



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

6:30 PM
Monday, March 11, 2024
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

WORKSHOP AGENDA: REVIEW/DISCUSS AND PROVIDE DIRECTION

5. Discussion on curbside recycling.
6. Presentation, update and discussion on personnel policy.
7. Presentation and discussion on a mid-year budget amendment.

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.)

8. Receive monthly department reports:
 - a. City Administrator
 - b. City Secretary
 - c. Municipal Court
 - d. Development Services
 - e. Utility Billing
 - f. Public Works
 - g. Police
9. Approve minutes from the following meeting:
 - a. 02.12.2024 – Regular
 - b. 02.26.2024 – Regular



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PUBLIC HEARINGS

10. Hold a public hearing regarding the submission of an application to the Texas Department of Agriculture for one or more Texas Community Development Block Grant Program (TxCDBG) grants for Program Year 2024

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

11. Consideration and possible action to approve Ordinance 20240311-01 to rezone approximately 5.620 acres from General Commercial (C-1) to Planned Development District – Small House District (R-4) generally located in the 200 block of Brook Street.
12. Consideration and possible action to award RFP 2024-01 to Langford Community Management Services for administration professional services to assist the City in its application for and implementation of one or more contracts, if awarded, from the GLO's CDBG – MIT RCP program.
13. Consideration and possible action to approve resolution 20240311-01 to authorize publication of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation, Series 2024.
14. Consideration and possible action to approve Ordinance 20240311-02 adopting and enacting a new Code of Ordinances.
15. Consideration and possible action to approve Ordinance 20240311-03 authorizing issuance of "City of Bartlett, Texas Tax Notes, Series 2024"; and enacting provisions incident and related to the issuance of said Notes.

FUTURE AGENDA ITEMS

ADJOURN

All items listed on the agenda are eligible for discussion and/or action. The City Council reserves the right to retire into executive session at any time during the course of this meeting to deliberate any of the matters listed, as authorized by Texas Government 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about gifts and donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development). All final deliberations and actions of the governing body shall be held in an open meeting as required by Texas Government Code 551.102.

I certify 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 Friday, March 8th, at or before 6:30 P.M.


Posted by /s/ Brenda Kelley, City Clerk



Personnel Policy Update

City Council – Feb. 12, 2024



Longevity Options

- Option 1
 - Increase from \$2 a month to \$5 a month
 - 1 Year - \$60
 - 2 Years - \$120
 - 3 Years - \$180
- Option 2
 - Per year amount
 - Year 1 | \$100
 - Year 2 and up | + \$50 per additional year

Impact



Employee	Months of Service	Current	Option 1	Option 2
1	205	615	1025	900
2	201	603	1005	850
3	155	465	775	650
4	145	435	725	650
5	115	345	575	500
6	106	318	530	450
7	63	189	315	300
8	58	174	290	250
9	53	159	265	250
10	48	144	240	250
11	16	48	80	100
12	15	45	75	100
13	15	45	75	100
		\$ 3,585.00	\$ 5,975.00	\$ 5,350.00

Section 2.02 Organization of Personnel



- The 2018 version conflicts within itself and with the City Administrator roles and responsibilities identified in employment contract
 - (a) The Mayor shall advise the Council on personnel matters and recommend changes in the personnel policies, rules, regulations, and any other changes which the Mayor may deem necessary; and
 - (b) The Mayor shall serve as the Department Head for department heads, all senior staff officers and staff employees, and may discipline any employee of the City, up to and including termination, except the Chief of Police and Fire Chief, which the Mayor may discipline, up to and including indefinite suspension without pay; and
 - (c) The Council, through the budget process as set forth in Texas Local Government Code, §§ 102 and 141, shall set the compensation of all officers and employees, in consideration of the Mayor's recommendations;



Other Recommendations

- Section 3.06 – 3.08
 - Identifies the City Secretary as the point person for many items
 - Shift to City Administrator
 - Specifies Mayor and Department Head in many sections
 - Add City Administrator as well
- Section 4.07 – Maternity Leave
 - While we are not subject to FMLA yet, recommend shift to parental leave to be more inclusive



Appendixes

- Appendix 2 – Classes of Employees
 - Brought this up to date with current labor laws and best practices
- Appendix 3 – Fair Labor Standards Act Summary
 - Revised to provide more clarification on Exempt vs Non-Exempt
- Appendix 4 – Controlled Substance Testing Protocol
 - Minor revision



Article VIII – Adverse Actions

- Section 8.02 – Penalties
 - Provides department heads the ability to terminate, suspend, etc.
 - Shift to City Administrator

Article IX. Complaint and Grievance Procedure



- Section 9.02
 - Shift language from Department Head to City Administrator

Council Feedback



- Longevity
 - Which option do you prefer?
- What other edits would you like to see?

DRAFT

City of Bartlett Personnel Manual



RED LINE

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Field Code Changed

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Article I. Policy Objective, Applicability, and Dissemination

Section 1.01. Policy Objective

The principle objective of the City of Bartlett's (the "City") personnel policies, as set forth in the City of Bartlett Personnel Manual (the "Manual"), is to promote professionalism and to provide a fair and equitable system of personnel management. These policies address the City's general overarching policies for personnel management, while providing limited flexibility to resolve issues not specifically addressed herein.

Section 1.02. Applicability

- (a) Notwithstanding federal, State, or other superior law, these policies apply to all officers and employees of the City; and
- (b) The Manual supersedes all policies, expressed or implied, in verbal or written form, and compliance is compulsory; and
- (c) The City reserves all rights to interpret, amend, and revise the Manual when deemed as necessary at the recommendation of the Mayor, and shall be enforceable, subject to the provisions set forth in Section IX, Complaint and Grievance Procedures; and
- (d) Words used in the masculine or feminine form, are used as gender neutral and applicable to either.

Section 1.03 Dissemination of the Manual

- (a) The City Secretary shall maintain a master of the Manual and ensure each Department Head maintains a current and verbatim copy of same; and
- (b) Each Department Head shall:
 - (i) cause each employee to receive a copy of the Manual, and to sign an acknowledgment indicating such receipt; and
 - (ii) inform each employee that they are responsible for being familiar with and accountable to the policies set forth herein and all subsequent changes; and
 - (iii) ensure changes are properly posted in the department's master copy, and that all department officers and employees are made aware of changes to the Manual; and
- (c) All officers and employees are responsible for becoming familiar with the Manual and have a right to review the master Manual, during the City's normal business hours.

Article II. Principal Provisions

Section 2.01. Code of Ethics

Officers and employees of the City hold their positions to serve and benefit all the Citizens of the City, and not for obtaining unwarranted benefit in the exercise and performance of their official powers and duties.

Officers and employees must acknowledge that they are representatives of the City and in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. These canons establish the altruistic standards for all officers and employees of the City:

- (a) Officers and employees must strive to uphold the Constitution and laws of the United States, the State of Texas, and the City; and
- (b) Officers and employees must not use, or permit to be used, their official position or duties for personal gain, that of a relative, or any third party entity; and
- (c) Officers or employees must disclose any interest which may be in conflict, or give the appearance of conflict, with any matter that might come before the City; and
- (d) Officers and employees may not acquire any interest in any venture which is, or may be construed, as being in conflict with their official capacities; and
- (e) Officers and employees must not solicit, accept, give, or promise any thing of value, nor will any officer or employee directly, or indirectly, induce another to solicit, accept, give, or promise any thing of value for personal or political gain:
 - (i) Officers and employees may accept gifts with a token value of less than \$25.00, but must report such acceptance to their Department Head and such report will be noted in the officer or employee's personnel jacket; and
- (f) Officers and employees must be honest, trustworthy, and accountable in all that they say, write, and in all professional relationships; and
- (g) Officers and employees must be committed to accomplishing all tasks in a superior way, and abstaining from all behaviors that may tarnish the image of the City; and
- (h) Officers and employees must be dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available City resources; and
- (i) Officers and employees must be fair and considerate in the treatment of fellow officers, employees, and Citizens, addressing concerns and needs without bias; and
- (j) No officer or employee may take, acquire or purchase any property of the City, of any nature or kind whatsoever, for ~~himself~~them or any other person; this subsection shall not prohibit any employee from bidding on surplus City property at a properly noticed public auction authorized by the City of Bartlett City Council (the "Council"); and
- (k) Officers and employees must be aware, and recognize that policy decisions are ultimately the responsibility of the Council.

Section 2.02. Organization of Personnel

- (a) As the Chief Executive Officer of the City, the Mayor of the City of Bartlett (the “Mayor”) or ~~his~~their designee is responsible for the administration of the personnel program and shall establish policies for the day to day management of the City which are not inconsistent with the Manual; and
- (b) The ~~Mayor~~City Administrator shall advise the Council on personnel matters and recommend changes in the personnel policies, rules, regulations, and any other changes which the Mayor may deem necessary; and
- (c) The ~~Mayor~~City Administrator shall serve as the Department Head for department heads, all senior staff officers and staff employees, and may discipline any employee of the City, up to and including termination, except the Chief of Police and Fire Chief, which the Mayor may discipline, up to and including indefinite suspension without pay; and
- (d) The Council, through the budget process as set forth in Texas Local Government Code, §§ 102 and 141, shall set the compensation of all officers and employees, in consideration of the Mayor's recommendations; and
- (e) The Council, as the quasi-judicial review board, shall serve as the final authority for the City in all disciplinary actions when warranted by the policies set forth in the Manual; and
- (f) Department Heads shall serve as the first level of senior supervision, and are expected to effectively supervise their employees to maintain positive working relationships and to ensure employee compliance with the Manual; and
- (g) Department Heads shall manage their respective department; to that end, and subject to the rights of employees to appeal, Department Heads:
 - (i) shall set the example for all subordinates on behavior and compliance with the Manual; and
 - (ii) may adopt and enforce departmental policies and regulations that are not inconsistent with the Manual or superior law, and are approved by the Mayor; and
 - (iii) shall report on the efficiency of their subordinates to the Mayor; and
 - (iv) shall have the authority to employ, reassign, and terminate employees within their respective departments, subject to the limits of the approved budget and coordination with the Mayor.

Article III. Applications and Conditions of Employment

Section 3.01. Equal Employment Opportunity and Americans with Disability Act Policy

The City is committed to equal opportunities for all and respects and values the diversity among all our officers and employees, and all those with whom we do business, therefore, the City must ensure business activities are free of all forms of discrimination and harassment.

As such, all activities such as hiring, promotions, and compensation of employees, will be conducted without regard to age, color, disability, gender, gender identity or expression, genetics, marital status, national origin, race, religious or political perspective or affiliation, or sexual orientation. These business activities and administration of officer and employee benefit plans comply with all applicable laws.

For qualified people with disabilities, the City makes workplace accommodations that make all efforts to comply with applicable laws, and which the City determines are reasonable and needed for effective job performance.

Where specific age, sex, or physical or mental requirements constitute a necessary or mandatory occupational qualification, appropriate consideration of such factors is permitted.

Any officer or employee who feels they have been discriminated against, should defer to Section IX, Complaint and Grievance Procedures.

Section 3.02. Nepotism

- (a) No person related within the third degree of consanguinity or the second degree of affinity, to the Mayor, any member of the City Council, Department Head, or the hiring authority, shall be employed in or appointed to any office, position, other service, or award of contract (Appendix 1); and
- (b) No person related within the third degree of consanguinity or the second degree of affinity, shall be employed or appointed to positions in the same department; and
- (c) Notwithstanding any superior law, Department Heads who believe an appointment is justified by extraordinary circumstances, may petition the Council for an exception, which must be approved by a two-thirds majority of the Council; and
- (d) Officers and employees are required to notify their department head when a conflict with this section arises; and
- (e) The prohibitions of Sections 3.02(a), (b), and (c) shall not apply to any person who was employed by the City prior to the time of election or appointment of the official related within a prohibited degree.

Section 3.03. At Will Employer

All non-elected officers and employees are hired for an indefinite period of time, and the City, officer, or employee is free to terminate their relationship at will, with or without cause, at any time.

Section 3.04. Disclosure of Potentially Discriminatory Information

In the course of evaluating potential employees and responding to mandatory demographic criteria, employees and applicants may be required to provide personal information. Requests for personal information, as covered under Section 3.01, will only be collected to fulfill mandatory demographic reporting criteria or facilitate City programs.

Such information will be protected according to applicable law, and no appointment to, or removal from, a position with the City shall be directly or indirectly influenced by the misuse of any information requested or obtained for permitted uses.

Employees and applicants may decline to respond; however such declination, may result in the employee or applicant being denied continued employment, consideration, or benefits.

An employee or applicant should defer to Article IX, Complaint and Grievance Procedures, if they believe personal information was used in a discriminatory manner.

Section 3.05. General Basis of Employment

All positions within the City shall be based on work related qualifications:

- (a) Education, training, licenses, certifications, and work experience as listed on the application and applicant provided documentation; and
- (b) Position related written and performance tests; and
- (c) Position related physical and psychological examinations, and drug panel screening; and
- (d) Appropriate background checks for conviction of crimes involving moral turpitude, felonies, credit history, and moving traffic violations; and
- (e) Reference checks.

Section 3.06. Application and Pre-Employment Selection

- (a) When directed by the Mayor, the City ~~Secretary-Administrator~~ shall post vacant positions to be filled for no less than two (2) weeks in the official newspaper, or on the City web site, or at City Hall, and or in other media deemed appropriate by the Mayor and ~~Department Head~~ City Administrator; and
- (b) All applications will be accepted and all persons seeking employment will be required to complete and submit an official application to the ~~City Secretary~~ City Administrator; and
- (c) Application forms will be secured until the filing deadline. The ~~City Secretary~~ City Administrator shall retain a copy and forward all original applications to the appropriate Department Head; and
- (d) Potentially eligible candidates will be selected from among the applications submitted and the City ~~Secretary-Administrator~~ shall obtain a basic criminal history, and the Department Head shall check references; and
- (e) If an interview is warranted, the Department Head shall schedule with the candidate; however, offers of employment, formal, conditional, or otherwise, can not be made at

the time of the interview; and

- (f) The candidate must present a driving history, copies of applicable licenses and certifications, and other necessary documentation at the time of the interview; and
- (g) After all interviews are taken, if the City Administrator and the Department Head determines that a candidate is acceptable and meets the qualifications of the position, the Department Head may extend a conditional offer of employment and schedule the candidate for any mandated pre-employment physical and psychological examinations; and
- (h) In accordance with the City's Zero Tolerance policies, all candidates who are given conditional offers, must undergo drug panel screenings (see Appendix 4 – Controlled Substance Testing Protocol).

Section 3.07. Disqualification from Consideration

The Mayor, City Administrator, or the Department Head of the applicable department may reject any application, which indicates, on its face, that the applicant:

- (a) does not meet the experience, licensing and certification, and education requirements set forth in the job description; or
- (b) appears to have made false statements on the application or appears to have been deceptive in any manner during the recruitment process; or
- (c) is limited by the provisions of any retirement plan; or
- (d) the applicant refuses to provide mandatory employment information; or
- (e) cannot or will not comply with the City's policies, rules and regulations; or
- (f) the applicant was an officer or employee of the City, in any capacity, or contracted, in any capacity, with the City, within the last year of the date of application.

Section 3.08. Appointments

- (a) Qualified officers and employees shall be given hiring preference; and
- (b) No formal offers of employment are to be extended prior to completion of the entire recruitment process; and
- (c) Upon acceptance of the formal offer of employment, the City ~~Secretary-Administrator~~ shall coordinate a start date with the new officer or employee to review, verify, and complete all employment records and enrollment forms. The City ~~Adminsitration~~~~Secretary~~ shall also give the employee a copy of the Manual and notify the Department Head the new officer or employee is eligible to begin work; and
- (d) Excepting positions requiring licenses or certifications, if no candidate possessing the minimum qualifications, or if no candidate accepts the formal employment offer, the vacant position may be filled by an unqualified applicant at the appropriate pay scale level; and
- (e) Officers and employees who apply for open positions, are subject to all the terms and provisioning of that position and are not entitled to retain current compensation.

Section 3.09. Emergency Response Time

All employees who are required to respond to off duty situations, must reside no more than thirty (30) minutes travel time to the City.

Section 3.10. Fitness of Duty

- (a) Department Heads may require an employee to submit to an examination by a City approved physician when it appears that the physical or mental condition of an employee may prohibit the employee from adequately performing the employee's job duties, and may constitute threat or hazard to themselves, other officers and employees, Citizens, or property; and
- (b) The employee shall be granted administrative leave during the examination and without expense to the employee, for the sole purpose of determining the officer or employee's fitness for duty; and
- (c) The examining physician shall make a recommendation as to whether the officer or employee should be continued in the present position, be considered for a leave of absence, or otherwise not be continued in the present position; and
- (d) The officer or employee shall authorize the physician to disclose the recommendation to the Department Head, who will determine an appropriate response.

Section 3.11. Resignation

- (a) An officer or employee who has reason to leave the employment of the City must give notice to the officer or employee's department head before the effective date of the resignation.
- (b) Such notice may be verbal or in writing.
- (c) No officer or employee may be employed by the City, in any capacity, or contract with the City, for a period of not less than one (1) year following the officer or employee's resignation.

Section 3.12. Retirement

- (a) All regular full-time officers and employees are required to become members of the Texas Municipal Retirement System (the "TMRS"). Accidental death and disability benefits are also incorporated into this retirement plan should an officer or employee become qualified for benefits prior to retirement.
- (b) TMRS provides eligible officers and employees with retirement benefits based on the City's five (5) year vesting plan, with retirement at or after age 60, or at any age after five (5) years of participation in the TMRS plan.
- (c) Funds contributed by the employee may only be withdrawn upon retirement or resignation. Only the employee's contributions, plus interest, if any, are refunded when an employee resigns or retires and elects to withdraw ~~his~~their contribution.
- (d) Full details of the retirement plan are outlined in the TMRS Handbook.

Section 3.13. Requests for Employment Verification

- (a) Information regarding the employment of all current and former City officers and employees, must be made by written request to the City ~~Secretary-Administrator~~ or Chief of Police.
- (b) In the absence of a written release signed and witnessed therefor by the current or former officer or employee, only the following information may be released:
 - (i) The dates the officer or employee began and ended employment with the City; and
 - (ii) The officer or employee's beginning and ending salary or wage rates; and
 - (iii) The positions held by the officer or employee while employed by the City; and
 - (iv) As permitted under Texas Labor Code § 103, the Department Head may respond to requests from a prospective employer regarding performance of a current or former officer or employee.

Section 3.14. Non-City Occasional and Part-Time Employment

- (a) Officers and employees shall consider their employment with the City as the officer or employee's primary employer; and
- (b) Department Heads shall approve occasional and part-time employment, whether voluntary or compensated, if the work does not constitute a conflict of interest, does not interfere with the officer or employee's normal duties, and does not involve the use of City resources; and
- (c) Injuries and disabilities sustained during occasional and part-time employment, must be reported to the City within seventy-two (72) hours, and may not be covered by the City's benefits program.

Section 3.15. Lay Off

The City may lay off an officer or employee as a result of changes in duties or organization, or lack of work or funds. A two (2) week written notice of impending lay-off shall be given prior to the effective date of the lay-off and no other notice will be necessary.

Article IV. Attendance and Leave

Section 4.01 Attendance

- (a) Officers and employees must be present at their designated workplace, and ready to perform assigned duties in accordance with the Manual regarding hours of work, holidays, and leaves; and
- (b) Department Heads shall keep daily attendance records of officers and employees within their department and ensure compliance with the Manual; and
- (c) All approved absences shall be reported on a leave form and turned in with the attendance records each pay period; and
- (d) If an officer or employee expects to be tardy or absent, the officer or employee must notify ~~his~~their supervisor or department head as soon as practical; failure to notify the supervisor or department head may result in disciplinary action.

Section 4.02. Hours of Operation

All general workplaces of the City, will be kept open continuously from 8:00 a.m. until 5:00 p.m., Monday through Friday, except for holiday closures authorized by the City; all other workplace hours of operation will be determined by appropriate policy.

Section 4.03. Vacation Leave

Vacation leave is earned by full-time officers and employees according to the following anniversary schedule:

- (a) First through fifth year anniversary – ~~forty-eighty~~ (840) hours; and
- (b) Sixth through ~~fourteenth-eleventh~~ year anniversary - ~~eighty-one hundred and twenty~~ (80120) hours; and
- (c) ~~Fifteenth-Twelth~~ plus year anniversary – one hundred ~~twenty-sixty~~ (1620) hours; and
- (d) The hours earned, will be posted on each anniversary date; and
- (e) No officer or employee may accrue vacation leave in excess of eighty (80) hours. Vacation hours in excess of eighty (80) hours will be forfeited without pay; and
- (f) All other officers and employees may be granted vacation leave without pay.

Section 4.04. Sick Leave

- (a) All full time officers and employees will be credited ~~forty-eighty~~ (4080) hours of sick leave per year; and
- (b) Sick leave will be credited to each full time officer and employee immediately following successful completion of their initial probationary period, and upon their anniversary date thereafter; and
- (c) Sick leave is not discretionary leave and will only be used for an authorized absence involving an illness or injury, whether personal or involving their child who has not yet attained the age of eighteen (18) years of age and are still attending school; and
- (d) Any absence of an officer or employee involving a claim for sick leave, whether

compensated or not, for more than an officer or employee's standard workday, or carries over to the following day, must be verified by a qualified physician; and

- (e) Officers and employees who consistently use their sick leave as it is credited or who fail to accumulate sick leave are required to submit a doctor's statement in support of the alleged illness or injury; and
- (f) No officer or employee may accrue sick leave in excess of two hundred forty (240) hours. Sick leave hours in excess of two hundred forty (240) hours will be forfeited without pay.
- (g) All other officers and employees may be granted sick leave without pay and are subject to the same verification policies as full time officers and employees.
- ~~(g)(h)~~ Officers and employees can submit a request to the City Administrator once all vacation leave has been used to convert up to one week of sick leave to vacation leave. This leave must be used before their anniversary date and cannot be rolled over.

Section 4.05. Military Leave

Military leave shall not exceed the time as shown on the officer or employee's military orders and will be governed pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 and Texas Government Code §437.202, LEAVE OF ABSENCE FOR PUBLIC OFFICERS AND EMPLOYEES.

Section 4.06. Family and Medical Leave Act (FMLA) Leave

The City does not meet the requirements of the Family and Medical Leave Act.

Section 4.07. ~~Maternity-Parental~~ Leave

- ~~(a) Any employee is entitled to up to six (6) weeks of parental leave without loss of employment; and~~
- ~~(b) Parental leave may be taken for the purpose of childbirth, bonding with the newborn, and recovery from childbirth-related medical conditions; and~~
- ~~(c) Parental leave is not paid leave, except that accrued vacation and sick leave hours may be used concurrently with maternity leave, to offset any loss of pay.~~
- ~~(a) Any female employee is entitled to up to six (6) weeks of maternity leave without loss of employment; and~~
- ~~(b) Maternity leave is not paid leave, except that accrued vacation and sick leave hours may be used concurrently with maternity leave, to offset any loss of pay.~~

Section 4.08. Emergency and Bereavement Leave

- (a) Full time officers and employees may be granted emergency leave with pay for a period not to exceed three (3) days in case of death, traumatic injury, or severe illness of any member within the second degree consanguinity or affinity; and
- (b) All other officers and employees may be granted emergency leave without pay for a period not to exceed three (3) days in case of death, traumatic injury, or severe illness of any member within the second degree consanguinity or affinity.

Section 4.09. Severe Illness and Debilitating Injury Leave

- (a) A qualified physician's statement that the officer or employee, or a family member within the first (1st) degree of consanguinity or affinity, is unable to return to work or requires constant care, will be required for an employee to be authorized Severe Illness and Debilitating Injury leave; and
- (b) Such leave is without pay, except that vacation and sick leave may be used concurrently to offset any loss of pay; and
- (c) Leave resulting from or necessitated by any cause of severe illness or debilitating injury, will not exceed two hundred forty (240) hours; and

- (d) Any leave in excess of two hundred forty (240) hours constitutes an unusual hardship on the City and may result in termination of employment.

Section 4.10. Leave to Attend Voting, Jury Duty, Court Subpoenas

- (a) All officers and employees will be allowed one (1) hour of paid time to vote in federal, State, or local elections; and
- (b) Officers and employees called to jury duty will be paid, except that any compensation from such jury duty, will be deducted from the officer or employee's pay; and
- (c) Officers and employees called to testify on behalf of the City, will be paid for the actual hours giving such testimony.

Section 4.11. Leave of Absence

- (a) Officers and employees may request leave not otherwise addressed in the Manual; and
- (b) Such leave will be without pay; and
- (c) The City does not guarantee continued employment; and
- (d) Authorized leaves of absence with or without pay, will not exceed two hundred forty (240) hours per annum, except as allowed pursuant to any superior law.

Section 4.12. Absence Without Leave

- (a) No officer or employee may absent himself/them from duty for any amount of time without the permission of the officer or employee's Department Head; and
- (b) Any such absence will be without pay and will subject the officer or employee to disciplinary action, up to and including termination.

Article V. Wages, Salary, and Other Compensation

Section 5.01. Pay Period

- (a) The City shall pay all officers and employees on a bi-weekly basis, beginning on Wednesday, and ending on the second Tuesday following; and
- (b) Salaried officers and employees will be paid an amount equal to their annual salary divided by the number of annual pay periods. Hourly officers and employees will be paid for the hours worked and due compensation; and
- (c) Department Heads must submit, by 12:00 p.m., attendance sheets the Wednesday immediately following the Tuesday ending the pay period, in order for ~~his~~their department officers and employees to receive pay on the Friday following the Tuesday ending the pay period; and
- (d) No officer or employee will be compensated for hours or benefits not earned.

Section 5.02. Overtime and Compensatory Time

- (a) All overtime must be approved by the Department Head. Overtime not approved will subject the officer or employee to disciplinary action; and
- (b) When permitted, one and one-half (1.5) hours shall accrue for all officers and employees electing compensatory time in lieu of overtime pay. When practical, all accrued compensatory time must be taken during the current pay period, otherwise such overtime will be paid, except exempt officers and employees who will forfeit such time and pay.

Section 5.03. On Call and Standby Pay

- (a) An officer or employee who volunteers or is required to remain on-call or standby on the City's premises, is engaged in productive hours; and
- (b) An officer or employee who volunteers or is required to remain on-call or standby at home or who is allowed to leave a message where she can be reached, is engaged in non-productive hours; and
- (c) Officers and employees on-call or standby, will have a response time of no more than thirty (30) minutes; and
- (d) Officers and employees will be compensated according to the City's approved budget.

Section 5.04. Lectures, Meetings and Training

Approved attendance of lectures, meetings, and training programs, will be compensated as productive hours worked.

