when separated by a division wall without openings each portion of such building shall be deemed a separate building.

Court. An open unoccupied space other than a yard, on the same lot with a building and which is bounded in [on] two (2) or more sides by the building.

Dependent mobile home. A mobile home without inside toilets and bath and same are prohibited in a mobile home park as defined in this section.

Dwelling, multiple. A building or portion thereof, used or designated as a residence for two (2) or more families as separate housekeeping units, including apartments and apartment hotels.

Dwelling, one-family. A detached building designed for or occupied exclusively by one (1) family.

Family. One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or sorority house.

Frontage. All the property abutting on one side of a street between two (2) intersecting streets, measured along the street line.

Garage, private. An accessory building with capacity for not more than four (4) self-propelled vehicles for storage only. Provided, however, a private garage may exceed four (4) vehicles capacity if the lot whereon such a garage is located contains not less than fifteen hundred (1500) square feet for each vehicle stored.

Garage, public. A building other than a private or storage garage used for the care, repair, or equipment of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

Garage, storage. A building or portion thereof, other than a private garage, used exclusively for parking or temporary storage or [of] self-propelled vehicles.

Group house. A group of detached or semi-detached dwellings facing upon a place as herein defined.

Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than fifteen (15) sleeping rooms usually occupied singly and no provision made for cooking in any individual room or apartment.

House trailer. A non-self-propelled vehicle containing living living [sic] or sleeping accommodations which is designed or used for highway travel.

Lodging house. A building other than a hotel where lodging for five (5) or more persons is provided for compensation.

Lot. Land occupied or to be occupied by a building and its accessory building, together with such open spaces as are required under this article, and having its principal frontage upon a street or officially approved place.

- (1) Corner lot. A lot situated at the junction of two (2) or more streets.
- (2) Interior lot. A lot other than a corner lot.
- (3) Through lot. A lot having frontage on two parallel or approximately parallel streets.

Lot lines. The lines bounding a lot as defined herein.

Lot of record. A lot which is part of a subdivision, the map of which has been recorded in the office of the county clerk of Williamson or Bell County.

Mobile home park. Any plot of ground licensed under any law of this city regulating same upon which two or more mobile homes occupied or intended for occupancy at such location for dwelling or sleeping purposes for any length of time are located regardless of whether or not a charge is made for such accommodation. Mobile home parks must be licensed by the city.

Mobile home site. A standard city lot outside a mobile home park designed for the accommodation of one permanent mobile home and meeting the city requirements as to dimensions, planning and all other applicable requirements.

Nonconforming use. A building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

Person. Any natural individual, firm, trust, partnership, association or corporation.

Place. An open unoccupied space other than street or alley permanently reserved as the principal means of access to abutting property.

Servants' quarters. An accessory building located on the same lot or grounds with the main building, and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Special events facility. A building and premises used as a customary meeting or gathering place for personal social engagements or activities lasting normally no more than several hours, where people assemble for celebrations, honoring, teaching, selling, remembrances, parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests; provided that no alcohol may be sold on the premises.

Street. A public or private thoroughfare which affords a principal means of access to abutting property.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or additions thereto.

Structure. Anything constructed or erected, the use of which requires location on the ground or that is to be attached to something having a location on the ground.

Travel trailer. Any mobile structure used for temporary living quarters while travelling, and same are prohibited on mobile home sites in the city.

Used car sales area. An open area other than a street, alley or place used for the display and sale of used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

Used junk car area. An open area other than a street, alley or place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

Yard. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) Front yard. A yard extending across the front of the lot between the inner side yard lines and measured between:
 - (A) The front property line and the front line of the building; or
 - (B) The front property line and the nearest line of any open porch or paved terrace.
- (2) Rear yard. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.
- (3) Side yard. A yard between the building and the other side of the lot and extending from the street line to the rear yard.

(Ordinance 66-7 adopted 12/19/1966; Ordinance 85-6 adopted 7/1/1985; 1989 Code, sec. 21.102; Ordinance 2012-07, sec. 2, adopted 9/26/2012)

§ 9.02.003 Fences.

No fences will be permitted to be built, constructed, or placed in the front yard of any lot in the “R-1”, “R-2”, or “R-3” district.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.103)

§§ 9.02.004–9.02.030 Reserved.

Division 2. Use and Area Regulations

§ 9.02.031 Use regulations: “R-1” district.

In the “R-1” One-Family District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided by law, except for one or more of the following uses:

- (1) One-family dwelling.
- (2) Churches.
- (3) Schools, elementary and high.

- (4) Museums, libraries, parks and playgrounds.
- (5) Buildings for hospitalization and care of minor children on land now owned for such purposes by philanthropic institutions.
- (6) Accessory buildings, including one detached private garage or servants' quarters, when located not less than sixty feet (60') from the front lot line, nor less than five feet (5') from any other street line; provided, however, that servants' quarters may be erected above a private detached garage. A private garage may be constructed as a part of the main building or attached to it by a covered passage, but servants' quarters shall not be permitted on such attached garage.
- (7) Uses customarily incident to any of the above uses when situated in the same dwelling, including home occupations such as the office of physician, surgeon or dentist.
- (8) Pump stations, fire stations, or any other city installations.
- (9) Hospitals or clinics.
- (10) Rest homes (nursing homes).
- (11) Mobile homes under section 12.206.

Editor's note—Section 12.206 of the 1989 Code was repealed by Ordinance 2012-02.

- (12) Special events facility.
- (13) Bed and breakfast.

(Ordinance 66-7 adopted 12/19/1966; Ordinance 85-6 adopted 7/1/1985; 1989 Code, sec. 21.201; Ordinance 2012-07, sec. 3, adopted 9/26/2012)

§ 9.02.032 Area regulations: "R-1" One-Family District.

(a) In the "R-1" One-Family District, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

- (1) Rear yard. There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, provided such rear yard not exceed twenty-five feet (25') from the centerline of the alley.
- (2) Side yard.
 - (A) On interior lots there shall be a side yard on each side of a building having a width of not less than ten percent (10%) of the width of the lot, provided that such side yard may not be less than five feet (5') in width, except in the case of a two-story, where the side yard may be not less than ten feet (10') in width.
 - (B) On corner lots the side lot regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot is [faces] an

intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty percent (50%) of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the width to be built upon, after providing the required interior side yard of a corner lot facing an intersecting street and of record at the time of the passage of this section to less than twenty-eight feet (28'), nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

- (3) Front yard. There shall be a front yard of not less than twenty-five feet (25') to the front line of the building.
- (4) Lot area per family.
 - (A) In the "R-1" One-Family District every building hereafter erected or structurally altered shall provide a lot area of not less than seven thousand five hundred (7,500) square feet per family, and minimum lot frontage of seventy-five feet (75').
 - (B) Provided, however, that where a lot has less area than herein required and was of record at the time of the passage of this section, said lot may be occupied by not more than one family.

(b) No building shall be erected, altered, or placed on said lots other than one detached single-family dwelling and a private garage with guest room, domestic employee quarters or utility room attached unless otherwise provided in this section.

(c) The ground floor area of the residence or dwelling erected in the "R-1" district shall contain not less than one thousand (1,000) square feet of an area exclusive of carport and garage with room attached, and shall not contain less than one thousand, four hundred (1,400) square feet of area if a carport or garage is attached. Front exterior walls shall contain a minimum of thirty percent (30%) masonry. Construction will be of frame, brick veneer or masonry veneer.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.202)

§ 9.02.033 Use regulations: "R-2" Duplex and Apartment District.

In the "R-2" Duplex and Apartment District, no building or land shall be used and no buildings shall be hereafter erected or structurally altered, unless otherwise provided in this article, except for one or more of the following uses:

- (1) Any use permitted in the "R-1" One-Family District.
- (2) Multiple dwellings.
- (3) Duplex residence.
- (4) Boarding and lodging houses.

- (5) Hotels in which incidental business may be conducted for the sole convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business except from the inside of the building.
- (6) Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- (7) Institutions of an educational or philanthropic nature, other than those of a correctional nature, or for mental cases.
- (8) Accessory buildings and uses customarily incident to any of the above uses, when located on the same lot and not involving the conduct of a business, including private and detached storage garages and servants' quarters when located not less than sixty feet (60') from the front lot line nor less than five feet (5') from any other street line. Private or storage garages constructed as a part of the main building, or servants' quarters erected above private detached garages.
- (9) Mobile homes under section 12.206.

Editor's note—Section 12.206 of the 1989 Code was repealed by Ordinance 2012-02.

(Ordinance 66-7 adopted 12/19/1966; Ordinance 85-6 adopted 7/1/1985; 1989 Code, sec. 21.301)

§ 9.02.034 Area regulations: “R-2” Duplex and Apartment District.

In the “R-2” Duplex and Apartment District, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

- (1) Rear yard. There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot, provided such rear yard need not exceed twenty-five feet (25') for interior lots nor fifteen feet (15') for corner lots.
- (2) Side yard.
 - (A) For buildings not exceeding two and one-half (2-1/2) stories in height, the side yard requirements shall be the same as required in the “R-1” One-Family District. For buildings more than two and one-half (2-1/2) stories in height, each side yard shall be increased one foot (1') in width for each additional story above the second floor.
 - (B) On corner lots the side yard regulations shall be the same as for interior lots except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty percent (50%) of the front yard required on the lots in the rear of such corner lot and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided further, that this regulation shall not be interpreted as to reduce the width to be built upon, after providing the required interior side yard, of a corner lot facing an intersecting street and of record at the time of passage of this section, to less than twenty-eight feet (28'), nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

- (3) Front yard. There shall be a front yard of not less than twenty-five feet (25') to the front line of the building.
- (4) Lot area. Every building hereafter erected or structurally altered shall provide a lot area of not less than seven thousand five hundred (7,500) square feet. The minimum lot frontage shall be seventy-five feet (75') and the minimum depth shall be one hundred feet (100').
- (5) The ground floor area of the residence or dwelling erected in the "R-2" district shall contain not less than one thousand three hundred (1,300) square feet of area if a carport or garage is attached.
- (6) The ground floor area of the duplex residence erected in the "R-2" district shall contain not less than seven hundred (700) square feet per unit if the unit has three bedrooms; not less than six hundred (600) square feet of area per unit if the unit has two bedrooms; not less than five hundred (500) square feet of area per unit if the unit has one bedroom. Construction will be of frame, brick veneer or masonry veneer.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.302)

§ 9.02.035 Use regulations and area regulations in "R-3" House Trailer District.

(a) In the "R-3" House Trailer District, no buildings or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this article, except for one or more of the following uses:

- (1) Any use permitted in the "R-1" One-Family District.
- (2) Any use permitted in the "R-2" Duplex and Apartment District.
- (3) Park and established house trailers herein.

(b) Lot area per family. In the "R-3" House Trailer District every building hereafter erected or structurally altered shall provide a lot area of not less than six thousand (6,000) square feet. Provided, however, these regulations shall not apply to hotels, apartment houses or house trailers. The minimum lot frontage shall be sixty feet (60') and the minimum depth shall be one hundred feet (100').

(c) Provided, however, that where a lot has less area than herein required and was of record at the time of the passage of this section, said lot may be occupied by not more than one family.

(d) The ground floor area of the residence or dwelling erected in the "R-3" district shall contain not less than seven hundred (700) square feet of area per unit if the unit has three bedrooms; not less than six hundred (600) square feet of area per unit if the unit has two bedrooms; not less than five hundred (500) square feet of area per unit if the unit has one bedroom. Construction will be of frame, brick or veneer [brick veneer] or masonry veneer.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.401)

§ 9.02.036 Use and area regulations in “R-4” Small House District.

(a) In the “R-4” Small House District, no buildings or land shall be used and no buildings shall be hereafter erected or structurally altered, unless otherwise provided in this article, except for one or more of the following:

- (1) Any use permitted in the “R-1” district.
- (2) Any use permitted in the “R-2” district.
- (3) Any use permitted in the “R-3” district.
- (4) Boarding and lodging houses.

(b) Lot area per family. In the “R-4” Small House District every building hereafter erected or structurally altered shall provide a lot area of not less than two thousand four hundred (2,400) square feet for one family. The minimum lot frontage shall be forty feet (40') and the minimum depth shall be sixty feet (60').

(c) Provided, however, that where a lot has less area than herein required and was of record at the time of the passage of this section, said lot may be occupied by not more than one family.

(d) The ground floor area of the residence or dwelling erected in the “R-4” district shall contain not less than five hundred (500) square feet of area exclusive of one-story open porches, basement area, carport and garage with room attached.

(e) The ground floor of the duplex residence or dwelling erected in the “R-4” district shall contain not less than four hundred fifty (450) square feet of area per unit exclusive of the carport and garage with room attached. The dwelling must be of frame construction and provide sanitary facilities.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.501)

§ 9.02.037 “B-1” Retail Business District.

(a) Use regulations. In the “B-1” Retail Business District no land shall be used and no building shall be used, erected or converted to any use other than:

- (1) Bank and office.
- (2) Bakery, retail only.
- (3) Cafeteria.
- (4) Cleaning and pressing shops.
- (5) Drug store.
- (6) “Fix-it” shops, not to exceed four hundred (400) square feet in area.
- (7) Florist shops.

- (8) Gasoline filling stations.
- (9) Grocery store.
- (10) Meat market.
- (11) Moving picture theater (not drive-in).
- (12) Restaurants.
- (13) Shoe repair store.
- (14) Tailor.
- (15) Professional offices.
- (16) Motels and tourist courts.
- (17) Hospitals and clinics.
- (18) Any other retail use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or vibration but excluding such uses as are enumerated in the “B-2” and “C-1” district.

(b) No other use shall be permitted and none of these stores or uses shall be open for business before six o'clock (6:00) a.m. not after twelve o'clock (12:00) a.m. on any day of the week except by special permit of the city council.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.601; Ordinance adopting 2023 Code)

§ 9.02.038 “B-1” Retail Business District - Downtown Area.

(a) Boundaries. The “B-1” Retail Business District - Downtown Area is comprised of the Blocks 15, 16, 21, 22, and the southern half of Block 17, Original Town of Bartlett, Bell and Williamson County, Texas.

(b) Use regulations. The “B-1” Retail Business District - Downtown Area is established in order to provide convenient locations for retail, professional services, general sales or service, residential, lodging, restaurants and similar uses, including but not limited to the following:

- (1) Amusement, entertainment and fitness facilities.
- (2) Antique stores.
- (3) Art galleries, woodworking, sculpting.
- (4) Bank and office.
- (5) Bakery, retail only.

- (6) Barber shops, beauty salons, and spas.
- (7) Bed-and-breakfast lodging.
- (8) Bookstores.
- (9) Cafeteria.
- (10) Cleaning and pressing shops.
- (11) Clothing stores.
- (12) Dance and music studios and academies.
- (13) Drug store.
- (14) "Fix-it" shops, not to exceed four hundred (400) square feet in area.
- (15) Florist shops.
- (16) Gasoline filling stations.
- (17) General merchandise stores.
- (18) Grocery store.
- (19) Meat market.
- (20) Moving picture theater (not drive-in).
- (21) One-family dwellings, multi-family dwellings, duplex residences, and apartments shall be allowed within the boundaries of the "B-1" Retail Business District - Downtown Area as described in this section 9.02.038. Mobile homes, manufactured homes, and house trailers are not permitted in the "B-1" Retail Business District - Downtown Area.
- (22) Pet shops.
- (23) Restaurants.
- (24) Shoe repair store.
- (25) Tailor.
- (26) Professional offices.
- (27) Motels and tourist courts.
- (28) Hospitals and clinics.
- (29) Specialty shops.

- (30) Any other retail, professional service, personal service, general sales or service, restaurant, and similar use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or vibration, but excluding such uses as are enumerated in the “B-2” and “C-1” district (unless otherwise specifically allowed in this section 9.02.038).

(c) No other use shall be permitted and none of these stores or uses shall be open for business before six o'clock (6:00) a.m. nor after twelve o'clock (12:00) a.m. on any day of the week except by special permit of the city council.

(d) A residential use allowed in this “B-1” Retail Business District - Downtown Area may be situated within a building also utilized for another use permitted in the “B-1” Retail Business District - Downtown Area. An authorized residential use situated in this “B-1” Retail Business District - Downtown Area is exempt from the requirements of this article related to the minimum dimensions of yards, the minimum lot area per family, and the minimum square foot requirements for the residential use.

(Ordinance 05-001 adopted 2/7/2005)

§ 9.02.039 “B-2” General Business District.

(a) Use regulations. In the “B-2” General Business District no land shall be used and no building shall be used, erected or converted to any other use than:

- (1) Any use permitted in the “B-1” Retail Business District.
- (2) Automatic laundry.
- (3) Washateria.
- (4) Auto repair garage.
- (5) Automobile, truck and bus service and repairs.
- (6) Cabinet maker.
- (7) Carpenter shop.
- (8) Carpet cleaning if dust-proof rooms and dust catching and scour equipment is used.
- (9) Ice manufacture.
- (10) Lumber yard (building materials).
- (11) Motorcycle repairing.
- (12) Paint shop.
- (13) Sheetmetal shop.

- (14) Stone monument works.
- (15) Storage warehouse.
- (16) Taxicab storage and repair.
- (17) Used car lot.
- (18) Drive-in theaters.
- (19) Any other retail or wholesale use, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise or vibrations, but excluding such uses as are enumerated in the “C-1” Commercial District.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.701)

§ 9.02.040 “C-1” Commercial District.

(a) Use regulations. In the “C-1” Commercial District, no land shall be used and no building shall be used, erected or converted to any other use than:

- (1) Any use permitted in the “B-1” Retail Business District.
- (2) Any use permitted in the “B-2” General Business District.
- (3) Any manufacturing or industrial process not prohibited by any other law, provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of use shall have been approved by the city council:
 - (A) Acid manufacture.
 - (B) Cement, lime manufacture.
 - (C) Explosive, manufacture or storage.
 - (D) Fertilizer manufacture.
 - (E) Gas manufacture.
 - (F) Glue manufacture.
 - (G) Petroleum refining.
 - (H) Stockyards, or slaughter of animals.
 - (I) Tannery.
 - (J) Storage of paper, iron or junk.
 - (K) Used car dismantling yard.

- (L) Oil well drilling.
- (M) Cotton gins.
- (N) Grain storage.
- (O) Any other commercial use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas fumes, or vibrations.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.801)

§ 9.02.041 Prohibiting the installation of gasoline pumps and tanks.

- (a) It shall be unlawful for any person, corporation or association of persons to install and maintain any gasoline pump or any storage tank for gas in and along Clark Street within the city between the east line of East Front Street and the west line of Dalton Street and in and along Evie Street within the city between the north line of the alley running east and west through Blocks 16 and 22 of the city.
- (b) Any corporation, person or association of persons violating this section, shall, upon conviction in a court of competent jurisdiction, be fined in any sum not exceeding one hundred dollars (\$100.00), and each day shall constitute a separate offense.
- (c) This section shall not apply to any gasoline pump or storage tank already installed and being maintained within said restricted section, but shall apply to replacements or reinstallations made or attempted after the original pumps and tanks have been abandoned.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.802)

§ 9.02.042 Planned development district (“PDD”)

- (a) Generally. The city council may, by ordinance, create a planned development district as set out herein.
- (b) Application requirements. The city administrator, or designee, shall ensure that a completed application has been submitted by the applicant and includes the information and materials necessary for planning and zoning commission and city council to render an informed decision. The city administrator may require the submission of additional information as needed to meet the objectives of these requirements.
- (c) Planned development regulating documents. The ordinance adopting a planned development district becomes the regulating document and as such the following elements shall be required with an application for a planned development district in order to be considered complete:
 - (1) Statement of purpose of planned development district. The ordinance granting a planned development district shall include a statement as to the purpose and intent of the planned development district granted therein.

- (2) Development standards. The ordinance granting a planned development district shall include a concept plan meeting the requirements set out in subsection (k) and other applicable provisions herein and shall contain at a minimum the following:
- (A) The combination of permitted uses and associated special development standards within the district, including, but not limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, lighting, project phasing or scheduling, management associations, and other requirements as the city council and planning and zoning commission may deem appropriate.
 - (B) Each planned development district will include a base zoning district from the districts set out in section 9.02.001, "Districts." In the case where a base zoning district is identified as being modified, a specific list of modifications and reason for modification shall be cited.
 - (C) Graphical and narrative descriptions of use and design integration and compatibility should be utilized to facilitate understanding of the proposed regulations.
 - (D) At least one conventional zoning district as a base zoning district shall be selected to apply to the property included within the PDD. However, multiple base zoning districts may be selected to accommodate a mixture of land uses if located in different geographic areas.
 - (E) In the event that a PDD project does not get constructed after approval of a PDD ordinance, developer shall be authorized to develop the property in a manner that meets or exceeds the base zoning standards for the applicable base zoning district(s) that were approved in the PDD, or developer may seek a zoning ordinance amendment. In either case, any variances that were approved in the PDD shall not carry over to development of the property, unless the variance is approved by the board of adjustment.
- (3) Conceptual plan or site development plan. In order to facilitate understanding of the proposed planned development district during the review and public hearing process, applications shall include a concept plan for conceptual planned developments, as set out in this section. The plans shall graphically demonstrate the applicant's intent for the development of the proposed planned development and compliance with this section. These plans, if approved, shall be a component of the ordinance and regulate future development of the district. The director shall clearly describe and publish such required information in a form or checklist.
- (d) Procedures.
- (1) The creation of a planned development district shall be considered a zoning map amendment request and shall follow the regular procedures set out for zoning map revisions.
 - (2) Creation of lots for development of a planned development district or property within a planned development district shall follow the applicable procedures established in

the city's subdivision ordinance. Lots that are depicted on the concept plan are conceptual and the location and configuration of same are not approved as part of the concept plan. However, waivers of the subdivision ordinance may be expressly addressed in development standards for the PDD.

(e) Review criteria. In the review and consideration of a proposed planned development district, the city council shall consider that the development plan and concept plan for the district provide a framework for an enhanced land design and integration of uses and ensure that the proposal clearly exceeds the minimum standards of these regulations. As part of the consideration, the applicant shall provide the reason(s) as to why the proposed development cannot be accommodated by these regulations.

- (1) Compliance with applicable criteria of planned development districts. The planned development district shall comply with the criteria established in this subsection (e), Review Criteria and as otherwise required by this section.
- (2) Consistency with the comprehensive plan. As the intent of the planned development district is to provide for use as well as design flexibility, any combination of uses may be considered for the district as long as each use is specifically identified along with any appropriate conditions or limitations of each. The elements of the proposed planned development district shall be consistent with and promote the goals of the comprehensive plan.
- (3) Enhanced project design. It is the intent of these regulations to encourage outstanding project design for planned development districts in order to implement the policies contained in the city's comprehensive plan. In exchange for greater flexibility in development of a project, planned development districts are expected to develop to a standard that is greater than the regulatory standards applicable to non-planned development districts. The following standards will be used to evaluate project design:
 - (A) The arrangement of all uses and improvements should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of adjacent property.
 - (B) Development must be compatible with the immediate environment of the site and neighborhood relative to architectural design; scale, bulk and building height; historical character; and disposition and orientation of buildings on the lot.
 - (C) Buildings, transportation improvements, and open space areas, must be arranged on the site so that activities are compatible with the neighborhood.
 - (D) Buildings, transportation improvements, open space, and landscaping, must be designed and arranged to produce an efficient, functionally organized, and cohesive development.
 - (E) Buildings, transportation improvements, open space and landscaping, must be in favorable relationship to the existing natural topography, natural vegetation and creeks, exposure to sunlight and wind, and long or scenic views.

- (F) The project should preserve and enhance the natural character of the site and should be designed to reflect the existing topography and natural systems. Vegetative communities located in floodplains, existing tree stands and along steep slopes should be maintained as open areas and wildlife habitat. Creeks and streams should be preserved and enhanced as amenities.
 - (G) The project should preserve historic elements of the site, including features such as farm structures and dwellings, stone wells, entry features, windmills, or other features that illustrate the historic resources of the site.
 - (H) The project should be integrated with the city's open space network and pedestrian ways, as applicable to the area being developed, and including provision for a trail system located within the site being developed and connecting to the city's historic downtown area. Public or common uses and open space should be connected together to promote pedestrian usage. Utilization of open space should be enhanced through the provision of amenities.
 - (I) Any property proposed for a planned development district zoning shall have a minimum of one hundred (100) acres. Any phase of a PDD project must contain a minimum of fifty (50) acres.
- (4) Compatibility with nearby uses. The planned development district shall be compatible with nearby uses. Impacts to adjoining property shall be mitigated and where the development does not meet ordinance requirements, the application shall describe the mitigation measures being utilized to offset the requirements of the ordinance that are not being met.
- (5) Impact on traffic. The planned development district shall not create undue traffic congestion or a traffic hazard. At the time of the application for a planned development district, the city engineer may require a traffic impact analysis (TIA), to identify potential traffic impacts generated by the proposed planned development district. Such TIA must be approved by the city council prior to or concurrently with the approval by the city council of the planned development district. The TIA shall not be considered part of the planned development district concept plan or the planned development district ordinance but may be used to condition the traffic circulation and controls, density or intensity of uses, or the timing, sequence, or phasing of development within the district based upon the existence of a supporting roadway network adequate to accommodate the traffic expected to be generated. The TIA shall be updated with each new site development permit within the planned development district.
- (f) Effect of approval. An affirmative approval of a planned development district by the city council, following the procedures set out in this section, is considered a zoning map amendment and shall be in effect in the manner provided by state law.
- (g) Development of or in a planned development district. An approved planned development district shall regulate the use and development of property within the district boundaries, and all building permits and development requests shall be in accordance with the approved planned development district until it is amended by the city council.

- (1) No development shall begin and no building permit shall be issued for any land within a planned development district until a site development plan is approved that is consistent with the planned development district ordinance, concept plan and associated development standards.
 - (2) The planned development district shall not modify the procedures of the application or approval process for development or building within the planned development district. Such processes shall follow and adhere to the normal procedures and requirements established by city ordinances.
- (h) Modifications and amendments to planned development districts. Revisions, amendments, or modifications to adopted regulating documents of a planned development district shall be as follows:
- (1) Concept plan. Revisions or modifications to an approved concept plan shall be pursuant to subsection (k)(6), Amendments to Approved Concept Plans.
 - (2) Site development plan. Revisions or modifications to an approved site development plan shall be pursuant to subsection (l)(7), Expiration of Approved Site Development Plans.
- (i) Expiration of approved planned development districts. Approval of a planned development district, including any concept plan, site development plan, and development standards, shall expire if no progress toward completion of the project is made within 5 years following issuance of such approval by the city council. Expiration of a particular approval or permit, or of the project as a whole will be determined in accordance with the requirements of chapter 245 of the Texas Local Government Code.
- (j) Revocation of approved planned development districts.
- (1) Generally. The city council may hear and consider an application to nullify an approved planned development district and any associated regulating documents.
 - (2) Property owner requests. The property owner may nullify an approved planned development district and any associated regulating documents by making an application for rezoning to the zoning district in place prior to the approval of the planned development district or to a new zoning district classification.
 - (3) City-initiated revocations. The city may initiate a revocation by rezoning the property to the zoning district in place prior to the approval of the planned development district if it is determined that:
 - (A) The project has expired pursuant to subsection (i) above, Expiration of Approved Planned Development Districts;
 - (B) The applicant misrepresented any material fact on the application or supporting materials;
 - (C) The project fails or ceases to comply with the applicable standards, criteria, or conditions of the planned development district ordinance;

- (D) The planned development district violates its reversionary clause;
 - (E) The planned development district violates any statute, law, or regulation; or
 - (F) The planned development district constitutes a real or potential threat to the health, safety, or welfare of the public.
- (k) Concept plan.
- (1) Generally. A concept plan is a general plan for the development of property which demonstrates the nature of the parcel proposed for development to evaluate the impacts of the development on abutting uses and compliance with the city's long-range plans. A concept plan is not an individual application type but rather a required component of the planned development district.
 - (2) Initiation of concept plan. A concept plan may be filed as a component of one of the application types in subsection (c)(2)(B) [sic] above by the property owner(s), a person having a contractual interest in the subject property, or their authorized representative.
 - (3) Concept plan requirements. The city administrator, or designee, shall ensure that a completed application for which the concept plan is a component has been submitted by the applicant and includes the information and materials necessary for city council to render an informed decision. In addition to the requirements necessary for review of the associated application, a concept plan must also include the following:
 - (A) Concept plan components. Concept plans themselves are a component of an application intended to demonstrate compliance. As such, the concept plan shall include plans and documents that demonstrate compliance with the requirements of that application. This may include, but is not limited to, conceptual layout of the property, proposed layout of streets, blocks, drainage, general utilities, parks, open space, trails and amenities, stormwater management facility locations and other improvements and uses. The city administrator, or designee, shall clearly describe and publish such required information for each application type in a form or checklist.
 - (B) Site development plan in lieu of concept plan. A site development plan may be submitted with an application in lieu of a concept plan if the city administrator determines that the site development plan demonstrates the intent of a concept plan.
 - (4) Review criteria. In the review and consideration of a proposed concept plan, the city administrator or designee, planning and zoning commission, and city council shall consider the following criteria:
 - (A) Consistency with the city's comprehensive plan, future land use plan, and other applicable adopted city plans, regulations, policies, and technical manuals.
 - (B) Compliance with any approved and valid plat, zoning, and other agreement or ordinance applicable to the subject property.

- (C) The impact of the development relating to the preservation and conservation of existing natural resources on the site and the impact on the natural resources of the abutting properties and neighborhood, including trees, environmentally sensitive areas, watercourses and areas subject to flooding.
 - (D) The relationship of the development to abutting properties in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
 - (E) The provision of a safe and efficient vehicular and pedestrian circulation system, consistent with applicable adopted city plans, regulations, policies, and technical manuals and providing access for public safety.
 - (F) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - (G) The adequacy of water, sewer, drainage, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (5) Effect of approval. Any proposed use or development depicted on the concept plan shall not be deemed as formally authorized or approved by the city until a final site development plan is approved for the development. The concept plan approval is a general acknowledgment by the city that the proposed development conforms to the city's zoning regulations and that it can be adequately served by required public facilities or services. The city's approval of a particular concept plan is approval of a specific project. Once a project is constructed in accordance with the concept plan, any use permitted in the zoning district (but not including conditional uses) is an authorized use within the project, unless such use or uses are expressly prohibited in the zoning ordinance approving the project.
- (6) Amendments to approved concept plans. Modifications to an approved concept plan shall be processed in the same manner as a zoning amendment for the associated application for which the concept plan is a component. Changes to any of the uses depicted and described in the concept plan require a PDD zoning amendment. Provided however, that any other changes not associated with change of a land use will automatically amend the concept plan if such changes have been approved by the city as part of site plan or plat approval.
- (7) Expiration of approved concept plans. Concept plan approval shall expire as follows:
- (A) Generally. The approval of a concept plan shall expire five (5) years after the approval date of the concept plan, or five (5) years from the date of any subsequent approval in connection with the project if no progress towards completion of the project has occurred.
 - (B) Extension procedure.
 - (i) Prior to the expiration of an approved concept plan, the applicant may petition the city, in writing, to extend the plan approval. Such petition shall be considered at public meetings before the planning and zoning

commission and the city council and an extension may be granted by the city council. Any such extension must be approved prior to the expiration of the approval and if not approved then the concept plan will expire as set out in this subsection, unless the applicant demonstrates that progress toward completion of the project has occurred as set out in chapter 245, Texas Local Government Code.

- (ii) In determining whether to grant a request for extension, the city council shall take into account the requirements of chapter 245 of the Texas Local Government Code and the reasons for the lapse, and the ability of the property owner to comply with any conditions attached to the original approval. The city council shall either extend the approval of the concept plan or deny the request. The city council may extend the approval subject to additional conditions as are necessary to ensure compliance with the original conditions of approval and to protect the public health, safety and welfare. The city council may also specify a shorter time for extension of the approval than the original approval period.

(l) Site development plan.

- (1) Generally. A site development plan is intended to demonstrate compliance with the development standards and other requirements, as applicable, of these regulations. Approval of the site development plan shall be the basis for site development and issuance of a building permit but does not release the applicant of the responsibility to submit plans for a building permit. A site development plan may be submitted concurrently to or with application for a building permit.
- (2) Applicability. Approval of a site development plan shall be required for the development of any PDD project within the city limits.
- (3) Exceptions. A site development plan shall not be required for:
 - (A) A single-family detached or duplex dwelling unit located on an individually platted lot in an improved subdivision; or
 - (B) A change of use on a property that requires no site upgrades and was not considered non-conforming.
- (4) Application requirements.
 - (A) Generally. The city administrator shall ensure that a completed application has been submitted by the applicant pursuant to the general application procedures set out in the subdivision ordinance and includes the information and materials necessary for the city administrator, or designee, to render an informed decision.
 - (B) Plan components. A completed site development plan application shall be comprised of the following components, unless determined by the city administrator, or designee, ahead of the application to not be applicable to a particular site. The details of each component shall be further described in

forms approved by the city administrator, or designee and made publicly available. Compliance plans for lighting, and signage (if necessary) may be deferred to the submission of the building permit.

- (i) Cover sheet;
 - (ii) Dimensional site plan;
 - (iii) Utility plan;
 - (iv) Architecture plan (with a development agreement);
 - (v) Tree preservation plan;
 - (vi) Landscape plan;
 - (vii) Lighting plan;
 - (viii) Grading and drainage plan;
 - (ix) Flood study; and
 - (x) Phasing plan.
- (5) Site development plan review.
- (A) Review criteria. The city administrator, or designee, shall approve the site development plan as long as it is determined that the plan is in compliance with these regulations, the city's comprehensive plan, and any other adopted city plans, regulations, policies, and technical manuals.
 - (B) Site development plan review and evaluation shall be performed with respect to the following:
 - (i) The impact of the development to natural resources and the environment;
 - (ii) A safe and efficient vehicular and pedestrian circulation system;
 - (iii) The location and configuration of parks and open space areas; and
 - (iv) The adequacy of public utilities essential for occupants of the site.
- (6) Effect of approval. The approval of the site development plan shall be considered authorization to proceed to the application for a building permit and other applicable construction permits.
- (7) Expiration of approved site development plans.
- (A) Generally. Site development plan approval shall expire two years after the date of approval of the site development plan. If the site development plan includes

a phasing plan, each phase shall expire two years from the approval of the prior phase and in no case shall the overall phasing plan exceed 10 years.

(B) Extension of approved site development plan.

- (i) Prior to the expiration of an approved site development plan, an applicant may petition the city, in writing, for a one-time extension of the site development plan approval for a period of one to two years.
- (ii) The extension shall be considered and approved in the same manner and under the same approval authority as that of the original site development plan (site plan) approval.
- (iii) In determining whether to grant a request for extension, the city administrator or city council shall take into account the requirements of chapter 245 of the Texas Local Government Code and the reasons for the lapse, and the ability of the property owner to comply with any conditions attached to the original approval and ensure that the extension will have no negative impacts on the property, abutting uses, nearby public infrastructure, and will not be contrary to the public interest.
- (iv) Additional conditions as are necessary to ensure compliance with the original conditions of approval and to protect the public health, safety and welfare may be applied to the extension.
- (v) Any such extension must be approved prior to the expiration of the approval, and if not approved then the site development plan (site plan) will expire as set out in subsection (7)(A) above, unless the applicant demonstrates that progress toward completion of the project has occurred as set out in herein.

(8) Amendments to approved site development plans.

- (A) Minor amendments. Minor amendments to approved site development plans do not require further applications and may be administratively approved provided that such amendments do not substantially change the design or nature of the original site development plan, have an adverse impact on the public, abutting properties, or persons who would occupy or use the property, and would not otherwise result in a violation of these regulations, or other adopted city regulations, policies, and technical manuals. The city administrator shall determine whether an amendment is considered minor but shall generally be limited as follows:
 - (i) Minor adjustments to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, ponds and any other improvements depicted on the site development plan;
 - (ii) Adjustments of 25 percent or less of total building square footage from the approved site development plan;

- (iii) Adjustments of 25 percent or less of the total square footage of any landscape areas on the site development plan;
 - (iv) The proposed adjustments do not increase the site's overall parking lot area; and
 - (v) The proposed adjustments do not increase the site's approved impervious cover.
- (B) Other amendments. All other amendments to an approved site development plan shall require the submission of a new site development plan application. Approval of a new site development plan shall void the previously approved site development plan.
- (9) Revocation of approved site development plan. The city administrator, or designee, may revoke approval of a site development plan if the director determines that:
- (A) The conditions of the approval have not been met;
 - (B) The plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit; or
 - (C) The site is developed in a manner that adversely affects the health, safety, or welfare of persons residing or working on or in proximity to the site in a way that is detrimental to the public welfare or injurious to property or improvements.

(Ordinance 20230626-02 adopted 6/26/2023)

§§ 9.02.043–9.02.070 Reserved.

Division 3. Nonconforming Buildings and Uses

§ 9.02.071 Nonconforming buildings and uses.

(a) The lawful use of any building, structure or land existing at the time of the enactment of this section may be continued although such use does not conform with the provisions of this article, provided, however, the right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance [sic] and further, the right of nonconforming uses to continue shall be subject to such regulations as the maintenance of the premises and conditions of operations as may in the judgment of the city council be reasonably required for protection of adjacent property and further, the right of nonconforming uses to continue shall be subject to the specific regulations herein contained.

(b) Nonconforming buildings.

- (1) Occupancy permitted. A nonconforming building or structure may be occupied except as herein otherwise provided.

- (2) Repairs or alterations. Repairs or alterations may be made to a nonconforming building or structure, provided that no structural alteration shall be made except those required by law or ordinance, and further provided these regulations shall never be construed to allow an addition to a nonconforming building.
 - (3) Additions, enlargements or moving. A nonconforming building or structure shall not be added to or enlarged in any manner unless such addition and enlargements are made to conform to all the regulations of the district.
 - (4) Restoration of damaged buildings. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity or act of God, shall not be again restored or used for such purpose if the expense of such restoration exceeds seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage occurred. Any nonconforming building or structure partially destroyed may be restored within twelve (12) months of the date of partial destruction and is diligently prosecuted to completion. Whenever a nonconforming building or structure is damaged in excess of seventy-five percent (75%) of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the district in which it is located, and shall be treated as a new building.
- (c) Nonconforming uses of buildings.
- (1) Except as otherwise provided in this section the nonconforming use of the building or structure lawfully existing at the time of the effective date of this section may be continued.
 - (2) The use of a nonconforming building or structure may be changed to use of the same, or more restricted classification, but where the use of nonconforming building or structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of less restricted classification.
 - (3) A vacant, nonconforming building or structure lawfully constructed may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one year after the effective date of this section, and the use of a nonconforming building or structure lawfully constructed which becomes vacant after the effective date of this section, may also be occupied by the use for which the building or structure was designed or intended, if so occupied within a period of one year after the building becomes vacant.
 - (4) Expansion prohibited. A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded nor changed except to a conforming use. If such nonconforming use or portion thereof is discontinued or changed to a conforming use any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.

- (5) Extension. A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a lawfully existing nonconforming building or structure which existed prior to the enactment of this section shall not be deemed the extension of such nonconforming use.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.901)

§ 9.02.072 Nonconforming use of land.

(a) Continuation of use. The nonconforming use of land (where no main building is involved), existing at the time of the effective date of this section, may be continued as provided:

- (1) That no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- (2) That if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land or portion thereof, shall be in conformity with the provisions of this section.
- (3) That any sign, billboard, poster panel, storage yard, or trailer camp, which is lawfully existing and maintained at the time of the effective date of this section may be continued, although such use does not conform with the provisions hereof, provided, however, that no structural alterations are to be made thereto.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.902)

§ 9.02.073 Abandonment.

(a) Abandonment. A nonconforming use of any building, structure or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

- (1) When the intention of the owner to discontinue the use is apparent; or
- (2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year; or
- (3) When a nonconforming building, structure or land or portion thereof which is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of one year; or
- (4) When it has changed to another use under permit from the city council; or
- (5) When it has been replaced by a conforming use.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.903)

§ 9.02.074 Displacement of conforming use.

A nonconforming use shall [not] be extended to displace a conforming use.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.904)

§ 9.02.075 District changes.

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district of a different classification or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of this article, the foregoing provisions shall also apply to any nonconforming uses existing therein which may so become nonconforming.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.905)

§§ 9.02.076–9.02.100 Reserved.

Division 4. Appeals, Special Exceptions and Variances

§ 9.02.101 Procedure covering special exceptions, appeals and granting of variances.

(a) Appeals and requests to the city council for variances may be taken by any person aggrieved or by any official, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal or request for variance shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the secretary of the city a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith have made [forwarded] to the secretary of the city council all the papers constituting the record upon which the action appealed from was taken.

(b) Such notice of appeal properly filed as herein provided, shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the city council after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the city council or by a court of record on notice to the officer from whom the appeal is taken and no [on] due cause shown.

(c) Upon notice of appeal being given to the secretary of the city council, before such appeal shall be construed as having been perfected the applicant must file with such notice of appeal to the secretary of the city council an amount of money estimated by the secretary of the city council to be sufficient to mail and publish all notices required herein, such amount in no case to be less than fifteen dollars (\$15.00).

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1001)

§ 9.02.102 Application for special exception.

(a) Application for special exceptions to the terms of this article shall be made in writing in duplicate on forms provided in the office of the city secretary by the prospective occupant or

owner of that property. One such application shall be accompanied by an amount of money estimated by the city secretary to be sufficient to mail and publish all notices required herein, such amount in no case to be less than fifteen dollars (\$15.00).

(b) One duplicate original of such application shall be forthwith forwarded by the city secretary to the city council.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1002)

§ 9.02.103 Notice.