Section 5.05. Holiday Compensation

The City will observe the following official holiday closure schedule:

New Year's Day (January 1)
Martin Luther King, Jr. Day (Third Monday in January)

President's Day (Third Monday in February)
Memorial Day (Last Monday in May)
Independence Day (July 4)
Labor Day (First Monday in September)
Columbus Day (Second Monday in October)
Veterans Day (November 11)
Thanksgiving Day (Fourth Thursday in November)
Day after Thanksgiving (Fourth Friday in November)
Christmas Eve (December 24)
Christmas Day (December 25)

1 personal holiday to be used within that year, the personal holiday does not carryover

The following policies apply to all holidays and observances:

- (a) Department Heads shall give their officers and employees the opportunity to observe any holiday while still maintaining essential municipal functions. When not possible, Department Heads will ensure their officers and employees are offered alternative holiday time, which must be scheduled and taken within one (1) week of the holiday, whether before or after the holiday; and
- (b) For City observed holiday closures, full time, non-exempt officers and employees are entitled to receive pay equivalent to their standard work day hours; and
- (c) All other non-exempt officers and employees will be given holidays off without pay; and
- (d) In the event a full time, non-exempt employee of the City is required to perform duties on an official holiday closure and an alternative date is not possible, such officer or employee will be paid holiday pay in addition to actual hours worked; and
- (e) If an official holiday closure falls on a Saturday, the holiday will be observed the preceding Friday. If a holiday falls on Sunday, the holiday will be observed the following Monday; and
- (f) All officers and employees must work on the workday immediately preceding and immediately following a holiday, or will forfeit pay for the observed holiday; and
- (g) Observed holidays falling within a full time officer or employee's approved leave of absence, will not be charged for the day of approved leave, but will be paid holiday pay instead; and
- (h) An officer or employee desiring to observe a religious holiday not observed by the City, must be afforded preference to all other officer and employee requests for leave.

Section 5.06. Longevity Bonus

All full-time officers and employees employed for at minimum one (1) year are eligible for an annual longevity bonus at a rate of two dollars (\$2.00) for each continuous month of service with the City, up to a maximum of two hundred forty (240) months. The longevity bonus pay will be awarded annually to all then current full-time officers and employees, as a lump sum, and will be included in the first pay period of December.

Section 5.07. Travel Expenses

- (a) All officers and employees will travel and be reimbursed based on the least and most reasonable costs to the City, as determined by the officer or employee, Department Head, and City ~~Secretary~~ Administrator.
- (b) All officers and employees who travel to and from approved assignments, and when approved to use their own mode of transportation, will be paid mileage at the then current federal mileage rate, based on the shortest route.
- (c) If required, hotel accommodations will be arranged by the City Secretary. If circumstances dictate, accommodations will be reimbursed upon the submission of a receipt, and based on the lowest and most reasonable rates available as determined by the City Secretary.
- (d) Approved per diem will be paid at the rate of \$30.00 per day, and reduced subject to the following qualifications and per meal rates:
 - (i) Per diem will only be paid if the officer or employee is expected to be displaced from home for more than twenty-four (24) hours; and
 - (ii) Approved meals are those first occurring following the beginning of approved travel as determined by the Department Head:
 - (A) If travel is approved to start after 1000 hours, lunch is the first meal; or
 - (B) If travel is approved to start after 1400 hours, dinner is the first meal; or
 - (C) If travel is approved to start after 1900 hours, breakfast is the first meal; and
 - (iii) Breakfast - \$6.50; and
 - (iv) Lunch - \$10.50; and
 - (v) Dinner - \$13.00.

Section 5.08. Performance Appraisal System

The purpose of the system is to improve productivity, to provide better communications between supervisors and those they supervise, to identify needs for training or other remedial actions among the workers, and to provide the cultivation of skills and abilities. Evaluations are aides and will be:

- (a) completed by the Department Head on the City's approved form; and
- (b) completed at least once each year; and
- (c) completed at any other time an employee is being considered for promotion, is in need of remedial action, or immediately following the conclusion of disciplinary action; and
- (d) used in the consideration of promotion eligibility of officers and employees; and
- (e) used in the consideration of disciplinary actions.

Section 5.09. Termination Pay

All employees who terminate employment with the City will receive all pay which may be due, subject to the following qualifications and exceptions:

- (a) All regular and overtime hours actually worked will be paid at the officer or employee's standard rate of pay; and
- (b) Except for reasons of disciplinary termination, officers and employees will be paid for unused vacation hours, up to eighty (80) hours, at their standard rate of pay; and
- (c) All unused sick leave hours are forfeited when an officer or employee separates from employment, except officers and employees who are laid off for economic reasons of the City, who will be paid for unused sick leave hours, up to eighty (80) hours, at their standard rate of pay; and
- (d) Reductions for amounts the employee owes the City or for substantiated damages resulting from negligent, malicious, or intentional acts of the officer or employee with respect to property or assets of the City.

Article VI. Benefits and Deductions

Section 6.01. Badges and Uniforms

- (a) The City will provide all officers and employees with badges to identify them as official City officers and employees.
- (b) Public Works officers and employees will be provided uniform shirts in order to assure a neat appearance and further identify the worker as a municipal employee.
- (c) Police officers will be provided uniforms in accordance with Council approved budgets.
- (d) Officers and employees provided with uniforms must wear, maintain, and return those uniforms upon separation.
- (e) All other officers and employees must dress appropriately for the duties they are assigned.

Section 6.02. Insurance

- (a) Life and health insurance are provided to all full time officers and employees through a group insurance policy; and
- (b) This insurance is provided as by the City at no cost to the officer or employee; and
- (c) At the officer or employee's option and expense, dependent insurance coverage is also available; and
- (d) Coverage may be continued with certain limitations consistent with the Consolidated Omnibus Budget Reconciliation Act (COBRA), upon termination, provided the premiums are paid entirely by the officer or employee.

Section 6.03. Retirement

All regular full-time officers and employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. Details of the retirement plan are outlined in the TMRS handbook.

Section 6.04. Social Security

All officers and employees of the City are covered under the Federal Insurance Contributions Act (FICA). This government insurance alleges to provide retirement, disability, and death benefits and are funded through mandatory payroll deductions by the officer or employee and matched by the City.

Section 6.05. Unemployment Compensation

All employees of the City are covered, as applicable, under the State unemployment compensation program. This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

Section 6.06. Worker's Compensation Insurance

The City participates in Worker's Compensation Insurance coverage for employees. When an employee is injured on-the-job the employee must immediately report the injury to ~~his~~their supervisor or department head.

Article VII. Anti-Abuse Policies

Section 7.01. Sexual Harassment Policy

All employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment.

- (a) Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is motivated in whole or in part by a person's sex, that is not welcome and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness.
- (b) Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship.
 - (i) No employee either male or female should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. A finding that an employee has committed any form of sexual harassment will result, at minimum, in a written warning being issued and placed in the employee's personnel file.
 - (ii) No employee or officer of the City shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development. A finding that an employee has committed any such form of sexual harassment will result in severe disciplinary action up to and including transfer, demotion, suspension, or termination from employment.
- (c) Sexual harassment occurs in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, and more subtle advances and pressure inviting sexual activity. Such conduct includes instances in which:
 - (i) Submission to the advances is made a term or condition for obtaining employment opportunities or avoiding adverse employment action;
 - (ii) Submission to or rejection of the advances is used as the basis for making any employment decision; or
 - (iii) Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- (d) Sexual harassment of any type is strictly prohibited and will not be tolerated. If any employee feels they are being sexually harassed, they should promptly report such fact and advise the harasser that the conduct is offensive and that it must stop immediately. If any such unwelcome interest or conduct does not cease immediately upon demand by the employee, or if the employee is not comfortable confronting the harasser, the employee must report the matter to the employee's supervisor within twenty-four (24) hours. If such employee is unable or unwilling to speak with ~~his~~their/her supervisor about the alleged harassment, the conduct or incident must be reported directly to the next higher level of authority, the department head or the Mayor. Upon any supervisor, department head or officer, receiving a report of alleged sexual harassment, the Mayor

and all persons in the alleged offender's chain of command shall be advised of the report and appropriate action shall be promptly taken. The first action taken, in such event, shall include steps calculated to prevent reoccurrences of any such alleged incidents pending investigation and final resolution of the complaint. Each such report shall be investigated promptly and appropriate corrective action will be taken with the City Council's concurrence.

- (e) Any employee who complains of sexual harassment in good faith will be protected against retaliation or reprisal for making the complaint. However, the City recognizes that false accusations of sexual harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action up to and including termination.

Section 7.02. Smoking Policy

- (a) The use of tobacco products is strictly prohibited in or within fifty (50) feet of all city owned buildings, vehicles, or other property, except in designated areas.
- (b) Designated smoking areas must be to the rear of city owned buildings and spaces, and will not be within fifteen (15) feet of any entrance or exit of any city owned building, vehicle, or other property. All designated smoking areas must have a "snuffer" tower and the designated area and "snuffer" will be maintained as necessary by tobacco users.

Section 7.03. Substance Abuse Policy

- (a) The City is committed to providing reliable, safe, healthy, and hazard free service to its Citizens, officers and employees and has a Zero Tolerance Policy regarding substance abuse; and
- (b) The City defines substance abuse as the illegal manufacture, possession, use, solicitation for or sale of drug paraphernalia, controlled substances, or prescription medication without or in violation of a licensed health care professional's supervision, the possession, solicitation for or sale of alcohol while in the workplace, or the excessive use of alcohol that negatively affects work performance; and
- (c) The City will perform pre-employment, post-accident, reasonable cause, and commercial licensed driver drug screening of all officers and employees; and
- (d) As allowed by law, random substance abuse testing may be performed with respect to all officers and employees having job duties that involve security and safety; and
- (e) Failure to comply with substance abuse policies will result in appropriate disciplinary action and when warranted, criminal investigation.

Section 7.04. Use of Technology

- (a) Technology provided by the City, (including, but not limited to computers, networks, wired and wireless communications, printers, and copy machines) must be used in compliance with all applicable federal, State, and City policies, and is provided strictly for work related activities.

- (b) Officers and employees have no right to privacy with regard to technology usage as all City owned technology is monitored and subject to the Texas Government Code § 552, Public Information Act.
- (c) Misuse of City owned technology will result in appropriate disciplinary action and when warranted, criminal investigation.

Section 7.05. Employee Operation of City-Owned Vehicles

- (a) No employee may operate a City-owned vehicle unless the employee possesses a valid driver's license appropriate for that vehicle and is insurable by the City's insurer; and
- (b) Any employee required to operate a City-owned vehicle as part of their duties, must immediately notify the Department Head, should the employee's driver's license expire or be suspended, or the employee becomes uninsurable; and
- (c) The City shall verify, at least annually, that every employee who operates City-owned vehicles has a valid license and insurance; and
- (d) Employees whose positions require the operation of a City-owned vehicle, are expected to obey all traffic laws and avoid accidents at all times, even when driving personally owned vehicles during non-working hours; and
- (e) Employees who fail to maintain a satisfactory driving record and insurability, shall be deemed in violation of the Manual and will be subject to disciplinary action. The following offenses shall be grounds for immediate termination:
 - (i) a conviction for driving under the influence of alcohol or controlled substances; or
 - (ii) operating a City vehicle while their driver license or insurance is invalid.

Article VIII. Adverse Actions

Section 8.01. Violations of Policy

- (a) Any officer or employee who violates the policies set forth herein, will be subject to disciplinary action, up to and including termination, except elected officers and employees who cannot be terminated or reassigned from their elected office. Officers and employees have a limited right to disciplinary actions that are progressive; however, consideration will be given to the individual circumstances when determining the appropriate disciplinary actions to be taken.
- (b) In taking any action with respect to an applicant, officer, or employee, the Department Head shall consider whether the prior history and conduct of the individual evidences that the individual may reasonably be rehabilitated or expected to negatively interfere with the effective services of the City.

Section 8.02. Penalties

- (a) A ~~department head~~City Administrator or the Mayor may deny or reject any application, appointment or promotion, or counsel, reprimand, suspend with or without pay, demote, reassign, or terminate any officer or employee, except elected officers and employees who cannot be terminated or reassigned from their elected office, at any time the ~~Department Head~~City Administrator or Mayor determines that such action will promote the efficiency of the City's service; and
- (b) In such event, the officer or employee should be promptly served with written notice and informed that the employee has the right to appeal the matter through the Grievance Procedure; and
- (c) The written disciplinary action should set forth:
 - (i) the specific causes that resulted in the discipline; and
 - (ii) the discipline to be imposed; and
 - (iii) the effective dates of the imposed discipline; and
 - (iv) the consequences if the officer or employee continues to perform in a substandard manner; and
 - (v) contain a statement that the officer or employee may appeal the action; and
 - (vi) an acknowledgment that the officer or employee has received the notice of disciplinary action.
- (d) A copy of the disciplinary action will be given to the officer or employee, and the original will be filed in the officer or employee's permanent personnel file by the City Secretary.

Section 8.03. General Violations

The following violations are specific, but are in no way exhaustive:

- (a) Dishonesty. Taking property without authorization or permission; misuse of employer funds or property; cheating; forging or willfully falsifying reports, records, or

documents; misuse of leave; any false action detrimental to the workplace; and

- (b) Disturbance. Fighting; using profane, abusive or threatening language; horseplay; causing injury to fellow employees through deliberate action or gross negligence; disrupting harmonious relationships between employees; and
- (c) Firearms. The illegal control of or possession by any officer or employee of a firearm on or about the person while on duty, is strictly prohibited; and
- (d) Incompetence. Inability or unwillingness to perform assigned work satisfactorily.
- (e) Indifference Toward Work. Failure to remain at work, inefficiency, loafing, carelessness, performing personal and non-City related business during working hours, abuse of eating and rest periods, sleeping or being inattentive during working hours; and
- (f) Insubordination. Willful failure or refusal to perform assigned work or fully comply with instructions or orders as assigned by any supervisor, Department Head, or the Mayor, except this does not apply to imminently dangerous situations. If the officer or employee believes the instruction or order, if followed, would result in physical injury or death to ~~himself/hem~~ or another, or result in damage to City assets, the employee may defer action and request a confirmation by the next higher level of management; interfering with the work of others, mistreatment of the public or other employees; leaving work without permission; and
- (g) Misconduct. Any criminal offense or infamous or notoriously disgraceful conduct and other misconduct which could have an adverse effect on the employer; diminishes the confidence or trust of the public in the integrity of the City government; negatively affects workplace relationships; habitual misdemeanor convictions; felony conviction; and
- (h) Misleading and False Identification. Intentionally false statements, deception, or fraud in applications, examinations, representations made for appointment or promotion, or reports; possessing, using, or providing any City equipment, credentials, or services for other than official City; and
- (i) Political Activities. When not on duty or in uniform, an officer or employee of the City may engage in political activity and campaigns for and with respect to any entity. An employee who becomes a candidate for any City office, constitutes a resignation; and
- (j) Sabotage. Deliberate damage or destruction of City equipment or property; altering, removing or destroying City records; advocacy of or participating in unlawful trespass or seizure of City property; encouraging or engaging in slow-downs, sit-ins, strikes, or any other concerted efforts to limit or restrict officers and employees from working; conduct subversive to the proper order, discipline and morale of city employees; and
- (k) Statutory. Any statutory disqualification which makes the individual unfit for the job or failure to meet and maintain requirements of the individual's job description; and
- (l) Substance Abuse. Reporting to work, being on duty, or being on-call or standby in an unfit condition; being under the influence of alcohol; unlawfully under the influence of controlled substances; and
- (m) Unsatisfactory Attendance. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal; and

- (n) Violation of Safety Rules. Improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees; failure to use safety equipment; failure to follow safety rules; failure to report an on-the-job injury, vehicle accident, or unsafe condition.

Article IX. Complaint and Grievance Procedures

Section 9.01. General Guidelines

It is the City's goal to treat all Citizens, officers and employees fairly in all respects. Citizens, officers, and employees who feel they have been subjected to unfair treatment or discrimination have the right to present grievances through simple and reasonable procedures. A grievance is defined as any complaint or problem concerning an officer or employee's duties or working conditions. Any officer or employee may present grievances under the procedures outlined below and will be free from restraint, coercion, or reprisal as a result.

Section 9.02. Procedural Steps

- (a) The grievance shall be in writing, legible, and must include the following information:
 - (i) date, time, and place of the alleged mistreatment, harassment, or discrimination; and
 - (ii) specify the nature of the grievance; and
 - (iii) explain why the action is improper; and
 - (iv) offer a suggested corrective action, and
 - (v) be signed by the complainant; and
- (b) The officer or employee must present the grievance to her immediate supervisor within five (5) calendar days of the alleged action; and
- (c) The immediate supervisor will notify the ~~Department Head~~City Administrator of the grievance within one (1) working day of receipt of the grievance; and
- (d) The immediate supervisor has five (5) working days from the date of receipt of the grievance to deny, amend, or uphold any appeal; and
- (e) (iii) If the grievance is not resolved between the officer or employee and the immediate supervisor, the officer or employee may request a review by the ~~Department Head~~City Administrator. The request must be in writing and filed with the immediate supervisor within three (3) calendar days of the earlier of the immediate supervisor's response or the expiration of the five (5) workday response period; and
- (f) The immediate supervisor shall, within one (1) work day, submit the original grievance, any relevant documentation, and the officer or employee's request to the ~~Department Head~~City Administrator who will have ten (10) working days of the date of the ~~Department Head~~City Administrator's receipt of the request to conduct a review, to deny, amend, or uphold any appeal; and
- (g) (iii) If the grievance is not resolved between the officer or employee and the ~~Department Head~~City Administrator, the officer or employee may request a review by the Mayor. The request must be in writing and filed with the immediate supervisor within three (3) calendar days of the earlier of the ~~Department Head~~City Administrator's response or the expiration of the ten (10) workday response period; and
- (h) The immediate supervisor shall forward the request within one (1) work day to the

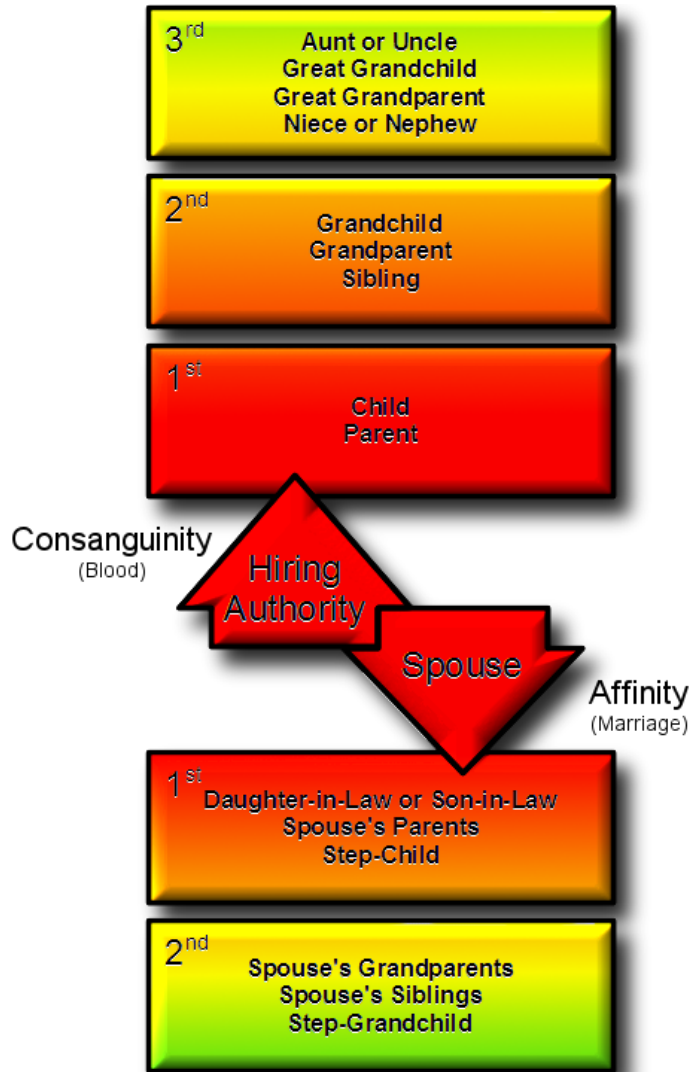
| ~~Department Head~~City Administrator; and

- (i) The ~~Department Head~~City Administrator shall forward, within one (1) work day, the original grievance, any relevant documentation, and the officer or employee's request to the Mayor who will have ten (10) working days of the date of the Mayor's receipt of the request to deny, amend, or uphold any appeal; and
- (j) (iv) If the grievance is not resolved between the officer or employee and the Mayor, the officer or employee may request a hearing before the Council. The request must be in writing and filed with the immediate supervisor within three (3) calendar days of the earlier of the Mayor's response or the expiration of the ten (10) workday response period; and
- (k) The Mayor shall schedule a hearing before the City Council and notify the officer or employee of the ~~the~~ date and time the hearing will be held. The City Council may deny, amend, or uphold the appeal, and the City Council's decision shall be final.

Section 9.03. Grievances Without Basis

Grievances are serious matters and the City encourages officers and employees to file all legitimate, fact based complaints; equally so, frivolous, baseless, and false grievances are discouraged and will result in disciplinary action.

Appendix 1 - Nepotism Chart



Appendix 2 - Classes Of Employees

Full-Time (“FT”). A full-time officer or employee is an officer or employee serving in a position budgeted for two thousand eighty (2080) or more hours per year. FT officers and employees are eligible for all City offered compensations and benefits.

Part-time (“PT”). A part-time officer or employee is an officer or employee serving in a position that is budgeted for and regularly scheduled to work less than two-thousand eighty (2080) hours per year. PT officers and employees are not eligible for City offered compensations or benefits, except those mandated by State or federal law.

Temporary or Seasonal (“TS”). A temporary or seasonal officer or employee is appointed for a specific period of time, and has an anticipated date of termination. TS officers and employees are not eligible for City offered compensation or benefits, except those mandated by State or federal law.

Probationary (“PR”). All new officers and employees, except elected officials, shall be placed in a ninety (90) day probationary period. All officers and employees, except elected officials, are subject to being placed in a probationary status for disciplinary reasons.

Exempt Employees. Exempt employees are those who are not entitled to receive overtime pay for hours worked beyond the standard workweek. These employees are typically salaried and are exempt from the FLSA's minimum wage and overtime pay requirements. Exempt employees often hold managerial, administrative, executive, or professional positions and are compensated based on their job responsibilities rather than the number of hours worked. Exempt employees are expected to fulfill their job duties regardless of the number of hours worked in a week but must still accurately record their hours worked..

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Non-Exempt Employees. Non-exempt employees are those who are entitled to receive overtime pay for any hours worked beyond the standard workweek, as defined by the FLSA. These employees are typically paid on an hourly basis and are subject to the FLSA's minimum wage and overtime pay requirements. Non-exempt employees must be compensated at a rate of one and a half times their regular hourly rate for any hours worked in excess of 40 hours per week. Unlike exempt employees, non-exempt employees are eligible for overtime pay and must accurately record their hours worked.

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Salaried (“SA”). A salaried officer or employee is an officer or employee compensated for the position. All salaried employees must, at all times, supervise at least three (3) other officers or employees. The salaried employee shall submit a time sheet each pay period and is expected to work an annual average of forty (40) or more hours per week.

Contractors, consultants, and other service professionals are not officers or employees of the City and are not eligible for benefits. Contractors, consultants, and service professionals are paid via invoices and require Internal Revenue Service Forms 1099.

Appendix 3 - Fair Labor Standards Act Summary

The Fair Labor Standards Act (FLSA) is a federal law enacted in 1938, which establishes the minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the United States. It is crucial for all City employees to understand their rights and obligations under the FLSA to ensure fair and lawful employment practices.

Key Provisions of the FLSA:

Minimum Wage: The FLSA mandates a federal minimum wage, which is periodically adjusted by Congress. As of [current date], the federal minimum wage is \$7.25 per hour. However, individual states or localities may have their own minimum wage rates, and employees are entitled to the higher of the federal, state, or local minimum wage.

Overtime Pay: Non-exempt employees are entitled to overtime pay at a rate of one and a half times their regular rate of pay for all hours worked in excess of 40 hours in a workweek. Overtime pay is calculated based on the employee's hourly rate of pay, and it is important for employers to accurately track and compensate overtime hours. Non-exempt law enforcement officers who are regularly scheduled to work eighty (80) hours or more of work per two-week cycle and exceed eighty-five and one half (85.5) hours of work per two week cycle is eligible for overtime compensation.

Exempt vs. Non-Exempt Status: The FLSA classifies employees as either exempt or non-exempt based on their job duties and salary basis. Exempt employees are not eligible for overtime pay and typically include executive, administrative, professional, and certain computer-related positions. Non-exempt employees are entitled to overtime pay and include most hourly workers.

Recordkeeping Requirements: Employers covered by the FLSA must maintain accurate records of employees' hours worked, wages paid, and other pertinent information. This includes employee names, addresses, dates of birth (for minors), and employment dates.

Child Labor Protections: The FLSA establishes regulations concerning the employment of

minors, including restrictions on the types of jobs they can perform, hours they can work, and conditions of work. These regulations are in place to ensure the safety, health, and educational opportunities of young workers.

Enforcement and Penalties: The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for enforcing the FLSA. Employers found in violation of the FLSA may be subject to penalties, including back pay, liquidated damages, civil monetary penalties, and injunctions.

Conclusion:

The Fair Labor Standards Act (FLSA) is a cornerstone of labor law in the United States, providing essential protections for workers regarding minimum wage, overtime pay, recordkeeping, and child labor standards. By adhering to the provisions of the FLSA, the City demonstrates its commitment to fair and equitable employment practices, ensuring the well-being and rights of its employees. It is imperative for all City employees and management to familiarize themselves with the requirements of the FLSA to promote compliance and uphold the principles of fairness and justice in the workplace. The Fair Labor Standards Act (the "FLSA") sets basic wage and overtime pay standards and regulates the employment of minors, however there are a number of employment practices which the FLSA does not regulate such as vacation, holiday, severance, or sick pay; meal or rest periods; recognized holidays; premium pay; non-standard work schedules; pay raises or fringe benefits; or discharge notices, reasons for discharge, or immediate payment of final wages.

The FLSA does not regulate the number of hours in a day or days in a week an officer or employee may be required or scheduled to work, including overtime hours.

When computing hours compensated, based on the FLSA, the following definitions and methods of calculating compensation will apply:

Exempt Employee. Must meet the FLSA standards of salary and regular supervision of two or more full time employees or equivalent thereof, has management as the primary duty of the position, and has genuine input into the job status of other employees. The FLSA does not prohibit an employer from requiring exempt employees to "punch a clock," work a particular schedule, or "make up" time lost due to absences.

Non Exempt Employee. Any officer or employee who does not meet the FLSA definition of an exempt employee, is generally compensated on an hourly basis, and is entitled to the FLSA minimum wage and overtime standards.

Non Productive Hours. Time an officer or employee is not actively and directly engaged in their assigned duties for the City and may be compensated for. Examples include vacation, sick, holiday, meal periods, and unpaid absences.

~~Overtime. The FLSA establishes forty (40) hours of productive hours per week as the time that must be worked before a non-exempt officer or employee is eligible for overtime compensation. Non-exempt law enforcement officers who are regularly scheduled to work eighty (80) hours or more of work per two-week cycle and exceed eighty-five and one-half (85.5) hours of work per two-week cycle is eligible for overtime compensation.~~

~~Productive Hours. Time an officer or employee is actively and directly engaged in their assigned duties for the City and must be compensated for.~~

Appendix 4 - Controlled Substance Testing Protocol

An immunoassay will be used for the initial test with the following cut-off levels:

SUBSTANCE	<u>INITIAL TEST</u>	- CUT-OFF LEVELS (NG/ML)
Marijuana Metabolites		100
Cocaine Metabolites		300
Opiate (Codeine and Morphine)		*300
Phencyclidine (PCP)		25
Amphetamines		1000
Alcohol		0.04

*25 NG/ML if immunoassay specific for free morphine.

All initially positive tests, using the original sample and at applicant, officer, or employee expense, may be confirmed by gas chromatography/mass spectrometry (GC/MS):

SUBSTANCE	<u>CONFIRMATION TEST</u>	CUT-OFF LEVELS (NG/ML)
Marijuana Metabolites (1)		15
Cocaine Metabolites (2)		150
Opiate (Codeine and Morphine)		150
Phencyclidine (PCP)		25
Amphetamines		500
(1) Delta-9-Tetrahydrocannabinol-9-Carboxylic Acid		
(2) Benzoylgonine <u>Benzoyllecgonine</u>		

Appendix 5 - Acknowledgment Of Receipt

By my signature below, I, _____,
acknowledge:

- (a) I understand the City of Bartlett is an at-will employer and I am subject to termination for any reason or no reason at all, either voluntarily or involuntarily; and
- (b) I understand that the provisions contained in the City of Bartlett Personnel Manual (the "Manual") are applicable to me; and
- (c) I understand the City of Bartlett (the "City") will attempt to apply the policies and regulations set forth in the Manual, in a fair and impartial manner to achieve the City's overall objectives; and
- (d) I understand that I will be subject to substance abuse testing and that the compliance with such testing is a condition of continued employment; and
- (e) I understand the City will make every effort to provide a work environment free from all forms of harassment as defined by Title VII of the 1964 Civil rights Act; and
- (f) I understand the City reserves the right to change, modify, add, or eliminate any provisions therein, at any time, with or without notice. Any agreements, promises, or other instrument, whether written or verbal, expressed or implied, made to me, which conflict with the provisions of the Manual, are effective only if in writing and an act of the City Council; and
- (g) I understand that I may file grievances with respect to disciplinary decisions and actions affecting my employment with the City, provided that such grievances are consistent with the policies set forth in the Manual. A decision of the City Council, when applicable, will be final.

I have received a copy of the City of Bartlett Personnel Manual, affirm that I have had an opportunity to ask questions about the terms, provisions, meanings, application, and enforcement thereof, and agree to uphold the policies therein.

Date: _____

Signature of Employee

Signature of ~~Department Head~~ City Administrator

DRAFT

City of Bartlett Personnel Manual



CLEAN COPY

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Article I. Policy Objective, Applicability, and Dissemination

Section 1.01. Policy Objective

The principle objective of the City of Bartlett's (the "City") personnel policies, as set forth in the City of Bartlett Personnel Manual (the "Manual"), is to promote professionalism and to provide a fair and equitable system of personnel management. These policies address the City's general overarching policies for personnel management, while providing limited flexibility to resolve issues not specifically addressed herein.

Section 1.02. Applicability

- (a) Notwithstanding federal, State, or other superior law, these policies apply to all officers and employees of the City; and
- (b) The Manual supersedes all policies, expressed or implied, in verbal or written form, and compliance is compulsory; and
- (c) The City reserves all rights to interpret, amend, and revise the Manual when deemed as necessary at the recommendation of the Mayor, and shall be enforceable, subject to the provisions set forth in Section IX, Complaint and Grievance Procedures; and
- (d) Words used in the masculine or feminine form, are used as gender neutral and applicable to either.

Section 1.03 Dissemination of the Manual

- (a) The City Secretary shall maintain a master of the Manual and ensure each Department Head maintains a current and verbatim copy of same; and
- (b) Each Department Head shall:
 - (i) cause each employee to receive a copy of the Manual, and to sign an acknowledgment indicating such receipt; and
 - (ii) inform each employee that they are responsible for being familiar with and accountable to the policies set forth herein and all subsequent changes; and
 - (iii) ensure changes are properly posted in the department's master copy, and that all department officers and employees are made aware of changes to the Manual; and
- (c) All officers and employees are responsible for becoming familiar with the Manual and have a right to review the master Manual, during the City's normal business hours.

Article II. Principal Provisions

Section 2.01. Code of Ethics

Officers and employees of the City hold their positions to serve and benefit all the Citizens of the City, and not for obtaining unwarranted benefit in the exercise and performance of their official powers and duties.

Officers and employees must acknowledge that they are representatives of the City and in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. These canons establish the altruistic standards for all officers and employees of the City:

- (a) Officers and employees must strive to uphold the Constitution and laws of the United States, the State of Texas, and the City; and
- (b) Officers and employees must not use, or permit to be used, their official position or duties for personal gain, that of a relative, or any third party entity; and
- (c) Officers or employees must disclose any interest which may be in conflict, or give the appearance of conflict, with any matter that might come before the City; and
- (d) Officers and employees may not acquire any interest in any venture which is, or may be construed, as being in conflict with their official capacities; and
- (e) Officers and employees must not solicit, accept, give, or promise any thing of value, nor will any officer or employee directly, or indirectly, induce another to solicit, accept, give, or promise any thing of value for personal or political gain:
 - (i) Officers and employees may accept gifts with a token value of less than \$25.00, but must report such acceptance to their Department Head and such report will be noted in the officer or employee's personnel jacket; and
- (f) Officers and employees must be honest, trustworthy, and accountable in all that they say, write, and in all professional relationships; and
- (g) Officers and employees must be committed to accomplishing all tasks in a superior way, and abstaining from all behaviors that may tarnish the image of the City; and
- (h) Officers and employees must be dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available City resources; and
- (i) Officers and employees must be fair and considerate in the treatment of fellow officers, employees, and Citizens, addressing concerns and needs without bias; and
- (j) No officer or employee may take, acquire or purchase any property of the City, of any nature or kind whatsoever, for them or any other person; this subsection shall not prohibit any employee from bidding on surplus City property at a properly noticed public auction authorized by the City of Bartlett City Council (the "Council"); and
- (k) Officers and employees must be aware, and recognize that policy decisions are ultimately the responsibility of the Council.

Section 2.02. Organization of Personnel

- (a) As the Chief Executive Officer of the City, the Mayor of the City of Bartlett (the “Mayor”) or their designee is responsible for the administration of the personnel program and shall establish policies for the day to day management of the City which are not inconsistent with the Manual; and
- (b) The City Administrator shall advise the Council on personnel matters and recommend changes in the personnel policies, rules, regulations, and any other changes which the Mayor may deem necessary; and
- (c) The City Administrator shall serve as the Department Head for department heads, all senior staff officers and staff employees, and may discipline any employee of the City, up to and including termination, except the Chief of Police and Fire Chief, which the Mayor may discipline, up to and including indefinite suspension without pay; and
- (d) The Council, through the budget process as set forth in Texas Local Government Code, §§ 102 and 141, shall set the compensation of all officers and employees, in consideration of the Mayor's recommendations; and
- (e) The Council, as the quasi-judicial review board, shall serve as the final authority for the City in all disciplinary actions when warranted by the policies set forth in the Manual; and
- (f) Department Heads shall serve as the first level of senior supervision, and are expected to effectively supervise their employees to maintain positive working relationships and to ensure employee compliance with the Manual; and
- (g) Department Heads shall manage their respective department; to that end, and subject to the rights of employees to appeal, Department Heads:
 - (i) shall set the example for all subordinates on behavior and compliance with the Manual; and
 - (ii) may adopt and enforce departmental policies and regulations that are not inconsistent with the Manual or superior law, and are approved by the Mayor; and
 - (iii) shall report on the efficiency of their subordinates to the Mayor; and
 - (iv) shall have the authority to employ, reassign, and terminate employees within their respective departments, subject to the limits of the approved budget and coordination with the Mayor.

Article III. Applications and Conditions of Employment

Section 3.01. Equal Employment Opportunity and Americans with Disability Act Policy

The City is committed to equal opportunities for all and respects and values the diversity among all our officers and employees, and all those with whom we do business, therefore, the City must ensure business activities are free of all forms of discrimination and harassment.

As such, all activities such as hiring, promotions, and compensation of employees, will be conducted without regard to age, color, disability, gender, gender identity or expression, genetics, marital status, national origin, race, religious or political perspective or affiliation, or sexual orientation. These business activities and administration of officer and employee benefit plans comply with all applicable laws.

For qualified people with disabilities, the City makes workplace accommodations that make all efforts to comply with applicable laws, and which the City determines are reasonable and needed for effective job performance.

Where specific age, sex, or physical or mental requirements constitute a necessary or mandatory occupational qualification, appropriate consideration of such factors is permitted.

Any officer or employee who feels they have been discriminated against, should defer to Section IX, Complaint and Grievance Procedures.

Section 3.02. Nepotism

- (a) No person related within the third degree of consanguinity or the second degree of affinity, to the Mayor, any member of the City Council, Department Head, or the hiring authority, shall be employed in or appointed to any office, position, other service, or award of contract (Appendix 1); and
- (b) No person related within the third degree of consanguinity or the second degree of affinity, shall be employed or appointed to positions in the same department; and
- (c) Notwithstanding any superior law, Department Heads who believe an appointment is justified by extraordinary circumstances, may petition the Council for an exception, which must be approved by a two-thirds majority of the Council; and
- (d) Officers and employees are required to notify their department head when a conflict with this section arises; and
- (e) The prohibitions of Sections 3.02(a), (b), and (c) shall not apply to any person who was employed by the City prior to the time of election or appointment of the official related within a prohibited degree.

Section 3.03. At Will Employer

All non-elected officers and employees are hired for an indefinite period of time, and the City, officer, or employee is free to terminate their relationship at will, with or without cause, at any time.

Section 3.04. Disclosure of Potentially Discriminatory Information

In the course of evaluating potential employees and responding to mandatory demographic criteria, employees and applicants may be required to provide personal information. Requests for personal information, as covered under Section 3.01, will only be collected to fulfill mandatory demographic reporting criteria or facilitate City programs.

Such information will be protected according to applicable law, and no appointment to, or removal from, a position with the City shall be directly or indirectly influenced by the misuse of any information requested or obtained for permitted uses.

Employees and applicants may decline to respond; however such declination, may result in the employee or applicant being denied continued employment, consideration, or benefits.

An employee or applicant should defer to Article IX, Complaint and Grievance Procedures, if they believe personal information was used in a discriminatory manner.

Section 3.05. General Basis of Employment

All positions within the City shall be based on work related qualifications:

- (a) Education, training, licenses, certifications, and work experience as listed on the application and applicant provided documentation; and
- (b) Position related written and performance tests; and
- (c) Position related physical and psychological examinations, and drug panel screening; and
- (d) Appropriate background checks for conviction of crimes involving moral turpitude, felonies, credit history, and moving traffic violations; and
- (e) Reference checks.

Section 3.06. Application and Pre-Employment Selection

- (a) When directed by the Mayor, the City Administrator shall post vacant positions to be filled for no less than two (2) weeks in the official newspaper, or on the City web site, or at City Hall, and/or in other media deemed appropriate by the Mayor and City Administrator; and
- (b) All applications will be accepted and all persons seeking employment will be required to complete and submit an official application to the City Administrator; and
- (c) Application forms will be secured until the filing deadline. The City Administrator shall retain a copy and forward all original applications to the appropriate Department Head; and
- (d) Potentially eligible candidates will be selected from among the applications submitted and the City Administrator shall obtain a basic criminal history, and the Department Head shall check references; and
- (e) If an interview is warranted, the Department Head shall schedule with the candidate; however, offers of employment, formal, conditional, or otherwise, can not be made at the time of the interview; and

- (f) The candidate must present a driving history, copies of applicable licenses and certifications, and other necessary documentation at the time of the interview; and
- (g) After all interviews are taken, if the City Administrator and the Department Head determines that a candidate is acceptable and meets the qualifications of the position, the Department Head may extend a conditional offer of employment and schedule the candidate for any mandated pre-employment physical and psychological examinations; and
- (h) In accordance with the City's Zero Tolerance policies, all candidates who are given conditional offers, must undergo drug panel screenings (see Appendix 4 – Controlled Substance Testing Protocol).

Section 3.07. Disqualification from Consideration

The Mayor, City Administrator, or the Department Head of the applicable department may reject any application, which indicates, on its face, that the applicant:

- (a) does not meet the experience, licensing and certification, and education requirements set forth in the job description; or
- (b) appears to have made false statements on the application or appears to have been deceptive in any manner during the recruitment process; or
- (c) is limited by the provisions of any retirement plan; or
- (d) the applicant refuses to provide mandatory employment information; or
- (e) cannot or will not comply with the City's policies, rules and regulations; or
- (f) the applicant was an officer or employee of the City, in any capacity, or contracted, in any capacity, with the City, within the last year of the date of application.

Section 3.08. Appointments

- (a) Qualified officers and employees shall be given hiring preference; and
- (b) No formal offers of employment are to be extended prior to completion of the entire recruitment process; and
- (c) Upon acceptance of the formal offer of employment, the City Administrator shall coordinate a start date with the new officer or employee to review, verify, and complete all employment records and enrollment forms. The City Administrator shall also give the employee a copy of the Manual and notify the Department Head the new officer or employee is eligible to begin work; and
- (d) Excepting positions requiring licenses or certifications, if no candidate possessing the minimum qualifications, or if no candidate accepts the formal employment offer, the vacant position may be filled by an unqualified applicant at the appropriate pay scale level; and
- (e) Officers and employees who apply for open positions, are subject to all the terms and provisioning of that position and are not entitled to retain current compensation.

Section 3.09. Emergency Response Time

All employees who are required to respond to off duty situations, must reside no more than thirty (30) minutes travel time to the City.

Section 3.10. Fitness of Duty

- (a) Department Heads may require an employee to submit to an examination by a City approved physician when it appears that the physical or mental condition of an employee may prohibit the employee from adequately performing the employee's job duties, and may constitute threat or hazard to themselves, other officers and employees, Citizens, or property; and
- (b) The employee shall be granted administrative leave during the examination and without expense to the employee, for the sole purpose of determining the officer or employee's fitness for duty; and
- (c) The examining physician shall make a recommendation as to whether the officer or employee should be continued in the present position, be considered for a leave of absence, or otherwise not be continued in the present position; and
- (d) The officer or employee shall authorize the physician to disclose the recommendation to the Department Head, who will determine an appropriate response.

Section 3.11. Resignation

- (a) An officer or employee who has reason to leave the employment of the City must give notice to the officer or employee's department head before the effective date of the resignation.
- (b) Such notice may be verbal or in writing.
- (c) No officer or employee may be employed by the City, in any capacity, or contract with the City, for a period of not less than one (1) year following the officer or employee's resignation.

Section 3.12. Retirement

- (a) All regular full-time officers and employees are required to become members of the Texas Municipal Retirement System (the "TMRS"). Accidental death and disability benefits are also incorporated into this retirement plan should an officer or employee become qualified for benefits prior to retirement.
- (b) TMRS provides eligible officers and employees with retirement benefits based on the City's five (5) year vesting plan, with retirement at or after age 60, or at any age after five (5) years of participation in the TMRS plan.
- (c) Funds contributed by the employee may only be withdrawn upon retirement or resignation. Only the employee's contributions, plus interest, if any, are refunded when an employee resigns or retires and elects to withdraw their contribution.
- (d) Full details of the retirement plan are outlined in the TMRS Handbook.

Section 3.13. Requests for Employment Verification

- (a) Information regarding the employment of all current and former City officers and employees, must be made by written request to the City Administrator or Chief of Police.
- (b) In the absence of a written release signed and witnessed therefor by the current or former officer or employee, only the following information may be released:
 - (i) The dates the officer or employee began and ended employment with the City; and
 - (ii) The officer or employee's beginning and ending salary or wage rates; and
 - (iii) The positions held by the officer or employee while employed by the City; and
 - (iv) As permitted under Texas Labor Code § 103, the Department Head may respond to requests from a prospective employer regarding performance of a current or former officer or employee.

Section 3.14. Non-City Occasional and Part-Time Employment

- (a) Officers and employees shall consider their employment with the City as the officer or employee's primary employer; and
- (b) Department Heads shall approve occasional and part-time employment, whether voluntary or compensated, if the work does not constitute a conflict of interest, does not interfere with the officer or employee's normal duties, and does not involve the use of City resources; and
- (c) Injuries and disabilities sustained during occasional and part-time employment, must be reported to the City within seventy-two (72) hours, and may not be covered by the City's benefits program.

Section 3.15. Lay Off

The City may lay off an officer or employee as a result of changes in duties or organization, or lack of work or funds. A two (2) week written notice of impending lay-off shall be given prior to the effective date of the lay-off and no other notice will be necessary.

Article IV. Attendance and Leave

Section 4.01 Attendance

- (a) Officers and employees must be present at their designated workplace, and ready to perform assigned duties in accordance with the Manual regarding hours of work, holidays, and leaves; and
- (b) Department Heads shall keep daily attendance records of officers and employees within their department and ensure compliance with the Manual; and
- (c) All approved absences shall be reported on a leave form and turned in with the attendance records each pay period; and
- (d) If an officer or employee expects to be tardy or absent, the officer or employee must notify their supervisor or department head as soon as practical; failure to notify the supervisor or department head may result in disciplinary action.

Section 4.02. Hours of Operation

All general workplaces of the City, will be kept open continuously from 8:00 a.m. until 5:00 p.m., Monday through Friday, except for holiday closures authorized by the City; all other workplace hours of operation will be determined by appropriate policy.

Section 4.03. Vacation Leave

Vacation leave is earned by full-time officers and employees according to the following anniversary schedule:

- (a) First through fifth year anniversary – eighty (80) hours; and
- (b) Sixth through eleventh year anniversary - one hundred and twenty (120) hours; and
- (c) Twelfth plus year anniversary – one hundred sixty (160) hours; and
- (d) The hours earned, will be posted on each anniversary date; and
- (e) No officer or employee may accrue vacation leave in excess of eighty (80) hours. Vacation hours in excess of eighty (80) hours will be forfeited without pay; and
- (f) All other officers and employees may be granted vacation leave without pay.

Section 4.04. Sick Leave

- (a) All full time officers and employees will be credited eighty (80) hours of sick leave per year; and
- (b) Sick leave will be credited to each full time officer and employee immediately following successful completion of their initial probationary period, and upon their anniversary date thereafter; and
- (c) Sick leave is not discretionary leave and will only be used for an authorized absence involving an illness or injury, whether personal or involving their child who has not yet attained the age of eighteen (18) years of age and are still attending school; and
- (d) Any absence of an officer or employee involving a claim for sick leave, whether

compensated or not, for more than an officer or employee's standard workday, or carries over to the following day, must be verified by a qualified physician; and

- (e) Officers and employees who consistently use their sick leave as it is credited or who fail to accumulate sick leave are required to submit a doctor's statement in support of the alleged illness or injury; and
- (f) No officer or employee may accrue sick leave in excess of two hundred forty (240) hours. Sick leave hours in excess of two hundred forty (240) hours will be forfeited without pay.
- (g) All other officers and employees may be granted sick leave without pay and are subject to the same verification policies as full time officers and employees.
- (h) Officers and employees can submit a request to the City Administrator once all vacation leave has been used to convert up to one week of sick leave to vacation leave. This leave must be used before their anniversary date and cannot be rolled over.

Section 4.05. Military Leave

Military leave shall not exceed the time as shown on the officer or employee's military orders and will be governed pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 and Texas Government Code §437.202, LEAVE OF ABSENCE FOR PUBLIC OFFICERS AND EMPLOYEES.

Section 4.06. Family and Medical Leave Act (FMLA) Leave

The City does not meet the requirements of the Family and Medical Leave Act.

Section 4.07. Parental Leave

- (a) Any employee is entitled to up to six (6) weeks of parental leave without loss of employment; and
- (b) Parental leave may be taken for the purpose of childbirth, bonding with the newborn, and recovery from childbirth-related medical conditions; and
- (c) Parental leave is not paid leave, except that accrued vacation and sick leave hours may be used concurrently with maternity leave, to offset any loss of pay.

Section 4.08. Emergency and Bereavement Leave

- (a) Full time officers and employees may be granted emergency leave with pay for a period not to exceed three (3) days in case of death, traumatic injury, or severe illness of any member within the second degree consanguinity or affinity; and
- (b) All other officers and employees may be granted emergency leave without pay for a period not to exceed three (3) days in case of death, traumatic injury, or severe illness of any member within the second degree consanguinity or affinity.

Section 4.09. Severe Illness and Debilitating Injury Leave

- (a) A qualified physician's statement that the officer or employee, or a family member within the first (1st) degree of consanguinity or affinity, is unable to return to work or requires constant care, will be required for an employee to be authorized Severe Illness and Debilitating Injury leave; and

- (b) Such leave is without pay, except that vacation and sick leave may be used concurrently to offset any loss of pay; and
- (c) Leave resulting from or necessitated by any cause of severe illness or debilitating injury, will not exceed two hundred forty (240) hours; and

- (d) Any leave in excess of two hundred forty (240) hours constitutes an unusual hardship on the City and may result in termination of employment.

Section 4.10. Leave to Attend Voting, Jury Duty, Court Subpoenas

- (a) All officers and employees will be allowed one (1) hour of paid time to vote in federal, State, or local elections; and
- (b) Officers and employees called to jury duty will be paid, except that any compensation from such jury duty, will be deducted from the officer or employee's pay; and
- (c) Officers and employees called to testify on behalf of the City, will be paid for the actual hours giving such testimony.

Section 4.11. Leave of Absence

- (a) Officers and employees may request leave not otherwise addressed in the Manual; and
- (b) Such leave will be without pay; and
- (c) The City does not guarantee continued employment; and
- (d) Authorized leaves of absence with or without pay, will not exceed two hundred forty (240) hours per annum, except as allowed pursuant to any superior law.

Section 4.12. Absence Without Leave

- (a) No officer or employee may absent them from duty for any amount of time without the permission of the officer or employee's Department Head; and
- (b) Any such absence will be without pay and will subject the officer or employee to disciplinary action, up to and including termination.

Article V. Wages, Salary, and Other Compensation

Section 5.01. Pay Period

- (a) The City shall pay all officers and employees on a bi-weekly basis, beginning on Wednesday, and ending on the second Tuesday following; and
- (b) Salaried officers and employees will be paid an amount equal to their annual salary divided by the number of annual pay periods. Hourly officers and employees will be paid for the hours worked and due compensation; and
- (c) Department Heads must submit, by 12:00 p.m., attendance sheets the Wednesday immediately following the Tuesday ending the pay period, in order for their department officers and employees to receive pay on the Friday following the Tuesday ending the pay period; and
- (d) No officer or employee will be compensated for hours or benefits not earned.

Section 5.02. Overtime and Compensatory Time

- (a) All overtime must be approved by the Department Head. Overtime not approved will subject the officer or employee to disciplinary action; and
- (b) When permitted, one and one-half (1.5) hours shall accrue for all officers and employees electing compensatory time in lieu of overtime pay. When practical, all accrued compensatory time must be taken during the current pay period, otherwise such overtime will be paid, except exempt officers and employees who will forfeit such time and pay.

Section 5.03. On Call and Standby Pay

- (a) An officer or employee who volunteers or is required to remain on-call or standby on the City's premises, is engaged in productive hours; and
- (b) An officer or employee who volunteers or is required to remain on-call or standby at home or who is allowed to leave a message where she can be reached, is engaged in non-productive hours; and
- (c) Officers and employees on-call or standby, will have a response time of no more than thirty (30) minutes; and
- (d) Officers and employees will be compensated according to the City's approved budget.

Section 5.04. Lectures, Meetings and Training

Approved attendance of lectures, meetings, and training programs, will be compensated as productive hours worked.

Section 5.05. Holiday Compensation

The City will observe the following official holiday closure schedule:

New Year's Day (January 1)
Martin Luther King, Jr. Day (Third Monday in January)

President's Day (Third Monday in February)
Memorial Day (Last Monday in May)
Independence Day (July 4)
Labor Day (First Monday in September)
Columbus Day (Second Monday in October)
Veterans Day (November 11)
Thanksgiving Day (Fourth Thursday in November)
Day after Thanksgiving (Fourth Friday in November)
Christmas Eve (December 24)
Christmas Day (December 25)

1 personal holiday to be used within that year, the personal holiday does not carryover

The following policies apply to all holidays and observances:

- (a) Department Heads shall give their officers and employees the opportunity to observe any holiday while still maintaining essential municipal functions. When not possible, Department Heads will ensure their officers and employees are offered alternative holiday time, which must be scheduled and taken within one (1) week of the holiday, whether before or after the holiday; and
- (b) For City observed holiday closures, full time, non-exempt officers and employees are entitled to receive pay equivalent to their standard work day hours; and
- (c) All other non-exempt officers and employees will be given holidays off without pay; and
- (d) In the event a full time, non-exempt employee of the City is required to perform duties on an official holiday closure and an alternative date is not possible, such officer or employee will be paid holiday pay in addition to actual hours worked; and
- (e) If an official holiday closure falls on a Saturday, the holiday will be observed the preceding Friday. If a holiday falls on Sunday, the holiday will be observed the following Monday; and
- (f) All officers and employees must work on the workday immediately preceding and immediately following a holiday, or will forfeit pay for the observed holiday; and
- (g) Observed holidays falling within a full time officer or employee's approved leave of absence, will not be charged for the day of approved leave, but will be paid holiday pay instead; and
- (h) An officer or employee desiring to observe a religious holiday not observed by the City, must be afforded preference to all other officer and employee requests for leave.

Section 5.06. Longevity Bonus

All full-time officers and employees employed for at minimum one (1) year are eligible for an annual longevity bonus at a rate of two dollars (\$2.00) for each continuous month of service with the City, up to a maximum of two hundred forty (240) months. The longevity bonus pay will be awarded annually to all then current full-time officers and employees, as a lump sum, and will be included in the first pay period of December.

Section 5.07. Travel Expenses

- (a) All officers and employees will travel and be reimbursed based on the least and most reasonable costs to the City, as determined by the officer or employee, Department Head, and City Administrator.
- (b) All officers and employees who travel to and from approved assignments, and when approved to use their own mode of transportation, will be paid mileage at the then current federal mileage rate, based on the shortest route.
- (c) If required, hotel accommodations will be arranged by the City Secretary. If circumstances dictate, accommodations will be reimbursed upon the submission of a receipt, and based on the lowest and most reasonable rates available as determined by the City Secretary.
- (d) Approved per diem will be paid at the rate of \$30.00 per day, and reduced subject to the following qualifications and per meal rates:
 - (i) Per diem will only be paid if the officer or employee is expected to be displaced from home for more than twenty-four (24) hours; and
 - (ii) Approved meals are those first occurring following the beginning of approved travel as determined by the Department Head:
 - (A) If travel is approved to start after 1000 hours, lunch is the first meal; or
 - (B) If travel is approved to start after 1400 hours, dinner is the first meal; or
 - (C) If travel is approved to start after 1900 hours, breakfast is the first meal; and
 - (iii) Breakfast - \$6.50; and
 - (iv) Lunch - \$10.50; and
 - (v) Dinner - \$13.00.

Section 5.08. Performance Appraisal System

The purpose of the system is to improve productivity, to provide better communications between supervisors and those they supervise, to identify needs for training or other remedial actions among the workers, and to provide the cultivation of skills and abilities. Evaluations are aides and will be:

- (a) completed by the Department Head on the City's approved form; and
- (b) completed at least once each year; and
- (c) completed at any other time an employee is being considered for promotion, is in need of remedial action, or immediately following the conclusion of disciplinary action; and
- (d) used in the consideration of promotion eligibility of officers and employees; and
- (e) used in the consideration of disciplinary actions.

Section 5.09. Termination Pay

All employees who terminate employment with the City will receive all pay which may be due, subject to the following qualifications and exceptions:

- (a) All regular and overtime hours actually worked will be paid at the officer or employee's standard rate of pay; and
- (b) Except for reasons of disciplinary termination, officers and employees will be paid for unused vacation hours, up to eighty (80) hours, at their standard rate of pay; and
- (c) All unused sick leave hours are forfeited when an officer or employee separates from employment, except officers and employees who are laid off for economic reasons of the City, who will be paid for unused sick leave hours, up to eighty (80) hours, at their standard rate of pay; and
- (d) Reductions for amounts the employee owes the City or for substantiated damages resulting from negligent, malicious, or intentional acts of the officer or employee with respect to property or assets of the City.