The city council shall hold a public hearing on all special exceptions, granting of variances and appeals and written notice of all such public hearings shall be sent by the city secretary on forms prepared by the city secretary's office to the applicant by the city council to be affected thereby, and all owners of real property lying within two hundred feet (200') of the property on which the special exception, grant of variance or appeal is proposed, such notice to be given not less than ten (10) days before the date set for the hearing to all such owners who have rendered their said property as appears on the last approved city tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the city post office. Notice shall also be given by publishing the same in a newspaper of general circulation in the city at least fifteen (15) days prior to the date set for hearing which notice shall state the time and place of such hearing, provided, however, all provisions contained herein with respect to the mailing and publishing of such notices of hearing shall be deemed sufficient upon substantial compliance with this section, and is to be construed as directory and not mandatory.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1003)

§ 9.02.104 Hearing.

(a) Upon the hearing of [a special exception, variance, or appeal] any interested party may appear in person or by agent or by attorney.

(b) The burden of proof shall be on the applicant to establish the facts necessary which the city council must find before granting any special exception, variance, or appeal as herein contained.

(c) In exercising the powers herein granted, the city council may in conformity with the provisions of this section reverse or affirm wholly or partly or may modify the order, requirement, or decision or determination appealed from and may make such other requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(d) The concurring vote of a simple majority of members of the city council shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this article or to effect any variation of this article or grant any special exception hereto.

(e) No appeal, request or application to the city council shall be allowed on the same piece of property prior to the expiration of six (6) months from a ruling of the city council on any appeal, request, or application but shall in no way have any force in law to compel the city council, after hearing, to grant such subsequent appeal, request or application, but such hearing shall be considered on its merits as in all other cases.

(f) Any special exceptions, variances or appeals authorized or granted by the city council either under the provisions of this article or under the authority granted to the city council under the statutes of the State of Texas shall authorize the issuance of a building permit, or a certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action on the part of the city council, unless said city council in its minutes shall, at the same time, grant a longer period. If the building permit or certificate of occupancy shall not have been issued within said ninety (90) day period, or such extended period as the city council may specifically grant, then the special exception, variance or favorable appeal shall be deemed waived and all rights thereunder terminated. Such terminating and waiver shall be without prejudice to a subsequent appeal to said city council in accordance with the rules and regulations herein contained.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1004)

§ 9.02.105 Granting of special exception.

- (a) A special exception may be granted an applicant when the city council finds:
- (1) That the granting of such exception will not be detrimental to the public health, safety, morals and the general welfare of the general public; and
 - (2) That the granting of such exception will not be detrimental or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
 - (3) The granting of such exception will be in harmony with the general purpose and intent of this section [this article].
- (b) In determining its finding, the city council shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such building or upon such land and traffic conditions in the vicinity.
- (c) The city council may, after public notice and hearing and subject to the conditions and safeguards herein contained, authorize special exceptions to this article as follows:
- (1) Permit the reconstruction of a building occupied as a nonconforming use.
 - (2) Permit the extension of a nonconforming use of a building upon a lot occupied as a nonconforming use.
 - (3) Grant in relatively underdeveloped sections of the city temporary and conditional permits for not more than two (2) year periods for any use of land, excluding structures.
 - (4) Permit in any district such modification of the requirements of this section [this article] as the city council may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two or more sides that [there] are buildings that do not conform to these regulations.

- (5) Permit such modification of yard, lot area or lot width regulation requirements as may be necessary to secure appropriate improvements of a parcel of land where such parcel was separately owned on the effective date of this article, and is not adjacent to another parcel of the same ownership and where such parcel is of such size that it cannot be improved without such modification or of such restricted area that it cannot be appropriately improved without such modification.
- (6) Grant conditional use permits in any zone where such uses are allowed conditionally by the provisions of this article.
- (7) In granting any special exception under the provisions of this article, the city council may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this article.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1005)

§ 9.02.106 Variances.

- (a) A variance may be granted an applicant when the city council finds:
 - (1) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar for such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of such land or building.
 - (2) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
 - (3) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the city council is the minimum variance that will accomplish this purpose.
 - (4) That the literal enforcement and strict application of the provisions of this article will result in an unnecessary hardship inconsistent with the general provisions and intent of this article and that in granting such variance the spirit of the law will be preserved and substantial justice done.
- (b) In addition to considering the character and use of adjoining buildings and those in the vicinity, the city council, in determining its findings shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- (c) The city council may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this article under the powers and authority herein granted.

(d) In granting any variance under the provisions of this article, the city council may designate such conditions in connection therewith, which, in its opinion, will secure substantially the purpose and intent of this article.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1006)

§ 9.02.107 Appeal from city council.

(a) (As provided by V.T.C.A., Local Government Code, chapter 211): Any person or persons, jointly or severally, aggrieved by any decision of the city council or any taxpayer, or any office, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the city council.

(b) Upon the presentation of such petition the court may allow a writ of certiorari directed to the city council to review such decision of the city council and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application, or [on] notice to the city council and on due cause shall grant a restraining order.

(c) The city council shall not be required to return the original papers acting upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(e) Costs shall not be allowed against the city council unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

(f) All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1007)

§§ 9.02.108–9.02.130 Reserved.

Division 5. Administration and Enforcement

§ 9.02.131 Generally.

Except as otherwise provided in this article the city secretary shall administer and enforce this article, including the receiving of applications, the inspection of premises and the issuing of building permits and certificates of occupancy and compliance. No building permit or certificate

of occupancy shall be issued by him except where the provisions of this article have been complied with.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1101)

§ 9.02.132 Building permit required.

No person shall erect or construct or proceed with the erection or construction of any building, structure or storm cellar or fallout shelter nor add to, enlarge, move, alter, convert, extend or demolish any building or structure or cause the same to be done in any zone district in the city without first applying for and obtaining a building permit therefor from the city secretary. All applications for such permits shall be in accordance with the requirements of this article and unless upon written order of the city council, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition, alteration, or use thereof would be in violation of any of the provisions of this article.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1102)

§ 9.02.133 Powers and duties of city secretary.

(a) Whenever any building work is being done contrary to the provisions of this article, the city secretary may order the work stopped and also revoke the building permit therefor issued by notice in writing served on any person owning such property or their agent or any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop and cause to be stopped such work until authorized by the city secretary to recommence and proceed with the work or upon issuance of a building permit in those cases in which the building permit has been revoked and further, such stop work order and revocation of permit shall be posted on the work being done in violation of this article.

(b) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this article the city secretary shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of such notice or make the building or portion thereof comply with the requirements of this article.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1103)

§ 9.02.134 Building permits required in newly annexed territory.

No person shall erect, excavate, construct, or proceed or continue with the erection or construction of any building or structure or add to, enlarge, move, improve, alter, repair, convert, insulate or extend or demolish any building or structure or cause the same to be done in any newly annexed territory to the city without first applying for and obtaining a building permit therefor from the city secretary or the city council as may be required herewith.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1104)

§ 9.02.135 Permitted buildings in newly annexed territory.

In a territory newly annexed to the city, no permit for the construction of a building shall be issued by the city secretary other than a permit which will allow the construction of a building permitted in the “R-1” district unless and until such territory has been classified in a zoning district other than “R-1” district by the city council in the manner prescribed by this article.

(Ordinance 66-7 adopted 12/19/1966; 1989 Code, sec. 21.1105)

CHAPTER 10

STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES

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ARTICLE 10.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 10.02 LIBRARY

§ 10.02.001 Library established; library department.

The library department of the city shall function according to the laws of the state governing general-law cities. The library facility is to be named the Teinert Memorial Public Library. All gifts and donations of books and equipment shall constitute and form the books and equipment of the library, together with such additions as may be made from time to time.

(Ordinance 75-10 adopted 10/20/1975; 1989 Code, sec. 11.101(a))

§ 10.02.002 Library board of trustees.

(a) Powers and duties. The Teinert Memorial Public Library board of trustees shall administer and supervise the operation of the Teinert Memorial Public Library and any branches thereof as may hereafter be established by the city council, under the supervision and control of the mayor. The board of trustees may formulate such rules and regulations as it shall deem necessary for the orderly use of the library facilities and in governing the performance of duties of the library employees and personnel.

(b) Composition. The board of trustees of the Teinert Memorial Public Library shall consist of five (5) members, to be appointed by the city council for the term of two years; provided, however, that of the first five (5) appointments made, one (1) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years and two (2) shall be appointed for three years. Upon the expiration of these terms of office, the vacant office of trustee or trustees shall be filled by appointment for terms of three years each. Any vacancy created during the term of a trustee shall be filled by appointment for the unexpired term by the city council.

(c) Finances. The board of trustees shall have no power to obligate the city in any manner whatsoever; its finances shall be handled in the same manner as any division of the city government.

(Ordinance 75-10 adopted 10/20/1975; 1989 Code, sec. 11.101(b)–(d))

ARTICLE 10.03 CITY CEMETERY

§ 10.03.001 Conveyance to city.

The city council accepts the conveyance by the Bartlett Cemetery Association to the city all of its properties known as Bartlett Cemetery, together with all cash on hand and securities, all of which is fully described in the conveyance signed by the trustees of said association dated June 5, 1934.

(Ordinance 143 adopted 6/12/1934; 1989 Code, sec. 4.102)

§ 10.03.002 Acknowledgement of responsibility.

The city acknowledges that it is responsible for the care of the cemetery and for the operation thereof as a city cemetery, and agrees to hold the said property subject to all of the conditions and covenants contained in said conveyance.

(Ordinance 143 adopted 6/12/1934; 1989 Code, sec. 4.103)

§ 10.03.003 Sale of lots.

The mayor of the city is fully authorized and empowered to make deeds of conveyance to lots contained in said cemetery which are unsold to such parties as may purchase same in the future and to collect the price thereof in cash and place the same in the Bartlett Cemetery Fund of the city.

(Ordinance 143 adopted 6/12/1934; 1989 Code, sec. 4.104)

§ 10.03.004 Superintendent of cemetery.

The mayor of the city with the consent of the city council shall appoint some citizen of the city to be superintendent of said cemetery, whose duty it shall be to look after said cemetery and to see that same is kept in clean and neat condition as provided in said conveyance to the city, using such money as may be necessary to do so from the cemetery fund of the city.

(Ordinance 143 adopted 6/12/1934; 1989 Code, sec. 4.105)

§ 10.03.005 Cemetery fund.

The Bartlett Cemetery Fund shall be managed by the city secretary, whose duty it shall be to place all of the cash and securities received from the Bartlett Cemetery Association in said fund to be used for no other purpose except to care for said cemetery and the beautification thereof, and all receipts from the sale of lots and other money paid for care of individual lots in said cemetery shall also be placed in said fund.

(Ordinance 143 adopted 6/12/1934; 1989 Code, sec. 4.106)

§ 10.03.006 Rules and regulations.

All rules and regulations heretofore made by the Bartlett Cemetery Association for the care and management of said cemetery shall continue in effect until the council shall adopt other rules.

(Ordinance 143 adopted 6/12/1934; 1989 Code, sec. 4.107)

§ 10.03.007 Lot prices.

The prices to be charged to individuals for burial lots in the Bartlett Cemetery shall be as set forth in the fee schedule in appendix A of this code.

(Ordinance adopted 1/11/2010; Ordinance adopting 2023 Code)

ARTICLE 10.04 STREETS AND SIDEWALKS

§ 10.04.001 Playing ball in street.

(a) It shall be unlawful to throw or bat any ball, or the playing of ball, in or along any street or alley in the city.

(b) Any person who shall throw, cast or bat any baseball, rubber ball, or any ball of any kind whatsoever on or along or across any street, alley, lane or public place in the city shall be deemed guilty of misdemeanor and shall, upon conviction, be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(c) Any person who shall engage in any game of baseball, or any game of any kind of ball, in any public street, alley or highway in the city shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 25 adopted 5/4/1904; 1989 Code, sec. 14.101; Ordinance adopting 2023 Code)

§ 10.04.002 Obstructing street, alley or sidewalk.

(a) It shall not be lawful for any person in the city to set up or cause to be set up any awning post on any highway or thoroughfare [or] any sign, signbox or fixture of any kind which shall extend over or upon a sidewalk, or to suspend any merchandise or other article above the sidewalk so as to obstruct the full and free passage. It shall be unlawful to throw any article whatever upon any highway, thoroughfare, street, alley, bridge or other public place, so as to obstruct the full and free passage over or along such highway, thoroughfare, street, alley, bridge, or other public place, or to place any box, barrel, keg, crate or other article upon the sidewalk or to permit any of same to remain on that portion of the sidewalk adjoining any storehouse or any premises controlled by him, or to place or deposit or cause to be placed upon any sidewalk any merchandise or other property for show or for sale by anyone or otherwise.

(b) This section shall not apply to any merchant or grocer while actually receiving or sending off any package or merchandise, if the same does not occupy more than one-half of the width of the sidewalk or remain thereon for more than three hours.

(c) It shall not be lawful for any person within this city engaged in building or repairing any house, store or other structure to lay or place any rock, brick, boards or timber or other material for building in any of the streets or alleys of this city more than ten (10) hours before commencing to build or make repairs.

(d) It shall not be lawful for any person in this city engaged in the erection, repairing, tearing down or removal of any building to allow or permit any rock, brick, boards or other material to remain in or upon any street for a longer period than ten (10) days after the completion of the erection, repair, tearing down or removal of such building.

(e) Any person who shall violate this section shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 35 adopted 6/5/1905; 1989 Code, sec. 14.120; Ordinance adopting 2023 Code)

§ 10.04.003 Riding bicycle, horse or other animal on or across sidewalk.

(a) It shall be unlawful for any person to ride a bicycle, horse or other animal on or across the sidewalk in and along any street within the corporate limits of the city.

(b) Any person who shall, within the corporate limits of the city, ride a bicycle, horse or other animal on or across any sidewalk shall be deemed guilty of misdemeanor and upon conviction thereof shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 29 adopted 6/5/1905; 1989 Code, sec. 14.130; Ordinance adopting 2023 Code)

§ 10.04.004 Riding roller skates or skateboard on sidewalk.

(a) It shall be unlawful for any person to skate with roller skates or skateboards on any sidewalk within the corporate limits of the city.

(b) Persons in violation of this section shall be fined in an amount in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 61 adopted 1/5/1911; 1989 Code, sec. 14.150; Ordinance adopting 2023 Code)

CHAPTER 11

TRAFFIC AND VEHICLES

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ARTICLE 11.01 GENERAL PROVISIONS

§ 11.01.001 Right-of-way of fire department vehicles; parking near fire.

(a) Upon the approach of any vehicle or apparatus of the fire department of the city which is answering an alarm of a fire, the driver of any vehicle, other than a vehicle of the aforesaid fire department, shall drive as closely as possible to the right-hand curb and stop, and shall not follow within three hundred feet (300') after the said vehicle or apparatus of said fire department has passed. No vehicle, except by the direction of the chief of the fire department, or other officer of said fire department, shall approach or park within three hundred feet (300') of a fire at any time.

(b) All vehicles pertaining to the fire department of this city shall have prior right-of-way upon all the streets and avenues of this city, and it shall be unlawful for any person, owner, driver, motorman, chauffeur, engineer, conductor, or any other person in charge or control of any buggy, wagon, carriage, streetcar, automobile, engine or train, or any other vehicle propelled by whatever motive power, to carelessly, wantonly, willfully or maliciously delay any fire apparatus of this city in going to or coming from any supposed or actual fire.

(c) Any person who shall violate in any way any of the provisions of this section, or who shall fail or refuse to comply therewith, shall upon conviction be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 124 adopted 10/3/1927; 1989 Code, secs. 19.302–19.304; Ordinance adopting 2023 Code)

§ 11.01.002 Driving over fire hose.

(a) It shall be unlawful for any person or persons to drive any vehicle of any kind whatsoever over and across a fire hose while the same is stretched across the streets and alleys of the city.

(b) Any person violating this section shall be deemed guilty of misdemeanor and upon the conviction thereof shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code.

(Ordinance 52 adopted 9/6/1909; 1989 Code, sec. 14.110; Ordinance adopting 2023 Code)

ARTICLE 11.02 OPERATION OF VEHICLES

Division 1. Generally

§ 11.02.001 Traffic-control signs.

Ordinances ordering the placement of traffic-control signs, signals and devices at designated locations are not included in this code, but such ordinances are on file in the city secretary's office. Ordinances ordering the placement of traffic-control signs, signals and devices at designated locations are specifically saved from repeal upon adoption of the Code of Ordinances. (Ordinance adopting 2023 Code)

§§ 11.02.002–11.02.030 Reserved.

Division 2. Speed Limits

§ 11.02.031 Speed limits on specific streets.

Ordinances establishing special speed limits for specific streets are not included in this code, but such ordinances are on file in the city secretary's office. Ordinances establishing special speed limits are specifically saved from repeal upon adoption of the Code of Ordinances. (Ordinance adopting 2023 Code)

§ 11.02.032 Violations; penalty.

All of the streets of the city, and all portions of any such streets, are hereby declared to be public streets. Any person driving or operating any motor vehicle on or along any portion of any street of this city at a rate of speed that is greater than the maximum rate of speed for said portion of said street as fixed by this chapter shall be deemed guilty of a misdemeanor, which is named "The Offense of Speeding," and this offense shall be punishable by a fine in any sum in accordance with the general penalty provided in section 1.01.009 of this code. The use of the word "Speeding" shall be sufficient to designate the misdemeanor of "The Offense of Speeding."

(Ordinance 72-1 adopted 1/17/1972; 1989 Code, sec. 19.103; Ordinance adopting 2023 Code)

ARTICLE 11.03 COMMERCIAL VEHICLES

§ 11.03.001 Overweight vehicles, farm tractors, and lugged and tracked vehicles.

(a) Definition. The meaning of "overweight vehicle," as referred to in this section, is any vehicle, laden or unladen, with or without a towed load, the gross weight of which exceeds twelve thousand pounds (12,000 lbs.).

(b) Overweight vehicles prohibited; exceptions. It shall be unlawful for any person, firm, or corporation to drive or operate, or cause to be driven or operated, without a permit, any overweight vehicle, as herein defined, over and along any street within the corporate limits of the city, except for those streets listed in this subsection:

- (1) Dalton Street through the city;
- (2) Evie Street from Elm Street and southward to its intersection with South Dalton;
- (3) East Elm Street from South East Front Street eastward to South Dalton;
- (4) Clark Street running through the city.

(c) Other vehicle restrictions.

- (1) Farm tractors and their attached implements are prohibited, without a permit, on any street except South and North Brune, West Bell Street from North Brune eastwardly to North Dalton, East Clark from Dalton and eastwardly through the city, and streets listed in subsections (b)(1), (2), and (3); and
- (2) Lugged and tracked vehicles are prohibited from driving or operating on any street.

(d) Penalty. Any person, firm, or corporation violating this section shall be deemed guilty of a misdemeanor and upon the conviction thereof shall be fined in a sum not exceeding five hundred dollars (\$500.00) per infraction.

(Ordinance 2018-03124C adopted 3/12/2018)

ARTICLE 11.04 PARKING

§ 11.04.001 Designated no parking zones.

Ordinances designating streets, parts of streets or other areas as no-parking or restricted parking areas are on file in the city secretary's office. Such ordinances are specifically saved from repeal upon adoption of the Code of Ordinances. (Ordinance adopting 2023 Code)

CHAPTER 12

UTILITIES

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ARTICLE 12.01 GENERAL PROVISIONS

§ 12.01.001 Application for services.

(a) Written application shall be made to the city upon forms furnished therefor for water, sewer, garbage collection or any other utility service which may be furnished by the city. Such application shall state the name and address of the applicant, the type of utility service desired, the purposes for which the application is made, and such other information as the city may request. See appendix A (Customer Service Agreement) attached to Ordinance 2019-09-19-2A.

(b) All applicants are required to have water, sewer service, garbage collection or any other utility service which may be furnished by the city. Exceptions:

- (1) Applicants not occupying the home may request water only (if water usage for any month is over 300 gallons, all services will be added to the billing); or
- (2) Applicants not living in the city limits where these services are not provided.

(Ordinance 2019-09-19-2A, sec. 1, adopted 9/-/2019)

§ 12.01.002 Utility deposit.

(a) Amount of deposit. Along with the application for water service the applicant shall pay to the city a residential or commercial deposit on such property in the amount set forth in the fee schedule in appendix A of this code.

(b) Refund of deposit. Any deposit made in the city by any applicant shall be held by the city until such applicant's utility service for which the deposit was made shall be terminated. Upon termination of such service, the applicant shall be entitled to a refund of said deposit, less any amount which is due and owing to the city.

(Ordinance 2019-09-19-2A, sec. 2, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ 12.01.003 Connection and repair of service.

(a) The city shall install and maintain all service connections from water mains to the customer's meter within the city and it shall be unlawful for any other person or persons to repair or renew service pipe from the main to the meter.

(b) It shall be unlawful for any plumber or other person, other than the tapper employed by the city, to tap any street main, make connection with the street main or extend service pipe from the main, said work to be under exclusive control of the city.

(Ordinance 2019-09-19-2A, sec. 3, adopted 9/-/2019)

§ 12.01.004 Metering.

(a) Required. Meters shall be required to measure the consumption of each utility service furnished by the city, except garbage collection and sewage service.

(b) Control of meters. All meters, curb cocks, goosenecks, valves, and meter boxes connected with the city's water main and service pipe, including those furnished at the expense of consumers or property owners, shall remain under direct control of the city.

(c) Tampering with meters. It shall be unlawful for any person other than those authorized by the city to connect, disconnect, move, or tamper with any such meter, or to turn on or off the water at the curb cock, valve, or meter; or to open or tamper with any meter box. A tampering fee plus a connect fee as set forth in the fee schedule in appendix A of this code will be charged by the city.

(Ordinance 2019-09-19-2A, sec. 4, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ 12.01.005 Rates and charges for services; service outside city limits.

(a) Approval of rates charged by privately owned utility company. The city council shall fix and approve the rates charged by a privately owned public utility company doing business within the city. It shall be unlawful for any such public utility company, or any officer or employee thereof, to assess or charge for services rendered at any rate other than the rate so fixed or approved.

(b) Tap charges. A charge shall be made by the city for each water tap and sewer tap made to the city's water and sewer system as set forth in the fee schedule in appendix A of this code.

(c) Garbage collection and disposal.

(1) Monthly charges shall be made for the collection and disposal of garbage or trash as set forth in the fee schedule in appendix A of this code.

(2) Residential or commercial property within three hundred feet (300') of the city limit line is to have trash and garbage collected.

(d) Sewer service.

(1) Sewer rates inside city limits. The schedule of monthly charges and rates for sanitary sewer service furnished by the city is as set forth in the fee schedule in appendix A of this code.

(2) Sewer service outside city limits.

(A) Sewer rates outside the city limits shall be as set forth in the fee schedule in appendix A of this code. (This provision shall not be construed, however, as requiring the city to furnish any sewer outside the municipal limits of the city.)

(B) No sewer utilities will be extended outside the city limits to any area, land, subdivision or lot that has not complied with all the requirements of the subdivision regulations of the city.

(e) Water service.

- (1) Water rates inside city limits. The schedule of monthly rates or charges for water service furnished by the city is as set forth in the fee schedule in appendix A of this code.
- (2) Water service outside city limits.
 - (A) Water rates outside the city limits are as set forth in the fee schedule in appendix A of this code.
 - (B) No water utilities will be extended outside the city limits to any area, land, subdivision or lot that has not complied with all the requirements of the subdivision regulations of the city.

(Ordinance 2019-09-19-2A, sec. 5, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ 12.01.006 Payment of rates and charges; late payment penalty.

The rates and charges fixed and prescribed by the provisions of this article shall be due and payable at city hall on or before 5:00 p.m. on the fifteenth (15th) of the month, [or] a ten percent (10%) penalty will be charged. If not paid by the twenty-fifth (25th) of the same month, service will be discontinued the following work day and without further notice. Schools, churches and government agencies are exempt from late payment penalties.

(Ordinance 2019-09-19-2A, sec. 6, adopted 9/-/2019)

§ 12.01.007 Disconnection of service for nonpayment; service suspension fee.

(a) Disconnection of service for nonpayment. In the event that any consumer of utility services furnished by the city does not pay the rates and charges on or before the service suspension date for the same billing period, the city shall have the authority to disconnect or terminate, or cause to be disconnected or terminated, all utility services furnished such consumer.

(b) Service suspension fee. Any consumer of utility services furnished by the city whose service charges are unpaid by the service suspension date as noted in section 12.01.006 shall be assessed a suspension fee as set forth in the fee schedule in appendix A of this code, after 5 p.m. that day. Services shall not be restored until all fees have been paid.

(c) Financial hardship exceptions. In the interest of humane and compassionate management and administration of public service, the city administration reserves the right to evaluate assessed utility charges, penalties, disconnection and reconnection services applied and payment deadlines implemented, in unique and extraordinary circumstances. For purposes of this policy, unique and extraordinary shall be defined as life changing event(s) causing major financial disruption or hardship. All final determinations will be left to the discretion of the city administration.

(Ordinance 2019-09-19-2A, sec. 7, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ 12.01.008 Sewer connections.

(a) Sewer connection required. All owners or occupants of buildings, or agents for owners, situated within one hundred and fifty feet (150') of a sanitary sewer are hereby required to construct, or cause to be constructed, suitable water closets on their property, and to connect the same with the city sanitary sewer system under the direction and supervision of the city.

(b) Maintenance. It shall be the duty of any owner or occupant of any building connected with the city sanitary system to keep and maintain the connection to the sewer system in perfect condition and free from obstruction.

(c) Septic tanks, cesspools and privies restricted. It shall be unlawful for any person to build, construct, dig, maintain or use any dry toilet, surface privy, cesspool or septic tank within the city; provided, however when connection to the city sanitary sewer system is impossible or impracticable at any time the construction, maintenance and use of a septic tank constructed in conformity to state law and the requirements of Williamson County and approved by the health officer may be permitted until such time as connection to the sewer system may be made.

(Ordinance 2019-09-19-2A, sec. 8, adopted 9/-/2019)

§ 12.01.009 Maintenance of water system.

The city shall constantly inspect all parts of the water system and maintain them in good condition, and shall keep in good repair at all times for constant service, all pumps, machinery, hydrants and all other waterworks fixtures and property. The city shall at all times endeavor to keep a sufficient supply of water in the tanks:

- (1) To assure adequate fire protection and pressure;
- (2) To make taps and connections to mains and repairs, etc.; and
- (3) To keep said water system in good condition.

(Ordinance 2019-09-19-2A, sec. 9, adopted 9/-/2019)

§ 12.01.010 Responsibility for leakage.

All property owners, their agents and/or tenants shall be held responsible as consumers for loss of water due to leakage in pipes or plumbing on the discharge side of the meter or on the property; and if this water is not paid for according to the rates provided herein, when it becomes due, the water shall be cut off by the city and not turned on again until all claims are paid or adjusted to the satisfaction of the city. In the event of any change during this time of payment of billing for past leakage, the landlord and/or property owner shall be held accountable for payment of this billing before service will be extended and water furnished to a second or other tenant.

(Ordinance 2019-09-19-2A, sec. 10, adopted 9/-/2019)

§ 12.01.011 Turning water service on or off.

No plumber or any other person shall turn water service on or off from the street stop cock without a written permit being first obtained from the city utility department, except in cases of emergency.

(Ordinance 2019-09-19-2A, sec. 11, adopted 9/-/2019)

§ 12.01.012 Extension of service to other premises.

After water is introduced into a building, or upon any premises, the same shall not be extended by any plumber or any other person to any other premises for additional fixtures without written permission of the city.

(Ordinance 2019-09-19-2A, sec. 12, adopted 9/-/2019)

§ 12.01.013 Right of entry.

Every person taking service from the city shall at all reasonable times permit the city, its superintendent, or agents to enter any premises and building for examination of pipes, connections and fixtures and to determine how the water is being used. Refusal of the right of entry by any consumer shall result in refusal of a water supply from the city water until such permission is granted.

(Ordinance 2019-09-19-2A, sec. 13, adopted 9/-/2019)

§ 12.01.014 Service pipes and mains.

(a) Repair of service pipes. The city water reserves the right to make all repairs and renewals of service pipes from the main to the curb, and it shall be unlawful for any other person or persons to repair or renew service pipe from the main to the meter.

(b) Connection with main. It shall be unlawful for any plumber or person, other than the tapper employed by the city, to tap any street main, to make connection with the street main or to extend service pipes from the main; said work shall be under the exclusive control of the city.

(Ordinance 2019-09-19-2A, sec. 14, adopted 9/-/2019)

§ 12.01.015 Boiler safety valve requirement.

All consumers' water heaters and boilers for heating water shall be provided with safety valves to protect the water meter from hot water. All steam boilers connected directly with the city water supply are required to provide a tank or tanks for storage purposes. Any consumer failing to comply with this provision shall have his water supply cut off and not turned on again until such valve has been installed; and, if a water meter has been damaged by failure to comply with this section, then the consumer shall pay for such damages.

(Ordinance 2019-09-19-2A, sec. 15, adopted 9/-/2019)

§ 12.01.016 Laying of service pipe.

All service pipes shall be laid at least eighteen inches (18") under the ground and provided with a gate valve inside the property line, such as to properly drain all pipes above ground.

(Ordinance 2019-09-19-2A, sec. 16, adopted 9/-/2019)

§ 12.01.017 Emergency shut-off valve.

Consumers shall install and have an approved gate valve inside of the property line within six inches (6") from the meter box in case of emergency, and shall not use the curb cock at the meter in lieu thereof. When no gate valve is found and it is necessary for the homeowner to have water cut off at the meter, there will be a charge added to the utility bill.

(Ordinance 2019-09-19-2A, sec. 17, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ 12.01.018 Fire hydrant use restricted; obstruction of access.

(a) Fire hydrants shall be provided for the sole purpose of use in extinguishing fires, and shall be used or opened only by the water and fire department or such persons as may be given authority by the city.

(b) It shall be unlawful for any person to carry away water from a hydrant without written permission from city, or to place upon or about any fire hydrant, gate valve, curb cock, meter, or meter box, any object, material, debris, or structure of any kind so as to prevent immediate access to same.

(Ordinance 2019-09-19-2A, sec. 18, adopted 9/-/2019)

§ 12.01.019 Defacing, breaking into or tampering with water property.

(a) Property. It shall be unlawful for any person in any manner to deface the houses, walls, machinery or fixtures connected with or pertaining to the city and its water system.

(b) Water system. It shall be unlawful for any person to break, damage, or tamper with any part of the water system of the city for any purpose whatsoever, or in any other manner maliciously interfere with or prevent the running and operation of such system and the water supply therein.

(Ordinance 2019-09-19-2A, sec. 19, adopted 9/-/2019)

§ 12.01.020 Waste of water prohibited.

It shall be unlawful for any person to willfully or negligently waste water in any manner whatsoever. Any person having knowledge of any condition whereby water is being wasted shall immediately notify the city.

(Ordinance 2019-09-19-2A, sec. 20, adopted 9/-/2019)

§ 12.01.021 Water usage restricted during emergencies.

In case of fire or other emergency or a shortage in the water supply, water consumers shall be required to shut off lawn sprinklers or any steady flow of water in use when fire or emergency occurs, and keep the same off until the emergency is under control.

(Ordinance 2019-09-19-2A, sec. 21, adopted 9/-/2019)

§ 12.01.022 Temporary cut-off of service.

The city may, at any time, without notice, order the water cut off for repairs, extension, or other purposes from any premises connected to the system.

(Ordinance 2019-09-19-2A, sec. 22, adopted 9/-/2019)

§ 12.01.023 Furnishing water to land or premises outside city limits.

(a) Permit required. It shall be unlawful for any customer of city water to knowingly resell, give or otherwise furnish water to any land or premises outside of the corporate limits of the city without first having received a permit therefor approved by the city council.

(b) Granting of permit. Any consumer of city water within the corporate limits of the city who desires to resell, give, permit or otherwise furnish water to land or premises outside of the corporate limits shall first make application in writing for a permit to do so with the city secretary, stating the use or uses to be made of such water and the maximum amount of water estimated to be resold or furnished monthly outside the corporate limits. Upon receipt of such application for said permit, the city secretary shall forthwith refer such application to the city council, who shall have the sole and absolute authority to grant or refuse such application for such permit in accordance with what it believes to be the best interest of the city, its citizens, and residents.

(c) Violations. In the event that any consumer of city water violates or continues to violate the provisions of this section, after the effective date of this section, and refuses to immediately discontinue the resale or the furnishing of water to land or premises outside the corporate limits of the city, the city secretary shall have the authority, after giving written notice to such consumer by certified United States mail, return receipt requested, to immediately cease and desist from such violation, to disconnect and suspend all water service to the land or premises of the consumer from which the water is being supplied to the land or premises outside the corporate limits of the city.

(Ordinance 2019-09-19-2A, sec. 23, adopted 9/-/2019)

§ 12.01.024 Incorporation of regulations into consumer contract.

All of the provisions of this article shall be deemed to be incorporated into every contract between the city water and its consumers, and each consumer shall be charged with the responsibility for knowledge of the provisions of this article, and by applying the responsibility for knowledge of the provisions of this article, and by applying for and accepting water from the city water, to have assented to the provisions hereof.

(Ordinance 2019-09-19-2A, sec. 24, adopted 9/-/2019)

§ 12.01.025 Cross-connection control program.(a) Definitions.

- (1) Manual M14. The American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control, current edition.
- (2) TCEQ. The state commission on environmental quality.
- (3) 290 Rules. The TCEQ's rules and regulations for public water systems, which appear in title 30, Texas Administrative Code, chapter 290.

(b) General provisions.

- (1) No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the 290 Rules and this article. The water purveyor shall discontinue water service if a required air gap or backflow prevention assembly is not installed, maintained, and tested in accordance with the 290 Rules and this article.
- (2) No backflow protection at the water service meter is required where an adequate internal cross-connection control program is in place.

(c) Installation, testing, and maintenance of backflow prevention assemblies.

- (1) All backflow prevention assemblies must be tested upon installation by a licensed backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies that are installed to protect against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
- (2) Backflow prevention assemblies installed on fire suppression systems must be tested by a backflow prevention assembly tester permanently employed by an approved fireline contractor.
- (3) Gauges used for backflow prevention assembly testing must be tested for accuracy at least annually in accordance with the AWWA's Manual M14 or the current edition of the University of Southern California's Manual of Cross-Connection Control. A copy of the gauge accuracy test report must be submitted to the city to demonstrate the gauge has been tested for accuracy.
- (4) A recognized backflow prevention assembly tester must hold a current license issued from the TCEQ.

(d) Customer service inspections.

- (1) A customer service inspection must be completed before the provision of continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards

- exist, or after any material improvement, correction, or addition to the private water-distribution facilities.
- (2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - (A) Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.
 - (B) Customer service inspectors that have been licensed by the TCEQ.
 - (3) The customer service inspection must certify that:
 - (A) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination must be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
 - (B) No cross-connection between the public water supply and a private water source exists. Where an actual, properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced-pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
 - (C) No connection exists that allows water to be returned to the public drinking water supply.
 - (D) No pipe or pipe fitting that contains more than 0.25 percent lead is used for the installation or repair of plumbing at any connection that supplies water for human use.
 - (E) No solder or flux that contains more than 0.2 percent lead is used for the installation or repair of plumbing at any connection that provides water for human use.
 - (F) This requirement may be waived for lead joints that are necessary for repairs to cast iron pipes.
- (e) Irrigation systems.
- (1) Any irrigation system that is connected to a public or private potable water supply must be connected through a backflow prevention assembly approved by the state commission on environmental quality.
 - (2) Backflow prevention assemblies installed on irrigation systems that are classified as health hazards must be tested at least annually or as required by the adopted plumbing code.
- (f) Fire hydrant protection. An approved reduced-pressure-principle backflow prevention assembly (RPBA) is to be the minimum protection for fire hydrant water meters that are being

used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

- (1) An RPBA must be installed if any solution other than potable water can be introduced into the system.
- (2) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant meter rentals shall meet the current requirements of the city.

(Ordinance 2019-09-19-2A, sec. 25, adopted 9/-/2019)

§ 12.01.026 Permit required for drilling water well; erection of windmills over wells or to generate power.

(a) Permit to drill water well. Any person desiring to drill a water well within the limits of the city shall be governed by the following rules, regulations and procedures:

- (1) A permit shall be obtained from the building inspector, who shall issue the same upon a form prepared for that purpose before any drilling operations of any kind whatsoever are conducted or commenced.
- (2) A fee shall be paid to the city in accordance to the city's building permit fee schedule.

(b) Windmills. In the event of the erection of a windmill over a well or to generate power within the corporate limits of the city, such windmill shall be kept at a distance of not less than thirty feet (30') from all overhead electric wires, and the erection of the same shall be under the supervision and control of the building inspector.

(Ordinance 2019-09-19-2A, sec. 26, adopted 9/-/2019)

§ 12.01.027 Liability of city for damage.

The city shall not be liable for any damage to property of any consumer of any utility service furnished by the city.

(Ordinance 2019-09-19-2A, sec. 27, adopted 9/-/2019)

§ 12.01.028 Service availability fees.

(a) Fees established. Each applicant for a permit for either new construction or for a new structure which has been moved and placed upon a lot within the city or with respect to property which may be converted into living units from other uses shall at the time the permit is issued pay service availability fees as set forth in the fee schedule in appendix A of this code.

(b) Exemption from capital recovery fee. All property within the city limits that has existing city facilities is exempt from capital recovery fees.

(c) Penalty. Any person or other legal entity who commences construction of any structure upon which a service availability [fee] is imposed under and pursuant to the terms hereof without

having paid such fees shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any amount in accordance with the general penalty provided in section 1.01.009 of this code for violation hereof.

(Ordinance 85-3 adopted 9/18/1985; 1989 Code, secs. 20.101, 20.103, 20.104; Ordinance adopting 2023 Code)

§ 12.01.029 Offenses relating to disposal of wastewater; prohibited deposits in sewer.

(a) It shall be unlawful for any person to throw or allow any person under his or her control to throw or deposit on the surface of the ground, or in any hole or vault, in or under the surface of the ground, or any lot reaching within one hundred feet (100') of any city sanitary sewer, except in the proper and necessary manuring of the soil, any water which has been used for domestic purposes, or any liquid or solid filth, feces or urine.

(b) It shall be unlawful for any person to throw or deposit or cause to permit anyone under his or her control to throw or deposit in any city sewer, or in any vessels or receptacles connected with any city sewer, any garbage, hair, ashes, fruits, or vegetable peelings, or refuse, rags, cotton, cinders, or any other matter whatsoever, except feces, urine, the necessary closet paper and liquid slops.

(c) It shall be unlawful for any person to refuse to connect all wash stands or slop stands in his or her house or yard with the city sewer, or to allow any slops, wash or waste waters of any kind to flow over the pavement or into any open gutter or into the street.

(1989 Code, sec. 9.606)

§ 12.01.030 Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

(Ordinance 2019-09-19-2A, sec. 28, adopted 9/-/2019; Ordinance adopting 2023 Code)

ARTICLE 12.02 BILLING AND PAYMENT POLICIES

§ 12.02.001 Billing.

It is the city's responsibility to have utility bills mailed by the first (1st) of each month. If the utility bills are not mailed by the 1st of the month, all dates will be adjusted accordingly and noted on the statements. If a utility bill has not been received by the 5th of the month, it is the customer's responsibility to notify the city. Each utility bill will include the following statement: "A ten percent (10%) penalty will be added to the water and electric charges if not paid by (e.g.) November 15, 2011." In the event that the 15th falls on a weekend or holiday, the due date shall be the first business day following the weekend or holiday.

(Ordinance 2011-08, sec. II, adopted 11/14/2011; Ordinance adopting 2023 Code)

§ 12.02.002 Late fees.

Late fees will be assessed on the outstanding balance as set forth above in the amount of ten percent (10%) to water and ten percent (10%) to electric and shall be applied to each unpaid utility bill on the 16th day of each month, unless the 15th falls on a weekend or holiday, in which case the late fee shall be assessed on the first business day following the weekend or holiday thereafter as provided above.

(Ordinance 2011-08, sec. III, adopted 11/14/2011; Ordinance adopting 2023 Code)

§ 12.02.003 Notice of delinquency; disconnection.

Provisions pertaining to disconnection of service for nonpayment and service suspension fee shall be as provided in section 12.01.007 of this chapter. (Ordinance adopting 2023 Code)

§ 12.02.004 Payment arrangements.

(a) Payment arrangements will be permitted only as set forth by the state public utility commission [16 TAC] chapter 25, applicable to electric service providers:

25.29 Disconnection of Service

(g) Disconnection of ill and disabled.

(1) Each time a customer seeks to avoid disconnection of service under this subsection, the customer must accomplish all of the following by the stated date of disconnection:

- (a) Have the person's attending physician (for the purpose of this subsection, the term "physician" shall mean any public health official, including medical doctors, doctors of osteopathy, nurse practitioners, registered nurses and any other similar public health official). Call or contact the electric utility by the stated date of disconnection;
- (b) Have the person's attending physician submit a written statement to the electric utility; and
- (c) Enter into a deferred payment plan.

(2) The prohibition against service termination provided by this subsection shall last 63 (sixty-three) days from the issuance of the electric utility bill or a shorter period agreed upon by the electric utility and the customer or physician.*

*City of Bartlett - 1st day of each month or should that day be a weekend or holiday, then the 1st business thereafter.

25.28 Bill Payment and Adjustments

(h) Payment Arrangements. A payment arrangement is any agreement between the electric utility and a customer that allows a customer to pay the outstanding bill after its due date but before the due date of the next electric bill. If the utility issued a

disconnection notice before the payment arrangement was made, that disconnection should be suspended until after the due date for the payment arrangement. If the customer does not fulfill the terms of the payment arrangement the electric utility may disconnect service after the later of the due date for the payment arrangement or the disconnection date indicated on the disconnection notice, pursuant to section 25.29 of this title without issuing an additional disconnection notice.

*City of Bartlett due date of utility bills is the 15th of each month or 1st day afterwards if the due date falls on a weekend or holiday.

(b) It will be acceptable policy/procedure for city utility customers to pay their utility bills in equal or other amounts without a “written agreement arrangement” but such utility bill must be paid in full by no later than the 25th of each month or the first business thereafter if the 25th falls on a weekend or holiday. Failure to pay in full by that time will result in disconnection of services unless other circumstances prevail.

(c) Payment arrangements, either oral nor written, are not allowable by anyone, employee nor elected official, except as provided above.

(Ordinance 2010-03, sec. VII, adopted 5/4/2010)

§ 12.02.005 Testing of meters.

Testing accuracy of meters will be accomplished by a testing facility designated by the city. Cost of such tests will be at city expense unless such testing is requested by the utility customer. In this instance the utility customer will pay for the test beforehand. Should the meter test substantially inaccurate the customer will be reimbursed the cost of testing. Should the meter prove accurate within acceptable limits the customer will not be reimbursed his/her cost and the utility bill, if appropriate, becomes due and payable at that time or on the applicable “due date.”

(Ordinance 2010-03, sec. VIII, adopted 5/4/2010)

§ 12.02.006 Contract for service.

As required by the state public utility commission, each utility customer of the city, residential and commercial, is required to enter into a “contract” with the city. This contract will outline all services provided by the city, the cost of each service, a copy of this ordinance and a copy of the current city ordinance establishing the cost of electric, water and wastewater service. This contract will also inform the customer what is expected of him/her.

(Ordinance 2010-03, sec. IX, adopted 5/4/2010)

§ 12.02.007 Procedures on disconnection of service; disconnect fee; unlawful use of service after disconnection.

At the time of disconnection of electrical service, the city utility department will record the actual meter reading and serial number of that meter. A numerically recorded seal will then be applied to that meter base. The meter will be removed, marked as to the address it was removed from and a blank cover will be installed in the meter base. If service disconnection also involves disconnection of water service, the utility department shall lock the meter, record the water meter reading and apply a numerically recorded seal to the meter’s locking device leaving such meter in

place. A disconnect fee in the amount set forth in the fee schedule in appendix A of this code will be applied to the customer's account balance. The city utility department will be responsible for periodic inspections of the disconnected service to insure the utility remains "out of service." If it is found that the customer has taken action personally, or by the hands of others, re-established any service, the utility department is to immediately contact the city police department for appropriate legal action.

(Ordinance 2010-03, sec. X, adopted 5/4/2010; Ordinance adopting 2023 Code)

§ 12.02.008 Reconnect fee.

A reconnect fee as set forth in the fee schedule in appendix A of this code will be applied to the customer's account for reconnection. That fee, along with all other fines, fees, penalties and service charges levied to the account, must be paid in full by the customer prior to utility service being returned to the property.

(Ordinance 2010-03, sec. XI, adopted 5/4/2010)

§ 12.02.009 Reading of meters.

It is the desire of the city to provide accurate reading of all metering devices within its jurisdiction. All meters will be read and duly recorded to include resetting and sealing of meters. This will be completed by city utility worker(s). It is the goal of the city to have all meters read beginning about the 10th of each month until completed. Any customer(s) who wish to witness this action are encouraged to do so, provided such action occurs during the meter reader's regular schedule.

(Ordinance 2010-03, sec. XII, adopted 5/4/2010)

§ 12.02.010 Access to meters.

All utility customers are required to provide city employees with access to all meters. Property owners or occupants of the property must insure that any animals on their property shall pose no danger to city employees. A city employee's inability to access a customers meter(s) may result in a disconnection.

(Ordinance 2010-03, sec. XIII, adopted 5/4/2010)

§ 12.02.011 Deposit.

The city shall assess a deposit fee for all new residential customers and for all new business customers in the amount set forth in the fee schedule in appendix A of this code. If the customer pays their utility bill on or before the regular due date for 12 (twelve) consecutive months the deposit will be returned. The customer must submit his/her request in writing to the city billing clerk. Upon examination of the previous 12 months' billing records, [if] the customer was late in payment of any one or more utility bills (in full or in part) the request will be denied and the deposit will be held for an additional 12 months from the most recent "late payment." At the end

of the subsequent 12 months, the customer may again submit a request for return of the deposit. The city may apply any or all of such deposit to an unpaid utility bill on customers who may leave the city owing a balance on their utility bill.

(Ordinance 2010-03, sec. XIV, adopted 5/4/2010; Ordinance adopting 2023 Code)

§ 12.02.012 Lien for unpaid charges.

This article allows the city to impose a lien against a customer for delinquent bill(s) for municipal utility service to the residence and/or business in accordance with Texas Government Code, subchapter 1, and Local Government Code section 552.0025 as written and as herein amended.

(Ordinance 2010-03, sec. XV, adopted 5/4/2010)

ARTICLE 12.03 SOLID WASTE

§ 12.03.001 Definitions.

As used in this article:

Garbage. The various kinds of garbage shall be defined as follows:

- (1) Kitchen refuse means the solids after liquid or slop has been drained off.
- (2) Dry kitchen garbage means dry kitchen refuse, all meat, vegetable and fruit refuse, small dead animals, and dead fowls, from any premises within the city limits.
- (3) Trash means paper of all kinds, rags, old clothing, paper containers, old rubber, pieces of wood, boxes, barrels, crates, feathers, weeds, grass, and tree limbs from any premises within the city limits.

Premises means business houses, boarding houses, theaters, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, rooming houses, schools, private residences, vacant lots and all other places within the city limits where garbage, trash or rubbish accumulates in ordinary quantities.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.221)

§ 12.03.002 Penalty.

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum in accordance with the general penalty provided in section 1.01.009 of this code, and each day the violation continues shall constitute a separate offense.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.226; Ordinance adopting 2023 Code)

§ 12.03.003 Garbage cans required.

It shall be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises, or any place where “kitchen garbage” accumulates, to provide a portable garbage can constructed of galvanized iron, tin, or other suitable metal, with a tightfitting cover, and the daily accumulation of kitchen garbage and dry kitchen refuse shall be placed in this refuse garbage can. The minimum capacity of garbage cans for residential use shall be five (5) gallons and the maximum capacity thirty (30) gallons.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.222(a))

§ 12.03.004 Trash containers; placement for collection.

It shall also be the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises to place all trash and rubbish from said premises in boxes, sacks, or barrels or other receptacles of reasonable size, provided that the gross weight does not exceed seventy-five pounds (75 lbs.). Garbage cans, boxes, sacks or barrels of trash and rubbish and tree limbs (which shall be cut into lengths not exceeding four feet) shall, where an alley is accessible, be placed inside the property line at the edge of the alley, where there are no fences; where there is a back fence, garbage cans, boxes, sacks, or barrels of trash, rubbish and tree limbs shall be placed inside the curb line of the street, on the day of collection only. Where there is no curb within two feet of the driving surface, trash and rubbish shall be placed as close to the street as practical without being placed on the improved driving surface of the street.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.222(b))

§ 12.03.005 Places of wholesale accumulations.

The places of wholesale accumulations, such as killing and dressing plants for fowl, and wholesale fruit and vegetable houses, where the daily accumulation of kitchen garbage, trash and rubbish is more than the ordinary quantities, shall make special arrangements with the city garbage department or its contractor for garbage collection for more frequent pickup of such.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.222(c))

§ 12.03.006 Disposal of heavy dead animals.

Heavy dead animals, such as cows, horses, and mules, shall be disposed of at the expense of the owner or person having same in charge in the manner and by the method directed by the designated official.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.222(d))

§ 12.03.007 Disposal of bulky, heavy material.

Heavy accumulation such as brick, broken concrete, lumber, ashes, dirt and plaster, sand or gravel, automobile frames and parts, dead trees, and other bulky, heavy material shall be disposed of at the expense of the owner or person controlling same under the direction of the designated official.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.222(e))

§ 12.03.008 Disposal of manure and waste oil.

Manure from cow lots, horse stables, poultry yards, and pigeon lofts, and waste oils from garages or filling stations, shall be disposed of at the expense of the party responsible for same under the direction of the designated official.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.222(f))

§ 12.03.009 Offenses.

(a) Improper preparation or placement of waste. The city garbage department or its contractor for garbage services will not make collection of kitchen garbage, trash, or rubbish or tree limbs where same is not prepared for collection and placed as designated by the terms of this article, and failure to comply with this provision will be an offense, and each day's failure to comply with this will constitute a separate offense.

(b) Placing waste in street or alley. The placing of kitchen garbage, trash or rubbish or any article, thing or material into any street or alley within the city limits is prohibited.

(c) Burning waste. The disposal or burning of kitchen garbage, trash or rubbish and that designated under section 12.03.006, 12.03.007, or 12.03.008 of this article or any kind of rubbish in any place within the city limits is prohibited.

(d) Meddling with containers or contents. The meddling with garbage cans, trash or rubbish receptacles or in any way pilfering, scattering contents or junking in any alley or street within the city limits is prohibited.

(e) Unlawful collection. The collection of garbage, trash or rubbish or any kind of junk within the city limits is prohibited except as provided for in section 12.03.005, 12.03.006, 12.03.007 and 12.03.008 of this article.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.223)

§ 12.03.010 Maintenance of garbage cans; protection from scattering.

Garbage cans shall be kept in a sanitary condition and closed tightly. The contents of all receptacles shall be so protected that the wind cannot blow out the contents and scatter same over the streets, alley or premises of the city.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.224)

§ 12.03.011 Frequency of collection; fees.

(a) Frequency of collection. In the business district and from hotels, restaurants, cafes, boarding houses, sanitariums, and tourist camps, collection will be made as required. In the residential districts, kitchen garbage, trash and rubbish shall be prepared for collection to be made twice per week, or as often as may be necessary to comply with sanitary regulations of the city, the time of such collections to be announced by the designated official.

(b) Fees established; payment. There shall be charged, assessed and collected through the water department from each unit dwelling, firm or corporation within the city limits the monthly service charges for garbage, refuse, trash, and rubbish collection and disposal set forth in the fee schedule in appendix A of this code. The charges shall be paid each month and within ten (10) days from the date of the monthly bill; otherwise the service shall be discontinued. Cost is determined by how many dumpsters each customer has and how many times the dumpsters are emptied per week.

(c) Service rate classification. All garbage disposal service provided by the city utilities shall be designated by the following rate schedules with descriptions, rates and conditions of service as indicated:

- (1) Garbage disposal cart service.
- (2) Garbage disposal dumpster service.

Each person using the garbage disposal service within the city and who receives garbage disposal service from and through the same shall be liable to the city for monthly garbage disposal service charges specified in the fee schedule in appendix A of this code.

(d) Rate classification administration and assignment.

- (1) Upon request for garbage disposal service from a prospective customer, the city administrator, or his designee, shall assign the appropriate rate classification for garbage disposal service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.
- (2) If a customer receiving garbage disposal service changes the nature or character of the service requirements, then the city administrator or his designee shall, upon review of the information available pertaining to the revised garbage disposal service requirement, reassign the customer to the appropriate rate schedule.
- (3) If a prospective or existing customer is eligible to receive garbage disposal service under more than one of the city's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then the city administrator, or his designee, shall assign the most appropriate rate schedule for garbage disposal service after consideration of the various service requirements, potential impact on the city's facilities, the potential relative costs of serving the customer, and other available pertinent information.

(e) Sales tax. All bills shall be adjusted by the amount of any sales tax or other tax attributable to the sale of garbage disposal service to the consumer unless the consumer has previously provided to the city satisfactory proof of exemption.

(f) Terms of payment. The rates and charges specified in the fee schedule are net. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next business day. If full payment is not received at the city's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection, and the

customer shall pay gross rates for all utility services, where such gross rates for delinquent payments are 5 percent (5%) higher than the net rates.

(Ordinance 70-7 adopted 6/18/1970; 1989 Code, sec. 9.225; Ordinance 2014-06, secs. 1, 2, 6, 7, adopted 6/9/2014; Ordinance adopting 2023 Code)

ARTICLE 12.04 ELECTRIC SERVICE

§ 12.04.001 Service rate classification.

(a) All electric service provided by the city utilities shall be designated by the following rate schedules with descriptions, rates and conditions of service as indicated:

- (1) Residential electric service.
- (2) Commercial electric service.

(b) Each person owning, residing in, renting, leasing, operating, or otherwise using property whose electric facilities connect with the electric distribution system of the city and who receives electric service from and through the same shall be liable to the city for monthly electric service charges specified in the fee schedule in appendix A of this code.

(Ordinance 2014-04, sec. 1, adopted 5/12/2014)

§ 12.04.002 Rate classification administration and assignment.

(a) Upon request for electric service from a prospective customer, the city administrator, or his designee, shall assign the appropriate rate classification for electric service to the applicant requesting service. This assignment may be based upon information provided by the applicant, or other information available at the time the assignment is made.

(b) If a customer receiving electric service changes the nature or character of the service requirements, then the city administrator, or his designee, shall, upon review of the information available pertaining to the revised electric service requirement, reassign the customer to the appropriate rate schedule.

(c) If a prospective or existing customer is eligible to receive electric service under more than one of the city's rate schedules, or if the rates charged are unduly burdensome as a result of the customer's technical qualification for a specific rate schedule, then the city administrator, or his designee, shall assign the most appropriate rate schedule for electric service after consideration of the various service requirements, potential impact on the city's facilities, the potential relative costs of serving the customer, and other available pertinent information.

(Ordinance 2014-04, sec. 2, adopted 5/12/2014)

§ 12.04.003 Residential electric service rate classification.

The rates for residential electric service are as set forth in the fee schedule in appendix A of this code.

(Ordinance 2014-04, sec. 4, adopted 5/12/2014; Ordinance adopting 2023 Code)

§ 12.04.004 Commercial rate classification.

The rates for electric service to nonresidential customers are as set forth in the fee schedule in appendix A of this code.

(Ordinance 2014-04, sec. 5, adopted 5/12/2014; Ordinance adopting 2023 Code)

§ 12.04.005 Sales tax.

All bills shall be adjusted by the amount of any sales tax or other tax attributable to the sale of electric service to the consumer unless the consumer has previously provided to the city satisfactory proof of exemption.

(Ordinance 2014-04, sec. 7, adopted 5/12/2014)

§ 12.04.006 Terms of payment.

The rates and charges specified in the fee schedule are net. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next business day. If full payment is not received at the city's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection, and the customer shall pay gross rates for all utility services, where such gross rates for delinquent payments are ten percent (10%) higher than the net rates.

(Ordinance 2014-04, sec. 8, adopted 5/12/2014)

ARTICLE 12.05 WATER WELLS

§ 12.05.001 Purpose.

(a) This article sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the city's wells, as well as providing the location, building and maintenance of private wells, in order to promote sanitary conditions in and around the city's wells and the overall public water supply system, to secure all such land from pollution hazards, and to enable the city to comply with all applicable state and local regulations.

(b) The objective of this article is to prevent certain uses and the construction of facilities in or on land surrounding the city's wells, which might create a danger of pollution to the water produced from such city's wells.

(Ordinance 2012-10, sec. 1, adopted 12/10/2012)

§ 12.05.002 Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

City council means the city council of the City of Bartlett, Texas.

City's wells means the water wells owned and operated by the city, which are more specifically identified and described in exhibit A attached to Ordinance 2012-10 and made a part hereof.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

Private wells means the water wells owned and operated by private individuals or entities, to obtain a supply of water for private consumption only.

(Ordinance 2012-10, sec. 2(1), adopted 12/10/2012)

§ 12.05.003 Location of well sites; prohibited uses near wells.

Water well sites that are operating must be located so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid transmission pipelines, or abandoned and improperly sealed wells.

- (1) Water wells shall be located a minimum horizontal distance of 50 feet from any watertight sewage and liquid waste collection facility.
- (2) Water wells shall be located a minimum horizontal distance of 150 feet from any concentrated sources of contamination, such as existing or proposed livestock or poultry yards, privies, septic system absorption fields, evapotranspiration beds, improperly constructed water wells or underground petroleum and chemical storage tanks and drainfields.
- (3) No well site shall be located within 500 feet of a sewage treatment plant or within 300 feet of a sewage wet well, sewage pumping station or a drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems.
- (4) No water wells shall be located within 500 feet of animal feed lots, solid waste disposal sites, lands on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent.
- (5) Normal farming and ranching activities are not prohibited by this article provided that livestock shall not be allowed within 50 feet of a well site.
- (6) Sanitary or storm sewers constructed of ductile iron or PVC pipe meeting state water well standards for such materials, having a minimum working pressure of 150 psi or greater, and equipped with pressure type joints, may be located at distances of less than 50 feet from a well site, but in no case shall the distance be less than ten feet.

- (7) Water wells shall be located at a site not subject to flooding; provided, however, that if a well must be placed in a flood-prone area, it shall be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the known flood level.
- (8) Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drainfield, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the city wells. For the purposes of this article, “improperly constructed water wells” are those wells that do not meet the surface and subsurface construction standards for a public water supply well.
- (9) Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the city wells.
- (10) Construction of homes or building upon any area of land within a 150-foot radius of the city wells is permitted, provided the restrictions described in subsections (8) and (9) above are met.

(Ordinance 2012-10, sec. 2(2), adopted 12/10/2012)

§ 12.05.004 Standards of completion for private wells.

All private wells shall be completed in accordance with state law requirements and the standards established by the state commission on environmental quality (TCEQ), and any other state agency that establishes standards for private water wells. Only licensed well drillers shall drill water wells as required by this article. No well shall be operated within the city limits that does not comply with state law.

- (1) The annular space between the borehole and the casing shall be filled from ground level to a depth of not less than ten feet below the land surface or well head with cement slurry. The distances given in section 66-28(a) and (b) [sic] may be decreased, provided the total depth of cement slurry is increased by twice the horizontal reduction. In areas of shallow, unconfined groundwater aquifers, the cement need not be placed below the static water level. In areas of shallow, confined groundwater aquifers having artesian head, the cement need not be placed below the top of the water-bearing strata.

Editor's note—Ordinance 2012-10, sec. 2(3), contained a scrivener's error citing nonexistent section 66-28(a) and (b).

- (2) In all private wells where plastic casing is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface. The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of slab to casing. The surface of the slab shall be sloped to drain away from the well. The top of the casing shall extend a minimum of one foot above the top of the slab.
- (3) In all private wells where plastic casing is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface. The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or plastic coating or sleeve to prevent bonding of slab to casing. The surface of the slab shall be sloped to drain away from the well. The top of the casing shall extend a minimum of one foot above the top of the slab.
- (4) In private wells where steel casing is used, the casing shall extend a minimum of one foot above the original ground surface. A slab or block is required above the cement slurry except when a pitless adapter is used. Pitless adapters may be used in such wells, provided that:
 - (A) The adapter is welded to the casing or fitted with another suitable effective seal; and
 - (B) The annular space between the borehole and the casing is filled with cement to a depth not less than 15 feet below the adapter.
- (5) All private wells, especially those that are gravel packed, shall be completed so that aquifers or zones containing waters that are known to differ significantly in chemical quality are not allowed to commingle through the borehole-casing annulus or the gravel pack and cause quality degradation of any aquifer or zone.
- (6) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.
- (7) Well construction materials containing more than 8.0% lead are prohibited.

(Ordinance 2012-10, sec. 2(3), adopted 12/10/2012)

§ 12.05.005 Interconnection.

- (a) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device and all private wells shall have an approved check valve or backflow prevention valve installed in order to prevent backflow into the well.

(b) No cross-connection between the public water supply and a private water system or private well is permitted. These potential threats to the public drinking water supply must be eliminated at the service connection by the installation of a check valve or reduced pressure zone backflow prevention device.

(c) No connection which allows water to be returned to the public drinking water supply or city's wells is permitted. No cross-connection shall be made between private wells and the city public waterworks system or any other potable water supply system.

(Ordinance 2012-10, sec. 2(4), adopted 12/10/2012)

§ 12.05.006 Backflow and siphonage.

All wells shall have an approved check valve or backflow prevention valve installed in order to prevent backflow into the well.

(Ordinance 2012-10, sec. 2(5), adopted 12/10/2012)

§ 12.05.007 Abandoned or inoperative wells.

A private well is abandoned if it has not been used for six consecutive months. However, a well can be considered in use and/or operative if the well is a non-deteriorated well that contains the casing, pump, and pump column in good condition, or a non-deteriorated well that has been capped.

- (1) All abandoned or inoperative wells shall be capped or plugged in compliance with the state statutes, rules, directives and regulations.
- (2) Contamination or injury caused by an abandoned or inoperative well shall be the responsibility of the landowner.

(Ordinance 2012-10, sec. 2(6), adopted 12/10/2012)

§ 12.05.008 Safeguards and damage.

All private wells shall be built and maintained in compliance with state statutes, rules, directives and regulations to provide safeguards and prevent damage that may contaminate water sources or create a nuisance.

- (1) At all times while a well is operational, the landowner shall ensure that all safeguards required by state law [are maintained] to ensure contamination of the water sources does not occur through inappropriate operation, maintenance or structuring of the well or irrigation systems.
- (2) All reasonable precautions provided by state law will be taken to ensure that trespassers will not have access to the well site.
- (3) The well site shall be fine graded so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well. In all cases, arrangements shall be made to

convey well drainage, packing gland leakage, and floor drainage away from the wellhead.

- (4) Suitable drain pipes shall be located at the outer edge of the well site to collect water and prevent its ponding or collecting around the wellhead. This wastewater shall be disposed of in a manner that will not cause any nuisance from mosquito breeding or sanitation. Drains shall not be directly connected to storm or sanitary sewers.
- (5) In all cases, a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot, shall be provided around the wellhead.
- (6) Wellheads and pump bases shall maintain a sealed gasket or sealing compound and be properly vented to prevent the possibility of contaminating the well water. A well casing vent shall be provided with an opening that is covered with 16-mesh or finer corrosion-resistant screen, faced downward, elevated and located so as to minimize the drawing of contaminants into the well.
- (7) If an air release device is provided or a blow-off line on a discharging pipe, it shall be installed and maintained in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent.
- (8) Springs and similar sources of flowing artesian water shall be protected from potential contaminant sources in accordance with state law.
- (9) Any owner or occupant shall comply with regulations under Texas Administrative Code title 30, part 1, chapter 290, subchapter D (Rules and Regulations for Public Water Systems).

(Ordinance 2012-10, sec. 2(7), adopted 12/10/2012)

§ 12.05.009 Nuisance wells.

Any private well or other opening which penetrates the underground water supply and which pollutes or contaminates the underground water supply is declared a nuisance, and on notice to the owner of such private well, or to the operator thereof, or to his agent in charge of the private well or of the property on which it is situated, issued by the city, such nuisance shall be abated by the owner within seven days from the date of such notice by filling and plugging the well or opening in the manner prescribed by state statutes, rules and directives for filling and plugging abandoned wells and the owner shall pay all costs of filling and plugging; and if he shall fail to abate such nuisance within such time or, after exercising reasonable diligence, the city is unable to locate the owner or his agent, the city shall have the right to go on the land or property upon which the well is situated and abate such nuisance in the manner provided by the state and the owner thereof shall be liable to the city for the costs of such work and shall pay such costs upon demand of the city [and the city] may enforce the penal provisions of this article.

(Ordinance 2012-10, sec. 2(8), adopted 12/10/2012)

§ 12.05.010 Right of entry.

City employees, or authorized representatives of the city, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any city well or to conduct any inspection or observation necessary to enforce this article.

(Ordinance 2012-10, sec. 2(9), adopted 12/10/2012)

§ 12.05.011 Removal of prohibited construction or source of contamination.

Any person who shall violate any provision of this article shall be required to remove the prohibited construction or potential source of contamination within seven (7) days after notification that they are in violation of this article.

(Ordinance 2012-10, sec. 2(10), adopted 12/10/2012)

§ 12.05.012 Violations; penalty.

(a) It shall be unlawful for any person to drill a private well or to continue to operate a private water well within the distance of prohibition indicated herein or as provided under state law of a prohibited activity. Continued operation of a private well within the distance prohibited herein or as otherwise indicated by state law shall be a misdemeanor. The owner of the property, upon which the private well is operated, shall be given seven days' notice to cease and desist operation of the well in proximity to the prohibited activity prior to filing charges, declaring the well a nuisance well and taking corrective action and seeking other remedies available at law.

(b) Any person who shall violate any of the provisions of this article, or who shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(Ordinance 2012-10, sec. 2(11), adopted 12/10/2012)

§ 12.05.013 Conflicting regulations.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this article, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

(Ordinance 2012-10, sec. 2(12), adopted 12/10/2012)

APPENDIX A

FEE SCHEDULE

Article A1.000	Miscellaneous Fees	A-7
Article A2.000	Animal Control Fees	A-8
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[Next page is Appendix A-7.]

ARTICLE A1.000 MISCELLANEOUS FEES

§ A1.001 Municipal court fees.

There shall be taxed against and collected of each defendant in case of his conviction before the municipal court the following costs in each case:

- (1) State traffic violations: \$10.50.
- (2) Class C misdemeanors: \$10.50.
- (3) Violation of city ordinance: \$2.00.

(Ordinance 8 adopted 4/18/1902; 1989 Code, sec. 6.109)

§ A1.002 Ambulance service fees.

Any person who utilizes the city ambulance service shall pay the amounts as below specified:

- (1) Basic call: One hundred dollars (\$100.00).
- (2) Advanced call: Two hundred dollars (\$200.00).

(Ordinance 77-5 adopted 10/17/1977; 1989 Code, sec. 9.110(b)–(d))

§ A1.003 Permit for fireworks display.

A nonrefundable application fee of \$250.00 shall be included with the application for a permit to conduct a public or private fireworks display.

(Ordinance 20160815-01, sec. II (7.303), adopted 8/15/2016)

§ A1.004 Report of abandoned vehicle by garagekeeper.

A fee of ten dollars (\$10.00) shall accompany the report of the garagekeeper under section 8.05.035.

(Ordinance 2013-05, sec. 11, adopted 8/19/2013)

§ A1.005 Cemetery plots.

The price for burial lots in the Bartlett Cemetery shall be:

- (1) 1 plot: \$500.00.
- (2) 4 plots: \$1750.00.
- (3) 8 plots: \$3500.00.

(Ordinance adopted 1/11/2010; Ordinance adopting 2023 Code)

ARTICLE A2.000 ANIMAL CONTROL FEES**§ A2.001 Registration fees.**(a) Registration of pets (non-breeders) - Annual fees:(1) Dogs:

(A) First year: \$2.00.

(B) All subsequent years: \$5.00 if spayed/neutered (S/N) or \$15.00.

(2) Cats:

(A) First year: \$0.00.

(B) All subsequent years: \$2.00 if S/N or \$10.00.

(3) All other animals excluding farm animals:

(A) First year \$2.00.

(B) All subsequent years: \$5.00 if S/N or \$15.00.

(b) Registration of pets (breeders): No additional fees.(c) Registration of guard dogs - Annual fees:

(1) First year: \$15.00.

(2) All subsequent years: \$25.00.

(d) Exceptions:

(1) Over 65: One free animal if S/N.

(Ordinance 2015-004, exh. 1, adopted 9/14/2015)

§ A2.002 Impound fees.

The impound fees shall be set based on the entity used to impound the animals or an escalating schedule set by the city council by recommendation of the animal welfare advisory board. Each time the same animal is impounded, the impound fee increases.

(1) First (1st) impoundment: Warning plus cost of impoundment except if animal has caused physical harm which will result in automatic citation.

(2) Second (2nd) impoundment: Forty dollars (\$40.00) plus the cost of impoundment.

- (3) Third (3rd) impoundment: Ninety dollars (\$90.00) plus the cost of impoundment.

(Ordinance 2015-004, sec. 10, adopted 9/14/2015)

§ A2.003 Animal kennel holding fees.

- (a) If the animal is picked up from the city within 7 days, the fee is \$40.00. After 7 days, the animal will be taken to the Bell County shelter.
- (b) If the animal is picked up at Bell County after 7 days, the fee is \$100.00.

(Ordinance 2015-004, exh. 1, adopted 9/14/2015)

ARTICLE A3.000 BUILDING AND DEVELOPMENT RELATED FEES

§ A3.001 Residential permits and inspections and subdivision plan review.

	Price	Price per Sq. Ft.
PERMITS		
Plan review	\$150.00	
Lot review	\$75.00	
Demolition deposit (refundable)	\$100.00	
Demolition permit (nonrefundable)	\$80.00	
Moving permit	\$100.00	
Shipping for plans submittal (to and from ATS)	\$20.00	
Building	\$80.00	
Plumbing and backflow preventer	\$80.00	
Electrical	\$80.00	
Mechanical (A/C and heating)	\$80.00	
Gas permit	\$80.00	
Driveway - concrete - plus per sq. ft./no inspections	\$80.00	
Deck plus per sq. ft./insp. extra	\$80.00	
Patio/porch plus per sq. ft./insp. extra	\$80.00	
Pergola plus per sq. ft./insp. extra	\$80.00	
Greenhouse plus per sq. ft./insp. extra	\$80.00	
Storage building plus per sq. ft./insp. extra	\$80.00	
Fence permit fee	\$80.00	
Roof permit fee	\$80.00	
Solar panels permit fee/insp. extra	\$80.00	
Water heater permit fee/insp. extra	\$80.00	
Water softener permit fee/insp. extra	\$80.00	
Pool - in-ground - see pool permit		
INSPECTIONS		
T-pole - temporary electric service	\$80.00	
Plumbing - rough (first)	\$80.00	
Copper rough-ins (second)	\$80.00	
Combination (frame, MEP rough-in mechanical, elec. and plumbing top-out)	\$80.00	

	Price	Price per Sq. Ft.
Electrical - rough	\$80.00	
Electrical service	\$80.00	
Mechanical - rough	\$80.00	
Mechanical - final	\$80.00	
Gas test and electrical service	\$80.00	
Foundation	\$80.00	
Water and sewer lines	\$80.00	
Re-frame and insulation	\$80.00	
Remodeling/alteration to existing structure	\$80.00	
Wallboard (sheetrock)	\$80.00	
Finals (combinations) certificate of occupancy (electrical, plumbing, mechanical, gas and building finals)	\$80.00	
Roof inspection	\$80.00	
Backflow prevention inspection	\$80.00	
Reinspections	\$80.00	
Other fees		
Administrative (\$0.20/sq. ft. price) or	Add in price	\$0.20
Administrative - base price	\$40.00	
Grand total	\$3,285.00	
FOR SUBDIVISIONS		
Extra fees not included above:		
TYPE OF PLAN SUBMITTAL		
Subdivision plan	\$10.00 per section/phase	
Site plan	\$100.00	
New building plan	\$100.00 + 0.10/sq. ft.	
New building - shell only	\$100.00 + 0.05/sq. ft.	
New building - finish out	\$100.00 + 0.05/sq. ft.	
Existing building remodel	\$100.00	
Fire alarm plan	\$100.00	
Fire sprinkler plan	\$300.00	
Hood system	\$100.00	

(Ordinance 2020-2010-10, exh. A, adopted 2/10/2020)

§ A3.002 Commercial permits and inspections.

	Price	Extra Fees
PERMITS		
Plan review	\$125.00	Price per hour
Lot review	\$75.00	
Demolition deposit (refundable)	\$100.00	
Demolition permit (nonrefundable)	\$100.00	
Moving permit	\$100.00	

	Price	Extra Fees
Shipping plans submittal (to and from ATS)	\$20.00	
Building	\$100.00	
Plumbing and backflow preventer	\$100.00	
Electrical	\$100.00	
Mechanical (A/C and heating)	\$100.00	
Gas permit	\$100.00	
Fence permit fee	\$100.00	
Roof permit fee	\$100.00	
Driveway - concrete; plus per sq. ft./insp. extra	\$100.00	
Water heater permit fee/insp. extra	\$100.00	
INSPECTIONS		
T-pole - temporary electric service	\$100.00	
Plumbing - rough (first)	\$100.00	
Plumbing - top-out	\$100.00	
Copper rough-ins (second) PEX	\$100.00	
Plumbing - final	\$100.00	
Electrical - rough	\$100.00	
Electrical - final	\$100.00	
Permanent power	\$100.00	
Mechanical - rough	\$100.00	
Mechanical - final	\$100.00	
Gas - first (if applicable)	\$100.00	
Gas - final (if applicable)	\$100.00	
Foundation pre-pour	\$100.00	
Water/sewer lines	\$100.00	
Sheathing	\$100.00	
Framing	\$100.00	
Shear wall	\$100.00	
Insulation	\$100.00	
Wallboard (sheetrock)	\$100.00	
Building - final	\$100.00	
Med-gas (if applicable)	\$300.00	
Fire inspection (before issued a CO)	\$150.00	
Roof - inspection	\$100.00	
Backflow inspection	\$100.00	
Reinspections	\$100.00	
Other fees		
Administrative (\$0.20/sq. ft.)	Add in price	\$0.20
Administrative base price	\$50.00	
Grand total	\$4,220.00	

(Ordinance 2020-2010-10, exh. A, adopted 2/10/2020)

§ A3.003 Utility service availability fees.

(a) Each applicant for a permit for either new construction or for a new structure which has been moved and placed upon a lot within the city or with respect to property which may be converted into living units from other uses shall pay service availability fees as follows:

- (1) Water:
 - (A) \$1,100.00 per single-family residence.
 - (B) \$850.00 per living unit in a multi-family building or complex.
- (2) Wastewater: \$900.00 per living unit.

(b) As used herein, “living unit” shall consist of a place of habitation as a single-family residence or an individual unit in a multi-family structure or complex. As an example, a duplex contains two (2) living units and a quadruplex would contain four (4) living units.

(Ordinance 85-3 adopted 9/18/1985; 1989 Code, secs. 20.101, 20.102)

§ A3.004 Fire code permits and inspections.

(a) Fire code building permit. The base fee for all submitted plans and issuance of a certificate of compliance is \$25.00 for the copy. This fee is for processing building plans submitted for approval and will be paid at time of submission of the plans. All projects will use the following fee schedule. Fees must be paid when plans are submitted.

Building Permits and Commercial Occupancies	Additional Details	Fee
Certificate of compliance	Fire final inspection or certificate (for existing structure without certificate)	\$100.00
Civil/site plans - Fire code review	Fire lane and fire access (commercial)	\$150.00
Subdivision plans - Fire code review	Fire lane and fire access (residential)	\$150.00
Plat review (preliminary and/or final)	Per section/phase	\$150.00
Fire code plan review/new building permit	\$125.00 x per 1000 sq. ft. of structure (round up to the nearest 1000)	\$125.00 x sq. ft.
Fire code plan review/new building shell only	\$75.00 x per 1000 sq. ft. of structure (round up to the nearest 1000)	\$75.00 x sq. ft.
Fire code plan review/new building finish out	\$75.00 x per 1000 sq. ft. of structure (round up to the nearest 1000)	\$75.00 x sq. ft.
Fire code plan review/existing building remodel		\$150.00
Other required permits		\$100.00
Resubmittal of construction plans	If changes are done after the initial plan review, the review of changes is required.	\$100.00
Work without permit	2 x regular permit fee	\$****.**

Fire Protection Inspection - Systems	Additional Details	Fee
Fire alarm/detection system	1 to 10 devices	\$150.00
Fire alarm/detection system	11 to 25 devices	\$200.00

Fire Protection Inspection - Systems	Additional Details	Fee
Fire alarm/detection system	26 to 150 devices	\$250.00
Fire alarm/detection system	151 to 499 devices	\$350.00
Fire alarm/detection system	≥ 500 + \$0.50/device additional	\$350.00 + (x \$0.50)
Fire sprinkler system	1 to 20 heads	\$150.00
Fire sprinkler system	21 to 250 heads	\$200.00
Fire sprinkler system	251 to 499 heads	\$250.00
Fire sprinkler system	≥ 500 + \$0.50/head additional	\$350.00 + (x \$0.50)
Fire standpipe system		\$200.00
Water storage/related equipment system	On-site fire flow tanks (appendix B or NFPA 1142)	\$150.00
Fire pumps/related equipment system		\$150.00
Underground/backflow fire protection system	Underground water supply for fire protection system	\$150.00
Automatic fire-extinguishing systems (commercial cooking)	Fixed systems	\$150.00
New spraying or dipping booths (paint)	Building/booths	\$150.00
New service station piping plan		\$200.00
Other required fire code inspections		\$100.00
Reinspections	Must be paid prior to re-scheduling	\$100.00

Other Inspections and Fire Code Fees	Additional Details	Fee
Fireworks stand/building < 25,000 square feet	Per stand/building (annual permit)	\$100.00
Fireworks stand/building > 25,000 square feet	Per stand/building (annual permit)	\$200.00
Fireworks storage/building > 100,000 square feet	Per building (annual permit)	\$300.00
Fireworks display/show permit	Per launch site	\$250.00
Electronic entrance gates permit	Pedestrian and road gates	\$100.00
Tent permit	Per event/set-up	\$150.00
Mass gathering permit	Per event	\$150.00
Mobile food vendor inspection	Annual permit	\$75.00
Other required fire code permits		\$100.00
Reinspections	Paid after corrections have been made from initial inspection	\$75.00

(b) License inspection. State- and county-licensed facility (facilities that require an annual fire inspection for operational permits):

Commercial day cares	\$100.00
Nursing homes or care centers	\$150.00
Hospitals	\$200.00
State or county inspections not listed	\$100.00
Foster home, licensed adoption	\$50.00
(Williamson County) county permits	Exempt
Reinspection fee for state- or county-licensed inspection	Reinspection fee for state or county licensed inspection will be the same amount as the original permit paid prior to scheduling for a reinspection.

(c) Forms of payment accepted: Check, cashier’s check, money order or electronic payment.

(Ordinance 2021-0111-06 adopted 1/11/2021)

§ A3.005 Manufactured homes, manufactured home parks, travel trailers and recreational vehicles.

(a) Permit fees.

- (1) HUD-code manufactured homes: \$500.00.
- (2) Travel trailers or recreational vehicles: \$300.00 (annually).

(b) Inspection fees.

- (1) HUD-code manufactured homes: \$250.00.
- (2) Travel trailers or recreational vehicles: \$100.00 (annually).

(c) Site plan review fees.

- (1) HUD-code manufactured home parks: \$200.00 (per space).

(d) Application for variance or special use permit. All variance or special use permit applications shall be accompanied with a two hundred dollar (\$200.00) nonrefundable fee.

(Ordinance 2020-1019-06, secs. 12.108, 12.109, adopted 10/19/2020)

§ A3.006 Signs.

(a) Sign permit.

- (1) Erection, alteration, replacement or relocation. The fee for a permit to erect, alter, replace or relocate a sign shall be one hundred dollars (\$100.00) for each sign unless otherwise stated in article 4.07.

- (2) Permit to repair. The fee for a permit to repair shall be fifty dollars (\$50.00).
- (b) Permit for temporary banner sign.
 - (1) Business during initial year of operation: Fifteen dollars (\$15.00).
 - (2) Business in operation for one year or more: Fifteen dollars (\$15.00).
 - (3) New multi-family development: Fifteen dollars (\$15.00).
- (c) Impoundment fees. Impoundment fees are as follows:
 - (1) A fee of five dollars (\$5.00) for signs which are twelve (12) square feet or less in area.
 - (2) A fee of fifteen dollars (\$15.00) for signs which are larger than twelve (12) square feet in area.
- (d) Application for variance. An administrative fee of one hundred dollars (\$100.00) shall be charged to all applicants requesting a variance from article 4.07. Nonprofit organizations shall be exempt from the one hundred dollar (\$100.00) administrative fee when requesting a variance.

(Ordinance 03112019 4-B adopted 3/11/2019)

ARTICLE A4.000 BUSINESS RELATED FEES

§ A4.001 Sale of alcoholic beverages.

- (a) Beer and wine wholesaler’s permit: Annual fee of fifty dollars (\$50.00).
- (b) Package store permit:
 - (1) Annual fee of twenty-five dollars (\$25.00).
 - (2) To sell wine only: Annual fee of two dollars and fifty cents (\$2.50).
- (c) Wine and beer retailer’s permit: Fifteen dollars (\$15.00).

(Ordinance 158 adopted 12/14/1936; 1989 Code, secs. 18.101–18.103)

§ A4.002 Peddlers and itinerant merchants.

The fee for a peddler’s or itinerant merchant’s license is twenty-five dollars (\$25.00).

(Ordinance 130 adopted 2/18/1930; 1989 Code, sec. 13.104)

ARTICLE A5.000 UTILITY RATES AND CHARGES**Division 1. Generally****§ A5.001 Disconnect fee.**

At the time of disconnection, a \$50.00 (fifty dollars) disconnect fee will be applied to the customer's account balance.

(Ordinance 2010-03, sec. X, adopted 5/4/2010; Ordinance adopting 2023 Code)

§ A5.002 Reconnect fee.

A reconnect fee of \$75.00 (seventy-five dollars) during normal business hours or \$100.00 (one hundred dollars) after normal business hours will be applied to the customer's account for reconnection.

(Ordinance 2010-03, sec. XI, adopted 5/4/2010; Ordinance adopting 2023 Code)

§ A5.003 Deposit.

Along with the application for water service the applicant shall pay to the city a \$200.00 residential or \$250.00 commercial deposit on such property.

(Ordinance 2019-09-19-2A, sec. 2, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ A5.004 Tampering fee.

It shall be unlawful for any person other than those authorized by the city to connect, disconnect, move, or tamper with any meter, or to turn on or off the water at the curb cock, valve, or meter; or to open or tamper with any meter box. A tampering fee of \$150.00 plus a \$30.00 connect fee will be charged by the city.

(Ordinance 2019-09-19-2A, sec. 4, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ A5.005 Rates and tap charges.**(a) Tap charges.**

(1) Tap charges inside city limits. A charge shall be made by the city for each water tap and sewer tap made to the city's water and sewer system as follows:

(A) Water tap:

- (i) 5/8" or 3/4": \$2000.00.
- (ii) 1": \$2250.00 plus extra costs for pipe or copper tubing.
- (iii) 2": \$2500.00 plus extra costs for pipe or copper tubing.

(B) Sewer tap: \$2000.00.