Article VI. Benefits and Deductions

Section 6.01. Badges and Uniforms

- (a) The City will provide all officers and employees with badges to identify them as official City officers and employees.
- (b) Public Works officers and employees will be provided uniform shirts in order to assure a neat appearance and further identify the worker as a municipal employee.
- (c) Police officers will be provided uniforms in accordance with Council approved budgets.
- (d) Officers and employees provided with uniforms must wear, maintain, and return those uniforms upon separation.
- (e) All other officers and employees must dress appropriately for the duties they are assigned.

Section 6.02. Insurance

- (a) Life and health insurance are provided to all full time officers and employees through a group insurance policy; and
- (b) This insurance is provided as by the City at no cost to the officer or employee; and
- (c) At the officer or employee's option and expense, dependent insurance coverage is also available; and
- (d) Coverage may be continued with certain limitations consistent with the Consolidated Omnibus Budget Reconciliation Act (COBRA), upon termination, provided the premiums are paid entirely by the officer or employee.

Section 6.03. Retirement

All regular full-time officers and employees are required to become members of the Texas Municipal Retirement System (TMRS). Enrollment shall be accomplished in accordance with the TMRS guidelines. Details of the retirement plan are outlined in the TMRS handbook.

Section 6.04. Social Security

All officers and employees of the City are covered under the Federal Insurance Contributions Act (FICA). This government insurance alleges to provide retirement, disability, and death benefits and are funded through mandatory payroll deductions by the officer or employee and matched by the City.

Section 6.05. Unemployment Compensation

All employees of the City are covered, as applicable, under the State unemployment compensation program. This program provides payments for unemployed workers in certain circumstances as provided by law. The City pays an unemployment tax on behalf of each employee to finance this benefit.

Section 6.06. Worker's Compensation Insurance

The City participates in Worker's Compensation Insurance coverage for employees. When an employee is injured on-the-job the employee must immediately report the injury to their supervisor or department head.

Article VII. Anti-Abuse Policies

Section 7.01. Sexual Harassment Policy

All employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment.

- (a) Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is motivated in whole or in part by a person's sex, that is not welcome and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness.
- (b) Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship.
 - (i) No employee either male or female should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. A finding that an employee has committed any form of sexual harassment will result, at minimum, in a written warning being issued and placed in the employee's personnel file.
 - (ii) No employee or officer of the City shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development. A finding that an employee has committed any such form of sexual harassment will result in severe disciplinary action up to and including transfer, demotion, suspension, or termination from employment.
- (c) Sexual harassment occurs in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, and more subtle advances and pressure inviting sexual activity. Such conduct includes instances in which:
 - (i) Submission to the advances is made a term or condition for obtaining employment opportunities or avoiding adverse employment action;
 - (ii) Submission to or rejection of the advances is used as the basis for making any employment decision; or
 - (iii) Such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- (d) Sexual harassment of any type is strictly prohibited and will not be tolerated. If any employee feels they are being sexually harassed, they should promptly report such fact and advise the harasser that the conduct is offensive and that it must stop immediately. If any such unwelcome interest or conduct does not cease immediately upon demand by the employee, or if the employee is not comfortable confronting the harasser, the employee must report the matter to the employee's supervisor within twenty-four (24) hours. If such employee is unable or unwilling to speak with their/her supervisor about the alleged harassment, the conduct or incident must be reported directly to the next higher level of authority, the department head or the Mayor. Upon any supervisor, department head or officer, receiving a report of alleged sexual harassment, the Mayor

and all persons in the alleged offender's chain of command shall be advised of the report and appropriate action shall be promptly taken. The first action taken, in such event, shall include steps calculated to prevent reoccurrences of any such alleged incidents pending investigation and final resolution of the complaint. Each such report shall be investigated promptly and appropriate corrective action will be taken with the City Council's concurrence.

- (e) Any employee who complains of sexual harassment in good faith will be protected against retaliation or reprisal for making the complaint. However, the City recognizes that false accusations of sexual harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action up to and including termination.

Section 7.02. Smoking Policy

- (a) The use of tobacco products is strictly prohibited in or within fifty (50) feet of all city owned buildings, vehicles, or other property, except in designated areas.
- (b) Designated smoking areas must be to the rear of city owned buildings and spaces, and will not be within fifteen (15) feet of any entrance or exit of any city owned building, vehicle, or other property. All designated smoking areas must have a "snuffer" tower and the designated area and "snuffer" will be maintained as necessary by tobacco users.

Section 7.03. Substance Abuse Policy

- (a) The City is committed to providing reliable, safe, healthy, and hazard free service to its Citizens, officers and employees and has a Zero Tolerance Policy regarding substance abuse; and
- (b) The City defines substance abuse as the illegal manufacture, possession, use, solicitation for or sale of drug paraphernalia, controlled substances, or prescription medication without or in violation of a licensed health care professional's supervision, the possession, solicitation for or sale of alcohol while in the workplace, or the excessive use of alcohol that negatively affects work performance; and
- (c) The City will perform pre-employment, post-accident, reasonable cause, and commercial licensed driver drug screening of all officers and employees; and
- (d) As allowed by law, random substance abuse testing may be performed with respect to all officers and employees having job duties that involve security and safety; and
- (e) Failure to comply with substance abuse policies will result in appropriate disciplinary action and when warranted, criminal investigation.

Section 7.04. Use of Technology

- (a) Technology provided by the City, (including, but not limited to computers, networks, wired and wireless communications, printers, and copy machines) must be used in compliance with all applicable federal, State, and City policies, and is provided strictly for work related activities.

- (b) Officers and employees have no right to privacy with regard to technology usage as all City owned technology is monitored and subject to the Texas Government Code § 552, Public Information Act.
- (c) Misuse of City owned technology will result in appropriate disciplinary action and when warranted, criminal investigation.

Section 7.05. Employee Operation of City-Owned Vehicles

- (a) No employee may operate a City-owned vehicle unless the employee possesses a valid driver's license appropriate for that vehicle and is insurable by the City's insurer; and
- (b) Any employee required to operate a City-owned vehicle as part of their duties, must immediately notify the Department Head, should the employee's driver's license expire or be suspended, or the employee becomes uninsurable; and
- (c) The City shall verify, at least annually, that every employee who operates City-owned vehicles has a valid license and insurance; and
- (d) Employees whose positions require the operation of a City-owned vehicle, are expected to obey all traffic laws and avoid accidents at all times, even when driving personally owned vehicles during non-working hours; and
- (e) Employees who fail to maintain a satisfactory driving record and insurability, shall be deemed in violation of the Manual and will be subject to disciplinary action. The following offenses shall be grounds for immediate termination:
 - (i) a conviction for driving under the influence of alcohol or controlled substances; or
 - (ii) operating a City vehicle while their driver license or insurance is invalid.

Article VIII. Adverse Actions

Section 8.01. Violations of Policy

- (a) Any officer or employee who violates the policies set forth herein, will be subject to disciplinary action, up to and including termination, except elected officers and employees who cannot be terminated or reassigned from their elected office. Officers and employees have a limited right to disciplinary actions that are progressive; however, consideration will be given to the individual circumstances when determining the appropriate disciplinary actions to be taken.
- (b) In taking any action with respect to an applicant, officer, or employee, the Department Head shall consider whether the prior history and conduct of the individual evidences that the individual may reasonably be rehabilitated or expected to negatively interfere with the effective services of the City.

Section 8.02. Penalties

- (a) A City Administrator or the Mayor may deny or reject any application, appointment or promotion, or counsel, reprimand, suspend with or without pay, demote, reassign, or terminate any officer or employee, except elected officers and employees who cannot be terminated or reassigned from their elected office, at any time the City Administrator or Mayor determines that such action will promote the efficiency of the City's service; and
- (b) In such event, the officer or employee should be promptly served with written notice and informed that the employee has the right to appeal the matter through the Grievance Procedure; and
- (c) The written disciplinary action should set forth:
 - (i) the specific causes that resulted in the discipline; and
 - (ii) the discipline to be imposed; and
 - (iii) the effective dates of the imposed discipline; and
 - (iv) the consequences if the officer or employee continues to perform in a substandard manner; and
 - (v) contain a statement that the officer or employee may appeal the action; and
 - (vi) an acknowledgment that the officer or employee has received the notice of disciplinary action.
- (d) A copy of the disciplinary action will be given to the officer or employee, and the original will be filed in the officer or employee's permanent personnel file by the City Secretary.

Section 8.03. General Violations

The following violations are specific, but are in no way exhaustive:

- (a) Dishonesty. Taking property without authorization or permission; misuse of employer funds or property; cheating; forging or willfully falsifying reports, records, or documents; misuse of leave; any false action detrimental to the workplace; and

- (b) Disturbance. Fighting; using profane, abusive or threatening language; horseplay; causing injury to fellow employees through deliberate action or gross negligence; disrupting harmonious relationships between employees; and
- (c) Firearms. The illegal control of or possession by any officer or employee of a firearm on or about the person while on duty, is strictly prohibited; and
- (d) Incompetence. Inability or unwillingness to perform assigned work satisfactorily.
- (e) Indifference Toward Work. Failure to remain at work, inefficiency, loafing, carelessness, performing personal and non-City related business during working hours, abuse of eating and rest periods, sleeping or being inattentive during working hours; and
- (f) Insubordination. Willful failure or refusal to perform assigned work or fully comply with instructions or orders as assigned by any supervisor, Department Head, or the Mayor, except this does not apply to imminently dangerous situations. If the officer or employee believes the instruction or order, if followed, would result in physical injury or death to them or another, or result in damage to City assets, the employee may defer action and request a confirmation by the next higher level of management; interfering with the work of others, mistreatment of the public or other employees; leaving work without permission; and
- (g) Misconduct. Any criminal offense or infamous or notoriously disgraceful conduct and other misconduct which could have an adverse effect on the employer; diminishes the confidence or trust of the public in the integrity of the City government; negatively affects workplace relationships; habitual misdemeanor convictions; felony conviction; and
- (h) Misleading and False Identification. Intentionally false statements, deception, or fraud in applications, examinations, representations made for appointment or promotion, or reports; possessing, using, or providing any City equipment, credentials, or services for other than official City; and
- (i) Political Activities. When not on duty or in uniform, an officer or employee of the City may engage in political activity and campaigns for and with respect to any entity. An employee who becomes a candidate for any City office, constitutes a resignation; and
- (j) Sabotage. Deliberate damage or destruction of City equipment or property; altering, removing or destroying City records; advocacy of or participating in unlawful trespass or seizure of City property; encouraging or engaging in slow-downs, sit-ins, strikes, or any other concerted efforts to limit or restrict officers and employees from working; conduct subversive to the proper order, discipline and morale of city employees; and
- (k) Statutory. Any statutory disqualification which makes the individual unfit for the job or failure to meet and maintain requirements of the individual's job description; and
- (l) Substance Abuse. Reporting to work, being on duty, or being on-call or standby in an unfit condition; being under the influence of alcohol; unlawfully under the influence of controlled substances; and
- (m) Unsatisfactory Attendance. Excessive tardiness, neglect of duties, or unauthorized absences will be grounds for dismissal; and

- (n) Violation of Safety Rules. Improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees; failure to use safety equipment; failure to follow safety rules; failure to report an on-the-job injury, vehicle accident, or unsafe condition.

Article IX. Complaint and Grievance Procedures

Section 9.01. General Guidelines

It is the City's goal to treat all Citizens, officers and employees fairly in all respects. Citizens, officers, and employees who feel they have been subjected to unfair treatment or discrimination have the right to present grievances through simple and reasonable procedures. A grievance is defined as any complaint or problem concerning an officer or employee's duties or working conditions. Any officer or employee may present grievances under the procedures outlined below and will be free from restraint, coercion, or reprisal as a result.

Section 9.02. Procedural Steps

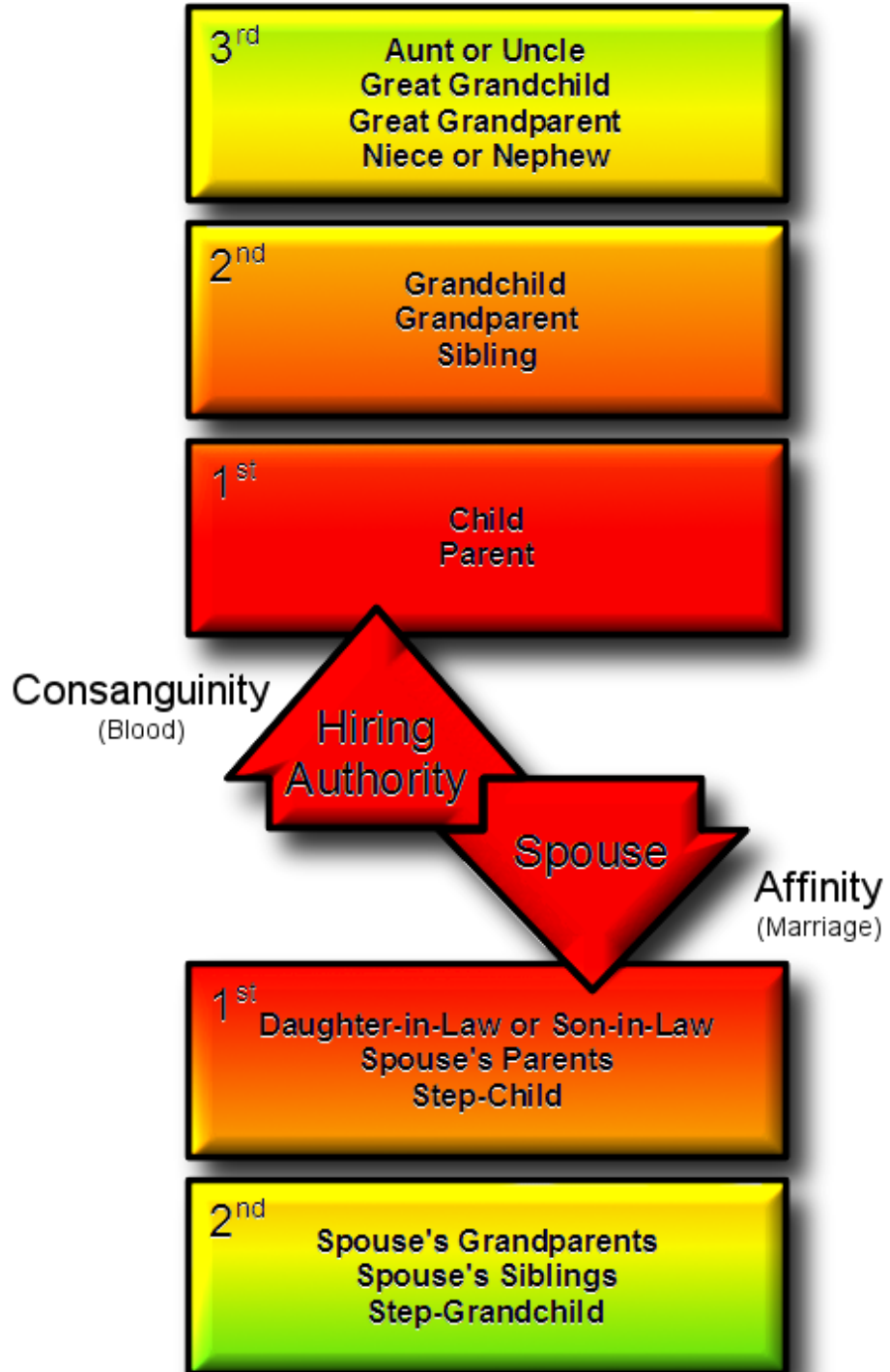
- (a) The grievance shall be in writing, legible, and must include the following information:
 - (i) date, time, and place of the alleged mistreatment, harassment, or discrimination; and
 - (ii) specify the nature of the grievance; and
 - (iii) explain why the action is improper; and
 - (iv) offer a suggested corrective action, and
 - (v) be signed by the complainant; and
- (b) The officer or employee must present the grievance to her immediate supervisor within five (5) calendar days of the alleged action; and
- (c) The immediate supervisor will notify the City Administrator of the grievance within one (1) working day of receipt of the grievance; and
- (d) The immediate supervisor has five (5) working days from the date of receipt of the grievance to deny, amend, or uphold any appeal; and
- (e) (iii) If the grievance is not resolved between the officer or employee and the immediate supervisor, the officer or employee may request a review by the City Administrator. The request must be in writing and filed with the immediate supervisor within three (3) calendar days of the earlier of the immediate supervisor's response or the expiration of the five (5) workday response period; and
- (f) The immediate supervisor shall, within one (1) work day, submit the original grievance, any relevant documentation, and the officer or employee's request to the City Administrator who will have ten (10) working days of the date of the City Administrator's receipt of the request to conduct a review, to deny, amend, or uphold any appeal; and
- (g) (iii) If the grievance is not resolved between the officer or employee and the City Administrator, the officer or employee may request a review by the Mayor. The request must be in writing and filed with the immediate supervisor within three (3) calendar days of the earlier of the City Administrator's response or the expiration of the ten (10) workday response period; and
- (h) The immediate supervisor shall forward the request within one (1) work day to the City Administrator; and

- (i) The City Administrator shall forward, within one (1) work day, the original grievance, any relevant documentation, and the officer or employee's request to the Mayor who will have ten (10) working days of the date of the Mayor's receipt of the request to deny, amend, or uphold any appeal; and
- (j) (iv) If the grievance is not resolved between the officer or employee and the Mayor, the officer or employee may request a hearing before the Council. The request must be in writing and filed with the immediate supervisor within three (3) calendar days of the earlier of the Mayor's response or the expiration of the ten (10) workday response period; and
- (k) The Mayor shall schedule a hearing before the City Council and notify the officer or employee of the date and time the hearing will be held. The City Council may deny, amend, or uphold the appeal, and the City Council's decision shall be final.

Section 9.03. Grievances Without Basis

Grievances are serious matters and the City encourages officers and employees to file all legitimate, fact based complaints; equally so, frivolous, baseless, and false grievances are discouraged and will result in disciplinary action.

Appendix 1 - Nepotism Chart



Appendix 2 - Classes Of Employees

Full-Time (“FT”). A full-time officer or employee is an officer or employee serving in a position budgeted for two thousand eighty (2080) or more hours per year. FT officers and employees are eligible for all City offered compensations and benefits.

Part-time (“PT”). A part-time officer or employee is an officer or employee serving in a position that is budgeted for and regularly scheduled to work less than two-thousand eighty (2080) hours per year. PT officers and employees are not eligible for City offered compensations or benefits, except those mandated by State or federal law.

Temporary or Seasonal (“TS”). A temporary or seasonal officer or employee is appointed for a specific period of time, and has an anticipated date of termination. TS officers and employees are not eligible for City offered compensation or benefits, except those mandated by State or federal law.

Probationary (“PR”). All new officers and employees, except elected officials, shall be placed in a ninety (90) day probationary period. All officers and employees, except elected officials, are subject to being placed in a probationary status for disciplinary reasons.

Exempt Employees. Exempt employees are those who are not entitled to receive overtime pay for hours worked beyond the standard workweek. These employees are typically salaried and are exempt from the FLSA's minimum wage and overtime pay requirements. Exempt employees often hold managerial, administrative, executive, or professional positions and are compensated based on their job responsibilities rather than the number of hours worked. Exempt employees are expected to fulfill their job duties regardless of the number of hours worked in a week but must still accurately record their hours worked..

Non-Exempt Employees. Non-exempt employees are those who are entitled to receive overtime pay for any hours worked beyond the standard workweek, as defined by the FLSA. These employees are typically paid on an hourly basis and are subject to the FLSA's minimum wage and overtime pay requirements. Non-exempt employees must be compensated at a rate of one and a half times their regular hourly rate for any hours worked in excess of 40 hours per week. Unlike exempt employees, non-exempt employees are eligible for overtime pay and must accurately record their hours worked. Contractors, consultants, and other service professionals are not officers or employees of the City and are not eligible for benefits. Contractors, consultants, and service professionals are paid via invoices and require Internal Revenue Service Forms 1099.

Appendix 3 - Fair Labor Standards Act Summary

The Fair Labor Standards Act (FLSA) is a federal law enacted in 1938, which establishes the minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the United States. It is crucial for all City employees to understand their rights and obligations under the FLSA to ensure fair and lawful employment practices.

Key Provisions of the FLSA:

Minimum Wage: The FLSA mandates a federal minimum wage, which is periodically adjusted by Congress. As of [current date], the federal minimum wage is \$7.25 per hour. However, individual states or localities may have their own minimum wage rates, and employees are entitled to the higher of the federal, state, or local minimum wage.

Overtime Pay: Non-exempt employees are entitled to overtime pay at a rate of one and a half times their regular rate of pay for all hours worked in excess of 40 hours in a workweek. Overtime pay is calculated based on the employee's hourly rate of pay, and it is important for employers to accurately track and compensate overtime hours. Non-exempt law enforcement officers who are regularly scheduled to work eighty (80) hours or more of work per two-week cycle and exceed eighty-five and one half (85.5) hours of work per two week cycle is eligible for overtime compensation.

Exempt vs. Non-Exempt Status: The FLSA classifies employees as either exempt or non-exempt based on their job duties and salary basis. Exempt employees are not eligible for overtime pay and typically include executive, administrative, professional, and certain computer-related positions. Non-exempt employees are entitled to overtime pay and include most hourly workers.

Recordkeeping Requirements: Employers covered by the FLSA must maintain accurate records of employees' hours worked, wages paid, and other pertinent information. This includes employee names, addresses, dates of birth (for minors), and employment dates.

Child Labor Protections: The FLSA establishes regulations concerning the employment of minors, including restrictions on the types of jobs they can perform, hours they can work, and conditions of work. These regulations are in place to ensure the safety, health, and educational

opportunities of young workers.

Enforcement and Penalties: The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for enforcing the FLSA. Employers found in violation of the FLSA may be subject to penalties, including back pay, liquidated damages, civil monetary penalties, and injunctions.

Conclusion:

The Fair Labor Standards Act (FLSA) is a cornerstone of labor law in the United States, providing essential protections for workers regarding minimum wage, overtime pay, recordkeeping, and child labor standards. By adhering to the provisions of the FLSA, the City demonstrates its commitment to fair and equitable employment practices, ensuring the well-being and rights of its employees. It is imperative for all City employees and management to familiarize themselves with the requirements of the FLSA to promote compliance and uphold the principles of fairness and justice in the workplace..

Appendix 4 - Controlled Substance Testing Protocol

An immunoassay will be used for the initial test with the following cut-off levels:

<u>SUBSTANCE</u>	<u>INITIAL TEST</u>	<u>- CUT-OFF LEVELS (NG/ML)</u>
Marijuana Metabolites		100
Cocaine Metabolites		300
Opiate (Codeine and Morphine)		*300
Phencyclidine (PCP)		25
Amphetamines		1000
Alcohol		0.04

*25 NG/ML if immunoassay specific for free morphine.

All initially positive tests, using the original sample and at applicant, officer, or employee expense, may be confirmed by gas chromatography/mass spectrometry (GC/MS):

<u>SUBSTANCE</u>	<u>CONFIRMATION TEST</u>	<u>CUT-OFF LEVELS (NG/ML)</u>
Marijuana Metabolites (1)		15
Cocaine Metabolites (2)		150
Opiate (Codeine and Morphine)		150
Phencyclidine (PCP)		25
Amphetamines		500
	(1) Delta-9-Tetrahydrocannabinol-9-Carboxylic Acid	
	(2) Benzoylcegonine	

Appendix 5 - Acknowledgment Of Receipt

By my signature below, I, _____,
acknowledge:

- (a) I understand the City of Bartlett is an at-will employer and I am subject to termination for any reason or no reason at all, either voluntarily or involuntarily; and
- (b) I understand that the provisions contained in the City of Bartlett Personnel Manual (the "Manual") are applicable to me; and
- (c) I understand the City of Bartlett (the "City") will attempt to apply the policies and regulations set forth in the Manual, in a fair and impartial manner to achieve the City's overall objectives; and
- (d) I understand that I will be subject to substance abuse testing and that the compliance with such testing is a condition of continued employment; and
- (e) I understand the City will make every effort to provide a work environment free from all forms of harassment as defined by Title VII of the 1964 Civil rights Act; and
- (f) I understand the City reserves the right to change, modify, add, or eliminate any provisions therein, at any time, with or without notice. Any agreements, promises, or other instrument, whether written or verbal, expressed or implied, made to me, which conflict with the provisions of the Manual, are effective only if in writing and an act of the City Council; and
- (g) I understand that I may file grievances with respect to disciplinary decisions and actions affecting my employment with the City, provided that such grievances are consistent with the policies set forth in the Manual. A decision of the City Council, when applicable, will be final.

I have received a copy of the City of Bartlett Personnel Manual, affirm that I have had an opportunity to ask questions about the terms, provisions, meanings, application, and enforcement thereof, and agree to uphold the policies therein.

Date: _____

Signature of Employee

Signature of City Administrator



Mid-Year Budget Amendment

City Council – 3.11.2024

Overview



- Recognize increased revenue and expense projections
- Retention and Recruitment
- Council Feedback

Revenue



- Permits
 - Adopted budget was \$27,000
 - YTD - \$35,060
 - Recommend increasing to \$70,000
- Franchise Fees
 - Currently recognized in Utility Fund
 - Need to be recognized in General Fund
- Grant Proceeds
 - Recognize reimbursable projects for revenue and expense
 - SRTS - \$635,264
 - ARPA - \$430,900
 - CTCOG Solid Waste - \$15,000



Revenue (Cont.)

- Utility Fund
 - Tap Fees
 - Water – Budgeted \$10,000
 - YTD - \$8,000
 - Recommend increasing to \$20,000
 - Sewer – Budgeted \$10,000
 - YTD \$8,000
 - Recommend increasing to \$20,000
- Development
 - Costs and revenue have been incurred on behalf of development projects
 - Recommend reflecting cost reimbursement agreements in revenue and expenses for professional services (legal and engineering)

Expense



- Advertising and Legal Notices
 - Budget - \$2,600
 - YTD - \$4,944
 - Recommend increasing to \$7,500



Recruitment and Retention

- Council provided direction on Jan. 22nd to increase salaries in the FY25 budget based on market adjustments
- With upcoming vacancies, would Council like to accelerate the market increase for certain positions to be included in a mid-year budget amendment?

Current Pay	42,161.60
New Pay	54,080.00
Employees Impacted	2.00
Inc. Annual Impact	65,998.40
Payroll Impact PP	2,538.40



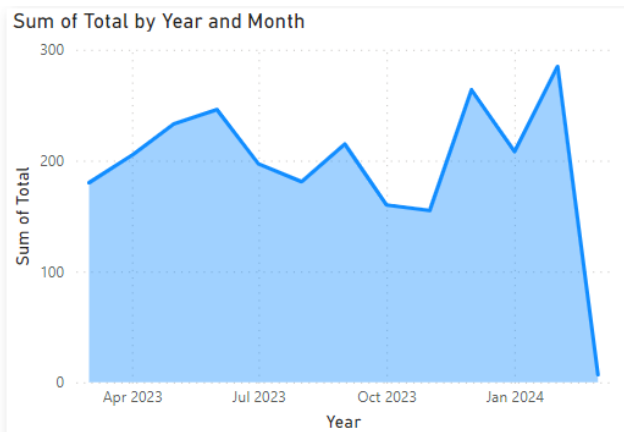
Discussion and Feedback



DEPARTMENT REPORTS – CITY ADMINISTRATOR

Project Updates

- Codification project will be coming for final adoption next month
- Scheduled Techline for April 1 for planned work orders (connects/disconnects/etc.)
- TWDB Loan Closing Schedule
 - o 5/13 Bond Ordinance Adoption
 - o 6/18 Bond Closing
- Scheduled and coordinated a burn of the brush pile for Saturday, March 23rd with public works and Bartlett Volunteer Fire Department
- Electric System Study by LCRA is nearing completion
- Performance Measurement Tracking
 - o Working on shifting collected data to PowerBI to create visual reports for departments



Year	Sum of Total
2023	2036
March	180
April	205
May	233
June	246
July	197
August	181
September	215
October	160
November	155
December	264
2024	500
January	208
February	285
March	7
Total	2536

Public Works Overall

Sum of Total trended down, resulting in a 96.11% decrease between March 2023 and March 2024.