- (2) Tap charges outside city limits. Two (2) times inside city limit rates plus any additional expenses.
- (b) Garbage collection and disposal charges.
 - (1) Garbage collection and disposal charges inside city limits. The following monthly charges shall be made for the collection and disposal of garbage or trash by the city:
 - (A) Residential and commercial containers and dumpsters. From the contracted solid waste company as amended annually. Having a flat surcharge on the solid waste contract creates built-in flexibility to this section. The utility ordinance will not have to be amended each time a new solid waste contract is negotiated and approved. Solid waste charges in the utility billing department will take place each time the solid waste contract is amended.
 - (B) Garbage collection days; rates.
 - (i) Garbage collections will be made on Mondays for residential, commercial container and commercial dumpster pickup.
 \$25.00/1 can; \$20.00 each additional
 - (ii) Garbage collections will be made on Thursdays for commercial dumpster twice-a-week pickup.
 - (2) Garbage collection and disposal charges outside city limits. Two (2) times inside city limits rate.
- (c) Sewer rates.
 - (1) Sewer rates inside city limits.
 - (A) Monthly rates. The schedule of monthly charges and rates for sanitary sewer service is as follows:

Residential	Base Fee	\$32.50 per month
Commercial	Base Fee	\$40.00 per month
 - (B) Commercial (includes schools). Base charges include two (2) sewer facilities, outlet and/or wastewater drainage.
 - (C) Churches. Base charge is the same as commercial rates for the first two sewer facilities and each additional sewer facility will be charged a flat rate of \$32.50.
 - (2) Sewer rates outside city limits. All sewer rates shall be two (2) times inside city limit rates.

(d) Water rates.

(1) Water rates inside city limits. The schedule of monthly rates or charges for water service furnished by the city is as follows:

Residential	First 2,000 gallons (minimum)	\$30.00 base + \$0.006125/gal per month
	From 2,000 gallons	\$6.125 per 1,000 gallons
Commercial	First 2,000 gallons (minimum)	\$30.00 base + \$0.006125/gal per month
	From 2,000 gallons	\$6.125 per 1,000 gallons

(2) Water rates outside city limits. The base charge shall be one and one-half times the inside city limit rate. Per gallon charges will be the same as inside city limit rates. Therefore, outside the city limit water rates shall be as follows:

Residential	First 2,000 gallons (minimum)	\$45.00 base per month + \$6.125 per 1,000 gallons
	From 2,000 gallons	\$6.125 per 1,000 gallons - same as inside rate
Commercial	First 2,000 gallons (minimum)	\$45.00 per month + \$6.125 per 1,000 gallons
	From 2,000 gallons	\$6.125 per 1,000 gallons - same as inside rate

(Ordinance 2019-09-19-2A, sec. 5, adopted 9/-/2019; Ordinance adopting 2023 Code)

§ A5.006 Service suspension fee.

Any consumer of utility services furnished by the city whose service charges are unpaid by the service suspension date shall be assessed a suspension fee of \$125.00.

(Ordinance 2019-09-19-2A, sec. 7, adopted 9/-/2019; Ordinance adopting 2023 Code)

§§ A5.007–A5.040 Reserved.

Division 2. Electric Service

§ A5.041 Residential rate classification.

(a) Availability. This schedule is available throughout the electric service territory served by the city, subject to the rules, regulations, policies and rates established by the city.

(b) Applicability. This rate is applicable for electric service used for residential purposes including, but not limited to, single-family and multi-family dwellings where each unit is individually metered for electricity and is applicable for service to a residence also used for any nonresidential or commercial purpose, or any other nonresidential activity.

(c) Monthly rates. The monthly rate shall be the sum of the monthly customer charge plus the monthly energy charge.

- (1) Customer charge: \$30.00
- (2) Energy charge: .1215 per kWh

(d) Minimum monthly charge. The minimum monthly charge shall be the customer charge.

(Ordinance 2014-04, sec. 4, adopted 5/12/2014; Ordinance adopting 2023 Code)

§ A5.042 Commercial rate classification.

(a) Availability. This schedule is available throughout the electric service territory served by the city subject to the rules, regulations, policies and rates established by the city.

(b) Applicability. This rate is applicable for electric service to nonresidential customers.

(c) Monthly rates. The monthly rate shall be the sum of the monthly customer charge plus the monthly energy charge.

- (1) Customer charge: \$30.00
- (2) Energy charge: .0975 per kWh
- (3) The demand charges shall be deleted and will no longer be charged.

(d) Minimum monthly charge. The minimum monthly charge shall be the customer charge.

(Ordinance 2014-04, sec. 5, adopted 5/12/2014; Ordinance adopting 2023 Code)

§ A5.043 Power cost recovery factor charge.

The power cost recovery factor (PCRF) charge shall be deleted and will no longer be charged.

(Ordinance 2014-04, sec. 6, adopted 5/12/2014; Ordinance adopting 2023 Code)

APPENDIX B

CODE COMPARATIVE TABLE

This table shows the location or gives the disposition of the chapters, sections and subsections of the 1989 Bartlett Code of Ordinances within this revised code. The abbreviation “NIC” means the provision is not included in this code, though not necessarily repealed.

1989 CODE OF ORDINANCES		2023 CODE OF ORDINANCES
CHAPTER 1 GENERAL		
Sec. 1.100	Incorporation	§ 2.01.001
Sec. 1.200	Organization of government	
	(a), (b)	§ 2.02.001
	(c)	§ 2.03.001
Sec. 1.210	Election of officers	§ 2.01.003
Sec. 1.220	Mayor	§ 2.02.002
Sec. 1.230	City council	§ 2.02.004
Sec. 1.240	Administrative organization	
Sec. 1.241	Chief of police	§ 2.06.001
Sec. 1.243	City attorney	§ 2.03.002
Sec. 1.244	City health officer	Rpld. by Ordinance adopting 2023 Code
Sec. 1.245	City secretary	§ 2.03.003
Sec. 1.146	Fire marshal	§§ 6.02.001–6.02.006
Sec. 1.300	Boundary changes	
Sec. 1.310	Original metes and bounds	NIC
Sec. 1.320	General purpose annexation	NIC
Sec. 1.330	Special purpose annexation	NIC
Sec. 1.340	Dedications	NIC
Sec. 1.350	Abandonments	NIC
Sec. 1.360	Sale of property	NIC
Sec. 1.370	Service plan for annexation	§ 2.01.002
Sec. 1.380	Service plans in effect	NIC
CHAPTER 2 ANIMALS AND FOWL		
Sec. 2.101	Dogs	Superseded by Ord. 2007-006
Sec. 2.102	Definitions	Superseded by Ord. 2007-006
Sec. 2.103	License fees	Superseded by Ord. 2007-006
Sec. 2.104	Payment of license fee	Superseded by Ord. 2007-006
Sec. 2.105	License plate	Superseded by Ord. 2007-006
Sec. 2.106	Unlawful ownership	Superseded by Ord. 2007-006
Sec. 2.107	Dogs at large	Superseded by Ord. 2007-006
Sec. 2.108	Rabies	Superseded by Ord. 2007-006
Sec. 2.109	Rabies test	Superseded by Ord. 2007-006
Sec. 2.110	Violations causing impoundment	Superseded by Ord. 2007-006
Sec. 2.111	Humane officer	Superseded by Ord. 2007-006
Sec. 2.112	Redeeming impounded dogs	Superseded by Ord. 2007-006
Sec. 2.113	Penalty	Superseded by Ord. 2007-006
Sec. 2.201	Duties of humane officer	Superseded by Ord. 2007-006
Sec. 2.301	Swine as nuisance	Superseded by Ord. 2007-006
Sec. 2.302	Penalty	Superseded by Ord. 2007-006
Sec. 2.401	Keeping animals within city limits	Superseded by Ord. 2007-006
Sec. 2.402	Sheep, horses, goats and cattle	Superseded by Ord. 2007-006
Sec. 2.403	Definition of “person”	Superseded by Ord. 2007-006

1989 CODE OF ORDINANCES

- Sec. 2.404 Penalty
 Sec. 2.501 Domestic fowl
 Sec. 2.502 Penalty

CHAPTER 3 BUILDINGS AND CONSTRUCTION

- Sec. 3.101 City building and construction codes
 Sec. 3.102 Building code
 Sec. 3.103 Electric code
 Sec. 3.104 Plumbing code
 Sec. 3.201 Occupancy permit
 Sec. 3.202 Certificate of occupancy
 Sec. 3.203 Minimum dwelling standards
 Sec. 3.204 Occupation without permit
 Sec. 3.205 Application for certificate of occupancy
 Sec. 3.206 Appeal for denial of certificate of occupancy
 Sec. 3.207 Occupation without certificate of occupancy
 Sec. 3.208 Penalty

CHAPTER 4 CEMETERIES

- Sec. 4.101 City cemetery
 Sec. 4.102 Conveyance of cemetery
 Sec. 4.103 Acknowledgement of responsibility
 Sec. 4.104 Authorization of the mayor
 Sec. 4.105 Superintendent of cemetery
 Sec. 4.106 Cemetery fund
 Sec. 4.107 Rules and regulations

CHAPTER 5 MUNICIPAL DEFENSE AND EMERGENCY MANAGEMENT

- Sec. 5.101 Emergency management
 Sec. 5.102 Emergency management director: powers and duties
 Sec. 5.103 Emergency management plan
 Sec. 5.104 Interjurisdictional program
 Sec. 5.105 Override
 Sec. 5.106 Liability
 Sec. 5.107 Commitment of funds
 Sec. 5.108 Offenses: penalties
 Sec. 5.109 Severability
 Sec. 5.110 Limitations
 Sec. 5.111 Repealer
 Sec. 5.201 Municipal defense and disaster relief committee
 Sec. 5.202 General

- Sec. 5.203 Powers and duties of committee

- Sec. 5.204 Municipal defense coordinator

- Sec. 5.205 Oath for members of organization

CHAPTER 6 MUNICIPAL COURT AND PROCEDURES

- Sec. 6.101 Creation of court
 Sec. 6.102 Jurisdiction
 Sec. 6.103 Judge
 Sec. 6.104 Clerk
 Sec. 6.105 Oaths
 Sec. 6.106 Seal
 Sec. 6.107 Language
 Sec. 6.108 Fines

2023 CODE OF ORDINANCES

- Superseded by Ord. 2007-006
 § 3.03.002(a)
 § 3.03.002(b)

- Amnd. by Ord. 20230522-07

- Amnd. by Ord. 20230522-07

- Amnd. by Ord. 20230522-07

- § 4.03.001

- § 4.03.002

- § 4.03.003

- § 4.03.004

- § 4.03.005

- § 4.03.006

- § 4.03.007

- § 10.03.001

- § 10.03.002

- § 10.03.003

- § 10.03.004

- § 10.03.005

- § 10.03.006

- § 1.02.031

- § 1.02.032

- § 1.02.033

- § 1.02.034

- § 1.02.035

- § 1.02.036

- § 1.02.037

- § 1.02.038

- NIC

- § 1.02.039

- NIC

- Rpld. by Ordinance adopting 2023 Code

- Rpld. by Ordinance adopting 2023 Code

- Rpld. by Ordinance adopting 2023 Code

- Rpld. by Ordinance adopting 2023 Code

- § 2.07.001

- § 2.07.002

- § 2.07.003

- § 2.07.004

- § 2.07.005

- § 2.07.006

- § 2.07.007

- § 2.07.008

1989 CODE OF ORDINANCES**2023 CODE OF ORDINANCES**

Sec. 9.100	Health	
Sec. 9.110	Ambulance service	
	(a) Purpose; service area	§ 7.02.001
	(b)–(d) Fees	§§ 7.02.002(a), A1.002
	(e) Acceptance of insurance	§ 7.02.002(b)
Sec. 9.120	Food handlers	
Sec. 9.121	Definitions	§ 7.03.031
Sec. 9.122	Examinations, registrations	§ 7.03.033
Sec. 9.123	Issuance of health certificates	§ 7.03.034
Sec. 9.124	Health examination	§ 7.03.035
Sec. 9.125	Tuberculosis examination	§ 7.03.036
Sec. 9.126	Food handler’s registration certificate	§ 7.03.037
Sec. 9.127	Enforcement	§ 7.03.038
Sec. 9.128	City health officer	§ 7.03.039
Sec. 9.129	Penalty	§ 7.03.032
Sec. 9.200	Sanitation	
Sec. 9.210	Burning trash and rubbish	
Sec. 9.211	General	§ 6.04.001(a)
Sec. 9.212	Penalty	§ 6.04.001(b)
Sec. 9.220	Garbage	
Sec. 9.221	Definitions	§ 12.03.001
Sec. 9.222	General	
	(a)	§ 12.03.003
	(b)	§ 12.03.004
	(c)	§ 12.03.005
	(d)	§ 12.03.006
	(e)	§ 12.03.007
	(f)	§ 12.03.008
Sec. 9.223	Offenses and prohibitions	§ 12.03.009
Sec. 9.224	Garbage cans	§ 12.03.010
Sec. 9.225	Collection and fees	§ 12.03.011(a), (b)
Sec. 9.226	Penalty	§ 12.03.002
Sec. 9.227	Severability	NIC
Sec. 9.300	Junked vehicles	
Sec. 9.301	Definitions	Superseded by Ord. 2013-05
Sec. 9.302	Public nuisance	Superseded by Ord. 2013-05
Sec. 9.303	Notice and hearing	Superseded by Ord. 2013-05
Sec. 9.304	Removal of vehicle	Superseded by Ord. 2013-05
Sec. 9.305	Official action	Superseded by Ord. 2013-05
Sec. 9.306	Chief of police	Superseded by Ord. 2013-05
Sec. 9.307	Application	Superseded by Ord. 2013-05
Sec. 9.308	Penalty	Superseded by Ord. 2013-05
Sec. 9.400	Prevention of breeding mosquitoes	
Sec. 9.401	General	Superseded by Ord. 2013-03
Sec. 9.402	Treatment	Superseded by Ord. 2013-03
Sec. 9.403	Health officer	Superseded by Ord. 2013-03
Sec. 9.404	Penalty	Superseded by Ord. 2013-03
Sec. 9.500	Extermination of rats	
Sec. 9.501	Definitions	§ 7.05.001
Sec. 9.502	Regulations	§ 7.05.002
Sec. 9.503	Notice	§ 7.05.003
Sec. 9.504	Health officer’s powers	§ 7.05.004
Sec. 9.505	Unlawful activities	§ 7.05.005
	[Sewer connection]	
[Sec. 9.601]	[Connection required]	Superseded by Ord. 2019-09-19-

1989 CODE OF ORDINANCES

- Sec. 12.102 General
- Sec. 12.103 Permit fee
- Sec. 12.104 Number of mobile homes per lot
- Sec. 12.105 Penalty
- Sec. 12.201 Placement of mobile homes
- Sec. 12.202 Permit
- Sec. 12.203 Application for permit
- Sec. 12.204 Permit fees
- Sec. 12.205 Location
- Sec. 12.206 Ownership and occupancy
- Sec. 12.207 Mobile home site
- Sec. 12.208 Additional construction
- Sec. 12.209 Travel trailers
- Sec. 12.210 Penalty
- Sec. 12.301 Mobile home and trailer parks
- Sec. 12.302 Definitions
- Sec. 12.303 License
- Sec. 12.304 Physical requirements
- Sec. 12.305 Operation of parks
- Sec. 12.306 Facilities and services
- Sec. 12.307 Penalty
- Sec. 12.308 Savings clause

2023 CODE OF ORDINANCES

- Rpld. by Ord. 2012-02
- Rpld. by Ord. 2012-02
- Rpld. by Ord. 2012-02
- Rpld. by Ord. 2012-02
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- Rpld. by Ord. 2012-02
- Rpld. by Ord. 2012-02
- Rpld. by Ord. 2012-02

CHAPTER 13 OCCUPATIONAL LICENSES

- Sec. 13.101 Peddlers § 5.03.002
- Sec. 13.102 Application and fee § 5.03.003
- Sec. 13.103 Payments for goods § 5.03.004
- Sec. 13.104 License fee §§ 5.03.005, A4.002
- Sec. 13.105 Exemption § 5.03.006
- Sec. 13.106 Selling in fire limits § 5.03.007
- Sec. 13.107 Time limit § 5.03.008
- Sec. 13.108 Sales representatives
- (a) § 5.03.009
- (b) § 5.03.010
- Sec. 13.109 Penalty § 5.03.001

CHAPTER 14 OFFENSES AND MISCELLANEOUS

- Sec. 14.101 Prohibiting the playing of ball in the street § 10.04.001
- Sec. 14.110 Prohibiting the driving over fire hoses § 11.01.002
- Sec. 14.120 Prohibiting obstruction of streets, alleys, and sidewalks § 10.04.002
- Sec. 14.130 Prohibiting the riding of bicycles, horses or other animals across any sidewalk § 10.04.003
- Sec. 14.140 Prohibiting the shooting of firearms
- Sec. 14.141 General § 8.04.001(a)
- Sec. 14.142 Exception § 8.04.001(b)
- Sec. 14.143 Air guns and rifles § 8.04.001(c)
- Sec. 14.144 Penalty § 8.04.001(d)
- Sec. 14.150 Prohibition of skating on sidewalks § 10.04.001

CHAPTER 15 PARKS AND RECREATION [reserved]

CHAPTER 16 PERSONNEL

- Sec. 16.101 Texas Municipal Retirement System NIC
- Sec. 16.102 Exercising option NIC
- Sec. 16.103 Notification of acceptance NIC
- Sec. 16.104 Age limits of employees NIC
- Sec. 16.105 Deposits NIC

1989 CODE OF ORDINANCES

Sec. 16.106	Credit
Sec. 16.107	Current service annuity reserve
Sec. 16.108	City contributions
Sec. 16.109	City obligation
Sec. 16.110	Notification of participation in fund
Sec. 16.111	Members of fund
Sec. 16.112	Monthly contribution
Sec. 16.113	Death benefits

CHAPTER 17 PLANNING

Sec. 17.101	Planning commission
Sec. 17.201	Flood plain
Sec. 17.202	General
Sec. 17.203	Definitions
Sec. 17.204	General provisions
Sec. 17.205	Administration
Sec. 17.206	Provisions for flood hazard reduction
Sec. 17.300	Subdivision regulations [reserved]
Sec. 17.400	Environmental regulations [reserved]

CHAPTER 18 TAXATION

Sec. 18.101	Beer and wine wholesaler's permit	§§ 5.02.031, A4.001(a)
Sec. 18.102	Package store permits	§§ 5.02.032, A4.001(b)
Sec. 18.103	Wine and beer retailer's permit	§§ 5.02.033, A4.001(c)
Sec. 18.104	State permit necessary	§ 5.02.034
Sec. 18.105	Expiration of permits	§ 5.02.035
Sec. 18.106	Location restricted	§ 5.02.002
Sec. 18.107	Penalty	§ 5.02.001
Sec. 18.210	Telecommunication services	§ 2.08.032
[18.201]		
Sec. 18.202	Repealer	NIC
Sec. 18.203	Severability	NIC
Sec. 18.204	Construing of section	NIC

CHAPTER 19 TRAFFIC

Sec. 19.101	Zoning for traffic and rate of speed	
Sec. 19.102	State Highway 95	NIC
Sec. 19.103	Defining offense and fine	§ 11.02.032
Sec. 19.201	No parking zones	
Sec. 19.202	Clark Street	NIC
Sec. 19.203	State Highway 95	NIC
Sec. 19.204	West State Highway 95 and Clark Street	NIC
Sec. 19.205	West Clark Street	NIC
Sec. 19.301	Traffic regulation during fire alarms	
Sec. 19.302	Distance from fire	§ 11.01.001(a)
Sec. 19.303	Right of way of fire department	§ 11.01.001(b)
Sec. 19.304	Penalty	§ 11.01.001(c)
Sec. 19.401	Prohibiting driving of heavy loaded trucks	
Sec. 19.402	General	Amnd. by Ord. 2018-03124C
Sec. 19.403	Defined areas	Amnd. by Ord. 2018-03124C
Sec. 19.404	Penalty	Amnd. by Ord. 2018-03124C
Sec. 19.405	Definition	Amnd. by Ord. 2018-03124C
Sec. 19.501	Prohibiting the driving of trucks with cleats	Amnd. by Ord. 2018-03124C

CHAPTER 20 UTILITIES

Sec. 20.101	Service availability fees	§§ 12.01.028(a), A3.003(a)
Sec. 20.102	Definition of living unit	§ A3.003(b)
Sec. 20.103	Capitol recovery fee	§ 12.01.028(b)

2023 CODE OF ORDINANCES

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§ 9.01.001

§ 4.05.001

§ 4.05.002

§ 4.05.003

§ 4.05.004

§ 4.05.005

1989 CODE OF ORDINANCES

Sec. 20.104 Penalty
 Sec. 20.105 Severability

CHAPTER 21 ZONING

Sec. 21.101 Districts § 9.02.001
 Sec. 21.102 Definitions § 9.02.002
 Sec. 21.103 Fences § 9.02.003
 Sec. 21.201 Use regulations: "R-1" district § 9.02.031
 Sec. 21.202 Area regulations: "R-1" one family district § 9.02.032
 Sec. 21.301 Use regulations: "R-2" duplex and apartment district § 9.02.033
 Sec. 21.302 Area regulations: "R-2" duplex and apartment district § 9.02.034
 Sec. 21.401 Use regulations and area regulations of "R-3" house trailer district § 9.02.035
 Sec. 21.501 Use and area regulations in "R-4" small house district § 9.02.036
 Sec. 21.601 "B-1" retail business district § 9.02.037
 Sec. 21.701 "B-2" general business district § 9.02.039
 Sec. 21.801 "C-1" commercial district § 9.02.040
 Sec. 21.802 Prohibiting the installation of gasoline pumps and tanks § 9.02.041
 Sec. 21.901 Non-conforming buildings and uses § 9.02.071
 Sec. 21.902 Non-conforming use of land § 9.02.072
 Sec. 21.903 Abandonment § 9.02.073
 Sec. 21.904 A non-conforming use shall be extended to displace a conforming use. § 9.02.074
 Sec. 21.905 District changes § 9.02.075
 Sec. 21.1001 Procedure covering special exceptions appeals and granting of variances § 9.02.101
 Sec. 21.1002 Special exceptions § 9.02.102
 Sec. 21.1003 Notice § 9.02.103
 Sec. 21.1004 The hearing § 9.02.104
 Sec. 21.1005 Special exceptions § 9.02.105
 Sec. 21.1006 Variance § 9.02.106
 Sec. 21.1007 Appeal from city council § 9.02.107
 Sec. 21.1101 Enforcement and administration § 9.02.131
 Sec. 21.1102 Building permit required § 9.02.132
 Sec. 21.1103 Powers and duties of the city secretary § 9.02.133
 Sec. 21.1104 In newly annexed territory § 9.02.134
 Sec. 21.1105 Permits issued by city secretary § 9.02.135

2023 CODE OF ORDINANCES

§ 12.01.028(c)
 NIC

APPENDIX C

ORDINANCE DISPOSITION TABLE

This table shows the location or gives the disposition of the ordinances within the Bartlett 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	1989 Disposition	2023 Disposition
1	3/13/1902	Officers and election	Sec. 1.230	§ 2.02.004
1	4/14/1902	Ad valorem tax established	Superseded by Ord. 2	
2	4/14/1902	Ad valorem tax for 1902	Superseded by Ord. 26	
3	4/15/1902	City council officer's duties	Sec. 1.220	§ 2.02.002
3	4/15/1902	Chief of police	Sec. 1.241 (added to table)	§ 2.06.001
3	4/15/1902	City secretary	Sec. 1.245 (added to table)	§ 2.03.003
6	5/13/1902	City scavenger, interference	Amnd. by Ord. 48	
7	4/18/1902	Animals at large	Superseded by Ord. 37	
8	4/18/1902	Municipal court established		
		Creation of court	Sec. 6.101	§ 2.07.001
		Jurisdiction	Sec. 6.102	§ 2.07.002
		Judge	Sec. 6.103	§ 2.07.003
		Clerk	Sec. 6.104	§ 2.07.004
		Oaths	Sec. 6.105	§ 2.07.005
		Seal	Sec. 6.106	§ 2.07.006
		Language	Sec. 6.107	§ 2.07.007
		Fines	Sec. 6.108	§ 2.07.008
		Schedule of fees	Sec. 6.109	§§ 2.07.009, A1.001
		Witnesses	Sec. 6.110	§ 2.07.010
		Powers of judge	Sec. 6.111	§ 2.07.011
		Service of process	Sec. 6.112	§ 2.07.012
		Custody and fine	Sec. 6.113	§ 2.07.013
9	5/13/1902	Defining nuisance and penalty	Rpld. 4/17/89	
10	5/5/1902	Poll tax	Rpld.: Tax Code 6.41 et seq.	
12	6/9/1902	Sales tax on alcohol	Rpld.: Tax Code 151.101	
13	6/9/1902	Occupational taxes	Rpld.: Tax Code 101.008	
13A	7/9/1902	Hitching cattle in city	Rpld. 4/17/89	
14	7/9/1902	Professionals without licenses	Rpld. 4/17/89	
15	8/6/1902	Bonds for water works	Expired	
16	3/4/1901	Town health physician	Rpld. by Ord. 24	
16	8/19/1902	Water works bonds	Expired	
17	8/19/1902	Authorizing water bonds	Expired	
18	12/1/1902	Persons for street duty	Rpld. 4/17/89	
24	5/2/1904	City health physician: duties	Sec. 1.244	Rpld. by Ordinance adopting 2023 Code
25	5/4/1904	Playing ball in the streets	Sec. 14.100	§ 10.04.001
26	5/4/1904	Annual tax for 1904	Superseded by Ord. 33	

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
27	7/4/1904	Running at large of dogs	Superseded by Ord. 72-7	
29	6/5/1905	Bicycle riding on sidewalks	Sec. 14.130	§ 10.04.003
30	9/5/1904	Tying horses to graze in city	Rpld. 4/17/89	
30	6/5/1905	Running of trains	Rpld. 4/17/89	
33	1/2/1904	Fireworks in city	Secs. 7.301, 7.302	Superseded by Ord. 20160815-01
33	1/2/1905	Annual tax for 1906	Superseded by Ord. 34	
34	2/14/1905	Annual tax for 1905	Superseded by Ord. 41	
34	5/18/1906	R.R. Co. switch extension	Rpld. 4/17/89	
35	6/5/1905	Obstruction of streets, alleys	Sec. 14.120	§ 10.04.002
36	3/10/1905	Establishing electrical plant	Rpld. 4/17/89	
36	5/6/1907	Annexation	Sec. 1.320(a)	NIC
37	6/5/1905	Impounding running stock	Superseded by Ord. 71-4	
37	5/8/1907	Special purpose annexation	Sec. 1.330(a)	NIC
38	5/1/1905	Board of equalization	Superseded by Ord. 232	
38	5/8/1907	Special purpose annexation	Sec. 1.330(b)	NIC
39	7/24/1907	Bonds for school funds	Amnd. by Ord. 40	
40	9/3/1907	Bonds for school funds	Expired on 8/1/47	
41	9/3/1907	Annual tax for 1907	Superseded by Ord. 43	
42	2/10/1908	Hitching horses in street	Rpld. 4/17/89	
43	10/1/1908	Annual tax for 1908	Superseded by Ord. 44	
44	7/13/1908	Annual tax for 1908	Superseded by Ord. 46	
45	9/7/1908	Annexation of lake	Sec. 1.320(b)	NIC
46	2/4/1909	Annual tax for 1909	Superseded by Ord. 56	
47	3/4/1909	Pound keeper	Rpld. 4/17/89	
48	5/4/1909	City scavenger	Rpld. 4/17/89	
49	5/3/1909	City scavenger	Rpld. 4/17/89	
51	9/7/1909	Franchise: Barlett-Florence	Expired on 9/7/59	
52	9/7/1909	Driving over fire hoses	Sec. 14.110	§ 11.01.002
54	12/6/1909	Annexation	Sec. 1.320(c)	NIC
56	1/7/1910	Annual tax for 1910	Superseded by Ord. 62	
57	1/6/1910	Penal code, misdemeanor	Rpld. 4/17/89	
58	6/9/1910	City street improvements	Rpld. 4/17/89	
59	9/5/1910	City street improvements	Rpld. 4/17/89	
60	11/8/1910	Fire limits of city established	Superseded by Ord. 226	
61	1/5/1911	Skating on sidewalks	Sec. 14.150	§ 10.04.004
62	2/13/1911	Annual tax for 1911	Superseded by Ord. 70	
63	4/3/1911	Fire limits of city	Superseded by Ord. 226	
64	5/2/1911	Crowding R.R. platform	Rpld. 4/17/89	
66	7/3/1911	School tax	Rpld. 4/17/89	
67	7/11/1911	Western Rail property rights	Rpld. 4/17/89	
68	8/7/1911	Fire marshal	Rpld. by Ord. 238	
69	10/2/1911	City street improvements	Rpld. 4/17/89	
70	1/1/1912	Annual tax for 1912	Superseded by Ord. 97	
71	3/11/1912	City street improvements	Rpld. 4/17/89	
72	5/20/1912	Construction of sewer	Rpld. 4/17/89	
84	3/12/1914	R.R warning bells	Rpld. 4/17/89	
87	9/7/1914	Franchise to S.W. Traction Co.	Expired on 9/7/17	
89	6/10/1915	Texas Power and Light franchise	Secs. 8.301-8.304	NIC
91	10/1/1915	Night policeman	Rpld. 4/17/89	
92	2/7/1916	Bonds: road improvement	Amnd. by Ord. 94	
94	4/27/1916	Bonds: road improvement	Expired on 2/7/56	
97	2/5/1917	Annual tax for 1917	Superseded by Ord. 101	
100	5/7/1917	Driving with cleated tires	Superseded by Ord. 202	
101	5/7/1917	Annual tax for 1917	Superseded by Ord. 102	

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
102	3/4/1918	Annual tax for 1918	Superseded by Ord. 107	
103	6/3/1918	Taxing dogs at large	Superseded by Ord. 72-7	
105	9/5/1919	Licensing of privies	Rpld. 4/17/89	
107	7/5/1920	Annual tax for 1920	Superseded by Ord. 108	
108	7/5/1921	Annual tax for 1921	Superseded by Ord. 113	
109	11/7/1921	Parking on Clark St.	Sec. 19.202	NIC
110	4/3/1922	City scavenge	Rpld. 4/17/89	
111	5/1/1922	Fowl running at large		
		Domestic fowl	Sec. 2.501	§ 3.03.002(a)
		Penalty	Sec. 2.502	§ 3.03.002(b)
112	5/1/1922	Wearing masks or disguises	Sec. 14.160	NIC
113	7/3/1922	Annual tax for 1922	Superseded by Ord. 115	
114	6/15/1923	Mosquito prevention	Secs. 9.400–9.404	Superseded by Ord. 2013-03
115	7/3/1923	Annual tax for 1923	Superseded by Ord. 121	
116	10/1/1923	Junk cars on street	Superseded by Ord. 75-13	
117	3/3/1924	Bond authorization	Expired on 3/3/64	
118	5/5/1924	Issuing bonds	Expired on 5/5/64	
119	6/2/1924	Form for school bonds	Rpld. 4/17/89	
121	7/6/1925	Annual tax for 1925	Superseded by Ord. 122	
122	9/6/1926	Annual tax for 1926	Superseded by Ord. 123	
123	7/5/1927	Annual tax for 1927	Superseded by Ord. 127	
124	10/3/1927	Traffic regulations during fires		
		Distance from fire	Sec. 19.302	§ 11.01.001(a)
		Right of way of fire department	Sec. 19.303	§ 11.01.001(b)
		Penalty	Sec. 19.304	§ 11.01.001(c)
125	4/2/1928	Stopping at intersection	Superseded by Ord. 245	
127	9/3/1928	Annual tax for 1928	Superseded by Ord. 129	
128	9/2/1929	Fire limits of city	Superseded by Ord. 226	
129	9/2/1929	Annual tax for 1929	Superseded by Ord. 133	
2.7-129	5/10/1927	Fire limits of city	Superseded by Ord. 226	
130	2/18/1930	Peddling		
		Peddlers	Sec. 13.101	§ 5.03.002
		Application and fee	Sec. 13.102	§ 5.03.003
		Payments for goods	Sec. 13.103	§ 5.03.004
		License fee	Sec. 13.104	§§ 5.03.005, A4.002
		Exemption	Sec. 13.105	§ 5.03.006
		Selling in fire limits	Sec. 13.106	§ 5.03.007
		Time limit	Sec. 13.107	§ 5.03.008
		Sales representatives	Sec. 13.108	
		(a)		§ 5.03.009
		(b)		§ 5.03.010
		Penalty	Sec. 13.109	§ 5.03.001
131	2/18/1930	Abolishing assessor/collector	Rpld., Tax Code 6.21 et seq.	
133	8/4/1930	Annual tax for 1930	Superseded by Ord. 135	
134	6/22/1931	Gas pumps: restricted area	Superseded by Ord. 66-7	
135	9/7/1931	Annual tax for 1931	Superseded by Ord. 227	
136	9/7/1913	Fire limits of city	Superseded by Ord. 226	
137	9/5/1932	Annual tax for 1932	Superseded by Ord. 138	
138	8/4/1933	Annual tax for 1933	Superseded by Ord. 147	
140	1/11/1934	Bonds for electric service	Expired 10/1/48	
141	5/19/1934	Warrant: City hall, fire station	Rpld. 4/17/89	
142	6/5/1934	Regulating utilities	Superseded by Ord. 197	
143	6/12/1934	Care, operation of cemetery		

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
		Conveyance of cemetery	Sec. 4.102	§ 10.03.001
		Acknowledgement of responsibility	Sec. 4.103	§ 10.03.002
		Authorization of the mayor	Sec. 4.104	§ 10.03.003
		Superintendent of cemetery	Sec. 4.105	§ 10.03.004
		Cemetery fund	Sec. 4.106	§ 10.03.005
		Rules and regulations	Sec. 4.107	§ 10.03.006
144	6/28/1934	Light and power system	Para. 3 amnd. by Ord. 153	NIC
145	7/12/1934	Changing council meeting	Superseded by Ord. 150	
146	7/27/1934	Resolution on contracts	Rpld. 4/17/89	
147	8/20/1934	Annual tax for 1934	Superseded by Ord. 151	
148	12/11/1934	Repealing penalties on tax	Rpld. 4/17/89	
149	3/11/1935	Athletic facility: funds	Expired 3/11/36	
150	6/10/1935	Changing council meeting	Superseded by Ord. 174	
151	8/5/1935	Annual tax for 1935	Superseded by Ord. 156	
152	10/16/1935	Franchise: TP&L	Extended by Ord. 281	
153	2/29/1936	Bonds to pay power company	Expired 4/1/35	
154	7/27/1936	Warrant for power company	Expired 8/1/37	
155	7/27/1936	Warrant: City hall, fire station	Expired 2/1/49	
156	10/7/1936	Annual tax for 1936	Superseded by Ord. 164	
157	10/7/1936	Warrant: Water well	Expired 3/11/46	
158	12/14/1936	Liquor regulation, permit		
		Beer and wine wholesaler's permit	Sec. 18.101	§§ 5.02.031, A4.001(a)
		Package store permits	Sec. 18.102	§§ 5.02.032, A4.001(b)
		Wine and beer retailer's permit	Sec. 18.103	§§ 5.02.033, A4.001(c)
		State permit necessary	Sec. 18.104	§ 5.02.034
		Expiration of permits	Sec. 18.105	§ 5.02.035
		Location restricted	Sec. 18.106	§ 5.02.002
		Penalty	Sec. 18.107	§ 5.02.001
159	1/5/1937	Coin-operated machine tax	Rpld. 4/17/89	
160	2/15/1937	Bonds: Light and power company	Expired 10/1/48	
161	2/25/1937	Redemption: School bonds	Expired 4/1/37	
162	3/22/1937	Refunding bonds	Expired 10/1/37	
163	3/22/1937	Bonds: Street paving	Expired 4/1/56	
164	8/16/1937	Annual tax for 1937	Superseded by Ord. 169	
166	1/24/1938	Warrant: Street repair	Expired 2/1/43	
167	3/28/1938	Warrant: Graveling	Expired 3/1/44	
168	7/1/1938	Warrant: Street paving	Expired 3/1/43	
169	8/22/1938	Annual tax for 1938	Superseded by Ord. 173	
170	3/20/1939	Purchase of sewer system	Rpld. 4/17/89	
171	3/31/1939	Bond approval for sewer	Expired 3/1/56	
173	8/21/1939	Annual tax for 1939	Superseded by Ord. 182	
174	11/20/1939	Change council meetings	NIC	
175	12/22/1939	Salaries of elected officers	Rpld. 4/17/89	
176	12/22/1939	Abolishing offices	Rpld. 4/17/89	
177	12/22/1939	Chief of police	Sec. 1.241	§ 2.06.001(a)
178	12/22/1939	City secretary	Superseded by Ord. 266	
179	3/18/1940	City comptroller	Rpld. 4/17/89	
180	3/18/1940	City counsel (attorney)	Sec. 1.243	§ 2.03.002
181	7/22/1940	Approval of land for park	NIC	
182	8/19/1940	Annual tax for 1941	Superseded by Ord. 185	
183	5/22/1941	Fees: Telephone, electric and gas	Rpld. 4/17/89	
184	7/21/1941	Franchise granted to gas company	Sec. 8.201	NIC
185	8/18/1941	Annual tax for 1941	Superseded by Ord. 189	
186	11/13/1941	Sale of alcohol: hours	Rpld. 4/17/89	

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
187	11/17/1941	South West Bell payment agreement	Rpld. 4/17/89	
188	3/23/1942	Refund bonds to power company	Expired 10/1/48	
189	8/17/1942	Annual tax for 1942	Superseded by Ord. 190	
190	8/16/1943	Annual tax for 1943	Superseded by Ord. 192	
191	2/15/1944	Maintenance of Highway 95	Rpld. 4/17/89	
192	8/21/1944	Annual tax for 1944	Superseded by Ord. 193	
193	8/27/1945	Annual tax for 1945	Superseded by Ord. 196	
194	6/17/1946	Special purpose annexation	Sec. 1.330(c)	NIC
195	7/19/1946	Maintenance of Highway 95	Rpld. 4/17/89	
196	9/16/1946	Annual tax for 1946	Superseded by Ord. 201	
197	9/16/1946	Electric rates	Superseded by Ord. 221	
198	11/18/1946	Telephone Company annual fee	Rpld. 4/17/89	
199	11/18/1946	Street improvements	Rpld. 4/17/89	
200	2/17/1947	South West Bell fee for land use	Rpld. 4/17/89	
201	8/18/1947	Annual tax for 1947	Superseded by Ord. 208	
202	11/17/1947	Driving with iron lugs	Sec. 19.501	Amnd. by Ord. 2018-03124C
203	11/17/1947	Volatile material storage	Sec. 7.201–7.204	§ 6.01.001
204	2/16/1948	Election procedures	Sec. 1.210	§ 2.01.003
205	6/24/1948	Sewer connections	Sec. 9.605	Superseded by Ord. 2019-09-19-2A
206	7/19/1948	Arson reward	Superseded by Ord. 271	
207	7/21/1948	Warrant: Power plant repair	Expired 1/15/49	
208	8/16/1948	Annual tax for 1948	Superseded by Ord. 213	
209	10/18/1948	Fire limits for city	Superseded by Ord. 226	
210	4/18/1949	Warrant: Street equipment	Expired 2/1/52	
211	6/21/1949	Maintenance of Highway 95	Rpld. 4/17/89	
212	6/20/1949	Extermination of rats		
		Definitions	Sec. 9.501	§ 7.05.001
		Regulations	Sec. 9.502	§ 7.05.002
		Notice	Sec. 9.503	§ 7.05.003
		Health officer's powers	Sec. 9.504	§ 7.05.004
		Unlawful activities	Sec. 9.505	§ 7.05.005
213	8/22/1949	Annual tax for 1949	Superseded by Ord. 219	
214	2/22/1950	Maintenance of Highway 1329	Rpld. 4/17/89	
215	3/2/1950	Bonds: Water works, sewer	Expired 3/1/80	
216	3/16/1950	Water and sewer rates	Superseded by Ord. 230	
217	6/19/1950	Construction of FM Highway 1329	Rpld. 4/17/89	
219	8/21/1950	Annual tax for 1950	Superseded by Ord. 225	
220	11/20/1950	Health certification: Food handlers	Superseded by Ord. 276	
221	2/19/1951	Electric rates	Superseded by Ord. 247	
222	6/18/1951	South West Bells rates	Superseded by Ord. 248	
223	7/18/1949	Annexation	Sec. 1.320(d)	NIC
223	7/2/1951	Petition for annexation	Sec. 1.320(e)	NIC
224	7/22/1951	Annexation	Sec. 1.320(f)	NIC
225	8/20/1951	Annual tax for 1951	Superseded by Ord. 233	
226	11/9/1951	Fire limits of city	Sec. 7.101	Amnd. by Ord. 02-001
227	1/21/1952	Social security fund	Superseded by Ord. 83-1	
228	3/7/1952	Notes: Electric light system	Expired 3/1/58	
229	3/10/1952	Warrant: Fire truck	Expired 3/10/55	
230	3/17/1952	Water and sewer rates	Superseded by Ord. 242	
231	4/24/1952	Current fund: Electric company	Expired 3/12/53	
232	5/19/1952	Council as board of equalization	Superseded by Ord. 236	
233	8/18/1952	Annual tax for 1952	Superseded by Ord. 237	

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
234	10/22/1952	Natural gas rates	Superseded by Ord. 60-261	
235	12/22/1952	Franchise for Lone Star Gas	Expired 7/1/56	
236	5/18/1953	Meeting for board of equalization	Superseded by Ord. 239	
237	8/17/1953	Annual tax for 1953	Superseded by Ord. 241	
238	11/23/1953	Fire marshal	Sec. 1.246	§§ 6.02.001–6.02.006
239	5/24/1954	Meeting for board of equalization	Superseded by Ord. 243	
240	7/19/1954	Zoning traffic: Speed limits	Superseded by Ord. 72-1	
241	8/16/1954	Annual tax for 1954	Superseded by Ord. 244	
242	2/21/1955	Water and sewer rates	Superseded by Ord. 275	
243	5/19/1955	Meeting for board of equalization	Superseded by Ord. 250	
244	8/22/1955	Annual tax for 1955	Superseded by Ord. 251	
245	10/17/1955	Traffic signal installation	Rpld. 4/17/89	
246	10/17/1955	Parking on Highway 95	Sec. 19.203	NIC
247	10/31/1955	Electric rates	Superseded by Ord. 75-11	
248	11/21/1955	South West Bell rates	Superseded by Ord. 249	
249	11/21/1955	Southwest West Bell base telephone rates	Superseded by Ord. 254	
250	6/21/1956	Meeting for board of equalization	Superseded by Ord. 252	
251	8/20/1956	Annual tax for 1956	Superseded by Ord. 253	
252	5/20/1957	Meeting for board of equalization	Superseded by Ord. 257	
253	8/26/1957	Annual tax for 1957	Superseded by Ord. 258	
254	9/16/1957	South West Bell local telephone rates	Superseded by Ord. 268	
255	3/17/1958	Note: Water well	Expired 4/1/60	
256	3/17/1958	Current fund warrant	Rpld. 4/17/89	
257	5/19/1958	Meeting board for equalization	Superseded by Ord. 259	
258	8/18/1958	Annual tax for 1958	Superseded by Ord. 260	
259	5/18/1959	Meeting for board of equalization	Superseded by Ord. 61-264	
260	8/17/1959	Annual tax for 1959	Superseded by Ord. 60-262	
60-261	3/21/1960	Natural gas rates	Superseded by Ord. 67-1	
60-262	8/22/1960	Annual tax for 1960	Superseded by Ord. 265	
61-263	3/20/1961	Driving heavy loaded trucks	Secs. 19.402–19.405	Amnd. by Ord. 2018-03124C
61-264	5/22/1961	Meeting for board of equalization	Superseded by Ord. 272	
265	8/21/1961	Annual tax for 1961	Superseded by Ord. 269	
266	11/20/1961	City secretary	Sec. 1.245	§ 2.03.003(e)
267	1/22/1962	Defense relief committee	Sec. 5.202–5.206	Rpld. by Ordinance adopting 2023 Code
268	2/19/1962	Southwest Bell Local telephone rates	Superseded by Ord. 72-12	
269	8/20/1962	Annual tax for 1962	Superseded by Ord. 274	
270	1/21/1963	Annexation	Sec. 1.320(g)	NIC
271	2/18/1963	Arson reward	Sec. 7.401	§ 6.01.002
272	5/20/1963	Meeting for board of equalization	Rpld.: Tax Code 6.41 et seq.	
273	8/20/1963	Zoning for traffic	Superseded by Ord. 72-1	
274	8/19/1963	Annual tax for 1963	Superseded by Ord. 279	
275	11/18/1963	Water and sewer rates	Superseded by Ord. 73-9	
276	1/20/1964	Health examination; food handlers		
		Definitions	Sec. 9.121	§ 7.03.031
		Examinations, registrations	Sec. 9.122	§ 7.03.033
		Issuance of health certificates	Sec. 9.123	§ 7.03.034
		Health examination	Sec. 9.124	§ 7.03.035

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
		Tuberculosis examination	Sec. 9.125	§ 7.03.036
		Food handler's registration certificate	Sec. 9.126	§ 7.03.037
		Enforcement	Sec. 9.127	§ 7.03.038
		City health officer	Sec. 9.128	§ 7.03.039
		Penalty	Sec. 9.129	§ 7.03.032
277	7/20/1964	Connections to water and sewer mains [Connection required]	Sec. 9.601	Superseded by Ord. 2019-09-19-2A
		Water closets	Sec. 9.602	Superseded by Ord. 2019-09-19-2A
		Wastewater	Sec. 9.603	Superseded by Ord. 2019-09-19-2A
		Application for connection	Sec. 9.604	Superseded by Ord. 2019-09-19-2A
		Superintendent of city utilities	Sec. 9.605	Superseded by Ord. 2019-09-19-2A
		Offenses	Sec. 9.606	§ 12.04.067
		Penalty	Sec. 9.607	Superseded by Ord. 2019-09-19-2A
		General	Sec. 9.701	Superseded by Ord. 2019-09-19-2A
		Tapping charges	Sec. 9.702	Superseded by Ord. 2001-02
278	8/17/1964	Annexation	Sec. 1.320(g)	NIC
279	8/17/1964	Annual tax for 1964	Superseded by Ord. 285	
280	9/21/1964	Annexation	Sec. 1.320(j)	NIC
281	1/18/1965	Franchise extension TP&L	Extended by Ord. 74-2	
282	6/21/1965	Abandonment	Sec. 1.350(h)	NIC
283	7/19/1965	Planning commission	Sec. 17.101	§ 9.01.001
284	8/16/1965	Revenue bonds	Superseded by Ord. 66-7	
285	8/16/1965	Annual tax for 1965	Superseded by Ord. 66-5	
286	12/20/1965	Vacant lots	Secs. 9.801–9.805	Superseded by Ord. 2013-03
287	12/20/1965	Judge of municipal court	Sec. 6.103	§ 2.07.003
288	2/21/1966	Annexation	Sec. 1.320(k)	NIC
66-1	5/2/1966	Franchise extension TP&L	Extended by Ord. 66-1	NIC
66-3	6/12/1966	Abandonment	Sec. 1.350(g)	NIC
66-4	7/20/1966	Permit to build	Superseded by Ord. 66-7	
66-5	7/18/1966	Annual tax for 1966	Superseded by Ord. 67-2	
66-7	12/19/1966	Zoning ordinance		
		Districts	Sec. 21.101	§ 9.02.001
		Definitions	Sec. 21.102	§ 9.02.002
		Fences	Sec. 21.103	§ 9.02.003
		Use regulations: "R-1" district	Sec. 21.201	§ 9.02.031
		Area regulations: "R-1" one family district	Sec. 21.202	§ 9.02.032
		Use regulations: "R-2" duplex and apartment district	Sec. 21.301	§ 9.02.033
		Area regulations: "R-2" duplex and apartment district	Sec. 21.302	§ 9.02.034
		Use regulations and area regulations of "R-3" house trailer district	Sec. 21.401	§ 9.02.035

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
		Use and area regulations in "R-4" small house district	Sec. 21.501	§ 9.02.036
		"B-1" retail business district	Sec. 21.601	§ 9.02.037
		"B-2" general business district	Sec. 21.701	§ 9.02.039
		"C-1" commercial district	Sec. 21.801	§ 9.02.040
		Prohibiting the installation of gasoline pumps and tanks	Sec. 21.802	§ 9.02.041
		Non-conforming buildings and uses	Sec. 21.901	§ 9.02.071
		Non-conforming use of land	Sec. 21.902	§ 9.02.072
		Abandonment	Sec. 21.903	§ 9.02.073
		A non-conforming use shall be extended to displace a conforming use.	Sec. 21.904	§ 9.02.074
		District changes	Sec. 21.905	§ 9.02.075
		Procedure covering special exceptions appeals and granting of variances	Sec. 21.1001	§ 9.02.101
		Special exceptions	Sec. 21.1002	§ 9.02.102
		Notice	Sec. 21.1003	§ 9.02.103
		The hearing	Sec. 21.1004	§ 9.02.104
		Special exceptions	Sec. 21.1005	§ 9.02.105
		Variance	Sec. 21.1006	§ 9.02.106
		Appeal from city council	Sec. 21.1007	§ 9.02.107
		Enforcement and administration	Sec. 21.1101	§ 9.02.131
		Building permit required	Sec. 21.1102	§ 9.02.132
		Powers and duties of the city secretary	Sec. 21.1103	§ 9.02.133
		In newly annexed territory	Sec. 21.1104	§ 9.02.134
		Permits issued by city secretary	Sec. 21.1105	§ 9.02.135
67-1	5/22/1967	Natural gas rates	Superseded by Ord. 70-2	
67-2	5/22/1967	Annual tax for 1967	Superseded by Ord. 68-4	
67-3	10/21/1967	W. Highway 95 E Clark St.	Sec. 19.204	NIC
67-4	9/18/1967	W. Highway 95 E. Clark Street	Sec. 19.204	NIC
68-1	1/22/1968	Abandonment	Sec. 1.350(f)	NIC
68-2	5/20/1968	No parking zone	Sec. 19.205	NIC
68-4	6/17/1968	Annual tax for 1968	Superseded by Ord. 69-2	
68-5	7/22/1968	Minimum dwelling standards		
		Certificate of occupancy	Sec. 3.202	§ 4.03.001
		Minimum dwelling standards	Sec. 3.203	§ 4.03.002
		Occupation without permit	Sec. 3.204	§ 4.03.003
		Application for certificate of occupancy	Sec. 3.205	§ 4.03.004
		Appeal for denial of certificate of occupancy	Sec. 3.206	§ 4.03.005
		Occupation without certificate of occupancy	Sec. 3.207	§ 4.03.006
		Penalty	Sec. 3.208	§ 4.03.007
68-6	9/16/1968	Public hearing: annexation	Hearing held	
68-7	10/21/1968	Annexation	Sec. 1.320(l)	NIC
68-8	11/18/1968	Maintenance of highways	Rpld. 4/17/89	
68-9	12/16/1968	Local sales tax of 1%	Rpld. by Ord. 78-4	
69-1	1/27/1969	Election results of sales tax	Election	
69-2	4/28/1969	Annual tax for 1969	Superseded by Ord. 84-1	
70-1	2/14/1970	Election: Extended water works	Superseded by Ord. 72-4, 5, 6	

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
70-2	1/30/1970	Natural gas rates	Superseded by Ord. 73-1	
70-5	2/16/1970	Southern Standard Building Code adopted	Sec. 3.102	Amnd. by Ord. 20230522-07
70-4	2/16/1970	National Plumbing Code adopted	Sec. 3.104	Amnd. by Ord. 20230522-07
70-6	2/16/1970	National Electrical Code adopted	Sec. 3.103	Amnd. by Ord. 20230522-07
70-7	6/18/1970	Garbage collection		
		Definitions	Sec. 9.221	§ 12.03.001
		General	Sec. 9.222	§§ 12.03.003–12.03.008
		Offenses and prohibitions	Sec. 9.223	§ 12.03.009
		Garbage cans	Sec. 9.224	§ 12.03.010
		Collection and fees	Sec. 9.225	§ 12.03.011(a), (b)
		Penalty	Sec. 9.226	§ 12.03.002
		Severability	Sec. 9.227	NIC
70-8	6/22/1970	Budget adoption 70-71	Superseded by Ord. 71-5	
71-1	3/22/1971	Garbage	Rpld. by Ord. 70-7	
71-2	3/22/1971	Shooting firearms in city		
		General	Sec. 14.141	§ 8.04.001(a)
		Exception	Sec. 14.142	§ 8.04.001(b)
		Air guns and rifles	Sec. 14.143	§ 8.04.001(c)
		Penalty	Sec. 14.144	§ 8.04.001(d)
71-3	6/1/1971	Swine in city limits	Secs. 2.301, 2.302	Superseded by Ord. 2007-006
71-4	6/1/1971	Animals at large	Sec. 2.107	Superseded by Ord. 2007-006
71-5	6/28/1971	Budget adopted for 71-72	Superseded by Ord. 72-13	
72-1	1/17/1972	Zoning for traffic and speed		
		State Highway 95	Sec. 19.102	NIC
		Defining offense and fine	Sec. 19.103	§ 11.02.032
72-2	2/21/1972	Abandonment, sale of block	Sec. 1.350(a)	NIC
72-4	3/20/1972	Cattle in the city	Secs. 2.402–2.404	Superseded by Ord. 2007-006
72-5	3/20/1972	Horses in the city	Sec. 2.402	Superseded by Ord. 2007-006
72-6	3/20/1972	Sheep in the city	Sec. 2.402	Superseded by Ord. 2007-006
72-7	3/20/1972	Dog ordinance	Secs. 2.102–2.113, 2.201	Superseded by Ord. 2007-006
72-8	3/20/1972	Election results: Sale of block	Rpld. 4/17/89	
72-9	5/22/1972	Peddling	Unable to be located by city	
72-10	5/22/1972	Permit for mobile homes	Secs. 12.102–12.105	Rpld. by Ord. 2012-02
72-11	5/22/1972	Mobile home parks	Secs. 12.302–12.308	Rpld. by Ord. 2012-02
72-12	5/22/1972	Southwestern Bell Telephone Rates	Rpld.: VRCS art. 1446C (116)	
72-13	7/17/1972	Budget adopted for 72-73	Superseded by Ord. 73-7	
73-1	1/22/1973	Fuel adjustment increases	Superseded by Ord. 73-5	
73-2	3/12/1973	Abandonment	Sec. 1.350(b)	NIC
73-3	3/12/1973	Election for sale of Block 25	Election disapproved	
73-4	6/18/1973	Election for Proposition 1 & 2	Election disapproved	
73-5	7/16/1973	Natural gas rates	Superseded by Ord. 75-9	
73-6	7/16/1973	Canvassing election returns	Election disapproved	
73-7	8/17/1973	Budget adopted for 73-74	Superseded by Ord. 75-9	

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
73-8	7/14/1973	Bonds: Utility system	Expired 9/1/03	
73-9	9/11/1973	Water and sewer rates	Superseded by Ord. 76-3	
73-10	10/15/1973	Annexation	Sec. 1.320(i)	NIC
74-1	2/18/1974	Driving of heavy trucks	Sec. 19.403(1)	Amnd. by Ord. 2018-03124C
74-1A	5/15/1974	City hall improvement bids	Superseded by Ord. 74-3	
74-2	5/20/1974	Franchise extension: TP&L	Expired 5/20/85	
74-3	6/1/1974	Accepting bid of ACE, Inc.	Rpld. 4/17/89	
75-09	9/25/1975	Lone Star Gas rates	Superseded by Ord. 76-1	
75-10	10/20/1975	Creating a public library	Sec. 11.101	§§ 10.01.001, 10.02.002
75-11	10/27/1975	Electric rates	Superseded by Ord. 77-1	
75-12	10/27/1975	Garbage	Superseded by Ord. 70-1	
75-13	11/18/1975	Junk vehicles: Nuisance	Secs. 9.301–9.308	Superseded by Ord. 2013-05
76-1	5/17/1976	Abandonment	Sec. 1.350(c)	NIC
76-1	11/1/1976	Gas ordinance	Sec. 8.209	NIC
76-2	12/20/1976	Garbage	Superseded by Ord. 70-7	
76-2A	8/2/1976	Abandonment	Sec. 1.350(d)	NIC
76-2B	10/22/1976	Volatile materials	Sec. 7.201	§ 6.01.001
76-3	12/20/1976	Water and sewer rate	Superseded by Ord. 79-2	
77-1	5/16/1977	TP&L rates	Superseded by Ord. 78-2	
77-3	9/19/1977	Budget adoption for 78-79	Superseded by Ord. 78-3	
77-4	9/19/1977	Minimum housing code	Secs. 10.202–10.205	Superseded by Ord. 2010-02
77-5	10/17/1977	City volunteer fire service Ambulance service	Sec. 7.102 Sec. 9.110(a) Sec. 9.110(b)–(d) Sec. 9.110(e)	§ 6.03.001 § 7.02.001 §§ 7.02.002(a), A1.002 § 7.02.002(b)
78-1	1/16/1978	Warning at RR crossings	Rpld. 4/17/89	
78-2	5/22/1978	Texas Power and Light rates	Sec. 8.301	NIC
78-3	8/21/1978	Budget adopted for 78-79	Expired 9/01/80	
78-4	5/23/1979	Repealing 1% sales tax	Rpld.: Tax Code 151.001	
79-1	6/18/1979	Abandonment	Sec. 1.350(e)	NIC
79-2	9/17/1979	Water and sewer rates	Superseded by Ord. 85-3	
79-3	6/18/1979	Annexation	Sec. 1.350(m)	NIC
79-4	10/26/1979	Franchise: Centrovision, Inc.	Secs. 8.101–8.123	NIC
79-5	6/16/1980	Housing discrimination	Sec. 10.102–12.108	Rpld. by Ordinance adopting 2023 Code
80-1	4/19/1982	Weeds and grass: nuisance	Superseded by Ord. 85-4	
82-1	4/19/1982	Annexation	Sec. 1.320(n)	NIC
82-1b	4/23/1982	Proposition for annexation	NIC	NIC
82-1c	4/23/1982	Service plan: annexed land	Sec. 1.380	NIC
82-2	4/23/1982	Service plan established	Sec. 1.370	§ 2.01.002
83-1	7/18/1983	TMRS	Secs. 16.101–16.113	NIC
84-1	8/20/1984	Annual tax for 1984	Expired 9/1/85	
85-1	2/25/1985	Franchise extension: TP&L	Expired 2/25/95	
85-2	4/22/1985	Burning of rubbish General Penalty	Sec. 9.211 Sec. 9.212	§ 6.04.001(a) § 6.04.001(b)
85-3	12/18/1985	Fees: Water and wastewater Service availability fee Definition of living unit Capital recovery fee	Sec. 20.101 Sec. 20.102 Sec. 20.103	§§ 12.01.028(a), A3.003(a) § A3.003(b) § 12.01.028(b)

Ord. No.	Date	Description	1989 Disposition	2023 Disposition
		Penalty	Sec. 20.104	§ 12.01.028(c)
		Severability	Sec. 20.105	NIC
85-4	10/7/1985	Weeds and water: nuisances	Secs. 9.901–9.905	Superseded by Ord. 2013-03
85-6	7/1/1985	Mobile home placement	Secs. 12.202–12.210	Rpld. by Ord. 2012-02
87-1	5/18/1987	Sale of property	Sec. 1.360(a)	NIC
87-2	7/27/1987	Tax on telecommunication service		
		Telecommunication services	Sec. 18.210 [18.201]	§ 2.08.032
		Repealer	Sec. 18.202	NIC
		Severability	Sec. 18.203	NIC
		Construing of section	Sec. 18.204	NIC
88-1	8/22/1988	Flood damage prevention		
		General	Sec. 17.202	§ 4.05.001
		Definitions	Sec. 17.203	§ 4.05.002
		General provisions	Sec. 17.204	§ 4.05.003
		Administration	Sec. 17.205	§ 4.05.004
		Provisions for flood hazard reduction	Sec. 17.206	§ 4.05.005
89-1	1/16/1989	Emergency management		
		Emergency management	Sec. 5.101	§ 1.02.031
		Emergency management director: powers and duties	Sec. 5.102	§ 1.02.032
		Emergency management plan	Sec. 5.103	§ 1.02.033
		Interjurisdictional program	Sec. 5.104	§ 1.02.034
		Override	Sec. 5.105	§ 1.02.035
		Liability	Sec. 5.106	§ 1.02.036
		Commitment of funds	Sec. 5.107	§ 1.02.037
		Offenses: penalties	Sec. 5.108	§ 1.02.038
		Severability	Sec. 5.109	NIC
		Limitations	Sec. 5.110	§ 1.02.039
		Repealer	Sec. 5.111	NIC
89	4/17/1989	Adoption of code	Preamble	NIC

Ord. No.	Date	Description	Disposition	Supp. No.
2001-02	--/2001	Amends water and sewer tap fees	Superseded by Ord. 2019-09-19-2A	CA
02-001	2/25/2002	Amends sec. 7.101; fire district	Rpld. by Ordinance adopting 2023 Code	CA
03-001	7/7/2003	Rezoning	NIC	CA
03-002	11/17/2003	Water rates	Amnd. by Ord. 05-004	CA
04-002	7/23/2004	Abandons portion of right-of-way	NIC	CA
04-003	10/18/2004	Amends budget	NIC	CA
05-001	2/7/2005	Adds sec. 21.602; B-1 retail business district--downtown area zoning district	§ 9.02.038	CA
05-004	8/22/2005	Amends water and sewer rates	Superseded by Ord. 2019-09-19-2A	CA
05-006	9/1/2005	Sanitation and pollution control	Superseded by Ord. 2012-10	CA
05-008	9/1/2005	Curfew for minors		
		Sec. 1 Definitions	§ 8.02.031	CA
		Sec. 2 Offenses	§ 8.02.032	CA
		Sec. 3 Defenses	§ 8.02.033	CA
		Sec. 4 Enforcement	§ 8.02.034	CA
		Sec. 5 Penalties	§ 8.02.035	CA
		Sec. 6 Review of curfew ordinance	§ 8.02.036	CA
2007-006	8/20/2007	Animal control	Superseded by Ord. 2015-004	CA
2008-03 2009-08	8/25/2008 --/2009	Utility service policies Noise	Superseded by Ord. 2010-03	CA
		Sec. 1 Definitions	§ 8.03.001	CA
		Sec. 2 General prohibitions	§ 8.03.002	CA
		Sec. 3 Maximum permissible sound levels	§ 8.03.003	CA
		Sec. 4 Method of sound measurement	§ 8.03.004	CA
		Sec. 5 Defenses	§ 8.03.005	CA
2009-09 Minutes	--/2009 1/11/2010	City administrator City cemetery lot prices	Superseded by Ord. 2011-08 §§ 10.03.007, A1.005	CA CA
2010-02	2/--/2010	Dangerous buildings		
		Sec. 1 Findings of fact	NIC	CA
		Sec. 2 Definitions	§ 4.04.001	CA
		Sec. 3 2003 International Property Maintenance Code	§ 4.04.002	CA
		Sec. 4 Unsafe buildings declared a nuisance	§ 4.04.003	CA
		Sec. 5 Inspections and duties of the building official	§ 4.04.004	CA
		Sec. 6 Notice to repair required	§ 4.04.005	CA
		Sec. 7 Sufficiency of notice	§ 4.04.006	CA
		Sec. 8 Securing dangerous building	§ 4.04.007	CA
		Sec. 9 Duties of the board of adjustments and appeals	§ 4.04.008	CA
		Sec. 10 City council action	§ 4.04.009	CA
		Sec. 11 Assessment of expenses and penalties	§ 4.04.010	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 12 Violations	§ 4.04.011	CA
		Sec. 13 Chapter 214	§ 4.04.012	CA
2010-03	4/5/2010	Utility service policies		
		Sec. I Findings incorporated	NIC	CA
		Sec. II Billing	Amnd. by Ord. 2011-08	CA
		Sec. III Late fees	Amnd. by Ord. 2011-08	CA
		Sec. IV Notice of delinquency	Rpld. by Ordinance adopting 2023 Code	CA
		Sec. V Disconnection of service	Rpld. by Ordinance adopting 2023 Code	CA
		Sec. VI Disputes of billing	Rpld. by Ordinance adopting 2023 Code	CA
		Sec. VII Payment arrangements	§ 12.02.004	CA
		Sec. VIII Testing of meters	§ 12.02.005	CA
		Sec. IX Contract for service	§ 12.02.006	CA
		Sec. X Disconnection of service	§§ 12.02.007, A5.001	CA
		Sec. XI Reconnect fee	§§ 12.02.008, A5.002	CA
		Sec. XII Reading of meters	§ 12.02.009	CA
		Sec. XIII Access to meters	§ 12.02.010	CA
		Sec. XIV Deposit	§ 12.02.011	CA
		Sec. XV Lien for unpaid charges	§ 12.02.012	CA
2010-12	9/30/2010	Tax levy, FY 10-11	NIC	CA
2011-01	2/14/2011	Calls a general election May 14, 2011	NIC	CA
2011-4	--/2011	Canvasses general election	NIC	CA
			Did not receive	
2011-5	6/14/2011	Amends Ord. 2011-4; canvasses general election	NIC	CA
2[2011-08]	9/19/2011	City administrator	Rpld. by Ord. 2012-03	CA
2011-08	11/14/2011	Amends Ord. 2008-3; utility system policies		
		Amends sec. II; billing	§ 12.02.001	CA
		Amends sec. III; late fees	§ 12.02.002	CA
2012-02	3/12/2012	Mobile homes and HUD-code manufactured homes	Amnd. by Ord. 2020-1019-06	CA
2012-03	3/12/2012	Establishing office of the city administrator		
		Sec. 1 City administrator	§ 2.03.031	CA
		Sec. 2 Appointment	§ 2.03.032	CA
		Sec. 3 Compensation	§ 2.03.033	CA
		Sec. 4 Authority, duties and responsibilities	§ 2.03.034	CA
		Sec. 5 Conflict of duties	§ 2.03.035	CA
2012-04	5/14/2012	Record of city council meetings	§ 2.02.005	CA
2012-05	9/26/2012	Adopts budget, FY 12-13	NIC	CA
2012-05-B	9/10/2012	Issuance of general obligation refunding bond, series 2012	NIC	CA
2012-06	9/26/2012	Tax levy, FY 12-13	NIC	CA
2012-07	9/26/2012	Amends ch. 21, zoning; allows for additional uses in R-1 zoning districts		
		Sec. 1 Findings		

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2 Amends sec. 21.102; adds definitions for bed and breakfast, special events facility	§ 9.02.002	CA
		Sec. 3 Amends sec. 21.201, use regulations for R-1 district; adds subsecs. (12) and (13); special events facility and bed and breakfast	§ 9.02.031(12), (13)	CA
2012-08	11/5/2012	Establishing time limit for repeat open records requestors	Superseded by Ord. 20180910-4F	CA
2012-09	12/10/2012	Records management policy		
		Sec. 1 Definition of municipal records	§ 2.05.001	CA
		Sec. 2 Additional definitions	§ 2.05.002	CA
		Sec. 3 Municipal records declared public property	§ 2.05.003	CA
		Sec. 4 Policy	§ 2.05.004	CA
		Sec. 5 Designation of records management officer	§ 2.05.005	CA
		Sec. 6 Records management plan to be developed; approval of plan; authority of plan	§ 2.05.006	CA
		Sec. 7 Duties of records management officer	§ 2.05.007	CA
		Sec. 8 Duties and responsibilities of department heads	§ 2.05.008	CA
		Sec. 9 Texas state library records control schedules and amendments to be adopted	§ 2.05.009	CA
		Sec. 10 Implementation of records control schedules; destruction of records under schedule	§ 2.05.010	CA
		Sec. 11 Destruction of unscheduled records	§ 2.05.011	CA
2012-10	12/10/2012	Water wells		
		Sec. 1 Purpose	§ 12.05.001	CA
		Sec. 2 Regulation		
		Water well regulations		
		Sec. 1 Definitions	§ 12.05.002	CA
		Sec. 2 Location	§ 12.05.003	CA
		Sec. 3 Standards of completion	§ 12.05.004	CA
		Sec. 4 Interconnection	§ 12.05.005	CA
		Sec. 5 Backflow and siphonage	§ 12.05.006	CA
		Sec. 6 Abandoned or inoperative wells	§ 12.05.007	CA
		Sec. 7 Safeguards and damage	§ 12.05.008	CA
		Sec. 8 Nuisance wells	§ 12.05.009	CA
		Sec. 9 Right of entry	§ 12.05.010	CA
		Sec. 10 Required removal	§ 12.05.011	CA
		Sec. 11 Penalty	§ 12.05.012	CA
		Sec. 12 Superseding regulation or statute	§ 12.05.013	CA

Ord. No.	Date	Description	Disposition	Supp. No.
2013-01	1/14/2013	Waiver of confidentiality and privileged communications	§ 2.01.004	CA
2013-02	2/11/2013	Calls general municipal election May 11, 2013	NIC	CA
2013-03	2/11/2013	Littering, stagnant water, carrion, filth, weeds and other nuisances		
		Art. I Authority and definitions		
		Sec. 1 Authority	§ 7.04.001	CA
		Sec. 2 Purpose	§ 7.04.002	CA
		Sec. 3 Findings of fact	NIC	CA
		Sec. 4 Definitions	§ 7.04.003	CA
		Art. II Littering		
		Sec. 1 Littering by pedestrians and motorists prohibited	§ 7.04.031	CA
		Sec. 2 Vehicles transporting loose materials	§ 7.04.032	CA
		Sec. 3 Loading and unloading operations	§ 7.04.033	CA
		Sec. 4 Responsibility to keep property clean; abatement	§ 7.04.034	CA
		Sec. 5 Dumping refuse; other material	§ 7.04.035	CA
		Art. III Repair of motor vehicles and storage of materials outdoors		
		Sec. 1 Motor vehicle maintenance, assemblage and the like on public property	§ 7.04.061	CA
		Sec. 2 Motor vehicle maintenance, assemblage and the like on private property	§ 7.04.062	CA
		Sec. 3 Refrigerators and other containers	§ 7.04.063	CA
		Sec. 4 Residential solid waste containerization; removal	§ 7.04.064	CA
		Sec. 5 Commercial solid waste containerization; removal	§ 7.04.065	CA
		Art. IV Nuisances and offensive conditions on private property		
		Sec. 1 Nuisances described	§ 7.04.091	CA
		Sec. 2 Prohibited conduct	§ 7.04.092	CA
		Sec. 3 Nuisance declared and duty to abate	§ 7.04.093	CA
		Sec. 4 Noxious odors declared nuisance	§ 7.04.094	CA
		Sec. 5 Storage of materials	§ 7.04.095	CA
		Sec. 6 Maintenance of processing premises	§ 7.04.096	CA
		Sec. 7 Waste transportation and disposal	§ 7.04.097	CA
		Sec. 8 Limitation on height of grass and weeds	§ 7.04.098	CA
		Sec. 9 Discharge of sewage and hazardous wastes	§ 7.04.099	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 10 Prima facie evidence	§ 7.04.100	CA
		Sec. 11 Disposal of dead animals	§ 7.04.101	CA
		Art. V Nuisance Water Regulations		
		Sec. 1 Accumulations of water prohibited	§ 7.04.121	CA
		Sec. 2 Collection of water containing Bacillus Coli declared public nuisance	§ 7.04.122	CA
		Sec. 3 Collection of water containing Bacillus Coli to be eliminated	§ 7.04.123	CA
		Sec. 4 Impairing of drainageways prohibited	§ 7.04.124	CA
		Sec. 5 Public toilets to be kept in sanitary conditions	§ 7.04.151	CA
		Art. VI General Provisions		
		Sec. 1 Right to abate dangerous conditions	§ 7.04.181	CA
		Sec. 2 Right to inspect	§ 7.04.182	CA
		Sec. 3 Violations and notices	§ 7.04.183	CA
		Sec. 4 Costs and appeals	§ 7.04.184	CA
		Sec. 5 Cost of abatement constitutes lien	§ 7.04.185	CA
		Sec. 6 Enforcement	§ 7.04.186	CA
		Sec. 7 Penalties	§ 7.04.187	CA
		Sec. 8 Remedies	§ 7.04.188	CA
2013-02-A	3/8/2013	Amends Ordinance 2013-02 calling general election	NIC	CA
2013-04	3/8/2013	Orders special election	NIC	CA
2013-05	8/19/2013	Junked and abandoned vehicles Attachment - Junked and abandoned motor vehicle regulations		
		Sec. 1 State law applicable	§ 8.05.001	CA
		Sec. 2 Definitions	§ 8.05.002	CA
		Sec. 3 Enforcement	§ 8.05.003	CA
		Sec. 4 Effect on other statutes or ordinances	§ 8.05.004	CA
		Sec. 5 Storage fees	§ 8.05.005	CA
		Sec. 6 Penalties	§ 8.05.006	CA
		Sec. 7 Authority to take possession	§ 8.05.031	CA
		Sec. 8 Notice of impoundment of abandoned motor vehicle	§ 8.05.032	CA
		Sec. 9 Use and disposition of abandoned motor vehicles	§ 8.05.033	CA
		Sec. 10 Auction sales; disposition of proceeds generally	§ 8.05.034	CA
		Sec. 11 Custody, reports and proceeds of abandoned motor vehicles	§§ 8.05.035, A1.004	CA
		Sec. 12 Disposal of abandoned motor vehicle to demolisher	§ 8.05.036	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 13 Junked vehicles a public nuisance	§ 8.05.061	CA
		Sec. 14 Maintaining a public nuisance	§ 8.05.062	CA
		Sec. 15 Procedures for abatement of public nuisance	§ 8.05.063	CA
		Sec. 16 Exception to junked vehicle	§ 8.05.064	CA
		Sec. 17 Disposal of junked vehicles	§ 8.05.065	CA
2013-06	8/19/2013	Calls sales and use tax election	NIC	CA
2013-07	9/9/2013	Adopts budget, FY 13-14	NIC	CA
2013-08	10/7/2013	TMRS	NIC	CA
2013-09	11/18/2013	Canvasses results of election on creation of municipal development district and adoption of sales and use tax	NIC	CA
2014-01	2/10/2014	Calls general election	NIC	CA
2014-02	2/10/2014	Installation of speed limit signs and stop signs	NIC	CA
2014-03	5/12/2014	Rezoning	NIC	CA
2014-04	5/12/2014	Electric service classifications and rates		
		Sec. 1 Service rate classification	§ 12.04.001	CA
		Sec. 2 Rate classification administration and assignment	§ 12.04.002	CA
		Sec. 3 Effective date	NIC	CA
		Sec. 4 Residential electric service rate classification	§§ 12.04.003, A5.041	CA
		Sec. 5 Commercial rate classification	§§ 12.04.004, A5.042	CA
		Sec. 6 Power cost recovery factor charge	§ A5.043	CA
		Sec. 7 Sales tax	§ 12.04.005	CA
		Sec. 8 Terms of payment	§ 12.04.006	CA
		Attachment: Impact of proposed rates	NIC	CA
2014-05	5/12/2014	Amends budget, FY 13-14	NIC	CA
2014-06	6/9/2014	Solid waste disposal services		
		Sec. 1 Service rate classification	§ 12.03.011(c)	CA
		Sec. 2 Rate classification administration and assignment	§ 12.03.011(d)	CA
		Sec. 3 Effective date	NIC	CA
		Sec. 4 Garbage disposal cart service rate classification	Superseded by Ord. 2019-09-19-2A	CA
		Sec. 5 Garbage disposal dumpster rate classification	Superseded by Ord. 2019-09-19-2A	CA
		Sec. 6 Sales tax	§ 12.03.011(e)	CA
		Sec. 7 Terms of payment	§ 12.03.011(f)	CA
2014-07	6/9/2014	Vacates portion of right-of-way	NIC	CA
2014-09	9/8/2014	Adopts budget, FY 14-15	NIC	CA
2015-01	2/9/2015	Calls general election	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
2015-02	2/9/2015	Closes, vacates, and abandons portion of Lucy Street and alley between Lucy Street and Emma Street	NIC	CA
2015-03	9/14/2015	Adopts budget, FY 15-16	NIC	CA
2015-004	9/14/2015	Animal control		
		Sec. 1 Definitions	§ 3.01.001	CA
		Sec. 2 Enforcement	§ 3.01.002	CA
		Sec. 3 Vaccination	§ 3.01.009	CA
		Sec. 4 Registration, license	§ 3.01.010	CA
		Sec. 5 Revocation and denial of registration	§ 3.01.011	CA
		Sec. 6 Animal welfare advisory board and appeal process		
		(A) Animal welfare advisory board	§ 3.01.003	CA
		(B) Appeal process	§ 3.01.012	CA
		Sec. 7 Running at large	§ 3.01.013	CA
		Sec. 8 Trained guard dogs	§ 3.01.014	CA
		Sec. 9 Impoundment	§ 3.02.001	CA
		Sec. 10 Redemption of animal	§§ 3.02.002, A2.002	CA
		Sec. 11 Disposition of animals	§ 3.02.003	CA
		Sec. 12 Adoption of dogs and cats	§ 3.02.004	CA
		Sec. 13 Animal quarantine	§ 3.01.015	CA
		Sec. 14 Animal nuisances	§ 3.01.016	CA
		Sec. 15 Animals prohibited as novelties	§ 3.01.017	CA
		Sec. 16 Animals in parked vehicles	§ 3.01.018	CA
		Sec. 17 Tethering	§ 3.01.019	CA
		Sec. 18 Wild, wild-hybrid, prohibited animals	§ 3.01.020	CA
		Sec. 19 Dangerous dogs	§ 3.01.021	CA
		Sec. 20 Livestock	§ 3.03.001	CA
		Sec. 21 Bats	§ 3.01.022	CA
		Sec. 22 Commercial businesses	§ 3.01.023	CA
		Sec. 23 Sanitary requirements	§ 3.01.024	CA
		Sec. 24 Animal care	§ 3.01.025	CA
		Sec. 25 Texas Department of Health	§ 3.01.004	CA
		Sec. 26 Severability	NIC	CA
		Sec. 27 Repealer	NIC	CA
		Sec. 28 Culpability	§ 3.01.005	CA
		Sec. 29 Penalty	§ 3.01.006	CA
		Sec. 30 Grandfather clause	§ 3.01.007	CA
		Ex. 1 Fees		
		Registration fees	§ A2.001	CA
		Animal kennel holding fees	§ A2.003	CA
2016-____	--/2016	Prohibits former city employees from being present on certain city-owned premises	§ 2.01.005	CA
20160815-01	8/15/2016	Fireworks		
		Sec. 7.301 Definitions	§ 6.05.001	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 7.302 Restrictions on the sale, use, possession or discharge of fireworks	§ 6.05.003	CA
		Sec. 7.303 Exemptions	§§ 6.05.004, A1.003	CA
		Sec. 7.304 Procedures for filing complaints about a violation of this ordinance	§ 6.05.005	CA
		Sec. 7.305 Penalties and enforcement	§ 6.05.002	CA
20170104-05	1/4/2017	Amends personnel policy; on-call and standby pay	NIC	CA
20170104-05	1/4/2017	Amends personnel policy; employee workweek and pay procedure	NIC	CA
20170227-14	2/27/2017	Amends Ord. 2015-004, sec. 19(C); adds subsec. 5., muzzling of dangerous dog	§ 3.01.021(c)(5)	CA
20170403-13	4/3/2017	Amends personnel policy; overtime and compensatory time	NIC	CA
2017-0403-15	4/3/2017	City treasurer		
		Art. 1 Findings of fact	NIC	CA
		Art. 2 Appointment of city treasurer	§ 2.03.004(a)-(c)	CA
		Art. 3 Order on city treasurer to make city payments	§ 2.03.004(d)	CA
20170417-005	4/17/2017	Amends Ord. 2012-02, sec. 12.206; manufactured homes regulations	Amnd. by Ord. 2020-1019-06	CA
20180212-4E	2/12/2018	Amends personnel policy; adopts revised personnel manual	§ 2.04.001	CA
2018-03124C	3/12/2018	Amends secs. 19.401-19.405; overweight vehicles		
		Sec. 19.401 Prohibiting driving or operating overweight vehicles on certain streets		
		Sec. 19.402 Definition	§ 11.03.001(a)	CA
		Sec. 19.403 General	§ 11.03.001(b)	CA
		Sec. 19.404 Other vehicle restrictions	§ 11.03.001(c)	CA
		Sec. 19.405 Penalty	§ 11.03.001(d)	CA
20180910-4A	9/10/2018	Adopts budget, FY 18-19	NIC	CA
20180910-4A	9/10/2018	Tax levy	NIC	CA
20180910-4F	9/10/2018	Charges for requests for public information	§ 2.01.006	CA
03112019 4-B	3/11/2019	Signs		
		Purpose	§ 4.07.001	CA
		Authority	§ 4.07.002	CA
		First Amendment rights	§ 4.07.003	CA
		Jurisdiction	§ 4.07.004	CA
		Applicability and enforcement	§ 4.07.005	CA
		Definitions	§ 4.07.005	CA
		Permit Procedures and Fees		
		Administration	§ 4.07.031	CA
		Permits	§ 4.07.032	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Applications	§ 4.07.033	CA
		Fees	§§ 4.07.034, A3.006(a)	CA
		Electrical permit	§ 4.07.035	CA
		Provisions for all Zoning Districts		
		Imitation of traffic and emergency signs prohibited	§ 4.07.061	CA
		Exemptions	§ 4.07.062	CA
		Prohibited signs	§ 4.07.063	CA
		Flags	§ 4.07.064	CA
		Obscenity	§ 4.07.065	CA
		Obsolete signs	§ 4.07.066	CA
		Maintenance of signs	§ 4.07.067	CA
		Graffiti	§ 4.07.068	CA
		Provisions for Business Zoning Districts		
		Non-business districts	§ 4.07.091	CA
		Detached (monument) signs	§ 4.07.092	CA
		Attached signs	§§ 4.07.093, A3.006(b)	CA
		Provisions for Non-Business Zoning Districts		
		Provisions	§ 4.07.121	CA
		Detached monument signs	§ 4.07.122	CA
		Attached signs	§ 4.07.123	CA
		Nonconforming Signs		
		Purpose of article	§ 4.07.151	CA
		Enforcement authority	§ 4.07.152	CA
		Removal of certain nonconforming signs	§ 4.07.153	CA
		Impounded signs—recovery/disposal	§§ 4.07.154, A3.006(c)	CA
		Exceptions to Sign Code		
		Conditions and exceptions	§ 4.07.181	CA
		Real estate or personal property sale (includes rent or lease) and political signs	§ 4.07.182	CA
		Real estate signs—temporary	§ 4.07.183	CA
		Temporary construction signs	§ 4.07.184	CA
		Subdivision signs	§ 4.07.185	CA
		Temporary off-premises signs	§ 4.07.186	CA
		Holiday lights and decorations	§ 4.07.187	CA
		Variances		
		Procedure for variance	§§ 4.07.211, A3.006(d)	CA
2019-09-19-2A	9/--/2019	Utility rates and procedures		
		Sec. 1 Application for services	§ 12.01.001	CA
		Sec. 2 Utility deposit	§§ 12.01.002, A5.003	CA
		Sec. 3 Connection and repair of service	§ 12.01.003	CA
		Sec. 4 Metering	§§ 12.01.004, A5.004	CA
		Sec. 5 Rates and charges for services	§§ 12.01.005, A5.005	CA
		Sec. 6 Payment of rates and charges	§ 12.01.006	CA
		Sec. 7 Interruption of service	§§ 12.01.007, A5.006	CA
		Sec. 8 Sewer connections	§ 12.01.008	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 9 Maintenance of water system	§ 12.01.009	CA
		Sec. 10 Responsibility of leakage	§ 12.01.010	CA
		Sec. 11 Turning water service on or off	§ 12.01.011	CA
		Sec. 12 Extension of service to other premises	§ 12.01.012	CA
		Sec. 13 Right of way	§ 12.01.013	CA
		Sec. 14 Service pipes and mains	§ 12.01.014	CA
		Sec. 15 Boiler safety valve requirements	§ 12.01.015	CA
		Sec. 16 Regulations on laying of service pipe	§ 12.01.016	CA
		Sec. 17 Emergency shut-off valve	§ 12.01.017	CA
		Sec. 18 Fire hydrant use restricted	§ 12.01.018	CA
		Sec. 19 Defacing, breaking into or tampering with water property	§ 12.01.019	CA
		Sec. 20 Waste of water prohibited	§ 12.01.020	CA
		Sec. 21 Water usage restricted during emergencies	§ 12.01.021	CA
		Sec. 22 Temporary termination of service	§ 12.01.022	CA
		Sec. 23 Resale of water	§ 12.01.023	CA
		Sec. 24 Incorporation of this ordinance into consumer contract	§ 12.01.024	CA
		Sec. 25 Cross-connection control program	§ 12.01.025	CA
		Sec. 26 Drilling water wells	§ 12.01.026	CA
		Sec. 27 Liability of city for damage	§ 12.01.027	CA
		Sec. 28 Penalty	§ 12.01.030	CA
2019-09-19-2C	9/16/2019	Amends Ord. 2013-03; weeds, rubbish and other unsanitary conditions lien and enforcement	§§ 7.04.185(2), 7.04.186	CA
2020-0713-06	7/13/2020	Hotel/motel occupancy tax		
		Sec. 18.100.001 Definitions	§ 2.08.061	CA
		Sec. 18.100.002 Levy of tax; rate; exemptions	§ 2.08.062	CA
		Sec. 18.100.003 Extraterritorial jurisdiction	§ 2.08.063	CA
		Sec. 18.100. Disposition of revenue	§ 2.08.064	CA
		Sec. 18.100.005 Collection	§ 2.08.065	CA
		Sec. 18.100.006 Reports	§ 2.08.066	CA
		Sec. 18.100.007 Rules and regulations	§ 2.08.067	CA
		Sec. 18.100.008 Penalty provision	§ 2.08.068	CA
		Sec. 18.100.009 Collection fee	§ 2.08.069	CA
2020-2010-10	2/10/2020	Fees for residential and commercial building permits and inspections		
		Sec. 1 Fee schedule adopted	§ 4.01.001(a)	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2 Performing work without permit	§ 4.01.001(b)	CA
		Exhibit A		
		Residential	§ A3.001	CA
		Commercial	§ A3.002	CA
20200921-04	9/21/2020	Adopts budget	NIC	CA
20200921-7	9/21/2020	Tax levy	NIC	CA
20201019-05	10/19/2020	Sale of city-owned property	§ 2.01.007	CA
2020-1019-06	10/19/2020	Amends ch. 12; manufactured, modular and mobile homes		
		Sec. 12.101 Definitions	§ 4.06.001	CA
		Sec. 12.102 Mobile homes prohibited	§ 4.06.002	CA
		Sec. 12.101 [12.103] Modular homes	§ 4.06.003	CA
		Sec. 12.104 HUD-code manufactured home applications	§ 4.06.004	CA
		Sec. 12.105 HUD-code manufactured home installation requirements	§ 4.06.005	CA
		Sec. 12.106 Manufactured home part site requirements	§ 4.06.006	CA
		Sec. 12.101 [12.107] Travel trailers or recreational vehicles	§ 4.06.007	CA
		Sec. 12.108 Permits, inspections and fees	§§ 4.06.008, A3.005(a)–(c)	CA
		Sec. 12.109 Variance and special use permits	§§ 4.06.009, A3.005(d)	CA
		Sec. 12.110 Penalty	§ 4.06.010	CA
2020-2010-10	2/10/2020	Inspection fees		
2021-0111-05	1/11/2021	Adopts 2018 International Fire Code	§ 4.02.007	CA
2021-0111-06	1/11/2021	Amends Ord. 2021-0111-05; fees for services provided by county fire marshal	§ A3.004	CA
202110510-02	5/10/2021	Rezoning	NIC	CA
2021-0913-05	9/13/2021	Adopts budget	NIC	CA
2021-0914-01	9/14/2021	Tax levy	NIC	CA
2021-1011-06	10/11/2021	Public comment at city council meetings	§ 2.02.006	CA
2021-1108-08	11/8/2021	Abandons portion of alley	NIC	CA
2021-1206-01	12/6/2021	Bond issuance	NIC	CA
2022-0912-09	9/12/2022	Adopts budget	NIC	CA
2022-0912-10	9/12/2022	Tax levy	NIC	CA
20230123-01	1/23/2023	Mobile food vendor permit	§ 7.03.061	CA
20230227-01	2/27/2023	Rezoning	NIC	CA
20230313-13	3/13/2023	Cancels election	NIC	CA
20230522-07	5/22/2023	Adopts technical codes		
		Sec. 3.101 City building and construction codes	§ 4.02.001	CA
		Sec. 3.102 Building code	§ 4.02.002	CA
		Sec. 3.103 Electric code	§ 4.02.003	CA
		Sec. 3.104 Plumbing code	§ 4.02.004	CA
		Sec. 3.105 Residential code	§ 4.02.005	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 3.106 Existing building code	§ 4.02.006	CA
		Sec. 3.107 Fire code	§ 4.02.007	CA
		Sec. 3.108 Mechanical code	§ 4.02.008	CA
		Sec. 3.109 Fuel gas code	§ 4.02.009	CA
		Sec. 3.110 Energy conservation code	§ 4.02.010	CA
		Sec. 3.111 Property maintenance code	§ 4.02.011	CA
20230626-02	6/26/2023	Amends zoning; Planned Development District	§ 9.02.042	CA
2023-0814-06	8/14/2023	Orders special election to consider dissolving the type B economic development corporation and its associated sales tax and adopting a one-half percent sales tax	NIC	CA