Sum of Total started trending down on November 2023, falling by 95.48% (148) in 4 months.

Sum of Total dropped from 180 to 160 during its steepest decline between March 2023 and October 2023.

Organizational Updates

- Electric Lineman and apprentice positions remain vacant
 - o Lineman applicants that were confirmed to interview did not show or cancelled



DEPARTMENT REPORTS – CITY ADMINISTRATOR

- 1 apprentice we wanted to extend offer to, but could not since we do not have a lineman for them to work under
- Pool Staffing
 - 1 Lifeguard Manager position hired and 3 lifeguard positions hired
 - Working to hire an additional lifeguard
 - Staff will get certified in late April

Finance Report

- Account Payable Report attached
- Fund Balance Summary attached

ACCOUNTS PAYABLES

FEBRUARY 2024

\$ 483,858.62

2/2

City of Bartlett
 Payment Report
 2/1/2024 to 2/29/2024

Vendor	Invoice #	Invoice Date	Invoice Description	Invoice Amount
	Account #	Account Description		
AEP-AMERICAN ELECTRIC POWER				
	Check #: 58706	Check date: 2/22/2024		
	169-21478161	2/6/2024	169-21478161 JANUARY 2024 TCOS	
	02-70-8751	Purchased Power		2,084.83
			Invoice Total	2,084.83
			Check Total	2,084.83
Total number of payments: 1			Total	2,084.83

Al Clawson Disposal, Inc				
	Check #: 58707	Check date: 2/22/2024		
	660736,660792	2/1/2024	Solid Waste Equipment	
	02-84-7652	Contract Services-Solid Waste Collection		93.00
	02-84-7652	Contract Services-Solid Waste Collection		186.00
			Invoice Total	279.00
	661012	2/2/2024	Solid Waste Collection	
	02-84-7652	Contract Services-Solid Waste Collection		12,462.36
	02-84-7652	Contract Services-Solid Waste Collection		12,104.61
			Invoice Total	24,566.97
			Check Total	24,845.97
Total number of payments: 1			Total	24,845.97

AT&T				
	Check #: 58653	Check date: 2/9/2024		
	JAN 2024	1/15/2024	512A4470458840 JANUARY 2024 PHONE CF	
	01-11-9151	Telephone & Internet Services		798.12
	01-13-9151	Telephone & Internet Services		318.14
	01-14-9151	Telephone & Internet Services		139.41
	01-15-9151	Telephone & Internet Services		57.31
	01-18-9151	Telephone & Internet Services		415.75

02-80-9151	Telephone & Internet Services		125.43
		Invoice Total	<u>1,854.16</u>
		Check Total	<u>1,854.16</u>
Total number of payments: 1		Total	1,854.16

At&T U-Verse			
Check #: 58681	Check date: 2/16/2024		
JAN 2024	1/20/2024	132208488 JANUARY 2024 UVERSE PD	
01-13-9151	Telephone & Internet Services		101.43
		Invoice Total	<u>101.43</u>
		Check Total	<u>101.43</u>
Total number of payments: 1		Total	101.43

Atmos Energy			
Check #: 58625	Check date: 2/1/2024		
JANUARY 2024	1/18/2024	4003502067 - POLICE DEPT - GAS UTILITY	
01-13-8851	Facility Maintenance		93.18
		Invoice Total	<u>93.18</u>
		Check Total	<u>93.18</u>
Check #: 58682	Check date: 2/16/2024		
4003502067	1/19/2024	Gas	
01-13-9352	Purchased Gas Power		234.21
		Invoice Total	<u>234.21</u>
		Check Total	<u>234.21</u>
Total number of payments: 2		Total	327.39

ATS			
Check #: 58683	Check date: 2/16/2024		
462787	1/31/2024	#462787 INSPECTIONS / REINSPECTIONS :	
02-81-8601	Permit Fees		515.00
		Invoice Total	<u>515.00</u>
		Check Total	<u>515.00</u>
Total number of payments: 1		Total	515.00

Bartlett Red & White	
Check #: 58684	Check date: 2/16/2024

7551-37	1/16/2024	Food for Council Meeting	23.96
01-11-8501	Miscellaneous Expense		
		Invoice Total	<u>23.96</u>
		Check Total	<u>23.96</u>
Total number of payments: 1		Total	23.96

BEC-Bartlett Electric Cooperative	Check date: 2/1/2024		
Check #: 58626	12/31/2023	#5256- 18 POLES	
5256			180.00
02-70-9101	Operating Supplies - Not Office		
		Invoice Total	<u>180.00</u>
		Check Total	<u>180.00</u>
Check #: 58738	Check date: 2/29/2024		
FEB 2024	2/7/2024	12059 - FEBRUARY 2024 YARDLIGHTS	
02-70-9322	TCOS		1,336.20
02-70-9322	TCOS		771.18
02-70-9322	TCOS		75.78
02-70-9322	TCOS		15.04
		Invoice Total	<u>2,198.20</u>
		Check Total	<u>2,198.20</u>
Total number of payments: 2		Total	2,378.20

Bell County Clerk	Check date: 2/16/2024		
Check #: 58685	2/5/2024	BISD Annexation Ordinance 2024-0122-01	
4210025			50.00
01-12-8401	Legal Expenses		
		Invoice Total	<u>50.00</u>
		Check Total	<u>50.00</u>
Total number of payments: 1		Total	50.00

BenMark Supply Company, LLC	Check date: 2/9/2024		
Check #: 58654	1/18/2024	#3377653 6" GATE VALVE	
3377653			1,034.00
02-81-9101	Operating Supplies - Not Office		
		Invoice Total	<u>1,034.00</u>
		Check Total	<u>1,034.00</u>

Total number of payments: 1 **Total** **1,034.00**

BLADES GROUP

Check #: 58708	Check date: 2/22/2024		
18043877	2/7/2024	18043877 - ASPHALT	
01-17-8854	Street Repair & Maintenance		4,913.57
		Invoice Total	4,913.57
		Check Total	4,913.57
		Total	4,913.57

Total number of payments: 1

Bobby Lee Bartlett

Check #: 58627	Check date: 2/1/2024		
647252	1/30/2024	#647252 Cemetary Lawncare - February 20	
01-20-7651	Contract Services		1,300.00
		Invoice Total	1,300.00
		Check Total	1,300.00
		Total	1,300.00

Total number of payments: 1

Brazos Electric Cooperative

Check #: 58655	Check date: 2/9/2024		
50626-RI-001	1/15/2024	#50626-RI-001 TCOS DECEMBER 2023	
02-70-8751	Purchased Power		1,616.84
		Invoice Total	1,616.84
		Check Total	1,616.84
Check #: 58739	Check date: 2/29/2024		
RI 50666001	2/7/2024	RI 50666 001 JAN 2024 TCOS	
02-70-9322	TCOS		444.87
		Invoice Total	444.87
50754 RI 001	2/12/2024	50754 RI 001 JANUARY 2024 TCOS	
02-70-9322	TCOS		1,616.84
		Invoice Total	1,616.84
		Check Total	2,061.71
		Total	3,678.55

Total number of payments: 2

Brownsville Public Utilities Board

Check #: 58628	Check date: 2/1/2024		
23-1840	9/30/2023	23-1840-SEPT 2023 TCOS	

02-70-8751	Purchased Power		32.69
		Invoice Total	32.69
24-1153	12/31/2023	24-1153 TCOS DEC 2023	
02-70-8751	Purchased Power		32.69
		Invoice Total	32.69
		Check Total	65.38
Check #: 58740	Check date: 2/29/2024		
24-1224	1/31/2024	24-1224 TCOS JANUARY 2024	
02-70-9322	TCOS		32.69
		Invoice Total	32.69
		Check Total	32.69
Total number of payments: 2		Total	98.07

Bryan Texas Utilities			
Check #: 58709	Check date: 2/22/2024		
021508	1/31/2024	#021508 TCOS JANUARY 2024	
02-70-8751	Purchased Power		125.62
		Invoice Total	125.62
		Check Total	125.62
Total number of payments: 1		Total	125.62

Bug Master			
Check #: 58656	Check date: 2/9/2024		
JANUARY 2024	1/10/2024	#150874 / 379493 PEST AND RODENT CON'	
01-11-8851	Facility Maintenance		39.66
01-13-8851	Facility Maintenance		39.67
01-18-8851	Facility Maintenance		39.67
		Invoice Total	119.00
		Check Total	119.00
Total number of payments: 1		Total	119.00

CADENCE BANK			
Check #: 58657	Check date: 2/9/2024		
FEB 2024	1/17/2024	00944000985459 POLICE DEPT LOAN - FEBI	
01-13-7401	Capital Expenditures		577.65
		Invoice Total	577.65

Check #: 58741	Check date: 2/29/2024	Check Total	577.65
POLICE DEPT	2/15/2024	POLICE DEPT BUILDING LOAN	
01-13-7401	Capital Expenditures		633.27

Invoice Total	633.27
Check Total	633.27

Check #: 58710	Check date: 2/22/2024		
MARCH 2024	2/21/2024	00944000985459 POLICE DEPT LOAN	
01-13-7401	Capital Expenditures		577.65

Invoice Total	577.65
Check Total	577.65

Total number of payments: 3 **Total 1,788.57**

CADENCE EQUIPMENT FINANCE

Check #: 58686	Check date: 2/16/2024		
752103	1/18/2024	752103 Police Dept Loan	
01-13-7401	Capital Expenditures		1,213.44

Invoice Total	1,213.44
Check Total	1,213.44

Check #: 58742	Check date: 2/29/2024		
754106	2/14/2024	754106 2020 POLICE CRUISER	
01-13-7401	Capital Expenditures		1,213.44

Invoice Total	1,213.44
Check Total	1,213.44

Total number of payments: 2 **Total 2,426.88**

Caterpillar Financial Services

Check #: 58658	Check date: 2/9/2024		
34902898	1/15/2024	#2172458 / 34902898 BACKHOE	
02-81-7401	Capital Expenditures		1,116.02

Invoice Total	1,116.02
Check Total	1,116.02

Check #: 58743	Check date: 2/29/2024		
35021214	2/13/2024	2172458 / 35021214 BACKHOE LOAN	
02-81-7401	Capital Expenditures		1,116.02

Invoice Total	1,116.02
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	Check Total	<u>1,116.02</u>
Total number of payments: 2	Total	2,232.04

Chad Mees		
Check #: 58629	Check date: 2/1/2024	
FEBRUARY 2024	2/1/2024	FEBRUARY 2024: COUNCIL STIPEND
01-11-7012	Council Stipends	225.00
		Invoice Total
		<u>225.00</u>
		Check Total
		<u>225.00</u>

Check #: 58744	Check date: 2/29/2024	
MARCH 2024	2/21/2024	MARCH 2024 STIPEND
01-11-7012	Council Stipends	225.00
		Invoice Total
		<u>225.00</u>
		Check Total
		<u>225.00</u>
		Total
		450.00

City Of College Station		
Check #: 58745	Check date: 2/29/2024	
3735	2/1/2024	TCOS
02-70-9322	TCOS	156.08
		Invoice Total
		<u>156.08</u>
		Check Total
		<u>156.08</u>
		Total
		156.08

City Of Garland		
Check #: 58659	Check date: 2/9/2024	
2400622	1/9/2024	#2400622 DOCKET# 54507 DECEMBER 202
02-70-8751	Purchased Power	213.93
		Invoice Total
		<u>213.93</u>
		Check Total
		<u>213.93</u>

Check #: 58711	Check date: 2/22/2024	
2400756	2/6/2024	#2400756 - TCOS DOCKET 54507-JANUARY
02-70-8751	Purchased Power	213.93
		Invoice Total
		<u>213.93</u>
		Check Total
		<u>213.93</u>
		Total
		427.86

Total number of payments: 2	Total	427.86
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City Of Round Rock Environmental Services

Check #: 58746
4-0124
02-80-9451

Check date: 2/29/2024
2/8/2024
Sample Analysis

4-0124 BACTERIOLOGICAL TESTING

75.00
Invoice Total 75.00
Check Total 75.00
Total 75.00

Total number of payments: 1

CNP HOUSTON ELECTRIC, LLC

Check #: 58660
3001228917
02-70-8751

Check date: 2/9/2024
12/28/2023
Purchased Power

3001228917 - NOVEMBER 2023 TCOS

1,843.03
Invoice Total 1,843.03
Check Total 1,843.03

Check #: 58712
3001235111
02-70-9322

Check date: 2/22/2024
1/28/2024
TCOS

TCOS

1,843.03
Invoice Total 1,843.03
Check Total 1,843.03
Total 3,686.06

Total number of payments: 2

CPS Energy

Check #: 58687
301003103670
02-70-8751

Check date: 2/16/2024
1/20/2024
Purchased Power

7000248212 / 301003103670 TCOS DECEM

747.51
Invoice Total 747.51
Check Total 747.51
Total 747.51

Total number of payments: 1

Cross Texas Transmission, LLC

Check #: 58630
011718
02-70-8751

Check date: 2/1/2024
1/3/2024
Purchased Power

011718 - DECEMBER 2023 TCOS

232.07
Invoice Total 232.07
Check Total 232.07

Check #: 58688

Check date: 2/16/2024

011808	2/1/2024	#011808 JANUARY 2024 TCOS PUCT DOCK	232.07
02-70-8751	Purchased Power		
		Invoice Total	<u>232.07</u>
		Check Total	<u>232.07</u>
		Total	464.14

Total number of payments: 2

Danek Hardware & Lumber Inc.	Check date: 2/22/2024	Equipment Purchases	91.95
Check #: 58713	2/1/2024		
367797, 367903	Tools & Non-Capital Equipment		
01-20-9102		Invoice Total	<u>91.95</u>
		Check Total	<u>91.95</u>
		Total	91.95

Total number of payments: 1

Dean's Automotive	Check date: 2/1/2024	#81382 2015 Ford f350 Repairs	5,429.94
Check #: 58631	1/18/2024		
81392	Vehicle Maintenance		
02-81-9401		Invoice Total	<u>5,429.94</u>
		Check Total	<u>5,429.94</u>
		Total	5,429.94

Total number of payments: 1

Deep East Texas Electric Cooperative, Inc	Check date: 2/16/2024	#500 DECEMBER 2023 TCOS	6.00
Check #: 58689	1/15/2024		
DECEMBER 2023	Purchased Power		
02-70-8751		Invoice Total	<u>6.00</u>
		Check Total	<u>6.00</u>
		Total	6.00

Total number of payments: 1

DIR - Dept Of Information Resources	Check date: 2/1/2024	DIR - 01-01-23 TO 12-31-23	40.49
Check #: 58632	1/22/2024		
2023	Telephone & Internet Services		
01-11-9151	Telephone & Internet Services		40.48
01-13-9151		Invoice Total	<u>80.97</u>

	Check Total	<u>80.97</u>
Total number of payments: 1	Total	80.97

DOCUMENT SOLUTIONS

Check #: 58661	Check date: 2/9/2024		
35682747	1/8/2024	LIBRARY COPIER- #35682747	
01-18-8953	Copier Service		51.68
		Invoice Total	<u>51.68</u>
		Check Total	51.68

Check #: 58747	Check date: 2/29/2024		
35886494	2/5/2024	35886494 LIBRARY COPIER	
01-18-8953	Copier Service		103.36
		Invoice Total	<u>103.36</u>
		Check Total	103.36

Total number of payments: 2	Total	155.04
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Donald Bulls Locksmith

Check #: 58714	Check date: 2/22/2024		
001	1/26/2024	Digger Truck Key	
02-81-8030	Equipment Purchases		255.85
		Invoice Total	<u>255.85</u>
		Check Total	255.85

Check #: 58748	Check date: 2/29/2024		
0003965 FD	2/12/2024	FIRE DEPT: 2- NEW TRILOGY 2700 DIGITAL	
01-14-8051	Equipment Maintenance		1,655.00
		Invoice Total	<u>1,655.00</u>
		Check Total	1,655.00

Total number of payments: 2	Total	1,910.85
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Donald L. Allman, CPA, PC

Check #: 58735	Check date: 2/23/2024		
4914	2/23/2024	PREPARATION OF AUDITED FIN STATEMENT	
01-11-8402	Accounting Audit Expenses		12,000.00
		Invoice Total	<u>12,000.00</u>
		Check Total	12,000.00

Total number of payments: 1	Total	12,000.00
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Dream Designs Computer Services

Check #: 58749
2024051
01-11-8954

Check date: 2/29/2024
2/19/2024
Computer Hardware & Repairs

2024051 - IT REPAIRS

95.00

Invoice Total **95.00**

Check Total **95.00**

Total 95.00

Total number of payments: 1

Eagle Eye Consulting & Construction, LLC

Check #: 58750
23042
02-81-7651

Check date: 2/29/2024
2/19/2024
Contract Services-Regularly Scheduled

#23042 MANHOLE INSTALLATION WITH 6" I

16,284.00

Invoice Total **16,284.00**

Check Total **16,284.00**

Total 16,284.00

Total number of payments: 1

Eccles & McIntosh, PC

Check #: 58662
Jan & Feb 2024
01-11-8401
01-11-8401

Check date: 2/9/2024
2/1/2024
Legal Expenses
Legal Expenses

January & February 2024 Professional Servic

3,000.00

3,000.00

Invoice Total **6,000.00**

Check Total **6,000.00**

Total 6,000.00

Total number of payments: 1

Environmental Monitoring Laboratory, Llc

Check #: 58715
24010027
02-81-9451

Check date: 2/22/2024
1/31/2024
Sample Analysis

Environmental testing

542.72

Invoice Total **542.72**

Check Total **542.72**

Total 542.72

Total number of payments: 1

ETT - Electric Transmission Texas, Llc

Check #: 58716
374-21478332

Check date: 2/22/2024
2/6/2024

374-21478332 - JANUARY 2024 - TCOS

02-70-8751	Purchased Power		1,047.67
		Invoice Total	<u>1,047.67</u>
		Check Total	<u>1,047.67</u>
Total number of payments: 1		Total	1,047.67

Fannin Electric Cooperative			
Check #: 58633	Check date: 2/1/2024		
3536	12/31/2023	#3536 TCOS / JULY 2023 THRU DECEMBER	
02-70-8751	Purchased Power		3.10
		Invoice Total	<u>3.10</u>
		Check Total	<u>3.10</u>
Total number of payments: 1		Total	3.10

FERGUSON WATERWORKS #1106			
Check #: 58751	Check date: 2/29/2024		
1274002	1/24/2024	55303 / 1271002 SELF PRIME TRASH PUMP	
02-81-9101	Operating Supplies - Not Office		1,033.10
		Invoice Total	<u>1,033.10</u>
		Check Total	<u>1,033.10</u>
Check #: 58690	Check date: 2/16/2024		
1271049/1271232	1/25/2024	55303/1271049 - 1271232 SUPPLIES	
02-81-9101	Operating Supplies - Not Office		388.77
02-81-9101	Operating Supplies - Not Office		542.64
		Invoice Total	<u>931.41</u>
1269019, 1270050, 1271002	1/31/2024	Cust. No: 55303	
02-80-6401	Water		1,000.00
02-81-6411	Wastewater		910.80
		Invoice Total	<u>1,910.80</u>
1271840	1/31/2024	1271840 (20) #6BARL LCK GOLD WITH CA	
02-81-9101	Operating Supplies - Not Office		119.80
		Invoice Total	<u>119.80</u>
		Check Total	<u>2,962.01</u>
Check #: 58717	Check date: 2/22/2024		
1273334	2/12/2024	55303 / 1273334 CLAMPS	
02-81-9101	Operating Supplies - Not Office		1,520.41
		Invoice Total	<u>1,520.41</u>

1273359	2/12/2024	55303 / 1273359 COUPLINGS	
02-81-9101	Operating Supplies - Not Office		1,324.31
		Invoice Total	1,324.31
1273373	2/12/2024	55303 / 1273373 SUPPLIES	
02-81-9101	Operating Supplies - Not Office		284.49
		Invoice Total	284.49
		Check Total	3,129.21
		Total	7,124.32

Total number of payments: 3

GAYLE JONES			
Check #: 58634	Check date: 2/1/2024		
FEBRUARY 2024: COUNCIL STIPEND	2/1/2024	FEBRUARY 2024: COUNCIL STIPEND	
01-11-7012	Council Stipends		10.00
		Invoice Total	10.00
		Check Total	10.00
Check #: 58752	Check date: 2/29/2024		
MARCH 2024	2/21/2024	MARCH 2024 STIPEND	
01-11-7012	Council Stipends		10.00
		Invoice Total	10.00
		Check Total	10.00
		Total	20.00

Total number of payments: 2

GENESIS TIRE SHOP			
Check #: 58753	Check date: 2/29/2024		
016974	1/26/2024	016974 - FLAT TIRE REPAIR TRUCK #2	
02-80-9401	Vehicle Maintenance		50.00
		Invoice Total	50.00
		Check Total	50.00
		Total	50.00

Total number of payments: 1

GEUS			
Check #: 58663	Check date: 2/9/2024		
23-12-12	1/12/2024	# 23-12-12 / TCOS DECEMBER 2023	
02-70-8751	Purchased Power		10.63
		Invoice Total	10.63
		Check Total	10.63

Check #: 58718
24-01-01
02-70-8751

Check date: 2/22/2024
2/5/2024
Purchased Power

24-01-01 TCOS JANUARY 2024 DOCKET 51

10.63
Invoice Total **10.63**
Check Total **10.63**
Total 21.26

Total number of payments: 2

Henry Schein, Inc
Check #: 58691
70325367
01-14-8451

Check date: 2/16/2024
1/19/2024
Medical Supplies

#70325367 FIRE DEPT MEDICAL SUPPLIES

176.10
Invoice Total **176.10**
Check Total **176.10**

Check #: 58719
70325368
01-13-8030

Check date: 2/22/2024
1/24/2024
Equipment Purchases

185.27
Invoice Total **185.27**
Check Total **185.27**
Total 361.37

Total number of payments: 2

Holt-Cat
Check #: 58635
WIM60045256 / WIM60045309
02-80-8051
02-80-8051

Check date: 2/1/2024
1/11/2024
Equipment Maintenance
Equipment Maintenance

REPAIRS ON BACKHOE

1,246.16
1,181.18
Invoice Total **2,427.34**
Check Total **2,427.34**
Total 2,427.34

Total number of payments: 1

Houston County Electric Coop, Inc
Check #: 58692
2023-35
02-70-8751

Check date: 2/16/2024
1/26/2024
Purchased Power

2023-35 TCOS PUC DOCKET 54507

64.01
Invoice Total **64.01**
Check Total **64.01**
Total 64.01

Total number of payments: 1

Internal Revenue Service

eCheck #: N/A
 PY2292024
 01-2100
 02-2100

Check date: 2/27/2024
 2/29/2024
 Federal Taxes Payable
 Federal Taxes Payable

Federal Tax
 2,048.64
 207.12
 Invoice Total **2,255.76**
 Check Total **2,255.76**

eCheck #: N/A
 PY2292024
 01-2100
 02-2100

Check date: 2/27/2024
 2/29/2024
 Federal Taxes Payable
 Federal Taxes Payable

Social Security-Employee
 1,626.36
 135.41
 Invoice Total **1,761.77**
 Check Total **1,761.77**

eCheck #: N/A
 PY2292024
 01-2100
 02-2100

Check date: 2/27/2024
 2/29/2024
 Federal Taxes Payable
 Federal Taxes Payable

Medicare-Employee
 380.35
 31.67
 Invoice Total **412.02**
 Check Total **412.02**

eCheck #: N/A
 PY2292024
 01-2100
 02-2100

Check date: 2/27/2024
 2/29/2024
 Federal Taxes Payable
 Federal Taxes Payable

Medicare-Employer
 380.35
 31.67
 Invoice Total **412.02**
 Check Total **412.02**

eCheck #: N/A
 PY2292024
 01-2100
 02-2100

Check date: 2/27/2024
 2/29/2024
 Federal Taxes Payable
 Federal Taxes Payable

Social Security-Employer
 1,626.36
 135.41
 Invoice Total **1,761.77**
 Check Total **1,761.77**

Total number of payments: 5

Total 6,603.34

Jarrell-Schwertner Water Supply, Corp
 Check #: 58693

Check date: 2/16/2024

Jan - 610	1/15/2024	Water - Cemetery	59.30
01-20-9351	Purchased Water		
		Invoice Total	59.30
		Check Total	59.30
Total number of payments: 1		Total	59.30

Jesse Luna			
Check #: 58636	Check date: 2/1/2024		
FEBRUARY 2024: COUNCIL STIPEND	2/1/2024	FEBRUARY 2024: COUNCIL STIPEND	10.00
01-11-7012	Council Stipends		
		Invoice Total	10.00
		Check Total	10.00
Check #: 58754	Check date: 2/29/2024		
MARCH 2024	2/21/2024	MARCH 2024 STIPEND	10.00
01-11-7012	Council Stipends		
		Invoice Total	10.00
		Check Total	10.00
Total number of payments: 2		Total	20.00

Lamar Electric Cooperative			
Check #: 58664	Check date: 2/9/2024		
BART-12/2023	12/30/2023	BART-12/2023 TCOS DOCKET#54507-JULY	5.82
02-70-8751	Purchased Power		
		Invoice Total	5.82
		Check Total	5.82
Total number of payments: 1		Total	5.82

Lcra-(Lower Colorado River Authority)			
Check #: 58694	Check date: 2/16/2024		
TCOS0011593	1/31/2024	TCOS JANUARY 2024	2,032.58
02-70-8751	Purchased Power		
		Invoice Total	2,032.58
		Check Total	2,032.58
Total number of payments: 1		Total	2,032.58

Lone Star Transmission, Llc

Check #: 58695
1800113267
02-70-8751

Check date: 2/16/2024
1/30/2024
Purchased Power

1800113267 / 3000158625 TCOS JANUARY

319.82
Invoice Total **319.82**
Check Total **319.82**
Total 319.82

Total number of payments: 1

Lonestar Maintenance & Service, Inc.

Check #: 58720
JANUARY 2024
02-80-9101

Check date: 2/22/2024
1/31/2024
Operating Supplies - Not Office

B32026 BARTLETTCT

630.48
Invoice Total **630.48**

FC4160
02-80-9101

1/31/2024
Operating Supplies - Not Office

FC 4160 - FINANCE CHARGES

18.47
Invoice Total **18.47**

B32309
02-80-9101

2/1/2024
Operating Supplies - Not Office

B32309 MONTHLY CHLORINE BOTTLE RENT

77.00
Invoice Total **77.00**
Check Total **725.95**

Check #: 58755
152577
02-80-9101

Check date: 2/29/2024
2/13/2024
Operating Supplies - Not Office

#152577-7 GAS CYLINDERS

2,081.87
Invoice Total **2,081.87**
Check Total **2,081.87**

Total number of payments: 2

LUBBOCK POWER & LIGHT

Check #: 58637
64-30
02-70-8751

Check date: 2/1/2024
12/31/2023
Purchased Power

64-30 TCOS DECEMBER 2023

68.14
Invoice Total **68.14**
Check Total **68.14**

Check #: 58696
64-31
02-70-8751

Check date: 2/16/2024
1/31/2024
Purchased Power

64-31 JANUARY 2024 TCOS

68.14
Invoice Total **68.14**

	Check Total	<u>68.14</u>
Total number of payments: 2	Total	<u>136.28</u>

Messer, Fort, Mcdonald

Check #: 58665	Check date: 2/9/2024		
21475	1/23/2024	#21475 - PROFESSIONAL SERVICES 11/1/2	
01-11-8401	Legal Expenses		2,677.61
		Invoice Total	<u>2,677.61</u>
21476	1/23/2024	#21476 - 11/1/23 TO 11/30/23 PROSECU	
01-11-8401	Legal Expenses		420.00
		Invoice Total	<u>420.00</u>
		Check Total	<u>3,097.61</u>
Check #: 58721	Check date: 2/22/2024		
21851	2/13/2024	#21851 - 12/1/23 TO 12/31/23 MUNICIPAL	
01-11-8401	Legal Expenses		490.00
		Invoice Total	<u>490.00</u>
21850	2/13/2024	21850 PROFESSIONAL SERVICES 12/1/23 T	
01-11-8401	Legal Expenses		3,833.11
		Invoice Total	<u>3,833.11</u>
		Check Total	<u>4,323.11</u>
		Total	<u>7,420.72</u>

Total number of payments: 2

Mid-American Research Chemical

Check #: 58638	Check date: 2/1/2024		
0809013	1/11/2024	#0809016 SEWER SOLVENT	
02-80-7501	Chemicals		1,233.00
		Invoice Total	<u>1,233.00</u>
		Check Total	<u>1,233.00</u>
		Total	<u>1,233.00</u>

Total number of payments: 1

MRB GROUP

Check #: 58639	Check date: 2/1/2024		
53887	1/17/2024	53887 - 12/17/23 to 001/13/24 Bartlett Ele	
02-80-7654	Engineering Services		19,500.00
		Invoice Total	<u>19,500.00</u>
54010	1/18/2024	#54010 12/17/23 TO 01/13/24 WATER SYS	

02-80-7654	Engineering Services		9,000.74
		Invoice Total	9,000.74
		Check Total	28,500.74
Check #: 58722	Check date: 2/22/2024		
54447/54527/54526	2/15/2024	inv#54447/54527/54526 Project 0213-2300	
02-70-7654	Engineering Services		11,045.76
02-80-7654	Engineering Services		7,372.66
02-80-7654	Engineering Services		9,795.00
		Invoice Total	28,213.42
		Check Total	28,213.42
Total number of payments: 2		Total	56,714.16

NewGen Strategies & Solutions			
Check #: 58756	Check date: 2/29/2024		
18270	2/15/2024	18270 - UTILITY COST OF SERVICE AND RA	
02-70-7651	Contract Services-Regularly Scheduled		5,958.75
02-81-7651	Contract Services-Regularly Scheduled		5,958.75
		Invoice Total	11,917.50
		Check Total	11,917.50
Total number of payments: 1		Total	11,917.50

Oncor Electric Delivery			
Check #: 58666	Check date: 2/9/2024		
TRN0035196	12/31/2023	TRN0035196 TCOS DECEMBER 2023	
02-70-8751	Purchased Power		4,534.87
		Invoice Total	4,534.87
		Check Total	4,534.87
Check #: 58723	Check date: 2/22/2024		
TRN0035315	1/31/2024	TRN0035315 TCOS JANUARY 2024	
02-70-8751	Purchased Power		4,566.84
		Invoice Total	4,566.84
		Check Total	4,566.84
Total number of payments: 2		Total	9,101.71

OVERDRIVE INC.
Check #: 58697 Check date: 2/16/2024

H-0099180	10/1/2023	2231-0069 / h-0099180 Teinert Memorial Li	1,500.00
01-18-7701	Books, Movies, Subscriptions		
		Invoice Total	1,500.00
		Check Total	1,500.00
Total number of payments: 1		Total	1,500.00

Panther Creek Transportation, Inc.	Check date: 2/1/2024		
Check #: 58640	1/13/2024	#79803 TICKET# 10192 / 9542 STANDARD	
79803			
01-17-8854	Street Repair & Maintenance		159.28
01-17-8854	Street Repair & Maintenance		161.31
		Invoice Total	320.59
		Check Total	320.59
Total number of payments: 1		Total	320.59

Patricial Erlinger Carls	Check date: 2/9/2024		
Check #: 58667	1/31/2024	#1045 / 1321.01 PROFESSIONAL SERVICE	
1045			
01-11-8401	Legal Expenses		797.50
		Invoice Total	797.50
		Check Total	797.50
Total number of payments: 1		Total	797.50

Philip Weaver	Check date: 2/1/2024		
Check #: 58641	2/1/2024	FEBRUARY 2024: COUNCIL STIPEND	
FEBRUARY 2024: COUNCIL STIPEND	Council Stipends		
01-11-7012			10.00
		Invoice Total	10.00
		Check Total	10.00
Check #: 58757	Check date: 2/29/2024		
MARCH 2024	2/21/2024	MARCH 2024 STIPEND	
01-11-7012	Council Stipends		10.00
		Invoice Total	10.00
		Check Total	10.00
Total number of payments: 2		Total	20.00

PNC BANK, N.A.
eCheck #: N/A
610294264
01-11-7020

Check date: 2/23/2024
2/15/2024
I&S Debt

#36551096 / 610294264 010 COMMERCIAL

114,003.25
Invoice Total 114,003.25
Check Total 114,003.25
Total 114,003.25

Total number of payments: 1

Quadient Finance Usa,Inc

Check #: 58698
30261171
01-11-8701

Check date: 2/16/2024
1/29/2024
Postage Fees & Subscriptions

1,190.68
Invoice Total 1,190.68
Check Total 1,190.68
Total 1,190.68

Total number of payments: 1

Quill

Check #: 58642
ACCT 8793857
01-11-8551
01-11-8551
01-12-8551

Check date: 2/1/2024
1/3/2024
Office Supplies
Office Supplies
Office Supplies

ACCT#8793857 OFFICE SUPPLIES

707.86
57.98
168.98
Invoice Total 934.82
Check Total 934.82

Check #: 58724
36963979/36971682
01-11-8551
01-11-8551

Check date: 2/22/2024
1/31/2024
Office Supplies
Office Supplies

8793857 OFFICE SUPPLIES

20.59
448.62
Invoice Total 469.21
Check Total 469.21
Total 1,404.03

Total number of payments: 2

Rayburn Electric Coop

Check #: 58699
2024-4872
02-70-8751

Check date: 2/16/2024
1/31/2024
Purchased Power

2024-4872 - January 2024 TCOS

186.57

			Invoice Total	186.57
			Check Total	186.57
Total number of payments: 1			Total	186.57

Ready Refresh				
Check #: 58668	Check date: 2/9/2024			
04A0125962886	1/6/2024	#0125962886 BOTTLED WATER-CITY HALL		
01-11-8501	Miscellaneous Expense			181.04
			Invoice Total	181.04
			Check Total	181.04
Check #: 58725	Check date: 2/22/2024			
04A0125962933	1/30/2024	Ready Refresh Water		
01-20-9351	Purchased Water			8.39
			Invoice Total	8.39
			Check Total	8.39
Check #: 58758	Check date: 2/29/2024			
04B0125962886	2/6/2024	CITY HALL DRINKING WATER		
01-11-8501	Miscellaneous Expense			42.19
			Invoice Total	42.19
			Check Total	42.19
Total number of payments: 3			Total	231.62

REX & CAITLAIN KOOLSTRA				
Check #: 58669	Check date: 2/9/2024			
03-09901-01	1/10/2024	Refund For 03-09901-01		
02-2006	Refunds Payable			162.40
			Invoice Total	162.40
			Check Total	162.40
Total number of payments: 1			Total	162.40

San Miguel Electric Cooperative, Inc				
Check #: 58670	Check date: 2/9/2024			
T091-2312	1/10/2024	#T091-2312 TCOS DECEMBER 2023		
02-70-8751	Purchased Power			4.83
			Invoice Total	4.83
			Check Total	4.83

Check #: 58759
T091-2401
02-70-9322

Check date: 2/29/2024
2/14/2024
TCOS

#T091-2401 JANUARY 2024 TCOS

4.83

Invoice Total 4.83

Check Total 4.83

Total 9.66

Total number of payments: 2

Schneider Engineering, Ltd.

Check #: 58726
70810
02-70-7654

Check date: 2/22/2024
2/2/2024
Engineering Services

070810- JANUARY 2024 ENGINEERING AND

750.00

Invoice Total 750.00

Check Total 750.00

Total 750.00

Total number of payments: 1

Sharyland Utilities, Lp

Check #: 58700
1800000016
02-70-8751

Check date: 2/16/2024
1/31/2024
Purchased Power

#5000512 / 1800000016 TCOS JANUARY 20

132.62

Invoice Total 132.62

Check Total 132.62

Total 132.62

Total number of payments: 1

Shelton Gilmore

Check #: 58643
FEBRUARY 2024: COUNCIL STIPEND
01-11-7012

Check date: 2/1/2024
2/1/2024
Council Stipends

FEBRUARY 2024: COUNCIL STIPEND

10.00

Invoice Total 10.00

Check Total 10.00

Check #: 58760
MARCH 2024
01-11-7012

Check date: 2/29/2024
2/21/2024
Council Stipends

MARCH 2024 STIPEND

10.00

Invoice Total 10.00

Check Total 10.00

Total 20.00

Total number of payments: 2

South Texas Electric Cooperative, Inc

Check #: 58671
005502
02-70-8751

Check date: 2/9/2024
12/31/2023
Purchased Power

#005502 / 01247 TCOS DECEMBER 2023

317.44
Invoice Total **317.44**
Check Total **317.44**

Check #: 58701
005606
02-70-9322

Check date: 2/16/2024
1/31/2024
TCOS

TCOS

317.44
Invoice Total **317.44**
Check Total **317.44**
Total 634.88

Total number of payments: 2

Steglich Feed And Farm Supply, Inc

Check #: 58761
JAN 2024
02-80-9101

Check date: 2/29/2024
2/8/2024
Operating Supplies - Not Office

JAN 2024 CREDIT CHARGES

261.64
Invoice Total **261.64**
Check Total **261.64**
Total 261.64

Total number of payments: 1

Stence Electric

Check #: 58644
241012
02-80-7653

Check date: 2/1/2024
1/16/2024
Water Tank Repair and Maintenance

241012 - EVIE LIFT STATION - REPAIRS LIG

1,032.60
Invoice Total **1,032.60**
Check Total **1,032.60**
Total 1,032.60

Total number of payments: 1

STEPHAN PUSTEJOVSKY

Check #: 58645
Inspection
02-80-8051

Check date: 2/1/2024
1/23/2024
Equipment Maintenance

Reimburse: Vehicle inspection for 2015 truck

7.00
Invoice Total **7.00**
Check Total **7.00**
Total 7.00

Total number of payments: 1

Techline Construction, Llc

Check #: 58646
 12005066-00
 02-70-7651

Check date: 2/1/2024
 12/31/2023 12005066-00 / 171 -EMERGENCY CREW
 Contract Services-Regularly Scheduled

3,286.80
Invoice Total 3,286.80
Check Total 3,286.80

Check #: 58672
 12005084-00
 02-70-7652

Check date: 2/9/2024
 1/22/2024 #12005084-00 EMERGENCY 1/16/24 SOUTH
 Contract Services- Emergency

2,517.35
Invoice Total 2,517.35
Check Total 2,517.35

Check #: 58727
 12005066, 12005084
 02-70-7651

Check date: 2/22/2024
 1/31/2024 Electric Services
 Contract Services-Regularly Scheduled

5,804.15
Invoice Total 5,804.15
Check Total 5,804.15

Check #: 58762
 12005090-00
 02-70-7652

Check date: 2/29/2024
 2/7/2024 12005090-00 EMERGENCY CREW 539 E BEL
 Contract Services- Emergency

4,295.50
Invoice Total 4,295.50
Check Total 4,295.50

Total number of payments: 4

Total 15,903.80

Techline, Inc

Check #: 58647
 1348942-00
 02-70-9101

Check date: 2/1/2024
 1/2/2024 1348942-00 / 9414 - LAMP 100 W HPS S54
 Operating Supplies - Not Office

344.16
Invoice Total 344.16
Check Total 344.16

Check #: 58673
 1348658-00
 02-70-9101

Check date: 2/9/2024
 1/18/2024 #9414 / 1348658-00 WIRE
 Operating Supplies - Not Office

145.00
Invoice Total 145.00
Check Total 145.00

Check #: 58702

Check date: 2/16/2024

1348048-00 02-70-9101	1/22/2024 Operating Supplies - Not Office	9414 / 1348048-00 ALUMINUM NUMBERS	6,306.00
		Invoice Total	6,306.00
		Check Total	6,306.00
Check #: 58763 1350344 02-70-9503	Check date: 2/29/2024 2/5/2024 Lines, Poles, & Transformers	Transformer	4,811.55
		Invoice Total	4,811.55
1350507-00 02-70-9101	2/12/2024 Operating Supplies - Not Office	#9414 / 1350507-00 SUPPLIES	1,014.75
		Invoice Total	1,014.75
		Check Total	5,826.30
		Total	12,621.46

Total number of payments: 4

TEMPLE DAILY TELEGRAM

Check #: 58728 16689790,12752795 01-11-7111 01-11-7111	Check date: 2/22/2024 12/26/2023 Advertising and Legal Notices Advertising and Legal Notices	Annexation Notice	32.12
			208.40
		Invoice Total	240.52
		Check Total	240.52
		Total	240.52

Total number of payments: 1

Texas Child Support SDU

eCheck #: N/A PY2292024 01-2125	Check date: 2/27/2024 2/29/2024 Child Support Payable	Obligor: Errrod ClaytonObligee: Case #: Pay	96.00
		Invoice Total	96.00
		Check Total	96.00
eCheck #: N/A PY2292024 01-2125	Check date: 2/27/2024 2/29/2024 Child Support Payable	Obligor: Darritt J CrathersObligee: Case #: I	207.69
		Invoice Total	207.69
		Check Total	207.69
eCheck #: N/A PY2292024	Check date: 2/27/2024 2/29/2024	Obligor: James E FletcherObligee: Case #: F	

01-2125	Child Support Payable		327.23
		Invoice Total	<u>327.23</u>
		Check Total	<u>327.23</u>
eCheck #: N/A	Check date: 2/27/2024		
PY2292024	2/29/2024	Obligor: Benny S HunnObligee: Case #: Pay	
02-2125	Child Support Payable		230.77
		Invoice Total	<u>230.77</u>
		Check Total	<u>230.77</u>
Total number of payments: 4		Total	861.69

Texas Commission On Law Enforcement			
Check #: 58764	Check date: 2/29/2024		
10999	2/13/2024	COURT SECURITY OFFICER CERTIFICAITON	
01-13-9201	Training and Education		35.00
01-13-9201	Training and Education		35.00
		Invoice Total	<u>70.00</u>
		Check Total	<u>70.00</u>
Total number of payments: 1		Total	70.00

Texas Crushed Stone Company			
Check #: 58674	Check date: 2/9/2024		
1564/JANUARY 2024	1/12/2024	#1564 WASHED SAND AND STANDARD BAS	
01-17-8854	Street Repair & Maintenance		311.50
01-17-8854	Street Repair & Maintenance		179.06
		Invoice Total	<u>490.56</u>
		Check Total	<u>490.56</u>
Total number of payments: 1		Total	490.56

Texas Municipal Clerks Association			
Check #: 58675	Check date: 2/9/2024		
9018		#9018 ENROLLMENT FEE - BRENDA KELLEY	
01-11-9201	Training and Education		135.00
		Invoice Total	<u>135.00</u>
		Check Total	<u>135.00</u>
Total number of payments: 1		Total	135.00

TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL

Check #: 58703 Check date: 2/16/2024
 FEBRUARY 2024 2/1/2024
 01-11-7031 Workers Comp

FEBRUARY 2024- WORKERS COMP

7,672.90
Invoice Total **7,672.90**
Check Total **7,672.90**
Total **7,672.90**

Total number of payments: 1

Texas Municipal Power Agency

Check #: 58729 Check date: 2/22/2024
 IVC0000024249 1/31/2024
 02-70-9322 TCOS

102.50
Invoice Total **102.50**
Check Total **102.50**
Total **102.50**

Total number of payments: 1

Texas Workforce Commission Unemployment Tax

Check #: 58623 Check date: 2/1/2024
 PY212024 2/1/2024 TWC
 01-2110 State Unemployment Taxes Payable
 02-2110 State Unemployment Taxes Payable

56.49
 5.46
Invoice Total **61.95**
Check Total **61.95**

Check #: 58736 Check date: 2/27/2024
 PY2292024 2/29/2024 TWC
 01-2110 State Unemployment Taxes Payable
 02-2110 State Unemployment Taxes Payable

31.04
 0.11
Invoice Total **31.15**
Check Total **31.15**

Total number of payments: 2

Thomson Reuters-West

Check #: 58730 Check date: 2/22/2024
 849730062 2/1/2024
 01-12-8551 Office Supplies

20.34
Invoice Total **20.34**

	Check Total	<u>20.34</u>
Total number of payments: 1	Total	20.34

Tim's Auto Repair			
Check #: 58731	Check date: 2/22/2024		
40823	1/19/2024	Vehicle Repairs	
02-80-9401	Vehicle Maintenance		1,625.76
		Invoice Total	<u>1,625.76</u>
		Check Total	<u>1,625.76</u>
Total number of payments: 1		Total	1,625.76

TML Health Benefits Pool			
Check #: 58648	Check date: 2/1/2024		
PBARTLE12402	1/19/2024	PBARTLE12402 - FEBRUARY 2024	
01-2140	Health Insurance Payable		14,954.17
		Invoice Total	<u>14,954.17</u>
		Check Total	<u>14,954.17</u>

Check #: 58624	Check date: 2/1/2024		
PY212024	2/1/2024	Health-Employer	
01-2140	Health Insurance Payable		4,611.64
02-2140	Health Insurance Payable		419.24
		Invoice Total	<u>5,030.88</u>

PY212024	2/1/2024	Health-Employee	
01-2140	Health Insurance Payable		1,288.89
		Invoice Total	<u>1,288.89</u>
		Check Total	<u>6,319.77</u>

Check #: 58732	Check date: 2/22/2024		
PBARTLE12403	2/20/2024	MARCH 2024 FINAL INVOICE #PBARTLE1240	
01-2140	Health Insurance Payable		14,534.93
02-2140	Health Insurance Payable		419.24
		Invoice Total	<u>14,954.17</u>
		Check Total	<u>14,954.17</u>

Check #: 58737	Check date: 2/27/2024		
PY2292024	2/29/2024	Health-Employer	
01-2140	Health Insurance Payable		4,611.64
02-2140	Health Insurance Payable		419.24

PY2292024 01-2140	2/29/2024 Health Insurance Payable	Health-Employee	Invoice Total	5,030.88
				1,288.89
			Invoice Total	1,288.89
			Check Total	6,319.77
			Total	42,547.88

Total number of payments: 4

TMRS- Texas Municipal Retirement System

eCheck #: N/A PY2292024 01-2120 02-2120	Check date: 2/27/2024 2/29/2024 Retirement Plan Payable Retirement Plan Payable	TMRS-Employee		1,820.04
				152.88
			Invoice Total	1,972.92
			Check Total	1,972.92

eCheck #: N/A PY2292024 01-2120 02-2120	Check date: 2/27/2024 2/29/2024 Retirement Plan Payable Retirement Plan Payable	TMRS-Employer		3,200.67
				268.85
			Invoice Total	3,469.52
			Check Total	3,469.52

Total number of payments: 2

TNMP

Check #: 58676 69381 02-70-8751	Check date: 2/9/2024 1/10/2024 Purchased Power	00012/69381/68795 DOCKET#55270 DECEI		449.71
			Invoice Total	449.71
			Check Total	449.71

Check #: 58765 69690 02-70-9322	Check date: 2/29/2024 2/7/2024 TCOS	00012/69690/28795 JAN 2024 TCOS		449.71
			Invoice Total	449.71
			Check Total	449.71

Total number of payments: 2

Trinity Valley Electric Coop

Check #: 58649
3297
02-70-8751

Check date: 2/1/2024
12/29/2023
Purchased Power

3297- TCOS PUCT DOCKET #54507 (2023)

30.26
Invoice Total 30.26
Check Total 30.26
Total 30.26

Total number of payments: 1

Unifirst Corporation
Check #: 58677
JANUARY 2024
02-80-9301

Check date: 2/9/2024
1/31/2024
Uniform Expense

1637617 - JANUARY 2024 UNIFORMS

404.46
Invoice Total 404.46
Check Total 404.46
Total 404.46

Total number of payments: 1

USIO OUTPUT SOLUTIONS

Check #: 58733
0016427
01-11-8701

Check date: 2/22/2024
1/31/2024
Postage Fees & Subscriptions

0016427 - BILLS JOB #282092 AND #28058

508.70
Invoice Total 508.70
Check Total 508.70
Total 508.70

Total number of payments: 1

USIO OUTPUT SOLUTIONS, INC

Check #: 58734
31425
01-11-8701

Check date: 2/22/2024
1/31/2024
Postage Fees & Subscriptions

#31425 - BILLS JOB #282092 AND #28058

231.78
Invoice Total 231.78
Check Total 231.78
Total 231.78

Total number of payments: 1

Utility Service Co, Inc

Check #: 58678
596058
02-80-7653

Check date: 2/9/2024
1/1/2024
Water Tank Repair and Maintenance

#596058 - QUARTERLY - 200000 PEDISPHE

3,363.04
Invoice Total 3,363.04

	Check Total	<u>3,363.04</u>
Total number of payments: 1	Total	<u>3,363.04</u>

Vickie Cooper			
Check #: 58650	Check date: 2/1/2024		
FEBRUARY 2024: COUNCIL STIPEND	2/1/2024	FEBRUARY 2024: COUNCIL STIPEND	
01-11-7012	Council Stipends		10.00
		Invoice Total	<u>10.00</u>
		Check Total	<u>10.00</u>

Check #: 58766	Check date: 2/29/2024		
MARCH 2024	2/21/2024	MARCH 2024 STIPEND	
01-11-7012	Council Stipends		10.00
		Invoice Total	<u>10.00</u>
		Check Total	<u>10.00</u>
		Total	<u>20.00</u>

VISION METERING, LLC			
Check #: 58679	Check date: 2/9/2024		
222903	1/23/2024	#222903 AMI METERS	
02-70-9501	Electric Meters		7,290.00
		Invoice Total	<u>7,290.00</u>
		Check Total	<u>7,290.00</u>

Check #: 58767	Check date: 2/29/2024		
219544 / 212882 reissue	2/26/2024	Reissue219544 / #212882 AMI Meters	
02-70-9501	Electric Meters		2,285.00
02-70-9501	Electric Meters		190.00
		Invoice Total	<u>2,475.00</u>
		Check Total	<u>2,475.00</u>
		Total	<u>9,765.00</u>

WEAKLEY EXCAVATION SERVICES, LLC			
Check #: 58680	Check date: 2/9/2024	Refund	
01222024	1/22/2024	PAID FOR 5 LOADS CONTRACTOR WATER-O	
01-20-9351	Purchased Water		225.00
		Invoice Total	<u>225.00</u>
		Check Total	<u>225.00</u>

Total number of payments: 1 **Total** 225.00

WETT - Wind Energy Transmission Of Texas, Llc

Check #: 58704 Check date: 2/16/2024
10042005 1/30/2024
02-70-8751 Purchased Power

#10042005 JANUARY 2024 TCOS

308.12
Invoice Total 308.12
Check Total 308.12
Total 308.12

Total number of payments: 1 **Total** 308.12

Wex Bank-Exxon

eCheck #: N/A Check date: 2/22/2024
94757027 1/31/2024
02-80-8101 Fuel and Oil

Fuel

642.21
Invoice Total 642.21
Check Total 642.21
Total 642.21

Total number of payments: 1 **Total** 642.21

Williamson County Elections

Check #: 58651 Check date: 2/1/2024
1123-15 1/23/2024
01-11-8001 Cost of Elections

#1123-15 ELECTION NOVEMBER 7, 2023

1,059.50
Invoice Total 1,059.50
Check Total 1,059.50
Total 1,059.50

Total number of payments: 1 **Total** 1,059.50

Witmer Public Safety Group

Check #: 58652 Check date: 2/1/2024
389274 1/2/2024
01-14-9101 Operating Supplies - Not Office

389274 FIRE DEPT

57.45
Invoice Total 57.45
Check Total 57.45
Total 57.45

Total number of payments: 1 **Total** 57.45

WSC Energy

eCheck #: N/A Check date: 2/22/2024
ew730910726801 2/14/2024

EW730910726801 PURCHASED POWER

02-70-8751

Purchased Power

47,395.33

Invoice Total

47,395.33

Check Total

47,395.33

Total

47,395.33

Total number of payments: 1

Xerox Corporation

Check #: 58705

020631521

01-11-8551

Check date: 2/16/2024

2/1/2024

Office Supplies

Printer

463.88

Invoice Total

463.88

Check Total

463.88

Total

463.88

Total number of payments: 1

Grand Total

483,858.62



*CHAD MEES, MAYOR
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GAYLE JONES, COUNCILMAN
VICKIE COOPER, COUNCILMAN
JESSE LUNA, COUNCILMAN
SHELTON GILMORE, COUNCILMAN*

CITY CLERK MONTHLY REPORT

February 2024

There was only 1 open records request for the month of February and it is closed.

Council meetings were held on February 12th and 26th.