**CODE OF ORDINANCES OF THE
CITY OF BARTLETT**

**ADDENDUM TO THE MEMORANDUM OF
UNDERSTANDING**

CODE OF ORDINANCES OF THE CITY OF BARTLETT

ADDENDUM TO THE EDITORIAL & LEGAL REVIEW

The following comments are in addition to or contradict items in the completed and approved memorandum of understanding.

NOTE: Any and all findings, comments and/or recommendations made herein should be fully reviewed by an attorney appropriately designated to represent the city. Liability shall extend only to correction of errors in the code and supplements and not to acts or occurrences resulting from any such errors.

CHAPTER 2 ADMINISTRATION AND PERSONNEL

1. § 2.01.007, Sale of city owned property. It was confirmed by the city that the handwritten text on the copy of Ordinance 20201019-05 was adopted by council and should replace subsection 4 of the ordinance, which was amended to read as follows: “All properties must be approved by the city council committee (mayor and two councilmembers) before being placed on bid list.”
2. Powers and duties of various officials.
 - § 2.02.002, Powers and duties of mayor. Language provided by the city for inclusion into this section was codified as subsection (a), replacing subsections (a) and (b) as provided in the preliminary draft. Former subsection (c), regarding the signing of ordinances and resolutions, was retained as originally adopted in the 1989 Code and renumbered as subsection (b).
 - The text provided by the city pertaining to the powers of the city council has been codified as section 2.02.003.

- § 2.03.003, City secretary. Language provided by the city for inclusion into this section was codified as subsection (a), replacing subsections (a) through (d) as provided in the preliminary draft. Former subsection (e), relating to appointment, discharge and compensation, has been retained as originally adopted in the 1989 Code and renumbered as subsection (b). Former subsection (f), relating to bonds, has been retained as originally adopted in the 1989 Code and renumbered as subsection (c)
 - Powers and duties of city administrator. The text provided by city staff replaced section 2.03.034.
3. § 2.07.002, Jurisdiction. The jurisdiction of the municipal court was updated to refer to the amount allowed by state law, rather than the \$200.00 penalty this section allows.
 4. Article 2.08, Hotel Occupancy Tax (Ordinance 2020-0713-06). All references to “city manager” were changed to “city administrator.”

CHAPTER 4 BUILDING REGULATIONS

5. Article 4.07, Signs. The sections are not numbered in the ordinance from which this article derives. Section references were added in brackets by the editor in the preliminary draft. As no corrections were provided by the city, the obsolete references were omitted and replaced with the references previously provided in brackets in the following sections:
 - § 4.07.062(1)
 - § 4.07.063(2), (10) and (11)
 - § 4.07.091
 - § 4.07.185

CHAPTER 5 BUSINESS REGULATIONS

6. Article 5.04, Peddlers and Itinerant Merchants. Ordinance 130 adopted 2/18/1930 is the only ordinance listed in the history notes in the code (section 13.101 et seq.), but the city's disposition table in the prior code indicates Ordinance 130 was replaced by Ordinance 72-9. The city was unable to locate a copy of Ordinance 72-9; therefore, the text as adopted in the 1989 Code was retained.

CHAPTER 7 HEALTH AND SANITATION

7. § 7.03.061, Permit form adopted (Ordinance 20230123-01). This ordinance adopts a permit form and the requirements set forth therein. A section is included adopting the permit form, but the permit form itself is not set out in the code.

CHAPTER 12 UTILITIES

8. § 12.01.017, Emergency shut-off valve (Ordinance 2019-09-19-2A, sec. 17, adopted 9/-/2019). The amount of the charge is missing in the ordinance provided for codification. The section was revised to omit a reference to a specific charge and now reads: "Consumers shall install and have an approved gate valve inside of the property line ~~with~~ within six inches (6") from the meter box in case of emergency, and shall not use the curb cock at the meter in lieu thereof. When no gate valve is found and it is necessary for the homeowner to have water cut off at the meter, there will be a charge added to the utility bill."
9. § 12.02.001, Billing. At the direction of the city, the following sentences will be amended to read: "If a utility bill has not been received by the 5th of the month, it is the customer's responsibility to notify the city. Each utility bill will include the following statement: "A ~~ten~~ percent (**10%**) penalty will be added to the water and electric charges if not paid by (~~±e.~~)(e.g.) November 15, 2011."

10. § 12.02.002, Late fees. At the direction of the city, this section will be amended to read as follows:

Late fees will be assessed on the outstanding balance as set forth above in the amount of ten percent (10%) to water and ten percent (10%) to electric and shall be applied to each unpaid utility bill on the 16th day of each month, unless the 15th falls on a weekend or holiday, in which case the late fee shall be assessed on the first business day following the weekend or holiday thereafter as provided above.

11. §§ 12.02.003–§ 12.02.005, pertaining to the various utility billing provisions, will, at the direction of the city, be omitted in their entirety and be replaced with a reference to section 12.02.003.

APPENDIX A FEE SCHEDULE

12. § A1.005, Cemetery plots. The fees in this section have been updated as stated in the minutes of the meeting of 6/10/2019. (2019 6-10 Regular Meeting / 2019 06-10 0041 Cemetery Fees).
13. Article A5.000, Utility rates and charges. At the direction of the city, this article was amended in its entirety to read as follows:

§ A5.001 Disconnect fee.

At the time of disconnection, a \$50.00 (fifty dollars) disconnect fee will be applied to the customer's account balance.

§ A5.002 Reconnect fee.

A reconnect fee of \$75.00 (seventy-five dollars) during normal business hours or \$100.00 (one hundred dollars) after normal business hours will be applied to the customer's account for reconnection.

§ A5.003 Deposit.

Along with the application for water service the applicant shall pay to the city a \$200.00 residential or \$250.00 commercial deposit on such property.

§ A5.004 Tampering fee.

It shall be unlawful for any person other than those authorized by the city to connect, disconnect, move, or tamper with any meter, or to turn on or off the water at the curb cock, valve, or meter; or to open or tamper with any meter box. A tampering fee of \$150.00 plus a \$30.00 connect fee will be charged by the city.

§ A5.005 Rates and tap charges.

(a) Tap charges.

(1) Tap charges inside city limits. A charge shall be made by the city for each water tap and sewer tap made to the city's water and sewer system as follows:

(A) Water tap:

- (i) 5/8" or 3/4": \$2000.00.
- (ii) 1": \$2250.00 plus extra costs for pipe or copper tubing.
- (iii) 2": \$2500.00 plus extra costs for pipe or copper tubing.

(B) Sewer tap: \$2000.00.

(2) Tap charges outside city limits. Two (2) times inside city limit rates plus any additional expenses.

(b) Garbage collection and disposal charges.

(1) Garbage collection and disposal charges inside city limits. The following monthly charges shall be made for the collection and disposal of garbage or trash by the city:

(A) Residential and commercial containers and dumpsters. From the contracted solid waste company as amended annually. Having a flat surcharge on the solid waste contract creates built-in flexibility to this section. The utility ordinance will not have to be amended each time a new solid waste contract is negotiated and approved. Solid waste charges in the utility billing department will take place each time the solid waste contract is amended.

(B) Garbage collection days; rates.

(i) Garbage collections will be made on Mondays for residential, commercial container and commercial dumpster pickup.

\$25.00/1 can; \$20.00 each additional

(ii) Garbage collections will be made on Thursdays for commercial dumpster twice-a-week pickup.

(2) Garbage collection and disposal charges outside city limits. Two (2) times inside city limits rate.

(c) Sewer rates.

(1) Sewer rates inside city limits.

(A) Monthly rates. The schedule of monthly charges and rates for sanitary sewer service is as follows:

Residential	Base Fee	\$32.50 per month
Commercial	Base Fee	\$40.00 per month

(B) Commercial (includes schools). Base charges include two (2) sewer facilities, outlet and/or wastewater drainage.

(C) Churches. Base charge is the same as commercial rates for the first two sewer facilities and each additional sewer facility will be charged a flat rate of \$32.50.

(2) Sewer rates outside city limits. All sewer rates shall be two (2) times inside city limit rates.

(d) Water rates.

(1) Water rates inside city limits. The schedule of monthly rates or charges for water service furnished by the city is as follows:

Residential	First 2,000 gallons (minimum)	\$30.00 base + \$0.006125/gal per month
	From 2,000 gallons	\$6.125 per 1,000 gallons
Commercial	First 2,000 gallons (minimum)	\$30.00 base + \$0.006125/gal per month
	From 2,000 gallons	\$6.125 per 1,000 gallons

(2) Water rates outside city limits. The base charge shall be one and one-half times the inside city limit rate. Per gallon charges will be the same as inside city limit rates. Therefore, outside the city limit water rates shall be as follows:

Residential	First 2,000 gallons (minimum)	\$45.00 base per month + \$6.125 per 1,000 gallons
	From 2,000 gallons	\$6.125 per 1,000 gallons - same as inside rate
Commercial	First 2,000 gallons (minimum)	\$45.00 per month + \$6.125 per 1,000 gallons
	From 2,000 gallons	\$6.125 per 1,000 gallons - same as inside rate

§ A5.006 Service suspension fee.

Any consumer of utility services furnished by the city whose service charges are unpaid by the service suspension date shall be assessed a suspension fee of \$125.00.

§§ A5.007–A5.040 Reserved.

Division 2. Electric Service

§ A5.041 Residential rate classification.

(a) Availability. This schedule is available throughout the electric service territory served by the city, subject to the rules, regulations, policies and rates established by the city.

(b) Applicability. This rate is applicable for electric service used for residential purposes including, but not limited to, single-family and multi-family dwellings where each unit is individually metered for electricity and is applicable for service to a residence also used for any nonresidential or commercial purpose, or any other nonresidential activity.

(c) Monthly rates. The monthly rate shall be the sum of the monthly customer charge plus the monthly energy charge.

- (1) Customer charge: \$30.00
- (2) Energy charge: .1215 per kWh

(d) Minimum monthly charge. The minimum monthly charge shall be the customer charge.

§ A5.042 Commercial rate classification.

(a) Availability. This schedule is available throughout the electric service territory served by the city subject to the rules, regulations, policies and rates established by the city.

(b) Applicability. This rate is applicable for electric service to nonresidential customers.

(c) Monthly rates. The monthly rate shall be the sum of the monthly customer charge plus the monthly energy charge.

- (1) Customer charge: \$30.00
- (2) Energy charge: .0975 per kWh
- (3) The demand charges shall be deleted and will no longer be charged.

(d) Minimum monthly charge. The minimum monthly charge shall be the customer charge.

§ A5.043 Power cost recovery factor charge.

The power cost recovery factor (PCRF) charge shall be deleted and will no longer be charged.

PENALTIES

The following penalties were revised as provided in the table below.

§ 1.02.038	Emergency management	An amount in accordance with state law
§ 2.01.005	Former city employees prohibited in certain areas of city facilities	General penalty provided in section 1.01.009 of this code
§ 3.03.002	Fowl running at large	General penalty provided in section 1.01.009 of this code
§ 4.03.007	Penalty	General penalty provided in section 1.01.009 of this code
§ 5.02.001	Alcoholic beverages	An amount in accordance with state law
§ 5.03.001	Peddlers	General penalty provided in section 1.01.009 of this code
§ 6.01.001	Storage and unloading of flammable liquids at retail establishments	General penalty provided in section 1.01.009 of this code
§ 6.04.001	Burning rubbish, leaves, etc.	General penalty provided in section 1.01.009 of this code
§ 7.03.032	Food handlers	General penalty provided in section 1.01.009 of this code
§ 8.04.001	Discharging firearm or air gun	General penalty provided in section 1.01.009 of this code
§ 8.05.006	Abandoned or junked vehicles	An amount in accordance with state law
§ 8.05.062	Maintaining nuisance	An amount in accordance with state law
§ 10.04.001	Playing ball in street	General penalty provided in section 1.01.009 of this code
§ 10.04.002	Obstructing street, alley or sidewalk	General penalty provided in section 1.01.009 of this code
§ 10.04.003	Riding bicycle, horse or other animal on or across sidewalk	General penalty provided in section 1.01.009 of this code
§ 10.04.004	Riding roller skates or skateboard on sidewalk	General penalty provided in section 1.01.009 of this code
§ 11.01.001	Right-of-way of fire department vehicles; parking near fire	General penalty provided in section 1.01.009 of this code
§ 11.01.002	Driving over fire hose	General penalty provided in section 1.01.009 of this code
§ 11.02.032	Speed limit violations; penalty	General penalty provided in section 1.01.009 of this code

§ 12.01.028	General utility provisions	General penalty provided in section 1.01.009 of this code
§ 12.01.029	Service availability fees	General penalty provided in section 1.01.009 of this code
§ 12.03.002	Penalty	General penalty provided in section 1.01.009 of this code

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BARTLETT, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF NOT EXCEEDING \$500 GENERALLY OR NOT EXCEEDING \$2,000 FOR VIOLATIONS RELATING TO FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION OR NOT EXCEEDING \$4,000 FOR VIOLATIONS RELATING TO DUMPING OF REFUSE; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS:

Section 1. That the Code of Ordinances of the City of Bartlett, Texas, consisting of Chapters 1 through 12, each inclusive, and Appendices, is hereby adopted and enacted which shall supersede all other general and permanent ordinances of the City passed on or before August 14, 2023.

Section 2. All ordinances of a general and permanent nature enacted on or before August 14, 2023, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The codification consists of all ordinances as codified therein and as may be revised pursuant to the ordinance codification process.

Section 4. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 5. Unless a differing penalty is expressly provided for within the Code, every person convicted of a general violation of any provision of the Code or any rule, ordinance, or police regulation of the City shall be punished by a fine not to exceed \$2,000.00 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public health and sanitation, not to exceed \$4,000.00 for violations of all such rules, ordinances and police regulations that govern the dumping of refuse, and not exceeding \$500.00 for all other violations. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. 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.

Section 6. Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make same a part of the Code shall be deemed to be

incorporated into the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after August 14, 2023, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. This ordinance and the Code adopted hereby shall become effective upon final passage of this ordinance.

PASSED, ADOPTED AND APPROVED by an affirmative vote of the City Council of the City of Bartlett, Texas, this ____ day of _____, 2023.

Mayor

ATTEST:

City Secretary

**CITY OF BARTLETT, TEXAS
ORDINANCE NO. 20231023-01**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF BARTLETT, THE SAME BEING THE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE ZONING FROM (B3) BUSINESS ZONE 3 TO COMMERCIAL ZONE 1 (C1) 0.32 ACRES OF LAND, LOCATED AT 240 E. DAVILLA STREET, AND MORE SPECIFICALLY DESCRIBED AND DEPICTED ON EXHIBIT "A," BELL COUNTY, TEXAS; PROVIDING THAT THE OFFICIAL ZONING MAP REFLECT THE C1 ZONING FOR THE PROPERTY; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION; AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED SHALL BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Bartlett, Texas (the "City") is a Type "A" general law municipality organized under the laws of the State of Texas; and

WHEREAS, the City Council of the City (the "City Council") adopted Chapter 9 of its Code of Ordinances, the same being the Zoning Ordinance of the City, which governs the zoning of land in the City (the "Zoning Ordinance"); and

WHEREAS, the owner of the property legally described and further depicted in the map in Exhibit "A," attached hereto and incorporated herein (the "Property"), has requested to change the zoning classification from Business Zone 3 (B3) to Commercial Zone 1 (C1) on the Property; and

WHEREAS, after complying with all legal notices, public hearing requirements, and conditions, a public hearing was held before City Council on October 23, 2023, at which time the City Council considered, among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the requested zoning accomplishes such objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS:

SECTION 1. FINDINGS INCORPORATED. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are found to be true.

SECTION 2. ZONING DESIGNATION. That the Zoning Ordinance is hereby amended to change the zoning of the Property from B3 to c1. The Property shall be subject to all applicable City ordinances and regulations governing the 8-2 District.

SECTION 3. ZONING MAP. That the official Zoning Map of the City is hereby amended to show the established zoning classification designation herein made.

SECTION 4. SEVERABILITY CLAUSE. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/1 00 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8. TEXAS OPEN MEETINGS ACT COMPLIANCE. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 9. PUBLICATION. The City Secretary of the City of Bartlett is hereby directed to publish in the official newspaper of the City of Bartlett, or a newspaper with a general circulation, the caption, penalty and effective date clause of this ordinance as required by state law.

SECTION 10: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of passage and approval, and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Bartlett, Texas this _____ the day of _____, 2023, at which a quorum was present.

APPROVED:

Chad Mees, Mayor

ATTEST:

Brenda Kelley, City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

The Original Town of Bartlett, Lots 5 & 6, Block 24 According to the plat record
in Volume 50, Page 183/184 dated June 15th, 1885

Bell County Appraisal District Property ID: 109406

Task	Project Cost	Engineering Costs	WWTP Cost	Collection System Cost
Application Phase Engineering Services	\$ 60,000.00			
TWDB Application		\$ 40,000.00	\$ 40,000.00	TBD
Water Conservation Plan		\$ 20,000.00	\$ 20,000.00	\$ -
Preliminary Engineering	\$ 284,000.00			
Engineering		\$ 224,000.00	\$ 210,000.00	\$ 14,000.00
Environmental		\$ 60,000.00	\$ 20,000.00	\$ 40,000.00
Final Engineering	\$ 1,320,000.00			
Engineering - Civil		\$ 1,015,000.00	\$ 870,000.00	\$ 145,000.00
Engineering - Electrical		\$ 200,000.00	\$ 180,000.00	\$ 20,000.00
Surveying		\$ 20,000.00	\$ 5,000.00	\$ 15,000.00
Geotechnical		\$ 50,000.00	\$ 20,000.00	\$ 30,000.00
Permits		\$ 30,000.00	\$ 30,000.00	\$ -
O&M Manual		\$ 5,000.00	\$ 5,000.00	\$ -
Bidding Phase	\$ 30,000.00	\$ 30,000.00	\$ 18,000.00	\$ 12,000.00
Construction Admin.	\$ 250,000.00			
Engineering - Civil		\$ 210,000.00	\$ 170,000.00	\$ 40,000.00
Engineering - Electrical		\$ 40,000.00	\$ 35,000.00	\$ 5,000.00
Construction Observation	\$ 284,000.00	\$ 284,000.00	\$ 234,000.00	\$ 50,000.00
Asset Management Plan	\$ 100,000.00	\$ 100,000.00	\$ 90,000.00	\$ 10,000.00
MRB Fee:	\$ 2,328,000.00	\$ 2,328,000.00	\$ 1,947,000.00	\$ 381,000.00
Construction Testing	\$ 80,000.00	\$ 80,000.00	\$ 60,000.00	\$ 20,000.00
Construction:	\$ 10,502,000.00			
Contingency:	\$ 1,962,290.00			
Total:	\$ 12,464,290.00		\$ 10,254,290.00	\$ 2,210,000.00
Fiscal:	\$ 207,710.00			
Total:	\$ 15,080,000.00			

Preliminary

City of Bartlett, Texas

\$1,320,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/15/2024	-	-	-	-	-
09/01/2024	-	-	26,155.66	26,155.66	-
09/30/2024	-	-	-	-	26,155.66
03/01/2025	35,000.00	3.170%	24,020.50	59,020.50	-
09/01/2025	-	-	23,465.75	23,465.75	-
09/30/2025	-	-	-	-	82,486.25
03/01/2026	35,000.00	3.100%	23,465.75	58,465.75	-
09/01/2026	-	-	22,923.25	22,923.25	-
09/30/2026	-	-	-	-	81,389.00
03/01/2027	35,000.00	3.030%	22,923.25	57,923.25	-
09/01/2027	-	-	22,393.00	22,393.00	-
09/30/2027	-	-	-	-	80,316.25
03/01/2028	40,000.00	3.030%	22,393.00	62,393.00	-
09/01/2028	-	-	21,787.00	21,787.00	-
09/30/2028	-	-	-	-	84,180.00
03/01/2029	40,000.00	3.050%	21,787.00	61,787.00	-
09/01/2029	-	-	21,177.00	21,177.00	-
09/30/2029	-	-	-	-	82,964.00
03/01/2030	40,000.00	3.100%	21,177.00	61,177.00	-
09/01/2030	-	-	20,557.00	20,557.00	-
09/30/2030	-	-	-	-	81,734.00
03/01/2031	40,000.00	3.210%	20,557.00	60,557.00	-
09/01/2031	-	-	19,915.00	19,915.00	-
09/30/2031	-	-	-	-	80,472.00
03/01/2032	40,000.00	3.230%	19,915.00	59,915.00	-
09/01/2032	-	-	19,269.00	19,269.00	-
09/30/2032	-	-	-	-	79,184.00
03/01/2033	45,000.00	3.290%	19,269.00	64,269.00	-
09/01/2033	-	-	18,528.75	18,528.75	-
09/30/2033	-	-	-	-	82,797.75
03/01/2034	45,000.00	3.330%	18,528.75	63,528.75	-
09/01/2034	-	-	17,779.50	17,779.50	-
09/30/2034	-	-	-	-	81,308.25
03/01/2035	45,000.00	3.400%	17,779.50	62,779.50	-
09/01/2035	-	-	17,014.50	17,014.50	-
09/30/2035	-	-	-	-	79,794.00
03/01/2036	50,000.00	3.470%	17,014.50	67,014.50	-
09/01/2036	-	-	16,147.00	16,147.00	-
09/30/2036	-	-	-	-	83,161.50
03/01/2037	50,000.00	3.560%	16,147.00	66,147.00	-

2024 \$1.245mm DWSRF (11/6 | SINGLE PURPOSE | 11/ 6/2023 | 10:19 AM

Preliminary

City of Bartlett, Texas

\$1,320,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/01/2037	-	-	15,257.00	15,257.00	-
09/30/2037	-	-	-	-	81,404.00
03/01/2038	50,000.00	3.650%	15,257.00	65,257.00	-
09/01/2038	-	-	14,344.50	14,344.50	-
09/30/2038	-	-	-	-	79,601.50
03/01/2039	55,000.00	3.720%	14,344.50	69,344.50	-
09/01/2039	-	-	13,321.50	13,321.50	-
09/30/2039	-	-	-	-	82,666.00
03/01/2040	55,000.00	3.760%	13,321.50	68,321.50	-
09/01/2040	-	-	12,287.50	12,287.50	-
09/30/2040	-	-	-	-	80,609.00
03/01/2041	60,000.00	3.790%	12,287.50	72,287.50	-
09/01/2041	-	-	11,150.50	11,150.50	-
09/30/2041	-	-	-	-	83,438.00
03/01/2042	60,000.00	3.830%	11,150.50	71,150.50	-
09/01/2042	-	-	10,001.50	10,001.50	-
09/30/2042	-	-	-	-	81,152.00
03/01/2043	65,000.00	3.880%	10,001.50	75,001.50	-
09/01/2043	-	-	8,740.50	8,740.50	-
09/30/2043	-	-	-	-	83,742.00
03/01/2044	65,000.00	3.930%	8,740.50	73,740.50	-
09/01/2044	-	-	7,463.25	7,463.25	-
09/30/2044	-	-	-	-	81,203.75
03/01/2045	70,000.00	3.970%	7,463.25	77,463.25	-
09/01/2045	-	-	6,073.75	6,073.75	-
09/30/2045	-	-	-	-	83,537.00
03/01/2046	70,000.00	4.000%	6,073.75	76,073.75	-
09/01/2046	-	-	4,673.75	4,673.75	-
09/30/2046	-	-	-	-	80,747.50
03/01/2047	75,000.00	4.030%	4,673.75	79,673.75	-
09/01/2047	-	-	3,162.50	3,162.50	-
09/30/2047	-	-	-	-	82,836.25
03/01/2048	75,000.00	4.060%	3,162.50	78,162.50	-
09/01/2048	-	-	1,640.00	1,640.00	-
09/30/2048	-	-	-	-	79,802.50
03/01/2049	80,000.00	4.100%	1,640.00	81,640.00	-
09/30/2049	-	-	-	-	81,640.00
Total	\$1,320,000.00	-	\$748,322.16	\$2,068,322.16	-

2024 \$1.245mm DWSRF (11/6 | SINGLE PURPOSE | 11/ 6/2023 | 10:19 AM

Preliminary

City of Bartlett, Texas

\$1,320,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 3 of 3

Yield Statistics

Bond Year Dollars	\$19,643.67
Average Life	14.882 Years
Average Coupon	3.8094831%
DV01	1,432.10
Net Interest Cost (NIC)	3.8094831%
True Interest Cost (TIC)	3.7815472%
Bond Yield for Arbitrage Purposes	3.9654908%
All Inclusive Cost (AIC)	4.2985306%

IRS Form 8038

Net Interest Cost	3.8094831%
Weighted Average Maturity	14.882 Years

Preliminary

City of Bartlett, Texas

\$785,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/15/2024	-	-	-	-	-
09/01/2024	-	-	15,567.84	15,567.84	-
09/30/2024	-	-	-	-	15,567.84
03/01/2025	20,000.00	3.170%	14,297.00	34,297.00	-
09/01/2025	-	-	13,980.00	13,980.00	-
09/30/2025	-	-	-	-	48,277.00
03/01/2026	20,000.00	3.100%	13,980.00	33,980.00	-
09/01/2026	-	-	13,670.00	13,670.00	-
09/30/2026	-	-	-	-	47,650.00
03/01/2027	20,000.00	3.030%	13,670.00	33,670.00	-
09/01/2027	-	-	13,367.00	13,367.00	-
09/30/2027	-	-	-	-	47,037.00
03/01/2028	20,000.00	3.030%	13,367.00	33,367.00	-
09/01/2028	-	-	13,064.00	13,064.00	-
09/30/2028	-	-	-	-	46,431.00
03/01/2029	25,000.00	3.050%	13,064.00	38,064.00	-
09/01/2029	-	-	12,682.75	12,682.75	-
09/30/2029	-	-	-	-	50,746.75
03/01/2030	25,000.00	3.100%	12,682.75	37,682.75	-
09/01/2030	-	-	12,295.25	12,295.25	-
09/30/2030	-	-	-	-	49,978.00
03/01/2031	25,000.00	3.210%	12,295.25	37,295.25	-
09/01/2031	-	-	11,894.00	11,894.00	-
09/30/2031	-	-	-	-	49,189.25
03/01/2032	25,000.00	3.230%	11,894.00	36,894.00	-
09/01/2032	-	-	11,490.25	11,490.25	-
09/30/2032	-	-	-	-	48,384.25
03/01/2033	25,000.00	3.290%	11,490.25	36,490.25	-
09/01/2033	-	-	11,079.00	11,079.00	-
09/30/2033	-	-	-	-	47,569.25
03/01/2034	25,000.00	3.330%	11,079.00	36,079.00	-
09/01/2034	-	-	10,662.75	10,662.75	-
09/30/2034	-	-	-	-	46,741.75
03/01/2035	30,000.00	3.400%	10,662.75	40,662.75	-
09/01/2035	-	-	10,152.75	10,152.75	-
09/30/2035	-	-	-	-	50,815.50
03/01/2036	30,000.00	3.470%	10,152.75	40,152.75	-
09/01/2036	-	-	9,632.25	9,632.25	-
09/30/2036	-	-	-	-	49,785.00
03/01/2037	30,000.00	3.560%	9,632.25	39,632.25	-

2024 \$745m DWSRF (11/6/23 | SINGLE PURPOSE | 11/6/2023 | 10:18 AM

Preliminary

City of Bartlett, Texas

\$785,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/01/2037	-	-	9,098.25	9,098.25	-
09/30/2037	-	-	-	-	48,730.50
03/01/2038	30,000.00	3.650%	9,098.25	39,098.25	-
09/01/2038	-	-	8,550.75	8,550.75	-
09/30/2038	-	-	-	-	47,649.00
03/01/2039	30,000.00	3.720%	8,550.75	38,550.75	-
09/01/2039	-	-	7,992.75	7,992.75	-
09/30/2039	-	-	-	-	46,543.50
03/01/2040	35,000.00	3.760%	7,992.75	42,992.75	-
09/01/2040	-	-	7,334.75	7,334.75	-
09/30/2040	-	-	-	-	50,327.50
03/01/2041	35,000.00	3.790%	7,334.75	42,334.75	-
09/01/2041	-	-	6,671.50	6,671.50	-
09/30/2041	-	-	-	-	49,006.25
03/01/2042	35,000.00	3.830%	6,671.50	41,671.50	-
09/01/2042	-	-	6,001.25	6,001.25	-
09/30/2042	-	-	-	-	47,672.75
03/01/2043	40,000.00	3.880%	6,001.25	46,001.25	-
09/01/2043	-	-	5,225.25	5,225.25	-
09/30/2043	-	-	-	-	51,226.50
03/01/2044	40,000.00	3.930%	5,225.25	45,225.25	-
09/01/2044	-	-	4,439.25	4,439.25	-
09/30/2044	-	-	-	-	49,664.50
03/01/2045	40,000.00	3.970%	4,439.25	44,439.25	-
09/01/2045	-	-	3,645.25	3,645.25	-
09/30/2045	-	-	-	-	48,084.50
03/01/2046	40,000.00	4.000%	3,645.25	43,645.25	-
09/01/2046	-	-	2,845.25	2,845.25	-
09/30/2046	-	-	-	-	46,490.50
03/01/2047	45,000.00	4.030%	2,845.25	47,845.25	-
09/01/2047	-	-	1,938.50	1,938.50	-
09/30/2047	-	-	-	-	49,783.75
03/01/2048	45,000.00	4.060%	1,938.50	46,938.50	-
09/01/2048	-	-	1,025.00	1,025.00	-
09/30/2048	-	-	-	-	47,963.50
03/01/2049	50,000.00	4.100%	1,025.00	51,025.00	-
09/30/2049	-	-	-	-	51,025.00
Total	\$785,000.00	-	\$447,340.34	\$1,232,340.34	-

2024 \$745m DWSRF (11/6/23 | SINGLE PURPOSE | 11/6/2023 | 10:18 AM

Preliminary

City of Bartlett, Texas

\$785,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 3 of 3

Yield Statistics

Bond Year Dollars	\$11,739.89
Average Life	14.955 Years
Average Coupon	3.8104308%
DV01	855.40
Net Interest Cost (NIC)	3.8104308%
True Interest Cost (TIC)	3.7825175%
Bond Yield for Arbitrage Purposes	3.9656484%
All Inclusive Cost (AIC)	4.2117738%

IRS Form 8038

Net Interest Cost	3.8104308%
Weighted Average Maturity	14.955 Years

Preliminary

City of Bartlett, Texas

\$470,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/15/2024	-	-	-	-	-
09/01/2024	-	-	9,292.85	9,292.85	-
09/30/2024	-	-	-	-	9,292.85
03/01/2025	10,000.00	3.170%	8,534.25	18,534.25	-
09/01/2025	-	-	8,375.75	8,375.75	-
09/30/2025	-	-	-	-	26,910.00
03/01/2026	15,000.00	3.100%	8,375.75	23,375.75	-
09/01/2026	-	-	8,143.25	8,143.25	-
09/30/2026	-	-	-	-	31,519.00
03/01/2027	15,000.00	3.030%	8,143.25	23,143.25	-
09/01/2027	-	-	7,916.00	7,916.00	-
09/30/2027	-	-	-	-	31,059.25
03/01/2028	15,000.00	3.030%	7,916.00	22,916.00	-
09/01/2028	-	-	7,688.75	7,688.75	-
09/30/2028	-	-	-	-	30,604.75
03/01/2029	15,000.00	3.050%	7,688.75	22,688.75	-
09/01/2029	-	-	7,460.00	7,460.00	-
09/30/2029	-	-	-	-	30,148.75
03/01/2030	15,000.00	3.100%	7,460.00	22,460.00	-
09/01/2030	-	-	7,227.50	7,227.50	-
09/30/2030	-	-	-	-	29,687.50
03/01/2031	15,000.00	3.210%	7,227.50	22,227.50	-
09/01/2031	-	-	6,986.75	6,986.75	-
09/30/2031	-	-	-	-	29,214.25
03/01/2032	15,000.00	3.230%	6,986.75	21,986.75	-
09/01/2032	-	-	6,744.50	6,744.50	-
09/30/2032	-	-	-	-	28,731.25
03/01/2033	15,000.00	3.290%	6,744.50	21,744.50	-
09/01/2033	-	-	6,497.75	6,497.75	-
09/30/2033	-	-	-	-	28,242.25
03/01/2034	15,000.00	3.330%	6,497.75	21,497.75	-
09/01/2034	-	-	6,248.00	6,248.00	-
09/30/2034	-	-	-	-	27,745.75
03/01/2035	15,000.00	3.400%	6,248.00	21,248.00	-
09/01/2035	-	-	5,993.00	5,993.00	-
09/30/2035	-	-	-	-	27,241.00
03/01/2036	15,000.00	3.470%	5,993.00	20,993.00	-
09/01/2036	-	-	5,732.75	5,732.75	-
09/30/2036	-	-	-	-	26,725.75
03/01/2037	20,000.00	3.560%	5,732.75	25,732.75	-

2024 \$445m DWSRF (11/6/23 | SINGLE PURPOSE | 11/6/2023 | 10:20 AM

Preliminary

City of Bartlett, Texas

\$470,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/01/2037	-	-	5,376.75	5,376.75	-
09/30/2037	-	-	-	-	31,109.50
03/01/2038	20,000.00	3.650%	5,376.75	25,376.75	-
09/01/2038	-	-	5,011.75	5,011.75	-
09/30/2038	-	-	-	-	30,388.50
03/01/2039	20,000.00	3.720%	5,011.75	25,011.75	-
09/01/2039	-	-	4,639.75	4,639.75	-
09/30/2039	-	-	-	-	29,651.50
03/01/2040	20,000.00	3.760%	4,639.75	24,639.75	-
09/01/2040	-	-	4,263.75	4,263.75	-
09/30/2040	-	-	-	-	28,903.50
03/01/2041	20,000.00	3.790%	4,263.75	24,263.75	-
09/01/2041	-	-	3,884.75	3,884.75	-
09/30/2041	-	-	-	-	28,148.50
03/01/2042	20,000.00	3.830%	3,884.75	23,884.75	-
09/01/2042	-	-	3,501.75	3,501.75	-
09/30/2042	-	-	-	-	27,386.50
03/01/2043	20,000.00	3.880%	3,501.75	23,501.75	-
09/01/2043	-	-	3,113.75	3,113.75	-
09/30/2043	-	-	-	-	26,615.50
03/01/2044	25,000.00	3.930%	3,113.75	28,113.75	-
09/01/2044	-	-	2,622.50	2,622.50	-
09/30/2044	-	-	-	-	30,736.25
03/01/2045	25,000.00	3.970%	2,622.50	27,622.50	-
09/01/2045	-	-	2,126.25	2,126.25	-
09/30/2045	-	-	-	-	29,748.75
03/01/2046	25,000.00	4.000%	2,126.25	27,126.25	-
09/01/2046	-	-	1,626.25	1,626.25	-
09/30/2046	-	-	-	-	28,752.50
03/01/2047	25,000.00	4.030%	1,626.25	26,626.25	-
09/01/2047	-	-	1,122.50	1,122.50	-
09/30/2047	-	-	-	-	27,748.75
03/01/2048	25,000.00	4.060%	1,122.50	26,122.50	-
09/01/2048	-	-	615.00	615.00	-
09/30/2048	-	-	-	-	26,737.50
03/01/2049	30,000.00	4.100%	615.00	30,615.00	-
09/30/2049	-	-	-	-	30,615.00
Total	\$470,000.00	-	\$263,664.60	\$733,664.60	-

2024 \$445m DWSRF (11/6/23 | SINGLE PURPOSE | 11/6/2023 | 10:20 AM

Preliminary

City of Bartlett, Texas

\$470,000 Combination Tax & Surplus Revenue Certificates of Obligation, Series 2024

DWSRF (Non-Equivalency) Program

For Purposes of Illustration Only

Debt Service Schedule

Part 3 of 3

Yield Statistics

Bond Year Dollars	\$6,925.89
Average Life	14.736 Years
Average Coupon	3.8069424%
DV01	505.55
Net Interest Cost (NIC)	3.8069424%
True Interest Cost (TIC)	3.7783277%
Bond Yield for Arbitrage Purposes	3.9638288%
All Inclusive Cost (AIC)	4.2777646%

IRS Form 8038

Net Interest Cost	3.8069424%
Weighted Average Maturity	14.736 Years

**LICENSE AGREEMENT WITH BARTLETT YOUTH LEAGUE
FOR USE OF BECKY CALDWELL BASEBALL FIELD & COMPLEX**

This LICENSE AGREEMENT ("Agreement") is made and entered into by and between the **CITY OF BARTLETT, TEXAS** ("City"), a general law municipality of the State of Texas, and **BARTLETT YOUTH LEAGUE INC.**, ("Licensee"), a Texas nonprofit corporation, each individually a "party", or collective, the "parties".

WHEREAS, the City owns Becky Caldwell Baseball Field and Complex located at **500 Brazos Lane**, Bartlett, Texas 76511 as depicted on Exhibit "A", attached hereto and incorporated herein for all purposes ("Baseball/Softball Field"); and

WHEREAS, Licensee is a nonprofit tax-exempt organization established to promote and develop the game of baseball/softball for the youth of the Bartlett area; and

WHEREAS, to serve its mission, the Licensee sponsors a recreational baseball/softball program designed to provide healthy activity, emphasizing enjoyment and development over competition for players and offers a competitive baseball/softball program that allows players the opportunity to advance their skills through practice and competition (hereinafter "Events"); and

WHEREAS, Licensee wishes to utilize Baseball/Softball Field for Events from September 1, 2023 through September 1, 2028; and

WHEREAS, the City desires to foster an environment for the combination of talents and resources offered by Licensee; and

WHEREAS, due to the limited number of personnel and limited funding within the Parks Department, partnering with agencies such as Licensee allows the City to greatly increase athletic sports opportunities for the City's residents; and

WHEREAS, the City desires to recognize partnering agencies within the community that will be given priority use of the parks and recreation facilities to ensure that varied sporting programs may be offered by the City over and above those directly implemented by City staff; and

WHEREAS, both Parties desire to foster sportsmanship, skills, teamwork and a sense of community while providing opportunities for young athletes to participate within any sport regardless of his or her physical talents or abilities; and

WHEREAS, the Events that Licensee will host promotes the recreational advantages of the sport of baseball/softball and the Baseball/Softball Field; therefore, the use of the Baseball/softball Field for Events serves the overall recreational purpose of the Baseball/Softball Field; and

WHEREAS, the Events will be open to public spectators; and

WHEREAS, the Parties desire to enter into this Agreement to establish the roles and obligations of each Party; and

WHEREAS, the City desires to provide Licensee with use of Baseball/Softball Field for the purposes stated herein and in accordance with the terms of this Agreement.

NOW, THEREFORE, for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the Parties hereto agree as follows:

ARTICLE 1. LICENSED PREMISES

1.01. For and in consideration of the “License Fee” (as hereinafter defined) to be paid hereunder and other valuable promises, covenants, and agreements, the City hereby grants to Licensee a non-exclusive right to use and occupy a portion of the Baseball/Softball Field ("Licensed Premises"). The Licensed Premises includes the use of the Parking Lot, as depicted in Exhibit “A”, as parking for the Events. Licensee shall use the Licensed Premises solely for the purposes of setting up, conducting, and taking down the Events in accordance with the terms of this Agreement.

1.02. Notwithstanding anything to the contrary, in the event that inclement weather causes an unsafe playing condition on any of the baseball/softball fields at the Licensed Premises, the City will consult with the Licensee concerning the safety of such play and, if deemed necessary by the City in its sole and absolute discretion, the City may cancel or delay Events on any one or all of the baseball/softball fields on the Licensed Premises. The Licensee reserves the right to cancel or delay any activities held on the Licensed Premises without the City’s direction.

1.03. The Event shall be open to spectators of the general public.

1.04. This Agreement does not constitute a sale, lease, assignment or disposal of Baseball/Softball Field in any means whatsoever, but is merely intended to grant the Licensee the right to use the Licensed Premises in accordance with the terms stated herein.

ARTICLE 2. TERM AND TERMINATION

2.01. Subject to earlier termination as hereinafter set forth, this Agreement shall commence on September 1, 2023 and expire on September 1, 2028 ("License Term"). Licensee's use of the Licensed Premises shall be restricted to a schedule as agreed upon by both the Licensee and the City.

2.02. In the event that Licensee fails to comply with any of the terms and conditions of this Agreement, City shall have the right, without notice, to declare the Agreement immediately terminated. In the event of such termination, all rights and privileges of the Licensee shall cease and terminate, and Licensee shall immediately vacate the Licensed Premises. All funds owed to the City shall be due and payable by Licensee no later than the tenth (10th) calendar day after the date of termination.

2.03. Either party may terminate this Agreement, with or without cause, with 30 days' written notice to the other party.

2.04. The City may, at its sole discretion, agree to renew this Agreement for an additional year ("Renewal Term").

ARTICLE 3. PERMITTED USES

3.01. Events. The Licensee shall have full use of the Licensed Premises during the Term of Use to set-up, prepare, and conduct the Events, which may include, but not be limited to, the placement of signs and banners; erection of tents for Event officials, volunteers, and refreshments; and other activities that will benefit the conduct of the Events.

3.02. Any and all activities and uses hereunder are subject to all applicable laws, rules and regulations, and approval by the Director.

3.03. Parking. The Licensee shall have shared use of all parking spaces available at the Licensed Premises, detailed on Exhibit "A", to provide for Licensee, Licensee's Event personnel, and patron parking for the Event. All such parking shall be non-exclusive, open to the general public, and on a first come, first served basis. Licensee acknowledges and agrees that the City does not guarantee parking for the Events.

ARTICLE 4. RESPONSIBILITIES OF THE PARTIES

4.01. City's Duties.

a. City staff will:

- i. Maintain and repair the septic system as needed.
- ii. Maintain and repair the light fixtures.
- iii. Provide and pay for any utility usage, including water, electricity, and solid waste removal, of the Licensee associated with this Agreement.

4.02. Licensee's Duties.

a. Licensee's staff and its subcontractors shall, at its sole cost and expense:

- i. Maintain and repair all fields, backstops, fences, sprinkler system, concession stand, bathrooms, and bleachers.
- ii. Ensure all-natural turf fields located on the Licensed Premises are properly maintained, including mowing the fields and trimming trees and shrubs.

- iii. Place a premium on the ethics of its league and ensure that the coaches, participants, and parents demonstrate appropriate behaviors at all.
- iv. Have on file within seven (7) days of the start of each season signed copies of sports ethics contracts for coaches and parents. Licensee shall also have on file signed waiver and release forms releasing the City and Licensee for any injuries (including death) or property damage resulting from participation in the Events.
- v. Provide copies to its coaches of a set of sports rules by the accredited league organization that represents their sport. A copy will also be provided to the City.
- vi. Provide the City with a copy of the rules of conduct, and disciplinary policy/procedures that will be adopted for the season and be placed on a league's webpage, if maintained.
- vii. Ensure coaches have access to a First Aid Kit near any game field of play and have a working cell phone available at all times when coaching. First Aid Kit must include insta-cold compress, band-aids, tweezers, and wrap.
- viii. Licensee shall ensure within seven (7) days of the start of each season that any person who has direct contact with children has cleared a mandatory background check with supporting documentation on file.
- ix. Comply with all valid federal, state, local and other governmental laws, ordinances, rules, orders and regulations generally affecting the Licensed Premises, including all rules, regulations, and requirements of the City of Bartlett and its Police, Fire, Code Compliance and Parks Departments.
- x. Assist in ensuring that no unauthorized motor vehicles, including four wheelers, golf carts, ATVs, etc., drive or park off designated roadways and on to turf areas unless expressly approved in advance by the Director.
- xi. Allow for and reasonably schedule outside entities to utilize the Baseball/Softball Field for tournaments, practice and games for a reasonable fee that is set between Licensee and City.
 - a. All outside parties will have to follow all previously stated rules set in place by the City and Licensee, copies of which are included in Exhibit "B" attached hereto and incorporated herein for all purposes.
 - b. Any fees charged for use of the Baseball/Softball Field will be used by Licensee for maintenance and repair of the Baseball/Softball Field.
 - c. Any fees charged for use of lights at the Baseball/Softball Field will be used by the City to reimburse itself for expense of the utilities.
 - d. Waiver forms must be provided and collected as well from all participants; copies of which must be submitted to the City.

ARTICLE 5.

CONSIDERATION

5.01. In consideration for Licensee's right to use the Licensed Premises for the purposes stated herein for each Term of Use, the Licensee agrees to pay the City a License Fee One Hundred Dollars (\$100.00) per year. This payment shall be made by check or credit card, with checks being made payable to the "City of Bartlett."

ARTICLE 6. ACCEPTANCE AND PROTECTION OF LICENSED PREMISES

6.01 Licensee covenants and agrees that it shall take the Licensed Premises as it finds them and that it will leave the Licensed Premises in as good or better condition than that which exists prior to Licensee's use of the Licensed Premises, normal wear and tear from usage excepted. Licensee further covenants and agrees that it will not do or permit to be done any injury or damage to any of said Licensed Premises or suffer any waste to the Licensed Premises, normal wear and tear from usage excepted; but in the event any damage is done, Licensee hereby covenants and agrees to reimburse City therefore promptly. Licensee shall keep and maintain the Licensed Premises in a good, clean, and sanitary condition at all times. Licensee shall be responsible for all damages caused by Licensee, its agents, servants, employees, contractors, subcontractors, licensees, or invitees, normal wear and tear from usage excepted; Licensee agrees to fully repair or otherwise cure all such damages at Licensee's sole cost and expense. The City shall determine whether any damage has been done, the amount of the damage, and the reasonable costs of repairing the damage. Any damage for which Licensee is responsible hereunder shall be repaired or replaced by the Licensee within thirty (30) days of receipt of written notification from the City; all such repairs or replacements must be made to the reasonable satisfaction of the City.

ARTICLE 7. ADVERTISING

7.01. Banners, advertisements, or signs may be hung from trees, fences, or buildings or be displayed on the Licensed Premises with the express permission of the Director. Location and content of such advertisement and announcements are subject to the approval of the Director.

ARTICLE 8. COPYRIGHT COMPLIANCE

8.01. Licensee agrees to assume full responsibility for complying with the Federal Copyright Law of 1978 (17 U.S.C. 101, et seq.) and any Regulations issued hereunder including, but not limited to, the assumption of any and all responsibilities for paying royalties which are due for the use of copyrighted works in Licensee's performances or exhibitions to the copyright owner, or representative or said copyright owner. City expressly assumes no obligations, implied or otherwise, regarding payment or collection of any such fees or financial obligations. City specifically does not authorize, permit, or condone the performance, reproduction, or other use of copyrighted materials by Licensee or its agents or licensees without the appropriate licenses or permission being secured by Licensee in advance. It is further agreed that **LICENSEE SHALL DEFEND, INDEMNIFY AND HOLD CITY HARMLESS FOR ANY CLAIMS ARISING FROM NONPAYMENT TO LICENSING AGENCIES, INCLUDING, BUT NOT**

LIMITED TO, ASCAP, BMI, AND SESAC OR DAMAGES ARISING OUT OF LICENSEE'S INFRINGEMENT OR VIOLATION OF THE COPYRIGHT LAW AND/OR REGULATIONS. City expressly assumes no obligation to review or obtain appropriate licensing, and all such licensing shall be the exclusive obligation of the Licensee.

Licensee understands that they are responsible for securing any and all licenses by all artists/performers giving permission for the recordings. Licensee is responsible for both reporting and payment of any music or other licensing fees that may be required by law.

8.02. Licensee understands and agrees that without the proper license obtained by Licensee, there is a risk of an injunction or money damages arising from a copyright lawsuit brought by ASCAP, BMI, SESAC or any other licensing agency or copyright holder.

ARTICLE 9. NON-DISCRIMINATION

9.01. Licensee agrees that during use of the Licensed Premises, Licensee will not subject anyone to discrimination in any way because of the person's financial status, race, color, creed, national origin, age, disability, sex, religion, or marital status. No one can be excluded from the Event or denied the benefits of the Event because of financial status, race, color, creed, national origin, age, disability, sex, religion, or marital status.

ARTICLE 10. LIABILITY AND INDEMNIFICATION

10.01. City and Licensee mutually covenant and agree that City shall not be liable or responsible for any property placed on the Licensed Premises.

10.02. **LICENSEE SHALL AND DOES AGREE TO RELEASE, INDEMNIFY, PROTECT, DEFEND AND HOLD HARMLESS CITY AND CITY'S EMPLOYEES, REPRESENTATIVES, OFFICERS, AGENTS, AND SERVANTS (COLLECTIVELY, "INDEMNITEES") FOR, FROM AND AGAINST ANY AND ALL THIRD-PARTY CLAIMS, LIABILITIES, DAMAGES, LOSSES, LIENS, CAUSES OF ACTION, SUITS, JUDGMENTS AND EXPENSES, (INCLUDING, BUT NOT LIMITED TO, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION), OF ANY NATURE, KIND OR DESCRIPTION ARISING OR ALLEGED TO ARISE BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY (1) RELATING TO THE USE OR OCCUPANCY OF THE LICENSED PREMISES BY LICENSEE, ITS EMPLOYEES, PATRONS, AGENTS, INVITEE, LICENSEES, VOLUNTEERS, SUBCONTRACTORS, AND ANY PARTY USING THE LICENSED PREMISES OR (2) BY REASON OF ANY OTHER CLAIM WHATSOEVER OF ANY PERSON OR PARTY OCCASIONED OR ALLEGED TO BE OCCASIONED IN WHOLE OR IN PART BY ANY ACT OR OMISSION ON THE PART OF LICENSEE OR ANY INVITEE, LICENSEE, EMPLOYEE, DIRECTOR, OFFICER, SERVANT, VOLUNTEER, OR CONTRACTOR OF LICENSEE, OR ANYONE LICENSEE CONTROLS OR EXERCISES CONTROL OVER OR (3) BY ANY BREACH,**

VIOLATION OR NONPERFORMANCE OF ANY COVENANT OF LICENSEE UNDER THIS AGREEMENT.

10.03. LIMITATION OF LIABILITY. EXCEPT WITH RESPECT TO LICENSEE'S OBLIGATIONS UNDER THIS SECTION 10, NEITHER PARTY WILL BE LIABLE TO THE OTHER FOR ANY EXEMPLARY OR PUNITIVE DAMAGES FOR BREACH OF CONTRACT.

**ARTICLE 11.
INSURANCE**

11.01. Licensee covenants and agrees to obtain and keep in force and to ensure its contractors, as applicable, keep in force during the term of this Agreement Commercial General Liability in the amount of \$500,000 each occurrence and \$1,000,000 aggregate.

11.02. Terms and Conditions Applicable to All Insurance

- a) Certificates of insurance evidencing all required insurance shall be delivered to the City at least two weeks prior to the Term of Use.
- b) Applicable policies shall be endorsed to name the City and the Licensee as Additional Insureds thereon, as its interests may appear. The term "City" shall include its employees, officers, officials, agents, and volunteers as respects the contracted services.
- c) Applicable policies shall be endorsed to name the City an Additional Insured thereon, as its interests may appear. The term City shall include its employees, officers, officials, agents and volunteers as respects the contracted services.
- d) Certificate(s) of insurance shall document that insurance coverage specified in this Agreement are provided under applicable policies documented thereon.
- e) Any failure on the part of the City to request required insurance documentation shall not constitute a waiver of the insurance requirements.
- f) A minimum of thirty (30) days' notice of cancellation or material change in coverage effecting the required lines and limits of insurance shall be provided to the City. A ten (10) days' notice shall be acceptable in the event of non-payment of premium. Notice shall be sent to the City Administrator at the address in Section 15.05.
- g) Insurers for all policies must be authorized to do business in the State of Texas and have a minimum rating of A:VII in the current A.M. Best Key Rating Guide or have reasonably equivalent financial strength and solvency to the satisfaction of the City's Risk Management Division.
- h) Deductible limits, or self-insured retentions, affecting insurance required herein shall be acceptable to the City in its sole discretion; and, in lieu of traditional insurance, any alternative coverage maintained through insurance pools or risk retention groups must

also be approved. Dedicated financial resources or letters of credit may also be acceptable to the City.

- i) Applicable policies shall each be endorsed with a waiver of subrogation in favor of the City.
- j) The City shall be entitled, upon its request and without incurring expense, to review the Licensee's insurance policies including endorsements thereto and, at the City's discretion, the Licensee may be required to provide proof of insurance premium payments.
- k) The Commercial General Liability insurance policy shall have no exclusions by endorsements that have effect on the lines and limits of insurance required in this Agreement, unless the City approves such exclusions.

ARTICLE 12. COMPLIANCE WITH LAW AND POLICIES

12.01. Licensee covenants and agrees that it shall not engage in any unlawful use of the Licensed Premises. Licensee further agrees that it shall not permit its officers, agents, servants, employees, contractors, subcontractors, patrons, licensees or invitees to engage in any unlawful use of the Licensed Premises and Licensee shall immediately remove from the Licensed Premises any person engaging in such unlawful activities. Unlawful use of the Licensed Premises by Licensee itself shall constitute an immediate breach of this Agreement.

12.02. Licensee shall comply with all City regulations, policies, and specific requirements for the Event and shall coordinate with City staff with regard to arrangements for site use. Licensee covenants and agrees that during the term of this lease that if the City calls to the attention of Licensee any such violation on the part of Licensee or any person employed by or admitted to said Licensed Premises by said Licensee, then Licensee shall immediately desist from and correct such violation or vacate the Licensed Premises.

12.03. Each party shall be responsible for obtaining and maintaining any and all applicable permits, licenses, or approvals necessary to fulfill its own individual obligations under this Agreement in accordance with any local, state, or federal statutes, rules, or regulations.

ARTICLE 13. RIGHT OF ENTRY

13.01. At all times during the term of this Agreement, City shall have the right, through its agents and representatives, to enter into and upon the Licensed Premises at any time to fulfill its obligations herein and during reasonable business hours for the purpose of examining and inspecting the same for the purpose of determining whether Licensee shall have complied with all of its obligations hereunder in respect to the use of the Licensed Premises.

13.02. During any inspection, City may perform any obligations that City is authorized or required to perform under the terms of this Agreement or pursuant to its governmental duties under federal state or local laws, rules, or regulations.

ARTICLE 14.
CHARITABLE IMMUNITY/ LIMITATION OF LANDOWNERS' LIABILITY

14.01. Licensee agrees that if it is a charitable organization, corporation, entity or individual enterprise having, claiming or entitled to any immunity, exemption (statutory or otherwise) or limitation from and against liability for damage or injury to property or persons under the provisions of the Charitable Immunity and Liability Act of 1987, C.P. R.C., § 84.001 et seq., or other applicable law, that Licensee hereby expressly waives its right to assert or plead defensively any such immunity or limitation of liability as against City.

14.02 Licensee agrees, consents and acknowledges that City is a Landowner under the Recreational Use Statute, C.P. R.C., § 75.001 et seq., or other applicable law, and does not waive any immunity or limitation for liability by entering into this Agreement nor would have entered into this Agreement if this provision was not applicable or enforceable.

ARTICLE 15.
MISCELLANEOUS PROVISIONS

15.01. Immunity. The Parties agree that the City of Bartlett has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.

15.02. Assignment/Non-Transferable. The Parties agree that neither this Agreement nor the work to be performed or goods/services provided hereunder will be assigned or transferred without the prior written consent of the City of Bartlett.

15.03. Successors and Assigns. The Parties, and their partners, assigns, successors, subcontractors, executors, officers, agents, employees, representatives, and administrators are hereby bound to the terms and conditions of this Agreement.

15.04. Execution and Consideration. This Agreement is executed by the Parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.

15.05. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing same in the United States mail, addressed to the Party to be notified, postage pre-paid and registered or certified with return receipt requested, or by delivering the same in person to such Party via facsimile or a hand-delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notice, the addresses of the Parties shall be as follows:

To City of Bartlett:
Attn: City Administrator
140 W. Clark St.
Bartlett, Texas, 76511

With Copy to:
Messer, Fort & McDonald
Attn: Will Trevino
13625 Pond Springs Road, Suite 204
Austin, Texas 78729

To Licensee:
Bartlett Youth League
Attn: Sharon Randig, President
PO BOX 452
BARTLETT, TX 76511-0452

With Copy to:
Bartlett Youth League
Attn: Sharon Randig, Registered Agent
340 E. Clearman St
Bartlett, TX 76511

15.06. Cumulative Remedies. All rights and remedies of the Parties under this Agreement shall be cumulative, and none shall exclude any other right or remedy provided by law, or by any other provisions of the Agreement. All such rights and remedies may be exercised and enforced concurrently and whenever, and as often, as occasion for their exercise arises.

15.07. Fiscal Funding Out. If, for any reason, at any time during any term of this Agreement, the City Council fails to appropriate funds sufficient for the City to fulfill its obligations under this Agreement, the City may terminate this Agreement pursuant to this section following (i) delivery by the City of written notice of the City's intention to terminate or (ii) the last date for which funding has been appropriated by the City Council for the purposes set forth in this Agreement.

15.08. Independent Contractor. Licensee shall operate hereunder as an independent contractor as to all rights and privileges herein contained and nothing herein shall be construed as creating a partnership or joint enterprise between Licensee and City.

15.09. Waiver of Breach. A waiver by either Party of a breach of the Agreement by the other Party does not constitute a continuing waiver or a waiver of any subsequent breach of the Agreement.

15.10. Parties Bound. The Agreement shall be binding upon, and inure to the benefit of, the Parties to the Agreement and their respective heirs, executors, administrators, legal representatives, successors, and assigns when permitted by this Agreement.

15.11. No Third-Party Beneficiaries. Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the Parties do not intend to create any third-party beneficiaries by entering into this Agreement.

15.12. Incorporation of Recitals. The representations, covenants and recitations set forth in the foregoing recitals of this Agreement are true and correct and are hereby incorporated into the body of this Agreement and adopted as findings of the Parties.

15.13. Entire Agreement. This Agreement (including all attachments, schedules, and exhibits attached hereto) contains the entire agreement of the Parties with respect to the matters contained herein and may not be modified, amended or terminated except upon the provisions hereof or by the mutual written agreement of the Parties hereto. The subject matter of this Agreement is for the use of the Licensed Premises only and not any other matters that may exist between the Parties past, present or future.

15.14. Venue. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Williamson County, Texas.

15.15. Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

15.16. Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. A facsimile signature will also be deemed to constitute an original if properly executed.

15.17. Authority to Execute. The individuals executing this Agreement on behalf of the respective Parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the Party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the Party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

15.18. Force Majeure. Neither Licensee nor the City of Bartlett shall be required to perform any term, condition, or covenant in the Agreement so long as performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riots, floods, and any other cause not reasonably within the control of the Party and which by the exercise of due diligence the Party is unable, wholly or in part, to prevent or overcome.

15.19. Miscellaneous Drafting Provisions. This Agreement shall be deemed drafted equally by the Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

15.20. Savings/Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this

Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

15.21. Representations. Each signatory represents this Agreement has been read by the Party for which this Agreement is executed and that such Party has had an opportunity to confer with its legal counsel.

IN WITNESS WHEREOF, the parties have executed this Agreement in multiples, this _____ day of _____, 2020.

BARTLETT YOUTH LEAGUE

CITY OF BARTLETT, TEXAS

By: _____

Name:

Title:

Chad Mees, Mayor

ATTEST:

ATTEST:

By: _____

Name:

Title:

Brenda Kelley, City Clerk

EXHIBIT "A"
BASEBALL/SOFTBALL FIELD

**EXHIBIT “B”
FIELD RESERVATION RATES, POLICIES AND PROCEDURES**

BECKY CALDWELL FIELD RENTAL RATES

Field Type	Field Rate (Hourly)	Field Rate (Daily: 6+ Hours)	Field Preparation	Lights	Labor	*Deposit
Softball, Baseball T Ball	\$15/hour/field Minimum of 2 hrs.	\$120/day/field	\$30/field (Drag & mark/provide chalk)	\$20/hour/field	\$50/hour (2-man crew, mid-day preps included)	\$25/day/field

FIELD RESERVATION POLICIES AND PROCEDURES

These policies may vary between facilities and may be changed at any time throughout the year. Special privileges or exceptions to policies and procedures must be reviewed and accepted by the City of Bartlett and the Bartlett Youth League.

- A rental request form must be submitted in order to be considered for a rental. Rental requests will be reviewed and approved/denied within 48 hours of submission.
- The renter must provide proof of liability insurance.
- All appropriate rental fees or deposits required must be paid to finalize rental. Fees not paid according to policy may result in the loss of the reservation.
- Cancellations will be subject to refund policy and forfeiture of deposits.
- For safety reasons, field lights must be scheduled 30 minutes before sunset.
- Glass, amplified music, and pets are prohibited on the premises.
- Vehicles parked in fire lanes or undesignated areas are subject to being ticketed and towed at the owner’s expense.
- Soft toss is not permitted against any of the fences.

STATEMENT OF FINANCIAL GOALS AND POLICIES

CITY OF BARTLETT, TEXAS

ORGANIZATIONAL GOAL STATEMENT

The overall financial and service goals of the City of Bartlett, TX (City) are to provide the full range of statutorily required services to its citizens while maintaining the lowest prudent property tax rate. The City intends to continue to expand non-tax revenues to allow for budgetary growth as dictated both by the growth in the City's population and the growth in the demand for the County's services. The City will ensure that budgetary growth is balanced by increases in demand for services. City will provide for expansion and renewal of its infrastructure through the use of long-term debt when it is considered appropriate and fiscally responsible.

I. GENERAL POLICIES

The City will operate on a fiscal year which begins on October 1 and ends on September 30.

The City will conduct its financial affairs in conformity with State and Federal laws, and this Statement of Financial Policy, which shall be approved by Bartlett City Council and reviewed on an annual basis as part of the budget process.

II. ACCOUNTING, AUDITING, AND FINANCIAL PLANNING

The City Auditor's Office will continue to maintain records on a basis consistent with accepted principles and standards for local government accounting, as determined by GASB and GFOA.

Regular monthly and annual financial reports are issued summarizing financial activity by fund, and department, and comparing actual resources and expenditures with budgeted amounts. The Auditor's Office provides monthly reports on the total City of specific services by type of expenditure and by fund.

A financial audit will continue to be performed annually by an independent public accounting firm and an official opinion and annual financial report will continue to be published and issued, as authorized by the Revised Statutes of Texas Article 103.001.

City will continue to identify areas for evaluation efforts, by either staff, committees, or consultants, in order to judge the effectiveness and efficiencies of City services.

City benefit studies will be conducted, where appropriate and applicable, on non-recurring expenditures and capital project.

Full disclosure will continue to be provided in the annual financial and budget reports and bond representations.

III. BUDGETING POLICIES

Budgetary Basis – The City’s budgetary basis and accounting records are maintained on a modified accrual basis and organized and operated on a fund basis in accordance with generally accepted accounting principles. Encumbrance accounting is utilized for materials, goods and services documented by purchase orders or contracts. The City will increase the subsequent year’s appropriations, but only if necessary, to complete these transactions. The approved annual budget with amendments as approved by the Bartlett City Council is the management control device utilized by the City. Annual appropriated budgets are adopted for the General, Special Revenue, and Debt Service funds. All annual appropriations lapse at fiscal year-end. Encumbrance accounting, under which funds are reserved from purchase orders, contracts, and other commitments, is employed in these funds and as of September 30, encumbrances are subject to re-appropriations in the budget of the subsequent year.

The City budgets resources on a fiscal year which begins October 1 and ends on the following September 30.

Budget manuals are distributed, and budget module training sessions are held, for annual budget preparation, which includes forms and instructions are distributed to City Departments in June each year. Departments and Elected Officials must return their proposals no later than July in that year.

The recommended budget shall be prepared and distributed to the Bartlett City Council members before the September City Council Meeting of the preceding fiscal year.

The proposed budget estimate shall be presented in the following format:

Revenue estimates by major item.

Operating and maintenance expenditures by object code, major expense categories, functionally related departments, and program summaries.

Debt Service summarized by issues detailing principal, interest, and reserve amount by fund.

The proposed budget estimate shall also contain information regarding:

Proposed personnel staffing levels.

A detailed listing of capital equipment to be purchased by each department.

A detailed schedule of capital projects.

Any additional information, data, or analysis requested by the Bartlett City Council.

The proposed budgeted revenues shall be provided by the Mayor and/or their designee including ad valorem taxes, grant revenues, and inter-fund transfers.

The Bartlett City Council shall adopt the budget prior to October 1.

The City budgeting procedures attempt to identify distinct functions and activities performed by the City and to allocate budget resources adequate to perform these functions and activities at a specified level of service.

The City will continue to integrate performance measurement and productivity indicators with the budget process where appropriate.

The committed, but not yet received purchases as of September 30 will be re-appropriated in the subsequent fiscal year per a list prepared by the Mayor and/or their designee with appropriate Budget Amendment.

The City Administrator shall have authority to transfer expenditure appropriations from any department category of object codes to any other department or non-departmental major object code category. Transfers of such funds amount to a new appropriation and therefore must be adjusted prior to expenditure of such amounts.

IV. BUDGET AMENDMENT POLICY

City Policy allows a Department Head, Appointed or Elected Official or his/her designees to request budget amendments throughout the fiscal year as follows:

BUDGET AMENDMENT STATUTE:

Pursuant to Local Government Code Chapter 102, the Bartlett City Council may spend City funds only in strict compliance with the budget. The Bartlett City Council may amend the budget to transfer an amount budgeted for one item to another budgeted item without authorizing an emergency expenditure.

INTRA-DEPARTMENTAL OPERATING TRANSFER:

Transfers may be made up to \$1,000 (cumulative total for Intra-Departmental Operating Transfers for the fiscal year) between operating line items and surplus funds from capital items within an individual departmental budget. When a line item will be increased or decreased by more than \$1,000 (cumulative total for Intra-Departmental Operating Transfers for the fiscal year), or if a new capital items is requested, the amendment must be presented to the City Administrator for consideration and action as a separate agenda item.

ROUTINE BUDGET AMENDMENTS:

Includes transfer of funds within the maintenance and operations line items within the elected official or department head budget(s). These items can be placed directly on the consent agenda.

NON-ROUTINE BUDGET AMENDMENTS:

Inter-Departmental – Any amendment which moves funds from one department head’s budget to another department heads budget must be presented to City Administrator for consideration and action.

Inter-Fund – Where permitted by law, any amendment which moves funds from one fund to another fund must be presented to City Administrator for consideration and action.

Personnel – Requests to transfer funds from any salary or benefit account are allowed for the specific purpose of salary related expenditures such as contract labor. Budget amendment requests for capital and operating accounts from personnel line items are allowed if there are no other funds available in that department’s budget and City Administrator deems it to be necessary.

Capital – Any request for additional capital equipment must be justified and specified in detail with Costs estimates. Requests for additional capital items not included in the adopted budgeted or substitution of one item for another also requires approval from Bartlett City Council. Surplus funds in a budgeted capital item can be transferred to cover a shortage up to \$1,000 in another budgeted line item with an Intra-Departmental Operating Transfer.

The re-appropriation at the beginning of a fiscal year of funds committed under valid Purchase Orders of the City but unspent by September 30 or the prior fiscal year requires a budget amendment from fund balance. These budget amendments have no net effect on spending but simply changes the accounting year for expenditures.

Pursuant to Local Government Code the Bartlett City Council may authorize a contingency item. The item must be included in the itemized budget under Section 111.004(a) in the same manner as a project for which an appropriation is established in the budget. Budget amendment(s) may be made against this item during the year in case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention.

Pursuant to Local Government Code when revenues not included in the original budget are received, such as proceeds of bonds or other obligations, grant or aid money, revenue form intergovernmental contract, and pledging revenues as security for bonds and other obligations, a budget amendment is required to expend those funds. The adopted City wide budget will increase however the revenues should exceed or equal the expenditure. This type of amendment must be submitted to City Administrator for consideration and action.

Any transfer that creates an increase in budgetary commitment for the next fiscal year must be presented to Bartlett City Council for consideration and action.

New employee positions cannot be created without Bartlett City Council consideration and action. Creation of a new position within a departmental budget will require that the Bartlett City Council declare an emergency unless the actual line item under which that new position would be categorized currently exists within that specific budget. New employee requests outside of the budget process must include substantial written justification for the position.

New line items can only be created for Contracts or Grant-based programs. For any other department, the creation of a new line item that has not been previously created for the specific department will require that the Bartlett City Council declare an emergency in order to establish a new line item.

RESTRICTED LINE ITEM TRANSFERS:

Certain line items have restrictions, which are only allowed for specific purposes.

Council ordered expenditures can only be transferred to other council ordered line items.

Vehicle related expenditures can only be transferred to other vehicle related line items.

Salary related expenditures – See Non-routine Budget Amendments / Personnel.

Body Armor – only excess funds from items requested and purchased can be transferred to another line item.

PROCEDURES:

Any request for a budget amendment must be justified and submitted to the City Council.

Budget Amendment transfer authorization may be delegated by the Mayor to other employees. Notification of signature authority must be on file in the City Administrator's office before requests are accepted.

The City Administrator reserves the right on a case by case basis, where legally permissible, to curtail a departments right to make Intra-Departmental Operating Transfers if the budget transfers appear to be making a programmatic change that was not approved by the Bartlett City Council in budget hearings or if the financial condition of the department and/or the City warrants such a curtailment.

Notification of approved Budget Amendments and Intra-Departmental Operating Transfers will be e-mailed to the appropriated department(s) after the amendment is posted. The Mayor and/or their designee is responsible for posting budget amendments.

Budget Amendment Requests for new capital equipment must be submitted to the Mayor and/or their designee for the current fiscal year by October 1. This will allow the Purchasing Department to secure bids and order equipment prior to the end of the fiscal year.

Budget Amendment Requests other than capital requests for the current fiscal year must be submitted to the Mayor and/or their designee no later than August 31. Exceptions to the deadlines will be placed on the Agenda for consideration by the City Council.

Any request for placement on the agenda of a budget amendment or Intra-Departmental Operating Transfers, past the amendment deadlines, request a separate memo from the requesting department stating the urgency of the request.

V. REVENUES AND TRANSFERS AND POLICIES

City will maintain a diversified and stable revenue system to shelter it from short-term fluctuations in any one revenue source by doing the following:

Establishing user charges and fees as permitted by law at a level related to the costs of providing that service including indirect costs.

Pursuing legislative change, where necessary, to permit increases in user charges and fee.

Aggressively collecting property tax revenues, including the filing of suit where appropriate and necessary, as authorized by the Texas Property Tax Code.

City will pay for all current expenditures with current resources as required by Article XI, Section 7 of the Constitution, and by Article 111.091-111.092 of the Revised Statutes of Texas.

Transfers of monies between funds will only be accomplished after approval of the Mayor.

VI. CONTINGENCY FUND POLICIES

The City will maintain an unappropriated contingency to provide for small increases in service delivery costs as well as unanticipated needs that may arise throughout the year.

THEREFORE, IT WILL BE NECESSARY FOR OFFICIALS AND DEPARTMENT HEADS TO REVIEW AND CONTROL EXPENDITURES SUCH THAT THE RATE OF EXPENDITURE DOES NOT EXCEED THE APPROVED BUDGET.

Cases of anticipated material deviation should be covered by a request for a budget amendment. Such requests should be submitted to the Mayor for initial review, they will then process the request and forward to Bartlett City Council for their consideration and approval.

VII. PERSONNEL POLICIES

The number of employees on the payroll shall not exceed the total number of positions approved unless authorized by City Council/Commissioners Court. All personnel actions shall at all times be in strict conformance with applicable federal, state, and City policies.

Deletion and downgrades of positions may occur at any time during the fiscal year at the department heads or City Administrator request or if a review of workload statistics indicates that a reduction in force is practical in a department. Reductions in elected official's budgeted positions will only be accomplished with their approval after the budget is adopted.

Additions, position reclassifications, reorganizations, and equity adjustments must be presented with the initial budget request. Exceptions to this policy will only be allowed with Council approval.

The Council may institute a freeze during the fiscal year on hiring, promotions, transfers, and capital equipment purchases. Such action will be used arbitrarily and will allow for exceptions in

appropriate areas to comply and emergency needs such as natural disasters and/or loss of major revenue source.

VIII. FIXED ASSET POLICES

All purchases of physical assets with a value of \$5,000 (five thousand dollars) except computer software shall be placed on the City inventory.

The City will maintain these assets at a level adequate to protect City 's capital investment and to minimize future maintenance and replacement Costs by:

Providing for adequate maintenance of capital equipment and equipment replacement under the above stated amount in the annual operating budget.

Capital expenditures for projects and equipment are budgeted by item or project and must be spent accordingly. Any request for unbudgeted capital equipment or projects throughout the fiscal year must be submitted to the Mayor and approved by the City Administrator as a budget amendment prior to a requisition being presented to Purchasing.

Where possible, items in good useable condition placed in surplus will be used:

- To supplement expenditure for new, budgeted capital purchases.
- To supplement expenditure for replacement/budgeted capital purchases.
- To supply needed unbudgeted new and replacement equipment.

IX. DEBT MANAGEMENT POLICIES

City recognizes the foundation of any well-managed debt program is a comprehensive debt policy. A debt policy sets forth the parameters for issuing debt and managing outstanding debt, and it provides guidance to decision makers regarding the timing and purposes for which debt may be issued, types and amounts of permissible debt, method of sale that may be used and structural features that may be incorporated.

POLICY SUMMARY

City will adhere to the following specific policy statements with regards to (1) conditions for debt issuance; (2) restrictions on debt issuance; (3) debt service limitations; (4) limitations on outstanding debt; (5) debt structure; (6) the debt issuance process; and (7) debt maintenance procedures.

Conditions for debt issuance – The City will consider the use of debt financing only for one-time capital improvement projects. Long-term borrowing will not be used to finance current operations or normal maintenance. Debt financing may include general obligation bonds, revenue bonds, certificate of obligation, certificates of participation, tax notes, lease/purchase agreements, and other obligations permitted to be issued or incurred under Texas law. The City shall consider refunding outstanding bonds if one or more of the following conditions exist: (1) present value savings are at least 3% with certain exceptions, of the par amount of the refunding bonds; (2) the

bonds to be refunded have restrictive or outdated covenants; or ((3) restructuring debt is deemed to be desirable.

Restrictions on debt issuance - Proceeds from long-term debt will not be used for current ongoing operations.

Limitations on Outstanding Debt - As provided in the Constitution of the State of Texas, the Net Bonded Debt of City shall not exceed twenty-five percent (25%) of the net value of the taxable real property of the City.

Characteristic of Debt Structure – The City will design the repayment of its overall debt so as to recapture rapidly its credit capacity for future use. The City shall strive to repay at least 20 percent of the principal amount of its general obligation debt within five years and at least 40 percent within ten years. The scheduled maturity of individual debt issued shall not exceed the expected useful life of the capital project of asset(s) financed. Also, the City shall consider purchasing bond insurance for debt issues when the present value of the estimated debt service savings from insurance (to be derived)) is equal to or greater than the insurance premium.

Debt Issuance Process – The City shall use a competitive bidding process in the sale of debt unless market conditions the nature of the issue, such as refunding bonds or small issuances, warrant a negotiated or private placement sale. The City will employ outside financial specialists, including financial advisors and bond counsel, to assist it in developing a bond issuance strategy, preparing bond documents and marketing bonds to investors.

Debt Maintenance Responsibilities – The City will seek to maintain and, if possible, improve our current bond ratings to minimize borrowing Costs and preserve access to credit. City will adhere to a policy of full public disclosure with regard to the issuance of debt, and the City will meet all requirements for continuing disclosure on debt of the City.

X. BONDED DEBT COMPLIANCE MANAGEMENT POLICY

City acknowledges and will abide by any federal or state law regarding tax-exempt bonds.

POLICY SUMMARY

City will adhere to the following specific policy statement with regards (1) separate record keeping per bond issuance; (2) not mingling bond issuance money; (3) the use of bond proceeds only for their approved purposes; (4) the intent to use bond funds within three (3) years of issuance; (5) meeting post-issue reporting requirements; (6) keeping interest earning with bond principal or debt service; (7) maintaining an interest and sinking fund for all tax-exempt debt; and (8) maintaining the tax-exempt status of all outstanding bonded debt of City.

Separate Accounting – The City will keep separate financial records of each bond issuance. A construction fund will be maintained for each bond issuance in the City’s general ledger, the fund will be accounted for separately from all other funds of the City, and the fund will be used solely to pay Costs of the projects for which the debt obligations were issued.

Not Mingling Bond Funds – Bond proceeds will not be co-mingled with any other City funds.

Approved Purposes – Bond proceeds will only be used for allowable purposes as specified by bond election and bond order authorizing the issuance of the bonds.

Intent to Use within Three Years of Issuance – City intends to use bond proceeds for their approved purposes within three (3) years of their issuance.

Post-Issue Reporting Requirements – The City will adhere to all reporting requirements and deadlines that are applicable to tax exempt bonds. Specifically, City will comply with the requirements of Securities and Exchange Commission Rule 15c2-12 which requires the filing of annual financial reports and other financial data and the filing of any required material events notices with each agency designated as an information repository. City will also comply with US Treasury Regulation Section 148 which requires the computation and payment of any arbitrage rebate owed no less frequent than five (5) years after issuing any tax-free debt. In addition to the foregoing, the City will adhere to the reporting requirements stated in any private placement investment or purchase letter and any particular requirements of state or federal financings, including loans and grants.