Brenda Kelley
City Clerk

City of Bartlett
Municipal Court Council Report
From 2/1/2024 to 2/28/2024

2/28/2024 11:16 AM

Violations by Type

Traffic	Penal	City Ordinance	Parking	Other	Total
33	6	0	0	4	43

Financial

State Fees	Court Costs	Fines	Tech Fund	Building Security	Total
\$1,133.14	\$362.59	\$2,151.00	\$48.66	\$59.61	\$3,755.00

Warrants

Issued	Served	Closed	Total
0	0	0	0

FTAs/VPTAs

FTAs	VPTAs	Total
3	2	5

Dispositions

Paid	Non-Cash Credit	Dismissed	Driver Safety	Deferred	Total
9	0	5	2	2	18

Trials & Hearings

Jury	Bench	Appeal	Total
0	0	0	0

Omni/Scofflaw/Collection

Omni	Scofflaw	Collections	Total
13	0	13	26

MUNICIPAL COURT

MVBA	OTHER ADJU	CASH	CHECKS	CREDIT
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ 200.00
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\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ 368.00
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 100.00	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ 294.00
\$ -	\$ -	\$ -	\$ -	\$ -
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\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 100.00	\$ 643.00	\$ 533.00
\$ -	\$ -	\$ 20.00	\$ 300.00	\$ 344.00
\$ -	\$ -	\$ 20.00	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ 20.00
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 700.00	\$ -	\$ -
\$ -	\$ -	\$ 93.00	\$ -	\$ 20.00
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 1,033.00	\$ 943.00	\$ 1,779.00
			MONTHLY TOTA	\$ 3,755.00

**OFFICE OF COURT ADMINISTRATION
TEXAS JUDICIAL COUNCIL**



OFFICIAL MUNICIPAL COURT MONTHLY REPORT

Period February 2024

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 Brenda Kelley

Date 2-29-24 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 Month February Year 2024	Traffic Misdemeanors			Non-Traffic Misdemeanors		
	Non-Parking	Parking	City Ordinance	Penal Code	Other State Law	City Ordinance
1. Total Cases Pending First of Month:	1216	1	0	412	251	156
a. Active Cases	158	1	0	31	16	45
b. Inactive Cases	1058	0	0	381	235	111
2. New Cases Filed	33	0	0	6	4	0
3. Cases Reactivated	0	0	0	0	0	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>	191	1	0	37	20	45
Dispositions Prior to Court Appearance or Trial:						
Uncontested Dispositions <i>(Disposed without appearance before a judge (CCP, Art. 27.1A))</i>	7	0	0	2	0	0
b. Dismissed by Prosecution	0	0	0	0	0	0
Dispositions at Trial:						
Convictions:						
<i>Guilty Plea or Nolo Contendere</i>	0	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:						
<i>By the Court</i>	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 <i>(CCP, Art. 45.0511)</i>	2					
b. After Deferred Disposition <i>(CCP, Art. 45.051)</i>	2	0	0	0	0	0
c. After Teen Court <i>(CCP, Art. 45.052)</i>	0	0	0	0	0	0
d. After Tobacco Awareness Course <i>(HSC, Sec. 161.253)</i>					0	
e. After Treatment for Chemical Dependency <i>(CCP, Art. 45.053)</i>				0	0	
f. After Proof of Financial Responsibility <i>(TC, Sec. 601.193)</i>	1					
g. All Other Transportation Code Dismissals	4	0	0	0	0	0
9. All Other Dispositions	0	0	0	0	0	0
10. Total Cases Disposed <i>(Sum of Lines 6, 7, 8 & 9)</i>	16	0	0	2	0	0
11. Cases Placed on Inactive Status	6	0	0	5	3	1
12. Total Cases Pending End of Month:	1233	1	0	416	255	156
a. Active Cases <i>(Equals Line 5 minus the sum of Lines 10 & 11)</i>	169	1	0	30	17	44
Inactive Cases <i>(Equals Line 1b minus Line 3 plus Line 11)</i>	1064	0	0	386	238	112
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 February	Year 2024	
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:		
a. After Trial		0
b. Without Trial		0

JUVENILE/MINOR ACTIVITY

Bartlett Municipal Court		TOTAL
Month 02	Year 2024	
1. Transportation Code Cases Filed		0
2. Non-Driving Alcoholic Beverage Code Cases Filed		1
3. Driving Under the Influence of Alcohol Cases Filed		0
4. Drug Paraphernalia Cases Filed (HSC, Ch. 481)		1
5. Tobacco Cases Filed (HSC, Sec. 161.252)		0
6. Failure to Attend School Cases Filed (Ed. Code, Sec. 25.094)		0
7. Education Code (Except Failure to Attend) Cases Filed		0
8. Violation of Local Daytime Curfew Ordinance Cases Filed (Local Govt. Code, Sec. 341.905)		0
9. All Other Non-Traffic Fine-Only Cases Filed		0
Transfer to Juvenile Court:		0
Mandatory Transfer (Fam. Code, Sec. 51.08(b)(1))		0
b. Discretionary Transfer (Fam. Code, Sec. 51.08(b)(2))		0
11. Accused of Contempt and Referred to Juvenile Court (Delinquent Conduct) (CCP, Art. 45.050(c)(1))		0
12. Held in Contempt by Criminal Court (Fined and/or Denied Driving Privileges) (CCP, Art. 45.050(c)(2))		0
Juvenile Statement Magistrate Warning:		0
Warnings Administered		0
b. Statements Certified (Fam. Code, Sec. 51.095)		0
14. Detention Hearings Held (Fam. Code, Sec. 54.01)		0
15. Orders for Non-Secure Custody Issued		0
16. Parent Contributing to Nonattendance Cases Filed (Ed. Code, Sec. 25.093)		0

ADDITIONAL ACTIVITY

Bartlett Municipal Court		NUMBER GIVEN	NUMBER REQUESTS FOR COUNSEL
Month 02	Year 2024		
Magistrate Warnings:			
Class C Misdemeanors		0	
b. Class A and B Misdemeanors		0	0
c. Felonies		0	0
			TOTAL
Arrest Warrants Issued:			
Class C Misdemeanors			0
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 (CCP, Art. 18.05)			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 (CCP, Art. 17.441)			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 (TC, Sec. 521.300)			0
12. Disposition of Stolen Property Hearings Held (CCP, Ch. 47)			0
13. Peace Bond Hearings Held			0
Cases in Which Fine and Court Costs Satisfied by Community Service:			
Partial Satisfaction			0
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			\$2,621.86
b. Remitted to State			\$1,133.14
c. Total			\$3,755.00



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

Date 3/05/2024

Monthly Report: Development Services Department

Dates 2/1/2024 to 2/29/2024

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

Total Fees collected	\$7,210.00
Commercial	\$ 1,970.00
Refundable (demolition security deposit)	\$ 100.00
Residential	\$ 1,980.00
Review Fees	\$ 750.00
Administrative Fees	\$ 335.00
Inspection Fees	\$ 1,810.00
Development Fees	\$ 250.00
Tech Fees	\$ 15.00
Service Availability Fees	\$
W/WW Taps Fees	\$
Total Permits Applied	10
Commercial	2
Residential	8
Building Permits	4
Approved	3
Denied	0
Pending Review	0
In Review	1
MH/Move-In Permits	3
Approved	1
Denied	0
In Review	1
Pending Review	1
Development Applications	1

<i>Demo</i>	1
<i>Events</i>	0
<i>Permit Renewal</i>	0
<i>ATS Inspections completed</i>	
<i>Inspections awaiting</i>	0

Stone Pack Lane Development;

New owners are working with their real estate agent to replat lots 9-10, 11-12, and 13-14, also the owners of lots 13-14 have filed a variance with the city for public hearing set on 3/25/2024.

MRB has approved the Bartlett ISD Campus Improvements Site plan and Civil permits will be issued the week of 03/04-3/8. All other permits for buildings and structures will be issued at a later date as they are requested, reviewed, and approved by our 3rd party plan reviewer.

The new FundView Permit portal is live as of 2/29/24.

I have completed 95% of the templates for the permits, Inspection, and fees along with the Development Services fees and documents. Moving forward we will be able to generate better, more accurate reports and link all necessary information to each individual address and permit.



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Development Fees	\$ 250.00
Tech Fees	\$ 15.00
Service Availability Fees	\$
W/WW Taps Fees	\$
Total Permits Applied	10
Commercial	2
Residential	8
Building Permits	4
Approved	3
Denied	0
Pending Review	0
In Review	1
MH/Move-In Permits	3
Approved	1
Denied	0
In Review	1
Pending Review	1
Development Applications	1

<i>Demo</i>	1
<i>Events</i>	0
<i>Permit Renewal</i>	0
<i>ATS Inspections completed</i>	19
<i>Inspections awaiting</i>	0

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VICKIE COOPER, COUNCILMAN
JESSE LUNA, COUNCILMAN
GAYLE JONES, COUNCILMAN
SHELTON GILMORE, COUNCILMAN

Date: March 1, 2024

Report: Monthly Utilities Report

Report Dates: February 1, 2024 through February 31, 2024

Residential Utilities	\$151,955.79
Commercial Utilities	\$24,778.35
Dumpsters	\$4008.75
Water Improvement Loan	\$5,513.85
<u>Total</u>	<u>\$186,448.95</u>
Deposit Revenue	\$1,200.00
Paper Bills	753
Number of Active Accounts	652
New Residents	6
Service orders completed	247
Payment Plan Households	32

3/5/2024 7:48:37 AM

Billing Period	Council Report	
	2/1/2024	2/29/2024
	Count	Amount
Utility Bills Disbursed		
Active	625	\$154,981.12
Pending Disconnect	4	\$671.19
Pending Connect	2	\$3,626.70
First Bill	8	\$664.88
Final Bill	7	\$373.45
First Bill, Final Bill, First and Final Bill	1	\$66.25
Pending Connect, First Bill, Final Bill, First and Final Bill	0	\$0.00
On Hold	2	\$30.00
Backdated Move In Date	12	\$2,537.86
First Bill, Final Bill, First and Final Bill, Exclude From Bill Print	1	\$0.00
Pending Cutoff Nonpayment	84	\$23,461.03
Pending Connect, Pending Cutoff Nonpayment	1	\$105.78
Pending Disconnect, Future Move Out, Pending Cutoff Nonpayment	1	\$248.85
Backdated Move In Date, Pending Cutoff Nonpayment	2	\$583.71
Exclude From Bill Print, Pending Cutoff Nonpayment	1	\$0.00
Landlord	3	\$439.05
Bill To Service Address	1	\$268.05
Pending Connect, First Bill, Final	1	\$0.00
Total	756	\$188,057.92

	Count	Amount
Payments Received		
CreditCard	213	\$53,647.24
Check	373	\$111,454.58
Cash	159	\$46,683.97
Change	115	(\$1,231.71)
Total	860	\$210,554.08

Service Orders Completed	Count
General	176
Meter Set	20
Reread	17
Connect	13
Meter Pull	9
Meter Exchange	10
Disconnect - Move Out	7
Total	252

Service Categories	Count	Amount
DUMPSTER MISCELLANEOUS	4	\$2,118.75
DUMPSTER 3 YARDS	5	\$400.00
DUMPSTER 4 YARD	4	\$470.00
DUMPSTER 6 YARD	1	\$130.00
DUMPSTER 8 YD X2	2	\$465.00
6 YARD X 2	2	\$360.00
ELECTRIC COMMERCIAL	85	\$13,343.60
ELECTRIC VAPOR LIGHT	31	\$192.21
ELECTRIC RESIDENTIAL	617	\$85,655.89
GARBAGE RESIDENTIAL	606	\$16,201.72
SEWER RESIDENTIAL	569	\$18,281.81
TIME WARRANT REPAY	1	\$0.00
SEWER COMMERCIAL	53	\$3,778.10
Water/WWTP Improvement Loan Repay	657	\$5,513.85
WATER RESIDENTIAL	584	\$31,816.37
WATER COMMERCIAL	64	\$6,788.76
SEWER COMMERCIAL PRISON	1	\$867.89
DUMPSTER 2 YARDS	1	\$65.00
Total	0	\$186,448.95

Past Due Summary

Accounts to Penalize Excluded Accounts Subject to Penalty

Deposit Report Summary

Deposit Amount	Paid Amount	Applied/Refunded Amount
\$1,200.00	\$1,100.00	\$0.00



DEPARTMENT REPORTS – Public Works

Work Orders Completed

<i>Mow</i>	9
<i>General</i>	48
<i>Meter Set</i>	21
<i>Connect</i>	14
<i>Read Meters</i>	13
<i>Disconnect</i>	8
<i>Sewer Jet</i>	24
<i>Dead Animal Pick-Up</i>	1
<i>Sewer Overflow</i>	2
<i>Reread</i>	17
<i>Meter Pull</i>	9
<i>Meter Repair</i>	3
<i>Down Power Line</i>	3
<i>Sewer Line Repair</i>	12
<i>Meter Exchange</i>	10
<i>Water Line Repair</i>	15
<i>Clean-Out Repair</i>	1
<i>No - Low Water Pressure</i>	2
<i>Utility Tap Build-Out</i>	5
<i>Brush/Limb Pick up</i>	0
<i>Power Outage</i>	2
<i>Locates</i>	8
<i>Electrical line down</i>	5
<i>Street Repair</i>	32
<i>Street Light Maintenance</i>	0
<i>Low Hanging Power Line - Limb On Line</i>	1
<i>Utility Tap Locate</i>	3
<i>Total</i>	268

UPDATES

- Collapsed manhole has been repaired.
 - Asphalt is being put back at the intersection.
- Tap for 289 W Brook St has begun
- Tap on Aisne for water is complete/sewer tap in progress
- Stone pack taps will follow
- Electrical at Wastewater Plant has been completed by T Morales to mitigate the issues seen recently with pumps
- Knight – is reviewing our SCADA and will be recommending improvements to make it fully operational again



**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	3
2	23
3	43
4	33

Total Dispatched Calls of Service (Bell County): 102 Calls of Service

Total Non-Dispatched Calls of Service: 47 Calls of Service (No Event Priority Level)

Total Active Investigations: 4 Investigations Active (February)

Total Closed Investigations: 3 Investigations

Pending Investigations Sent to District/County Attorney: 2 Investigations

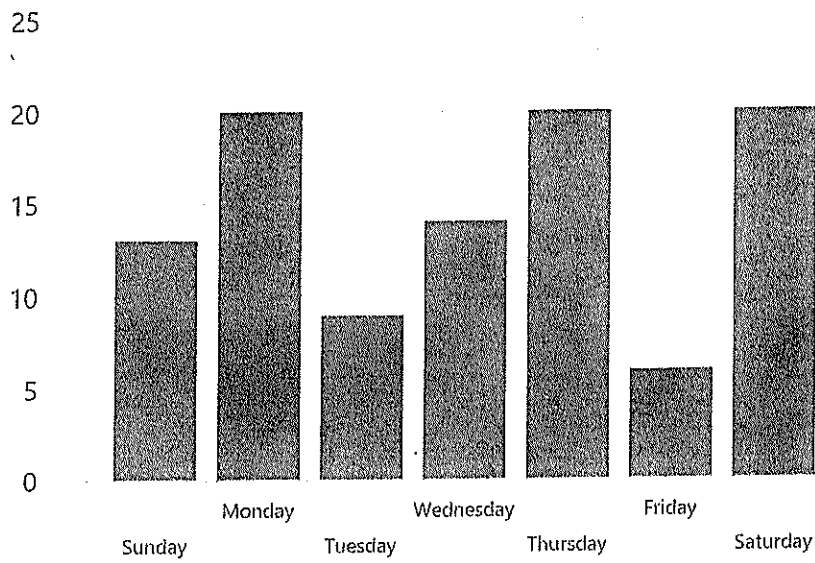
Arrests/Warrants: 5 Pending Completed Investigation

Total Dispatched Calls of Service Including Active Investigations, Arrests/Warrants and Non-Dispatched Calls of Service

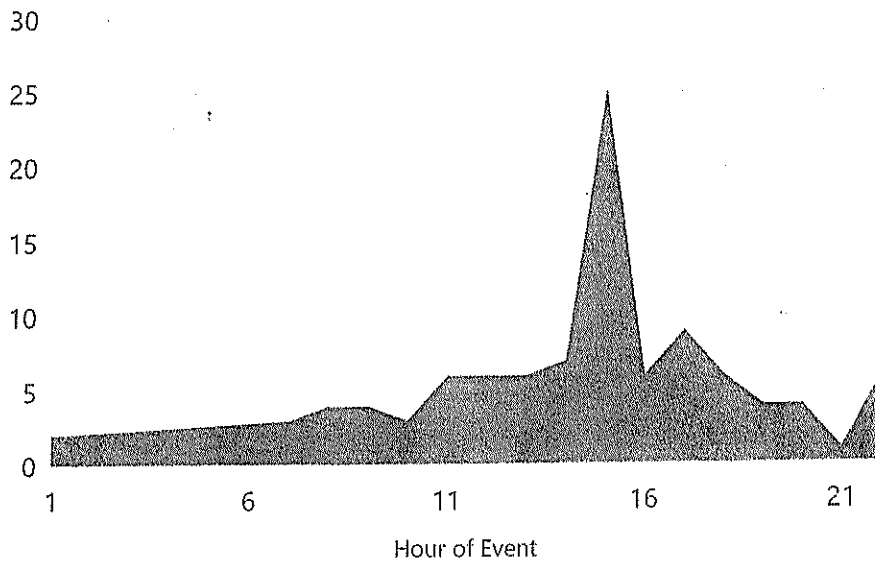


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Event Counts by Day of Week



Event Counts by Hour of Day (24 hour)





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, February 12, 2024
 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 7:03 PM
 Quorum present. Members absent: Mayor Chad Mees, Council member Jesse Luna and Council member Vicki Cooper
 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.)

One person signed up to speak about lots 13 and 14 on Stonepack.

BOARDS, COMISSIONS, & COMMITTEES PRESENTATIONS, PROCLAMATIONS

- | | |
|--|---------------------------------|
| 1. Cemetery Committee Monthly Update | No update |
| 2. Teinert Memorial Library Board Monthly Update | No update |
| 3. Municipal Development District (MDD) Monthly Update | Meeting will be held on 2.22.24 |
| 4. Parks & Facilities Committee Monthly Update | No update |

WORKSHOP AGENDA: REVIEW/DISCUSS AND PROVIDE DIRECTION

5. Presentation and discussion on Bartlett Crossing.
Robert Zalkin presented on Bartlett Crossing.
6. Presentation, update, and discussion on Heritage Fiber.
Tom Chapman with Heritage Fiber presented an update on the fiber installation which is now complete.
7. Presentation, update and discussion on personnel policy.
Council provided feedback to bring back the longevity options and the language surrounding accountability/discipline in the personnel policy.
8. Presentation and update on citywide clean up event for April 6, 2024.
City administrator presented an update on the citywide clean up event for April 6th.

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.)



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

9. Receive monthly department reports:
 - a. City Administrator
 - b. City Secretary
 - c. Municipal Court
 - d. Development Services
 - e. Utility Billing
 - f. Public Works
 - g. Police
10. Approve minutes from the following meeting:
 - a. 01.08.2024 – Regular
 - b. 01.22.204 – Regular
11. Consideration and possible action to accept the 2023 Racial Profiling Report as mandated by the State Legislature.

MPT Weaver made a motion to approve the consent agenda from item 9-11.

CM Jones seconded the motion.

Motion passes 3-0.

12. Consideration and possible action to approve 24-03-MSA with Kimley-Horn, Inc. for General Engineering services.

CM Gilmore made a motion to approve 24-03-MSA with Kimley-Horn, Inc. for General Engineering services.

CM Jones seconded the motion.

Motion passes 3-0.

13. Consideration and possible action to approve 24-04-MSA with WSB Engineering for General Engineering services.

CM Jones made a motion to approve 24-04-MSA with WSB Engineering for General Engineering services.

CM Gilmore seconded the motion.

Motion passes 3-0.

PUBLIC HEARINGS

14. Hold a public hearing on a request by Bartlett Crossing, LLC to rezone approximately 5.620 acres from General Commercial (C-1) to Planned Development District – Small House District (R-4) generally located in the 200 block of Brook Street.

Opened at 8:04 PM.

No one signed up to speak.

Closed at 8:04 PM.

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

15. Consideration and possible action to approve the purchase of the NIBRS module from Kologik for an amount not to exceed \$2,500.

MPT Weaver made a motion to approve the purchase of the NIBRS module from Kologik for an amount not to exceed \$2,500.

CM Jones seconded.

Motion passes 3-0.

16. Consideration and possible action to approve Resolution 2024-0212-02 for calling a general election on May 4, 2024.



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

MPT Weaver made a motion to approve Resolution 2024-0212-02 for calling a general election on May 4, 2024.

CM Gilmore seconded the motion.

Motion passes 3-0.

17. Consideration and possible action to approve the City's drought contingency plan.

MPT Weaver made a motion to approve the City's drought contingency plan and repeal any existing plan.

CM Gilmore seconded the motion.

Motion passes 3-0.

18. Consideration and possible action to approve the City's water conservation plan.

MPT Weaver made a motion to approve the City's water conservation plan and repeal any existing plan.

CM Jones seconded the motion.

Motion passes 3-0.

19. Consideration and possible action to approve Resolution 2024-0212-01 to change the City Council regular meeting time to 6 PM.

Item was tabled until the next meeting by MPT Weaver.

20. Consideration and possible action to award the bid for the Jackson Street Elevated Storage Tank Improvement Project to M.K. Painting for an amount not to exceed \$170,000.

CM Gilmore made a motion to award the bid for the Jackson Street Elevated Storage Tank Improvement Project to M.K. Painting for an amount not to exceed \$170,000.

CM Jones seconded the motion.

Motion passes 3-0.

FUTURE AGENDA ITEMS

ADJOURN

MPT Weaver made the motion to adjourn.

CM Jones seconded.

Motion passes 3-0.

Adjourned at 8:19 PM.

MINUTES APPROVED:

X

CHAD MEES
MAYOR

ATTEST:

X

Brenda Kelley
City Clerk



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, February 26, 2024
Teinert Memorial Public Library
337 N Dalton, 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 7:01 PM

Quorum present. Members absent: Council member Vickie Cooper and MPT Philip Weaver.

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.)

No one signed up to speak.

WORKSHOP AGENDA: REVIEW/DISCUSS AND PROVIDE DIRECTION

1. Presentation and discussion on 2024 Rural Economic Development Downtown Revitalization Program.

Council provided direction on scope of grant application.

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.)

2. Consideration and possible action to appoint Andrew "AP" Mitchell to the Teinert Memorial Library Board.

3. Consideration and possible action to appoint Lori Thieme to the Teinert Memorial Library Board.

Councilman Jones made the motion to approve the consent agenda as presented.

Councilman Gilmore seconded.

Motion passes 3-0

REGULAR AGENDA: REVIEW/DISCUSS AND CONSIDER ACTION

4. Consideration and possible action to approve the 2023 Audit and Annual Comprehensive Financial Report.

CPA Donald Allman presented final report for the 2023 Audit and Annual Comprehensive Financial Report.

Councilman Jones made the motion to approve the 2023 Audit and Annual Comprehensive Financial Report.

Councilman Luna seconded.

Motion passes 3-0

5. Consideration and possible action to approve Ordinance 20240226-01 an order to cancel the May 4th, 2024 election.

Councilman Gilmore made the motion to approve Ordinance 20240226-01 an order to cancel the May 4th, 2024



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

election.

Councilman Luna seconded.

Motion passes 3-0

- 6. Consideration and possible action to approve task order KPA-24-001 with Kasberg, Patrick & Associates (24-02-MSA) for general engineering services for an amount not to exceed \$50,000.

Councilman Gilmore made the motion to approve task order KPA-24-001 with Kasberg, Patrick & Associates (24-02-MSA) for general engineering services for an amount not to exceed \$50,000.

Councilman Jones seconded.

Motion passes 3-0

- 7. Consideration and possible action to approve resolution 20240226-01 to change the City Council regular meeting time to 6 PM.

Councilman Jones made the motion to approve resolution 20240226-01 to change the City Council regular meeting time to 6:30 PM.

Councilman Gilmore seconded.

Motion passes 3-0

- 8. Consideration and possible action to direct City Administrator to apply for the 2024 Rural Economic Development Downtown Revitalization Program.

Councilman Gilmore made a motion to direct City Administrator to apply for the 2024 Rural Economic Development Downtown Revitalization Program.

Councilman Luna seconded.

Motion passes 3-0

FUTURE AGENDA ITEMS

Council asked for downtown parking and personnel policy for future agenda.

ADJOURN

Councilman Jones made the motion to adjourn.

Councilman Luna seconded

Motion passes 3-0

Meeting adjourned at 7:59 PM

MINUTES APPROVED

ATTEST:

X

Chad Mees
Mayor

X

Brenda Kelley
City Clerk

ORDINANCE NO. 20240311-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT FOR THE PROPERTY GENERALLY LOCATED AT 101 W BROOK STREET, APPROXIMATELY 5.62 ACRES OF LAND IN THE WILSON SURVEY, ABSTRACT NO. 651, WILLIAMSON, TEXAS, BEING A PORTION OF LOT 1, BLOCK 72 OF THE OFFICIAL REVISED MAP OF THE CITY OF BARTLETT, FROM C-1 ("COMMERCIAL USE") TO A PDD ("PLANNED DEVELOPMENT DISTRICT") R-4 WITH DESIGN APPROVAL TO BE REFERRED TO AS THE "BARTLETT CROSSING PLANNED DEVELOPMENT DISTRICT;" PROVIDING FOR A FINDS OF FACTS CLAUSE; ENACTMENT CLAUSE; REZONED PROPERTY CLAUSE; AMENDMENT FO APPLICABLE ZONING ORDINANCES CLAUSE; PROPER NOTICE AND MEETING REQUIREMENTS CLAUSE; PUBLICATION CLAUSE; SEVERABILITY CLAUSE; REPEALING CLAUSE; OPEN MEETINGS CLAUSE; EFFECTIVE DATE CLAUSE.

WHEREAS, Bartlett Crossing, LLC, the owner of approximately 5.62 acres of land in the Wilson Survey, Abstract No. 651, Williamson, Texas, being a portion of lot 1, Block 72 of the official revised map of the City Of Bartlett, as more particularly described on the attached **Exhibit "A"** (described hereinafter as the "Property"), have requested that the Property be zoned as a PDD to be known as the "Bartlett Crossing Planned Development District," and

WHEREAS, the Property currently resides within the corporate limits of the City of Bartlett;

WHEREAS, the conceptual plan for the Property is set forth in this "Bartlett Crossing PDD" Zoning Ordinance (the "Ordinance") and in **Exhibit "B"** attached hereto (the "Land Use Plan"), which identifies and designates the land use for the Property as further described below;

WHEREAS, the City Council at its public hearing held on February 12, 2024, have reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Bartlett, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Bartlett to adopt this Ordinance.

WHEREAS, the City Council finds that all notice requirements have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS;

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of the City of Bartlett Zoning Ordinance, as amended (the "Zoning Code").

Section 2. Enactment. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Code is hereby amended by zoning the Property being the 5.62-acre tract of land described on **Exhibit "A"** attached to this Ordinance, as a PDD zoning district. The Property is hereby zoned as the "Bartlett Crossing Planned Development District" with the uses of individual land areas as set forth in this Ordinance and as attached in Exhibit "A"

Section 4. Development Standards. The development standards can be found in Exhibit "C".

Section 5. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Bartlett as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

SECTION 6. PROPER NOTICE AND MEETING REQUIREMENTS

It is hereby officially found and determined that the meeting at which this Ordinance was passed 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 7. PUBLICATION CLAUSE

The City Secretary is hereby instructed to include this Ordinance in the records of the City and to have the official city map, depicting the new municipal boundaries, prepared as necessary. The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Williamson County Clerk as well as all other official and entitled entities. The City Secretary is hereby instructed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION 8. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 9. REPEALING CLAUSE

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION 10. OPEN MEETINGS CLAUSE

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION 11. EFFECTIVE DATE

This Ordinance is effective, and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

PASSED AND APPROVED by the City Council of the City of Bartlett, Texas, on this the 11th day of March, 2024.

THE CITY OF BARTLETT

BY:

ATTEST:

Chad Mees, Mayor

Brenda Kelley, City Clerk

Exhibit A

TITLE NOTES:

This survey was prepared in conjunction with, but not solely relying on, the Title Commitment listed below.

Title Commitment: G.F. No. 23-760136-AL
First National Title Insurance Company
Capital Title of Texas, LLC
Effective Date: August 31, 2023
Issue Date: September 7, 2023

The following restrictive covenants of record itemized below:

- Item No. 1, Schedule B, has been deleted in its entirety.
The following matters and all terms of the documents creating or offering evidence of the matters:
All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not.
All visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use.
Rights of the public, the State of Texas and the municipality in and to that portion of subject property, if any, lying within the boundaries of any roadway, public or private.
Rights of parties in possession.
Rights of tenants, as tenants only, under unrecorded leases or rental agreements.
Any and all matters which would be shown on a current, correct survey of the property.