Interest Earned Remains with Principal or Debt Service – Interest earned on bond proceeds will remain with the bond principal and will be used only to pay any Costs overruns on approved projects, to fund new projects meeting the usage criteria in the original bond indentures, or it will be specified to go towards the payment of Debt Service.

Interest and Sinking Fund – City will levy a tax on all taxable property in the City to pay principal of and interest on bonds or debt instruments issued. Amounts collected from the tax levied will be deposited to the credit of the Interest and Sinking Fund maintained in the accounting records of the City. City will maintain its Interest and Sinking Fund in a manner to a proper matching of revenues and debt service payments on its debt issues. Specifically, the Interest and Sinking fund will be depleted at least once each bond year to the amount of the allowable carryover, all amounts deposited to the fund will be expended within twelve months of receipt, and all amounts received from the investment of the fund will be deposited to the fund and expended within twelve months.

Maintenance of Tax-Exempt Status - City shall not use, permit the use, or omit the use the gross proceeds of any debt issuance in a manner which if allowed or omitted would cause the interest on any bond or debt instrument of the City to become includable in the gross income of the owner of the bond for federal income tax purposes. The City specifically will comply with bond covenants which prohibit: (1) private use or private payments of assets constructed or acquired with debt proceeds; 2) private loans of bond proceeds to any person other than a state or local government; (3) investment of bond proceeds in any investment with a yield that exceeds that of the bonds; (4) taking any actions that would cause the bonds to be federally guaranteed within the meaning of section 149(b) of the Internal Revenue Code; and (5) taking any unauthorized action having the effect of diverting arbitrage profits from payment to the US Treasury, City will maintain its financial records until three (3) years after final payment of all bonds to show compliance with federal and state laws regarding tax-exempt debt.

XI. INVESTMENT AND CASH MANAGEMENT

The Mayor will continue to collect, disburse, and deposit all funds on a schedule which insures optimum cash availability.

The Mayor and/or their designee shall handle all original reconciliation of City bank accounts with the Depository Bank and shall resolve any financial difference between City and the Depository Bank.

The Mayor and/or their designee is the Investment Officer of City as authorized by the Bartlett City Council and shall invest the funds of City to achieve the highest and best yield, while at the same time maintaining the security and integrity of said funds.

City shall maintain a written City Investment Policy, as approved by the Bartlett City Council, to achieve the highest and best yield, while at the same time, maintaining the security and integrity of said funds.

The Mayor and/or their designee will maintain an original copy of all security and/or surety pledges made by the Depository Bank in behalf of City funds.

The Mayor and/or their designee will maintain an original copy of all security advice for all City investment transactions.

City conducts its treasury activities with financial institution(s) based upon written contracts which specify compensating balances, service charges, term, and other conditions as authorized by the Local Government Code inclusive of the Revised Statutes of Texas.

The City's investments shall be made in accordance with the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code, as may be amended.

XII. GENERAL FUND UNRESERVED FUND BALANCE POLICY

GENERAL FUND UNRESERVED FUND BALANCE POLICY

It is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable tax rates. Fund balance levels are a crucial consideration, too, in long-term financial planning. In most cases, discussions of fund balance will properly focus on a government's general fund.

Credit rating agencies carefully monitor levels of fund balance and unreserved fund balance in a government's general fund to evaluate a government's continued creditworthiness. Likewise, laws and regulations often govern appropriate levels of fund balance and unreserved fund balance for state and local governments.

POLICY

The Governmental Accounting Standards Board (GASB) released Statement 54, "Fund Balance Reporting and Governmental Fund Type Definitions". This Statement is intended to improve the usefulness of the amount reported in fund balance by providing more structured classifications.

The purpose of this policy is to establish operating and reporting guidelines for the fund balances of the governmental funds for City, Texas.

The City governmental-fund financial statements will present fund balances classified in a hierarchy based on the strength of the constraints governing how those balances can be spent. These classifications are listed below in descending order of restrictiveness:

Nonspendable Fund Balance: This classification includes amounts that cannot be spent because they: (a) are not in spendable form (e.g., inventories and prepaid items); (b) are expected to be converted into cash within the current period or at all (e.g., long-term receivables); or (c) are legally or contractually required to be maintained intact (e.g., the non-spendable corpus of an endowment).

Restricted Fund Balance: This classification includes amounts subject to usage constraints that have either been: (a) externally imposed by creditors (e.g., through a debt covenant), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

Committed Fund Balance: This classification includes amounts that are constrained to use for specific purposes pursuant to formal action of Bartlett City Council. These amounts cannot be used for other purposes unless the Council removes or changes the constraints via the same a type of action used to initially commit them.

Assigned Fund Balance: This classification includes amounts intended by the City for use for a specific purpose, but which do not qualify for classification as either restricted or committed. The intent can be expressed by Bartlett City Council or by a Council designee (e.g., City Administrator, City, Mayor). This classification applies to the positive unrestricted and uncommitted fund balances of all governmental funds except the General Fund.

Unassigned Fund Balance: This classification applies to the residual fund balance of the General Fund and to any deficit fund balances of other governmental funds.

Order of Spending: Where appropriate, City will typically use restricted, committed, and/or assigned fund balances, in that order, prior to using unassigned resources, but it reserves the right to deviate from this general strategy.

Minimum Fund Balance: City generally aims to maintain the following minimum fund balance:

General Fund: Unassigned fund balance of 3 months of budgeted expenditures for the fiscal year, to be used for unanticipated needs.

1. A commitment of fund balance requires formal action as to purpose but not as to amount; the latter may be determined and ratified by the Council at a later date. This is often important near year-end, when a purpose or need is known but a Costs is not.

2. An assignment of fund balance implies intent of Bartlett City Council, but operationally, the ability to implement the intent may be delegated to one or more persons.

PROCEDURES

A goal of each year's budgeting process will be to adopt a budget that maintains compliance with the stated General fund unreserved fund balanced policy.

Specific City financial conditions, economic conditions, or special initiatives may be considered reasons for temporary non-compliance with this policy.

In the event of either planned or unplanned non-compliance, it is the City's intention to take action during the annual budget process to reach compliance with.

Actions in the budget process available to increase the unreserved General Fund balance may include increasing taxes, decreasing spending in specific areas, dedicating one-time revenues to fund reserves, or making transfers of excess fund balances from other funds.

In the event that the level of unreserved General Fund balance is judged to be in excess of the amount acquired by this policy, amounts over that required may be used to fund one-time, non-recurring expenditures such as acquisition of capital items. Excess fund balances will not be used to fund recurring operating expenditures.

XIII. CAPITAL BUDGET IMPACT ON OPERATING BUDGET

All Capital Improvement Program requests must include the operating budget impact of the request including but not limited to additional staffing, operating expenses as well as any Costs savings anticipated if the request is approved and funded.

A Capital Improvement request form must be submitted with the overall capital project justification and operating expenses data. Projects without sufficient data will not be considered.

Operating expenses for capital projects will be funded on a pay-as-you-go basis for annual, recurring maintenance type expenses.

XIV. INTERNAL GUIDELINES FOR MANAGEMENT OF FEDERAL AND/OR STATE FUNDS

All Costs charged by the City must be necessary, reasonable, allowable, and allocable to all Federal and/or State grant programs received administered by the City. The City must assure that all Costs are appropriate and eligible including but not limited to the following areas of concern:

- Administrative requirements - Including duplication of benefits requirements, provisions related to charging pre-award Costs, conflict of interest, reporting fraud, and distinction between agencies/government components, contractors, developers, and beneficiaries;
- Recordkeeping and Reporting requirements - Including records retention and financial reporting requirements;
- Procurement requirements - Including requirements related to bonding, insurance, suspension, and debarment;
- Contract conditions;
- Force Account - Including requirements for tracking, documenting, and charging personnel Costs and applicable fringe benefits and classification, purchasing, tracking, insuring, and disposing of equipment, supplies, and federally

purchased tangible and intangible property;

- Contract amendments;
- Contract closeout;
- Monitoring and Quality Assurance - Including requirements related to preventing fraud, waste, and abuse;
- Audit - Including Single Audit or program-specific audit requirements

The following is a list of key federal and state regulations governing financial management of grant programs:

- 24 CFR § 570 Subpart I- governs the state CDBG-DR program;
- 2 CFR § 200, including all of Subpart E Costs Principles;
- Uniform Grant Management Standards (UGMS) - Texas Comptroller of Public Accounts and guidance under 2 CFR § 200;
- Texas Local Government Code Chapter 171

It is the City's responsibility to be knowledgeable and compliant with these requirements to ensure the appropriate, effective, timely, and eligible use of all funds related to Federal and/or State Programs. The City is responsible for monitoring vendors and projects and compliance with applicable financial management standards, for processing payment requests for funds, and for audit review.

A Costs objective is a pool of related Costs, which could be related based on the City's departments, function, eligible, activity, agreement with State and/or Federal agencies or any other basis. The term is used to capture a variety of scenarios in which Costs may be categorized for purposes of Costs allocation or eligibility determinations.

As per of 2 CFR § 200.303, the City has established this and other written policies and procedures for internal controls and guidance documentation for responsible financial management of federal and/or state funds and include the adherence to the following:

- All federal, state, and local conflict of interest provisions, including the requirements of Texas Local Government Code Chapter 171;
- The City has an established internal control system and documented segregation of duties. Including the appropriate segregation of duties as follows:
 - o No person has complete control over every phase of a significant transaction. For example, the person who authorizes payments to contractors should not draft and issue the payment check and the person who writes a payment check should not reconcile associated bank records;
 - o Monthly bank reconciliation and/or direct deposit monthly statements are reviewed by someone who is not responsible for handling cash or issuing checks;

o the person issuing checks for grant expenses does not also handle payroll preparation/issuance of paychecks;

- The City will take prompt action when an instance of noncompliance is identified internally or through audit findings;
- The City takes reasonable measures to safeguard protected personally identifiable information (PII) and other information that the City considers sensitive consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality;

Per 24 CFR § 570.502, through established budgets and accounting records, the City is responsible for ensuring all Federal and/or State expenditures are authorized in an approved, documented budget and do not exceed the total budget amount and do not exceed the amount in the City's grant agreement(s).

The City will use one of two general methods available to draw federal and/or state grant funds to pay for project and vendor Costs: the reimbursement method and the cash advance method.

- The reimbursement method entails a transfer of grant funds to the City based on actual expenditures already incurred by the City before it requests a draw;
- The cash advance method entails the transfer of grant funds from the federal and/or state agency based upon the City's received invoices before the actual cash disbursements have been made by the City.

The City establishes a separate account for each grant it receives. When using a cash advance basis process, the City will ensure that all received grant funding is held in an insured, interest-bearing account (2 CFR § 200.305(b)). Distinct accounting information for each grant is created. Accurate records of encumbrances/obligations against distinct line items within each grant for vendor contracts are made. Accurate records on grant awards, unobligated balances, assets, liabilities, expenditures, program income (if any), and applicable interest are kept and supported by sources documentation, including vendor contracts, invoices, and purchase orders.

Pursuant to 2 CFR § 200.302(a), the City's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, are sufficient to permit the preparation of reports required to demonstrate compliance with general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the City's State and/or Federal grant agreement(s).

City through its annual audit process has proven effective control over, and accountability for, all funds, property, and other assets in its possession. The City makes every effort to adequately safeguard all assets and assure that they are used solely for their intended purpose.

Financial Records for all Federal and/or State grant programs include the following:

- Transaction registry documenting:
 - o All invoices associated with each Request for Payment; and
 - o Source of funds for each invoice (grant funds by activity, matching funds, and/or other funds)

- Source documentation, including the following:
 - o Copies of Requests for Payment;
 - o Addendum record of direct deposit payments;
 - o Verification of deposits;
 - o Monthly bank statements
 - o Check register/transaction ledger;
 - o Employee timesheets (as applicable);
 - o Equipment time record sheets (as applicable);
 - o Property inventory;
 - o Purchase orders, invoices, and contractor requests for payments;
 - o Electronic Transfer Form (EFT);
 - o All original source documents

The City for each grant agreement received establishes Responsible Persons. Through resolution, the City identifies the Responsible Persons (at least 2, preferably 4 by job title) responsible for both contractual documents (executed City agreement(s), associated amendments, and various program certifications) and financial documents (requests for payment, issuance of check).

The City, where allowable by the Federal and/or State funding program, will authorize direct deposit to receive payments from the agency(ies) to post directly to the City's local bank account.

The City will ensure that there exists staff and contractor capacity necessary to manage all grant funds under its control. The City may procure a Grant administrator to assist with management of grant compliance, subject to 2CFR200 procurement guidelines and requirements.

Eligible/Allowable Costs: All Costs charged to the City's grant agreement(s) will be deemed eligible as identified in each Grantor's agreement/implementation manual. Eligible Costs are those that conform to the federal/state requirements, including limitations and waivers described in applicable Federal Register Notices, comply with federal Costs principles, and align with all associated cross-cutting federal requirements (Davis Bacons and Related Acts, Environmental requirements, etc.) and State and Local law.

The City will assure pursuant to 2 CFR § 200.403, Costs meet the following general criteria to be allowable as a charge against any Federal award:

- Costs must be necessary and reasonable for the performance of the Federal award and be allocable to that award and not to a different award;
- Costs must conform to any limitations or exclusions set forth in 2 CFR § 200 or in the Federal award as to types or amount of Costs items;

- Costs must be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the City;
- Costs must be accorded consistent treatment;
 - A Costs may not be assigned to a Federal award as a direct Costs if any other Costs incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect Costs;
- Costs must be determined in accordance with generally accepted accounting principles (GAAP);
- Costs must be adequately documented

Reasonable Costs (2 CFR § 200.404): A Costs is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the Costs. In determining reasonableness of a given Costs, consideration will be given to:

- Whether the Costs is of a type generally recognized as ordinary and necessary for the operation of the City or the proper and efficient performance of the State and/or Federal award;
- The restraints or requirements imposed by such factors as: sound business practices; arms-length bargaining; Federal, state, local, and other laws and regulations; and terms and conditions of the State and/or Federal award;
- Market prices for comparable goods or services for the geographic area;
- Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the City, its employees, the public at large, the State Government and/or Federal Government;
- Whether the City significantly deviates from its established practices and policies regarding the incurrence of Costs, which may unjustifiably increase the Costs

The City will insure that all grant reimbursement requests meet the definition of Allocable Costs (2 CFR § 200.405 and § 200.406) A Costs is allocable to a particular grant, City agreement, vendor contract, program, or other Costs objectives if the goods or services involved are chargeable or assignable to that Costs objective in accordance with relative benefits received. This standard is met if the Costs:

- Is incurred specifically for that Costs objective; • Benefits both that Costs objective and other work of the City and can be distributed in proportions that may be approximated using reasonable methods; and
- Is necessary to the overall operation of the City and is assignable in part to the specified Costs objective in accordance with 2 CFR § 200.

Any Costs allocable to a particular Costs objective may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the City from shifting Costs that are allowable under two or more Costs objectives in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

If a Costs benefits two or more projects or activities in proportions that can be determined without undue effort or Costs, the Costs must be allocated to the projects based on the proportional benefit. If a Costs benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the Costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Costs should only be charged net of all applicable credits. Applicable credits refer to those receipts or reduction-of- expenditure-type transactions that offset or reduce expense items allocable to the Costs objective. Examples include:

- Purchase discounts;
- Rebates or allowances;
- Recoveries or indemnities on losses;
- Insurance refunds or rebates; and
- Adjustments of overpayments or erroneous charges

To the extent that such credits accruing to or received by the City relate to allowable Costs, they must be credited to the State and/or Federal award either as a Costs reduction or cash refund, as appropriate. These credits do not constitute program income.

The City will submit a draw request for eligible Costs as often as is needed, subject to limitations in grant agreements and at least quarterly throughout the life of a project. The City will submit Costs to a Grantor for draw within 60 days of receipt of invoices as allowable.

Pursuant to 24 CFR § 570.489(c), 2 CFR § 200.305(b), and 31 CFR § 205, the City when utilizing the cash advance method will minimize the time elapsing between the transfer of funds from the Federal or State agency and the disbursement by the City for eligible Costs. This period must not exceed 5 business days from the date of receipt/deposit of funds.

CITY OF BARTLETT

FEDERAL GRANT PROCUREMENT POLICY

The City of Bartlett generally follows State of Texas procurement law and guidance in the purchasing and contract management of goods and services. Additional policy guidance below addresses federal purchasing requirements as required by 2 CFR 200 pertaining to the expenditure of federal grant funds.

A. Purchase Methods When Using Federal Funds

Five Methods for Procuring with Federal Funds

2 CFR § 200.320 provides for five methods that must be used when making purchases with Federal funds. In some cases, these Federal methods are more restrictive than State requirements; in other cases, the State requirements are more restrictive than these Federal methods. In all cases, the City affirms the more restrictive requirements or methods shall be followed when making purchases with Federal funds.

The type of purchase method and procedures required depends on the cost (and type, in some cases) of the item(s) or services being purchased.

- Micro-purchases
- Small purchase procedures
- Sealed bids
- Competitive proposals
- Noncompetitive proposals (sole source)

Micro-Purchases (Purchases up to \$3,000.00)

Federal methods provide for procurement by *micro-purchase*. *Micro-purchase* is defined in 2 CFR § 200.320(a) as a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,000.00. The micro-purchase method is used in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

The City utilizes the micro-purchases method for acquiring supplies or services that do not exceed an aggregate amount of \$3,000.00 if the price is reasonable. The program manager responsible for the Federal award determines if the price is reasonable.

Quotes are not required but encouraged. If quotes are obtained for items under \$3,500.00, they should be kept in the department and attached to the requisition.

Small Purchase Procedures (Purchases between \$3,000.01 and \$149,999.99 in the Aggregate)

The Federal threshold for small purchase procedures is \$150,000. 2 CFR § 200.320(b).

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

Small purchase procedures (as defined in 2 CFR § 200.320[b]) may be used in those relatively simple and informal procurement methods for securing non-personal contracted services, supplies, or other property that do not cost more than \$149,999.99.

For purchases funded from local funds, to obtain the most competitive price, the City, may, at its option, obtain price quotes for items costing less than \$150,000. Unlike the mandatory competitive procurement described for purchases over \$150,000, if an item to be paid from local funds costs less than \$150,000, the City may utilize price quotations or competitive procurement process (purchasing cooperatives, sole source, an existing RFP/bid or a new RFP/bid) to stimulate competition and to attempt to receive the most favorable pricing.

However, if using State or Federal funds to purchase goods or services, *price or rate quotations shall be obtained* from an adequate number of qualified sources for all purchases between \$3,000.01 and \$49,999.99 or use the competitive procurement process. The City shall obtain more than one price or rate quote unless using a purchasing cooperative, existing Bid/RFP or sole source vendor, in which case, the prices have already been awarded. If purchasing from a purchasing cooperative or existing Bid/RFP, the departments can elect to obtain only one quote to purchase the goods or services although it is recommended to obtain more than one quote. Such price or rate quotations may be obtained orally and/or documented in writing, and the City will demonstrate that price or rate quotations were obtained from an adequate number of qualified sources.

Purchases \$150,000 or More in the Aggregate

According to Texas law, one of the following competitive methods must be used for purchases of \$150,000 or more in the aggregate:

- (1) competitive bidding for services other than construction services;
- (2) competitive sealed proposals, for services other than construction services;
- (3) a request for proposals, for services other than construction services;
- (4) an interlocal contract;
- (5) a method provided by Chapter 2269, Government Code, for construction services;
- (6) the reverse auction procedure as defined by Section 2155.062(d), Government Code; or
- (7) the formation of a political subdivision corporation under Section 304.001, Local Government Code.

In addition, one of the three following methods must be used, depending on the circumstance described below, when purchasing with Federal funds: sealed bids (formal advertising); competitive proposals; or noncompetitive proposals (sole source).

Sealed Bids (Formal Advertising)

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

Bids are publicly solicited and a *firm fixed-price contract* (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids. The invitation for bids must be publicly advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids. The bids must be opened publicly.
- A firm fixed-price contract award must be made in writing to the lowest responsive and responsible bidder.

Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. Any or all bids may be rejected if there is a sound documented reason.

Competitive Proposals

A competitive proposal is normally used with more than one source submitting an offer, and either a *fixed price* or a *cost-reimbursement* type contract is awarded. (A *cost reimbursement contract* reimburses the contractor for actual costs incurred to carry out the contract.) Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and must identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

- Proposals must be solicited from an adequate number of qualified sources.
- The City must have a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

When using Federal funds, the City may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used when using Federal funds only when one or more of the following circumstances apply:

- The item is available only from a single source and an equivalent cannot be substituted. This must be documented.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- After solicitation of a number of sources, competition is determined inadequate.

Additionally, *State* requirements related to sole source purchasing are, in some ways, more restrictive. In addition to the Federal requirements above, sole source purchases must meet established criteria:

- Identification and confirmation that competition in providing the item or product to be purchased is precluded by the existence of a patent, copyright, secret process or monopoly;
- A film, manuscript, or book;
- A utility service, including electricity, gas, or water; and
- A captive replacement part or component for equipment.

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

According to State requirements, sole source does not apply to mainframe data-processing equipment and peripheral attachments with a single item purchase price in excess of \$15,000.

In this case, the City must document why only this product can meet their needs and that it is not available from any other vendor. In all cases, the City will obtain and retain documentation from the vendor which clearly delineates the reasons which qualify the purchase to be made on a sole source basis.

Cost/Price Analysis for Federal Procurements in Excess of \$150,000

In accordance with the requirements in 2 CFR § 200.323, the City will make independent estimates of the goods or services being procured before receiving bids or proposals to get an estimate of how much the goods and services are valued in the current market.

To accomplish this, before bids and proposals are received, the City shall conduct either a price analysis or a cost analysis, depending on the type of contract, in connection with every procurement with Federal funds in excess of \$150,000. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the City will come to an independent estimate prior to receiving bids or proposals, 2 CFR § 200.323(a).

Accordingly, the City performs a cost or price analysis in connection with every Federal procurement action in excess of \$150,000, including contract modifications, as follows:

Cost Analysis → Non-competitive Contracts: A cost analysis involves a review of proposed costs by expense category, and the Federal cost principles apply, which includes an analysis of whether the costs are allowable, allocable, reasonable, and necessary to carry out the contracted services. In general,

- A cost analysis must be used for all non-competitive contracts, including sole source contracts.
- The Federal cost principles apply.
- All *non-competitive contracts* must also be awarded and paid on a *cost-reimbursement basis*, and not on a fixed-price basis.
- In a cost-reimbursement contract, the contractor is reimbursed for reasonable actual costs incurred to carry out the contract.
- Profit must be negotiated as a separate element of the price in all cases where there is no competition.

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

When performing a *cost* analysis, the City negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work, 2 CFR § 200.323(b).

Price Analysis → Competitive Contracts: A *price* analysis determines if the lump sum price is fair and reasonable based on current market value for comparable products or services. In general,

- A price analysis can only be used with *competitive* contracts and is usually used with fixed-price contracts. It cannot be used with non-competitive contracts.
- Compliance with the Federal cost principles is not required for fixed-price contracts, but total costs must be reasonable in comparison to current market value for comparable products or services.
- A competitive contract may be awarded on a fixed-price basis or on a cost-reimbursement basis. If awarded on a cost-reimbursement basis, the Federal cost principles apply and costs are approved by expense category, and not a lump sum.

Costs or prices based on *estimated* costs for contracts are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable costs under the Federal cost principles.

B. Contract Administration

The City maintains the following oversights to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders, 2 CFR § 200.318(b). The City Mayor/Manager of the Federal award is responsible for monitoring contractor performance. The Mayor/Manager will compare actual performance of contract against projected performance and have the contractor explain any differences. They may also compare fees paid to date to contractor versus how far along the contractor is in performing the contractual duties. The Mayor/Manager may establish surveys of those directly benefitted by the contractor's work for feedback purposes.

To ensure proper administration of contracts and any subgrants that may be awarded by the City, the City uses the following guidelines to determine whether each agreement it makes for the disbursement of Federal funds is a *contract*, whereby funds are awarded to a *contractor*, or a

CITY OF BARTLETT

FEDERAL GRANT PROCUREMENT POLICY

subaward, whereby funds are awarded to a *subrecipient*. The substance of the relationship is more important than the form of the written agreement, 2 CFR § 200.330.

Subawards/Subgrants

A *subaward/subgrant* is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. The City determines who is eligible to receive what Federal assistance, and a *subrecipient/subgrantee*:

- Has its performance measured in relation to whether objectives of a Federal program are met
- Has responsibility for programmatic decision making
- Is responsible for adhering to applicable Federal program requirements, and
- In accordance with the subgrant agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the City.

Contracts

A *contract* is for the purpose of obtaining goods or services for the City's own use and creates a procurement relationship with the contractor.

A contractor:

- Provides goods and services within normal business operations
- Provides similar goods or services to many different purchasers
- Normally operates in a competitive environment
- Provides goods or services that are ancillary to the operation of the Federal program, and
- Is not subject to compliance requirements of the Federal program as a result of the contract, though similar requirements may apply for other reasons

Documentation for Contracts

The City maintains the following written documentation, at a minimum, for each contract paid with Federal funds:

1. A copy of the written, signed contract/agreement for services to be performed
2. The rationale or procedure for selecting a particular contractor
3. Evidence the contract was made only to a contractor or consultant possessing the ability to perform successfully under the terms and conditions of the contract or procurement

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

4. Records on the services performed – date of service, purpose of service – ensuring that services are consistent and satisfactorily performed as described in the signed contract or purchase order
5. Documentation that the contractor was not paid before services were performed, and
6. Records of all payments made (such as a spreadsheet or report generated from the general ledger), including the total amount paid to the contractor

Payment Only After Services Are Performed

For both State and Federally funded contracts, it is not permissible under Texas law to pay a contractor or consultant in *advance* of performing services. Advance payment to contractors is considered “lending credit” to the contractor and is prohibited under the *Texas Constitution*, Article 3, §§ 50 and 52. For ongoing services that occur monthly, payment can be made at the end of every month (based on a proper invoice submitted by the contractor and verification of work performed) for services performed during the month, or some other similar arrangement.

Consultants and contractors will not be paid without having a properly signed and dated contract or other written agreement in place which clearly defines the scope of work to be performed, the beginning and ending dates of the contract, and the agreed-upon price. The contract should also include a description of the payment procedures.

Upon performance of services (at contract milestones or upon completion of services), the contractor is required to submit an *invoice* to the City that contains at a minimum the following:

- a clear identification of the contractor/consultant, including name and mailing address
- a corresponding contract (or written agreement) number, if applicable
- the dates (beginning and ending date) during which the services were performed (i.e., billing period)
- a description of the services/activities completed during the billing period
- the total amount due to the contractor for the billing period

By submitting a properly-prepared invoice, the contractor is certifying that it is true and correct.

Verification of Receipt of Goods and Services Provided by Contractors

If the purpose of the contract or purchase order is to deliver goods, the City will designate the appropriate staff to verify that the quantity and quality of goods were as specified in the contract/purchase order. The receiving report and procedures used in all other State/local purchases will be used for all Federal purchases.

CITY OF BARTLETT FEDERAL GRANT PROCUREMENT POLICY

If the purpose of the contract is to purchase services, the City's purchasing agent, along with the requesting Mayor/Manager will verify that the quality and scope of services were received as specified in the contract.

Prompt Payment to Vendors/Contractors

The City pays all vendors/contractors within thirty (30) days of receipt of a proper invoice and the receipt of the goods or services in accordance with the [Texas Prompt Payment Act](#), *Government Code, Chapter 2251, Subchapter A, for all contractors*, and [Property Code, Chapter 28 for Construction Contractors](#).

C. General Land Office Requirements for CDBG-DR

All procurement funded by Community Development Block Grant -Disaster Recovery (CDBG-DR) grant funds must contain the completed GLO-CDR Procurement Checklist in the file for each solicitation.

TEXAS GENERAL LAND OFFICE



COMMUNITY DEVELOPMENT & REVITALIZATION
PROCUREMENT GUIDANCE FOR SUBRECIPIENTS
UNDER 2 CFR PART 200 (UNIFORM RULES)

The Texas General Land Office Community Development & Revitalization (GLO-CDR) is the state agency designated by the Governor and responsible to the U.S. Department of Housing and Urban Development (HUD) for the grant administration of this funding, herein referred to as the “grantee”. Eligible applicants (city and county governments) located within, or performing activities within the Texas counties as declared in DR-4223 and/or DR-4245, are herein referred to as “subrecipient” and are the desired audience of the guidance.

This guidance is designed to help make better use of your Community Development Block Grant Disaster Recovery (CDBG-DR) resources and to avoid common procurement pitfalls in managing your grant.

The procurement checklist will assist subrecipients of CDBG-DR funds provided by HUD to comply with the federal procurement requirements and reasonably ensure the allowability of eligible program expenses.

This checklist is intended to provide general guidance only and does NOT provide a detailed explanation of the federal procurement requirements – it is not intended to serve as legal advice and GLO-CDR makes no guarantee that adherence to this checklist will result in full reimbursement of eligible expenses.

To understand the requirements fully, the user should review the provisions of 2 CFR § 200.318 – 326 and Appendix II to Part 200, which are the source of these requirements.

Contact your servicing attorney or legal counsel with any questions on the application of these standards. Our guidance is limited to the content within 2 CFR § 200.318 – 326 and Appendix II to Part 200.

Grant Administrator and Engineer Procurement

GLO-CDR will allow a subrecipient to use a single vendor to both assist in the preparation of an application and to perform work under the grant. The vendor procurement should clearly identify preparation of an application and grant administration services within the solicitation document. The solicitation must take place prior to the initiation of the application process and comply with 2 CFR 200.318 – 200.326.

Procurement File Maintenance

The Procurement Checklist must be filled out per the prescribed procurement methodology used for each solicitation. This checklist must be maintained with each procurement file. Subsequent sealed bid or competitive proposal procurement activities will require the following documents be submitted to GLO-CDR:

- Procurement Checklist
- RFP/RFQ as applicable
- Listing of Bid Proposals/Summary of Scoring Criteria
- Grantee approval of selected vendor/winning bid
- Contract

GLO-CDR PROCUREMENT CHECKLIST

These documents must be provided to identify the actions taken to ensure procurement activities. GLO-CDR will not review or approve the compliance of procurement activities as they occur. GLO-CDR is available to provide technical assistance during the phases of the procurement process.

Note: Non-competitive or sole-source procurements require notification to and authorization by GLO-CDR.

Monitoring

Monitoring reviews to determine procurement compliance are performed independently of the process noted above as part of GLO-CDR's Subrecipient Monitoring Plan. GLO-CDR will monitor to the standards of 2 CFR 200.318 – 200.326 or state or local procurement law and policies if they are more restrictive.

Criteria

Sections 22 Procurement of the Federal Register, Vol. 81, No. 117 (June 17, 2016) for the 2015 allocations of Public Law 114–113 and Federal Register, Vol. 81, No. 224 (November 21, 2016) for the 2016 allocations of Public Law 114–223 and 245, combined with 24 CFR Part 570, direct the state to establish requirements for policies and procedures for units of general local government based on full and open competition (e.g., small purchase, sealed bids/formal advertising, competitive proposals).

GLO-CDR has established that subrecipients must follow the procurement methods as outlined in 2 CFR 200.318 – 200.326. This includes the requirement to follow state and local procurement law and policies as prescribed by 2 CFR 200.318(a) as well as the additional requirements stated in 2 CFR Part 200.

Subrecipients should update local procurement policies and procedures to correspond with the procurement and contract requirements of 2 CFR 200.318 – 200.326 for CDBG-DR funding.

GLO-CDR PROCUREMENT CHECKLIST

PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 1)

§200.318 General procurement standards

	Task	Yes	No	N/A	Notes
1.1	Do you maintain documented policies and procedures that reflect applicable state, local, and tribal laws and regulations and provide that they conform to applicable federal law and the standards identified in this part? § 200.318(a)				
1.2	Do you maintain contract oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders? § 200.318(b)				
1.3	Do you maintain a written standard of conduct addressing a real or apparent conflict of interest, both direct and indirect, and governing the actions of employees engaged in the selection, award, and administration of contracts to ensure conflicts of interest are identified, substantiate nominal financial interests or value, and disciplinary actions for violations of the standards?				
1.4	Do you avoid acquisition of unnecessary or duplicative items? Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. § 200.318(d)				
1.5	Is the contract being awarded to a responsible contractor possessing the ability to perform successfully under the terms and conditions of the proposed procurement, considering such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources? § 200.318(h) and §200.213 (Suspension and Debarment)				
1.6	Did you determine no other contract other than time and materials type ¹ contract is suitable, and include a price ceiling that if exceeded, the contractor exceeds at their own risk? § 200.318(j)				
1.7	Do you have more oversight being asserted for time and material contracts to obtain reasonable assurance that the contractor is maintaining efficient methods and effective cost controls related to price ceiling related risks? § 200.318(j)				
1.8	Do you responsibly resolve any related protests, disputes, or claims arising out of procurements? § 200.318(j)				

¹ A time and material's contract is defined as the sum of (i) the actual cost of materials and (ii) direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit.

GLO-CDR PROCUREMENT CHECKLIST

PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 2)

§200.319 Competition

Task		Yes	No	NA	Notes
2.1	Procurement transactions cannot be conducted in a manner that does not provide full and open competition. Does the procurement involve any of the following? § 200.319(a)				
	<ul style="list-style-type: none"> Placing unreasonable requirements on firms for them to qualify to do business? 				
	<ul style="list-style-type: none"> Requiring unnecessary experience and excessive bonding? 				
	<ul style="list-style-type: none"> Noncompetitive pricing practices between firms or between affiliated companies? 				
	<ul style="list-style-type: none"> Noncompetitive contracts to consultants that are on retainer contracts? 				
	<ul style="list-style-type: none"> Organizational conflicts of interest? 				
	<ul style="list-style-type: none"> Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement? 				
	<ul style="list-style-type: none"> Any arbitrary action in the procurement process? 				
2.2	Was the contractor that is bidding on the contract also involved with developing or drafting the specifications, requirements, statement of work, invitation for bids or request for proposals? (If so, that contractor must be excluded from competing for such procurements) § 200.319(a)				
2.3	Note: Procurement MUST be conducted in a manner that prohibits the use of statutorily or administratively imposing state or local geographical preferences in the evaluation of bids or proposals.				
2.4	Do you have written procurement procedures that ensure that all solicitations comply with the following? § 200.319(c)				
	<ul style="list-style-type: none"> Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured? 				
	<ul style="list-style-type: none"> Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals? 				
2.5	If you are using a prequalified list of persons, firms, or products to acquire goods and services, did you consider the following? § 200.319(d)				
	<ul style="list-style-type: none"> Is the list current? 				
	<ul style="list-style-type: none"> Does the list include enough qualified sources to ensure maximum open and free competition? 				
	<ul style="list-style-type: none"> Were any potential bidders precluded from qualifying during the solicitation period? 				

GLO-CDR PROCUREMENT CHECKLIST

PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 3)
§200.320 Method of Procurement

Task	Yes	No	NA	Notes
3.1 Which of the following acceptable methods of procurement are you using?				
Micro-purchase procedures² § 200.320(a)				
To the extent practicable, are you distributing micro-purchases equitably among qualified suppliers?				
Does the aggregate dollar of supplies or services exceed the micro-purchase threshold of \$3,000, or \$2,000 for construction contracts subject to the Davis-Bacon Act?				
Small purchase procedures³ § 200.320(b)				
Did you obtain price or rate quotations from an adequate number of qualified sources?				
Sealed bids⁴ §200.320(c)				
Is a complete, adequate, and realistic specification or purchase description available for bidders?				
Are two or more responsible bidders willing and able to compete effectively for the business in relation to the bid advertisement?				
Can the procurement lend itself to a firm fixed price contract and the selection of the successful bidder be made principally based on price?				
Did you solicit bids from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids?				
Was the invitation for bids publicly advertised?				
Did the invitation for bids include any specifications and pertinent attachments, and define the items or services for the bidder to properly respond?				
Did you publicly open all bids at the time and place prescribed in the invitation for bids?				
<ul style="list-style-type: none"> • Did you award a firm fixed price contract award in writing to the lowest responsive and responsible bidder? 				

GLO-CDR PROCUREMENT CHECKLIST

PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 3)
§200.320 Method of Procurement CONTINUED

Task		Yes	No	N/A	Notes
Sealed bids (continued)					
	<ul style="list-style-type: none"> If any bids were rejected, was there a sound documented reason supporting the rejection? 				
3.2	Procurement by competitive proposals ⁵ If this method is used, the following requirements apply: § 200.320(d)				
	<ul style="list-style-type: none"> Did you publicize the Requests for Proposals (RFPs) and identify all evaluation factors and their relative importance? 				
	<ul style="list-style-type: none"> Did you solicit proposals from an adequate number of qualified sources? 				
	<ul style="list-style-type: none"> Did you have a written method for conducting technical evaluations of the proposals received and for selecting recipients? 				
	<ul style="list-style-type: none"> Did you award the contract to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered? 				
Note: You may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.					
3.3	Procurement by noncompetitive proposals ⁶ Do one or more of the following circumstances apply? § 200.320(f)				
Note: When only one bid is received in response to a competitive bid solicitation, you do not have price competition. If you decide to award on the basis of a single submitted bid price, without negotiation, you must: 1) justify the price is fair and reasonable; 2) compare the bid price to your own in-house estimate or engineers estimate and past prices paid for the same or substantially similar item(s) in the past; 3) obtain information from the marketplace; 4) obtain a complete cost breakdown; 5) perform a cost analysis of the proposed price and ; 6) document the rationale for the award decision and place in the procurement file.					
	<ul style="list-style-type: none"> The item is available only from a single source. 				
	<ul style="list-style-type: none"> The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. 				

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<ul style="list-style-type: none"> The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity. 				
<ul style="list-style-type: none"> After solicitation of several sources, competition is determined inadequate. 				

⁵ Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

⁶ Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one (or an improperly limited number of) source(s).

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PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 4)

§200.321 Contracting with Small and Minority Businesses, Women’s Business enterprises, and Labor Surplus Area Firms.

Task	Yes	No	N/A	Notes
4.1 You must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises and labor surplus area firms are used when possible. § 200.321(a) Does your procurement include the following? § 200.321(b)				
<ul style="list-style-type: none"> • Do you place qualified small and minority businesses and women’s business enterprises on solicitation lists? 				
<ul style="list-style-type: none"> • Do you assure that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources? 				
<ul style="list-style-type: none"> • Do you divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises? 				
<ul style="list-style-type: none"> • Did you establish delivery schedules where the requirement permits, which encourages participation by small and minority businesses, and women’s business enterprises? 				
<ul style="list-style-type: none"> • When appropriate, did you use the services and assistance of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce? 				
<ul style="list-style-type: none"> • Do you require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above? 				

GLO-CDR PROCUREMENT CHECKLIST

PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 5)

§200.323 Contract Cost and Price

Task		Yes	No	N/A	Notes
5.1	<p>Did you conduct a cost or price analysis about every procurement action more than the Simplified Acquisition Threshold including contract modifications? § 200.323(a)</p> <p>Note: You must perform a cost or price analysis relating to every procurement action more than the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis are dependent on the facts surrounding the procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable under Subpart E—Cost Principles. You may reference its own cost principles that comply with the Federal cost principles.</p>				
5.2	<p>Did you negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed? § 200.323(b)</p> <p>Note: You must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.</p>				

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PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 6)

§200.325 Bonding Requirements

Task	Yes	No	NA	Notes
6.1 For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements provided that the Federal awarding agency or pass-through entity has decided that the Federal interest is adequately protected. If such a determination has not been made, does the procurement include the following?				
<ul style="list-style-type: none"> A bid guarantee⁷ from each bidder equivalent to five percent of the bid price? § 200.325(a) 				
<ul style="list-style-type: none"> A performance bond⁸ on the part of the contractor for 100 percent of the contract price? § 200.325(b) 				
<ul style="list-style-type: none"> A payment bond⁹ on the part of the contractor for 100 percent of the contract price? § 200.325(c) 				

⁷ The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

⁸ A performance bond is one executed relating to a contract to secure fulfillment of all the contractor's obligations under such contract.

⁹ A payment bond is one executed relating to a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

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PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 7)

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

7.1	<p>In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering Appendix II to Part 200. As stated previously in this document, to understand the requirements fully, please review the provisions of Appendix II to Part 200 in the Code of Federal Regulations.</p> <ul style="list-style-type: none"> • Contracts for more than the Simplified Acquisition Threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provided for such sanctions and penalties as appropriate. • Contracts more than \$10,000 must address termination for cause and for convenience by the non-Federal entity including how it will be affected and the basis for settlement. • Contracts that meet the definition of “federally assisted construction contract” must include the equal employment opportunity clause. • Construction contracts more than \$2,000 must include a provision for compliance with the Davis-Bacon Act. • Contracts more than \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 W.S.C 3702 and 3704. • Contracts entered into with a small business firm or nonprofit organization and the Federal award meets the definition of “funding agreement”, must comply with the requirements of 37 CFR Part 401. • Contracts more than \$150,000 must contain a provision that requires the non-Federal award to agree to comply with the Clean Air Act and the Federal Water Pollution Control Act. • Contracts must not be entered into with parties listed on the governmentwide exclusions in the System for Award Management (SAM). • Contractors that apply or bid for an award more than \$100,000 must file the required certification regarding the Byrd Anti-Lobbying Amendment. • Contracts must include provisions regarding section 6002 of the Solid Waste Disposal Act. • Contracts must include a Section 3 clause, if funded by the Department of Housing and Urban Development (HUD). The Section 3 program requires recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents about projects and activities in their neighborhoods. • Contractors must allow access to any books, documents, papers, or records of the project by the City, State, Federal agencies, and the Comptroller General of the United States. Records must be maintained for five years after the Grantee formally closes out each program.
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