Terms and provisions of Easement Deed by Court Order in Settlement of Landowner Action by and between Paul D. Drahorn and Ronald Poor and Qwest Communications Company, LLC, f/k/a Qwest Communications Corporation, Sprint Communications Company, L.P., and Level 3 Communications, LLC dated February 12, 2015, filed February 13, 2015, recorded in Document No. 2015058336, Real Property Records, Williamson County, Texas. (SUBJECT TO, THE EASEMENT IS BLANKET IN NATURE LIMITED TO A 20 FOOT WIDE STRIP OF LAND CENTERED IN THE ACTUAL LOCATION OF THE FACILITIES AS INSTALLED)

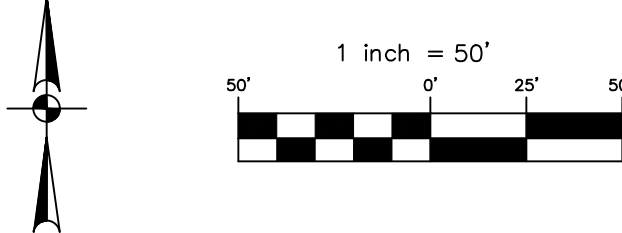


Table with 3 columns: LINE NO., BEARING, LENGTH. Contains 4 rows of line data.

LEGAL DESCRIPTION:

A 5.620 ACRE, OR 244,828 SQUARE FOOT, TRACT OF LAND SITUATED IN THE WILLIAM C. WILSON SURVEY, ABSTRACT NO. 651, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK 72 OF THE OFFICIAL REVISED MAP OF THE CITY OF BARTLETT, A SUBDIVISION...

METES AND BOUNDS DESCRIPTION FOR

A 5.620 ACRE, OR 244,828 SQUARE FOOT, TRACT OF LAND SITUATED IN THE WILLIAM C. WILSON SURVEY, ABSTRACT NO. 651, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK 72 OF THE OFFICIAL REVISED MAP OF THE CITY OF BARTLETT, A SUBDIVISION...

BEGINNING AT AN IRON ROD WITH CAP MARKED "ILS" FOUND ON A POINT IN THE WEST RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD (FORMERLY KNOWN AS MISSOURI, KANSAS AND TEXAS RAILROAD), A VARIABLE WIDTH RIGHT-OF-WAY, IN SAID REVISED MAP OF THE CITY OF BARTLETT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 4, BLOCK 66, OF SAID REVISED MAP...

THENCE S 16° 00' 37" W, DEPARTING THE SOUTH BOUNDARY LINE OF SAID LOT 4, BLOCK 66, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, SAME BEING THE EAST BOUNDARY LINE OF SAID FIRST, SECOND AND THIRD TRACTS, ALSO BEING THE EAST BOUNDARY LINE OF SAID LOT 1, BLOCK 72, FOR THE EAST BOUNDARY LINE HEREOF, A DISTANCE OF 844.00 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET, FOR THE SOUTHEAST CORNER OF SAID SECOND TRACT, SAME BEING THE NORTHEAST CORNER OF LOT 3, BLOCK 72, OF SAID REVISED MAP OF THE CITY OF BARTLETT, FOR THE SOUTHEAST CORNER HEREOF.

THENCE, DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD, ALONG THE NORTH BOUNDARY LINE OF SAID LOT 3, BLOCK 72, SAME BEING THE SOUTH BOUNDARY LINE OF SAID SECOND AND FOURTH TRACTS, ALSO BEING THE SOUTH BOUNDARY LINE OF SAID LOT 1, BLOCK 72, FOR THE SOUTH BOUNDARY LINE HEREOF, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

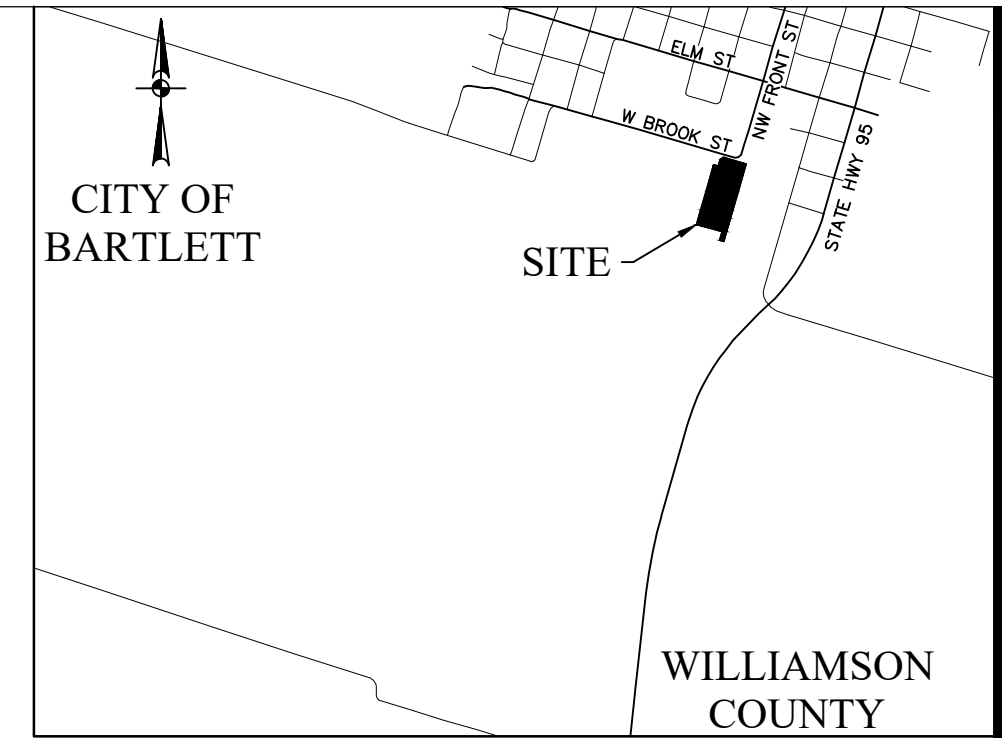
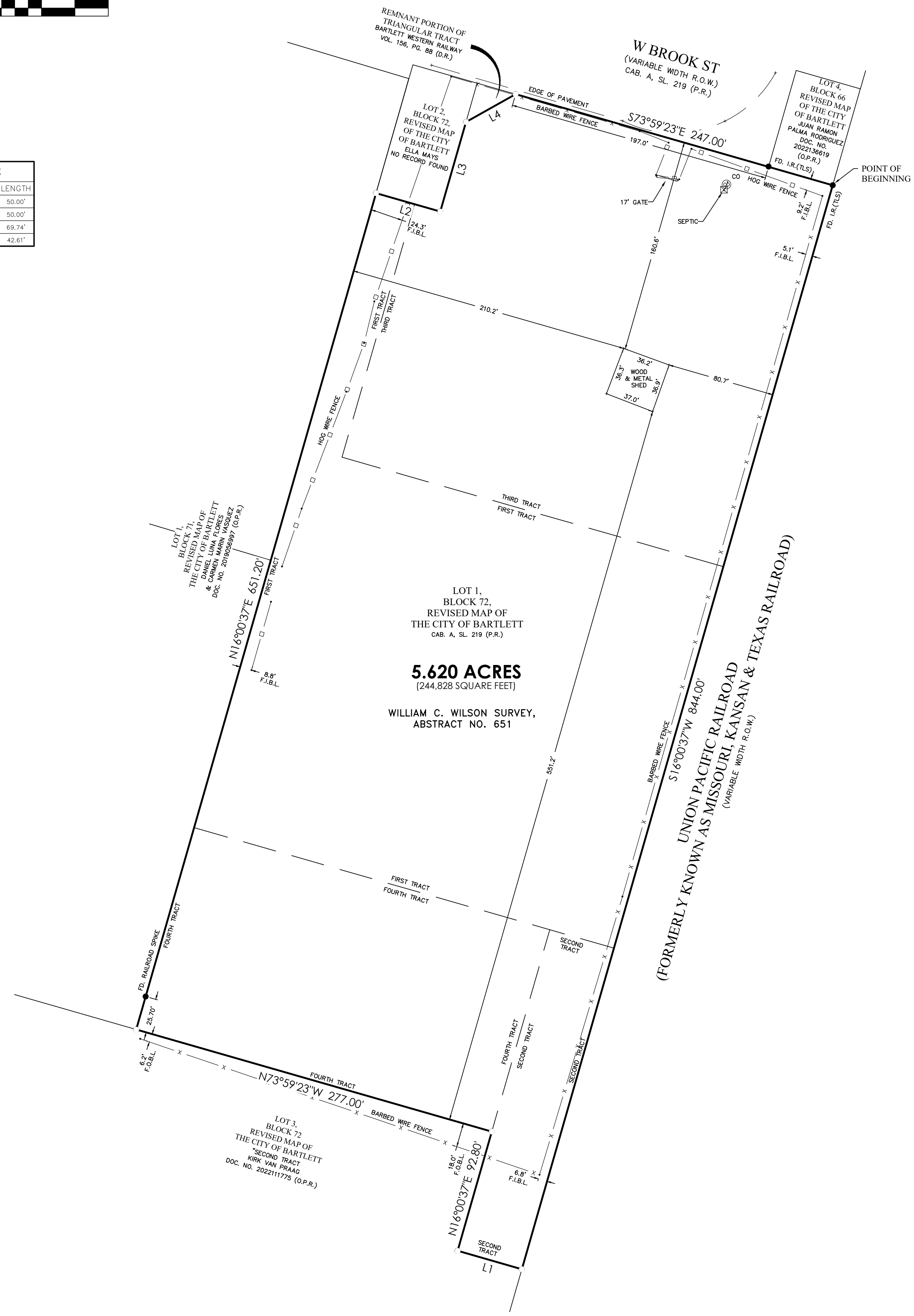
- 1. N 73° 59' 23" W, A DISTANCE OF 50.00 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET FOR AN ANGLE POINT HEREOF,
2. N 16° 00' 37" E, A DISTANCE OF 92.80 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET FOR AN ANGLE POINT HEREOF, AND
3. N 73° 59' 23" W, A DISTANCE OF 277.00, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET ON THE SOUTHEAST CORNER OF LOT 1, BLOCK 71, OF SAID REVISED MAP OF THE CITY OF BARTLETT, SAME BEING THE SOUTHWEST CORNER OF SAID FOURTH TRACT, FOR THE THE SOUTHWEST CORNER HEREOF;

THENCE N 16° 00' 37" E, DEPARTING THE NORTH BOUNDARY LINE OF SAID LOT 3, BLOCK 72, ALONG A PORTION THE EAST BOUNDARY LINE OF SAID LOT 1, BLOCK 71, SAME BEING THE WEST BOUNDARY LINE OF SAID FIRST AND FOURTH TRACT, ALSO BEING A PORTION OF THE WEST BOUNDARY LINE OF SAID LOT 1, BLOCK 72, FOR A PORTION OF THE WEST BOUNDARY LINE HEREOF, AT A DISTANCE OF 25.70 FEET PASSING THROUGH A RAILROAD SPIKE FOUND IN THE COMMON BOUNDARY LINE OF SAID LOT 1, BLOCK 71 AND LOT 1, BLOCK 72, CONTINUING ALONG THE AFOREMENTIONED COMMON LINE, FOR A TOTAL DISTANCE OF 651.20 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET IN THE SOUTH BOUNDARY LINE OF LOT 2, BLOCK 72, OF SAID REVISED MAP OF THE CITY OF BARTLETT, FOR WHICH NO RECORD COULD BE FOUND, FOR AN ANGLE POINT HEREOF;

THENCE, DEPARTING THE EAST BOUNDARY LINE OF SAID LOT 1, BLOCK 71, ALONG THE SOUTH AND EAST BOUNDARY LINES OF SAID LOT 2, BLOCK 72, IN PART ALONG THE EAST BOUNDARY LINE OF THE REMNANT PORTION OF A TRIANGULAR TRACT, DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 166, PAGE 88, OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, THROUGH THE INTERIOR OF SAID FIRST AND THIRD TRACTS, BEING A PORTION OF THE WEST BOUNDARY LINE OF SAID LOT 1, BLOCK 72, FOR A PORTION OF THE WEST BOUNDARY LINE HEREOF, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1. S 73° 59' 23" E, FOR A DISTANCE OF 50.00 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET, FOR AN ANGLE POINT HEREOF,
2. N 16° 00' 37" E, FOR A DISTANCE OF 69.74 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET, FOR AN ANGLE POINT HEREOF, AND
3. N 60° 45' 37" E, FOR A DISTANCE OF 42.61 FEET, TO A 1/2" IRON ROD WITH PLASTIC CAP MARKED "GEONET OF TEXAS" SET IN THE SOUTH RIGHT-OF-WAY LINE OF W BROOKS ST, A VARIABLE WIDTH RIGHT-OF-WAY IN SAID REVISED MAP OF THE CITY OF BARTLETT, SAME BEING A POINT IN THE NORTH BOUNDARY LINE OF SAID THIRD TRACT, FOR THE NORTHWEST CORNER HEREOF;

THENCE S 73° 59' 23" E, DEPARTING THE EAST BOUNDARY LINE OF SAID REMNANT PORTION OF A TRIANGULAR TRACT, ALONG A PORTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID W BROOKS ST, SAME BEING IN PART THE SOUTH BOUNDARY LINE OF SAID LOT 4, BLOCK 66, ALSO BEING THE NORTH BOUNDARY LINE OF SAID THIRD TRACT AND HEREOF, AT A DISTANCE OF 197.00 FEET, PASSING THROUGH AN IRON ROD WITH CAP MARKED "ILS" FOUND IN THE SOUTHWEST CORNER OF LOT 4, BLOCK 66, CONTINUING WITH THE NORTH BOUNDARY LINE OF THE AFOREMENTIONED THIRD TRACT, FOR A TOTAL DISTANCE OF 247.00 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 5.620 ACRES IN WILLIAMSON COUNTY, TEXAS, SAID TRACT BEING DESCRIBED ACCORDANCE WITH A SURVEY MADE ON THE GROUND AND A SURVEY MAP PREPARED BY GEONET OF TEXAS, LLC, UNDER THE SUPERVISION OF JOSUE B. MIRANDA ORTIZ, REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSE NO. 6637, STATE OF TEXAS, JOB NO. 10255-23, ON OCTOBER 27, 2023 (REVISED ON NOVEMBER 1, 2023).



ABBREVIATIONS:

- CONC. CONCRETE
ELEC. ELECTRIC
FD. FOUND
I.R. IRON ROD
F.I.B.L. FENCE INSIDE BOUNDARY LINE
F.O.B.L. FENCE OUTSIDE BOUNDARY LINE
(GOT) GEONET OF TEXAS CAP
CAB. CABINET
SL. SLIDE
VOL. VOLUME
PG. PAGE
DOC. NO. DOCUMENT NUMBER
BL. BUILDING SETBACK LINE
R.O.W. RIGHT-OF-WAY
P.U.E. PUBLIC UTILITY EASEMENT
D.R. DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
P.R. PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS
O.P.R. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
R.P.R. REAL PROPERTY RECORDS OF WILLIAMSON COUNTY, TEXAS

LEGEND

- Sanitary sewer cleanout symbol
Gate symbol
Monument found symbol
1/2" I.R. with cap marked symbol
"GEONET OF TEXAS" SET symbol
Barbed wire fence symbol
Hog wire fence symbol
Boundary line symbol
Adjoiner line symbol
Tract line symbol

NOTES:

- 1) 1/2" IRON ROD WITH ALUMINUM CAP MARKED "RPLS 6637" SET AT SUBJECT PROPERTY CORNERS UNLESS NOTED OTHERWISE.
2) THE BEARINGS FOR THIS SURVEY ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.
3) ILLUSTRATED UTILITIES ARE BASED ON FOUND VISIBLE EVIDENCE. THE LOCATION AND DEPTH OF EXISTING UTILITIES SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION. THE SURVEYOR DOES NOT HAVE KNOWLEDGE AS TO THE AVAILABILITY OF SERVICE TO, OR THE STATUS OF THE UTILITIES ON THIS SITE.
4) ADDRESS: 101 W BROOK ST BARTLETT, TX 76511
5) THE SURVEYED PROPERTY IS WITHIN ZONE X, DEFINED AS: "AREAS OF MINIMAL FLOOD HAZARD", AS DEPICTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP NUMBER 48491C0175F, DATED DECEMBER 20, 2019, FOR WILLIAMSON COUNTY, TEXAS AND INCORPORATED AREAS.
6) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION. (MB-10255-23-5.620AC.R1)

CERTIFICATION:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT A SURVEY WAS CONDUCTED ON OCTOBER 9, 2023 ON THE GROUND OF LOT 1, BLOCK 72 (5.620 ACRE TRACT) AS SHOWN HEREON AND THAT: (i) THIS SURVEY AND THE PROPERTY DESCRIPTION SET FORTH HEREON WAS MADE FOR THE BENEFIT OF AND RELIANCE BY BARTLETT CROSSING, LLC, FIRST NATIONAL TITLE INSURANCE COMPANY, AND CAPITAL TITLE OF TEXAS, LLC, WITH RESPECT TO G.F. NO. 23-760136-AL, EFFECTIVE; AUGUST 31, 2023; ISSUED; SEPTEMBER 7, 2023; (ii) THIS SURVEY AND THE PROPERTY DESCRIPTION SET FORTH HEREON ARE TRUE, CORRECT AND ACCURATE AND WERE PREPARED FROM AN ACTUAL ON-THE-GROUND STAKED SURVEY OF THE REAL PROPERTY SHOWN HEREON; (iii) THE PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY AS SHOWN HEREON AND THE DISTANCE OF THE SUBJECT PROPERTY FROM THE NEAREST INTERSECTING STREET OR ROAD IS SHOWN HEREON; (iv) EXCEPT AS SHOWN HEREON, THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, IMPROVEMENTS, OVERLAPPING OF IMPROVEMENTS, SET-BACK LINES, EASEMENTS OR ROADWAYS, EXCEPT AS SHOWN HEREON; (v) THE BOUNDARIES, DIMENSIONS, OTHER DETAILS, SHOWN HEREON ARE TRUE AND CORRECT; THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION II, TSPS LAND TITLE SURVEY. DATE OF MAP: OCTOBER 27, 2023 (REVISED ON NOVEMBER 1, 2023).



JOSUE B. MIRANDA ORTIZ, R.P.L.S. NO. 6637
STATE OF TEXAS
GEONET OF TEXAS, LLC
TEPELS FIRM REGISTRATION NO. 10194782
jmiranda@geonetoftexas.com

11/01/2023
DATE

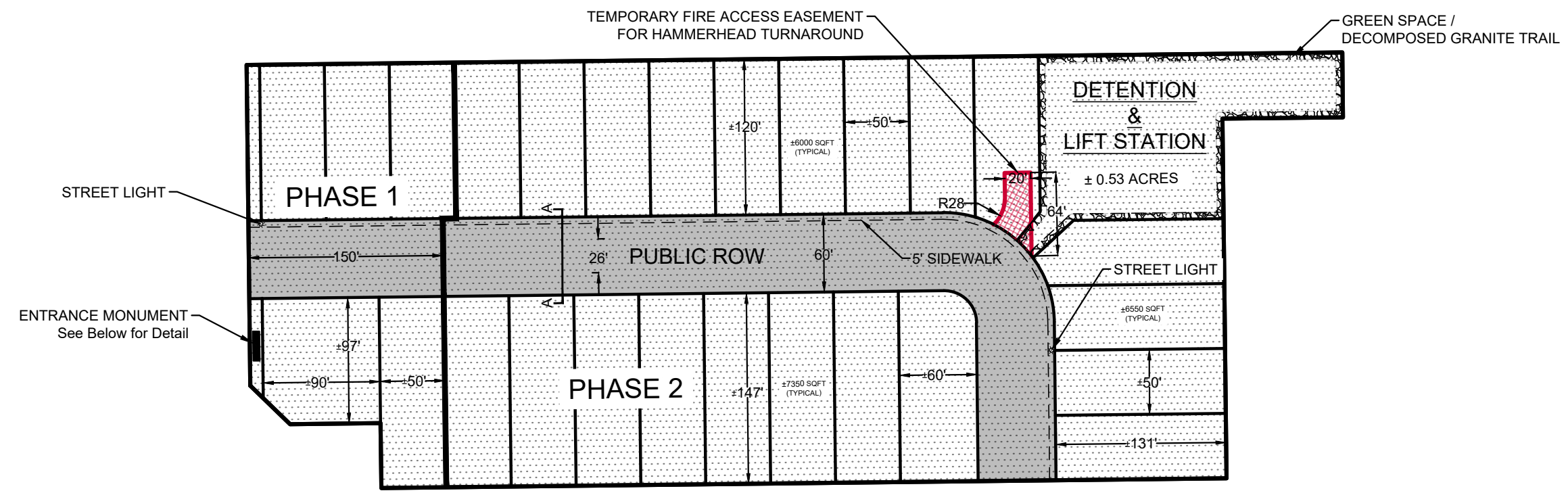
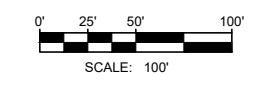
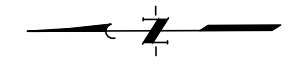
Geonet logo and contact information for Geonet of Texas, LLC.

Table with columns for revision tracking: Description, Date, By, Appr., Issued.

BARTLETT CROSSING, LLC
101 W BROOK ST
BARTLETT, TX 76511
THE TSPS LAND TITLE SURVEY


Table with columns for drawing information: Project, File Name, Dwn., Ckcd., Dgn., Drawing No., Revision, Sheet.


Exhibit B



SINGLE-FAMILY
 26 - 50' MIN LOTS
 60' PUBLIC ROW

LEGEND:

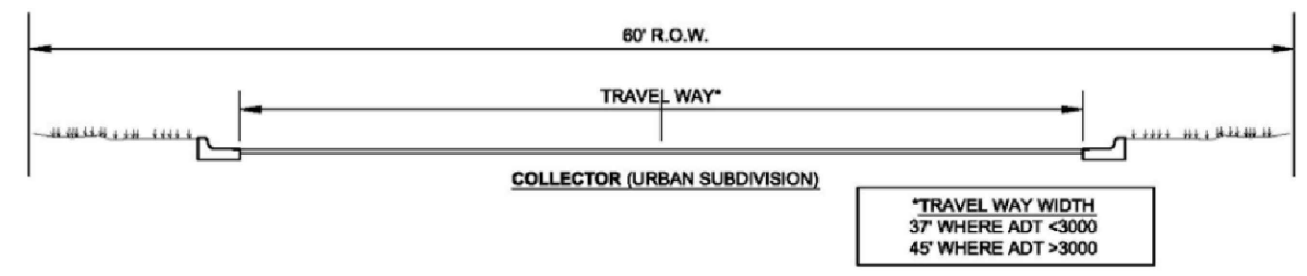
 R-4

 FIRE LANE

- NOTES:**
- TREE MITIGATION IS NOT REQUIRED BY CITY OF BARTLETT OR WILLIAMSON COUNTY.
 - EACH LOT IS ANTICIPATED TO ACCOMMODATE TWO GARAGE PARKING SPACES AND TWO DRIVEWAY PARKING SPACES.
 - STREET PARKING WILL BE ALLOWED ALONG BOTH DIRECTIONS OF THE RIGHT OF WAY.



CONCEPT RENDERING



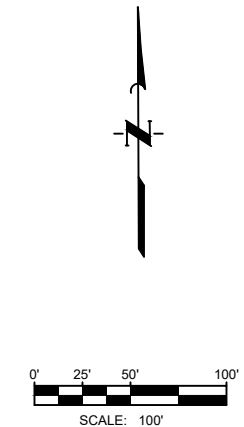
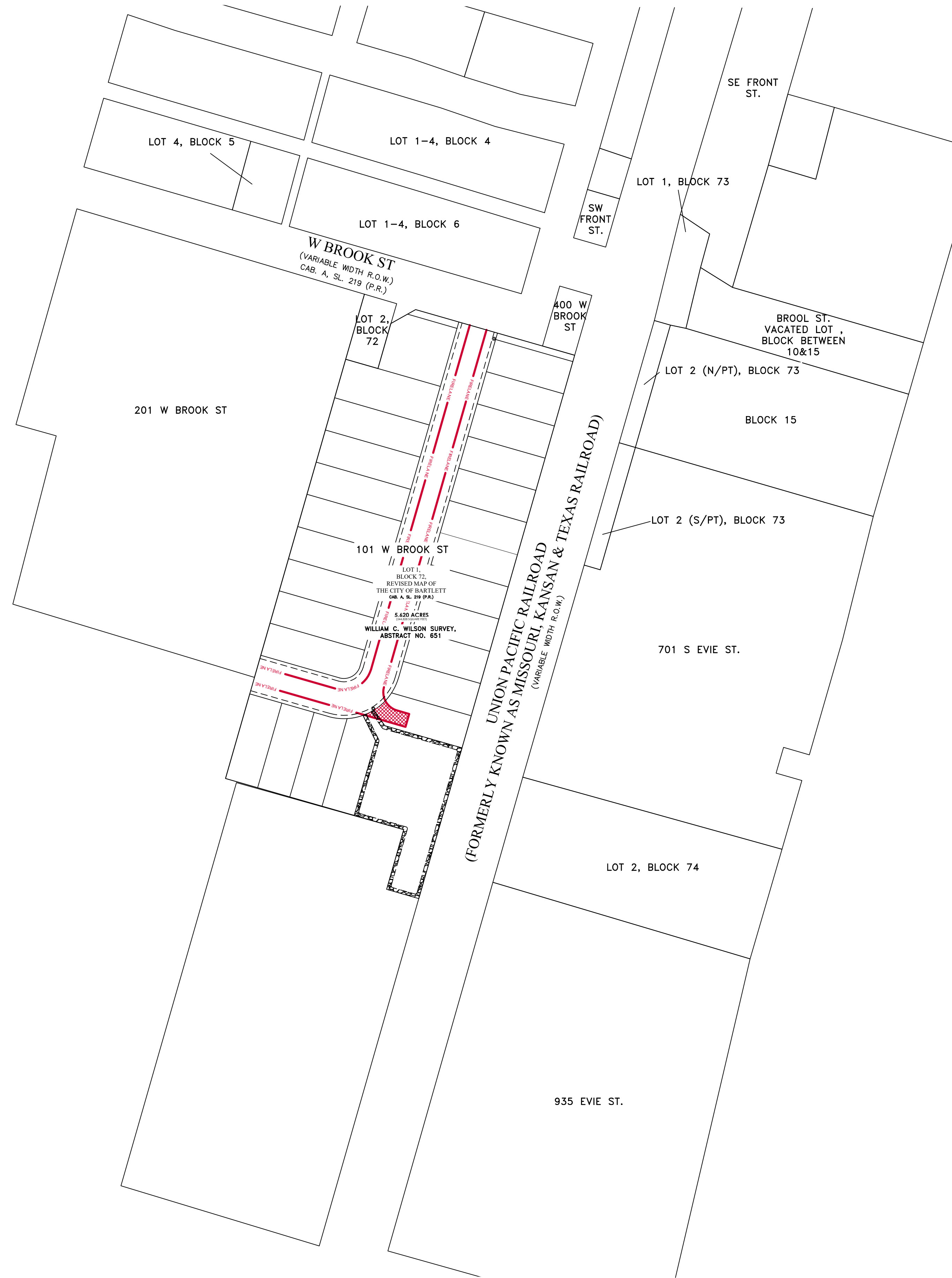
ROW CROSS SECTION A-A

BARTLETT CROSSING
 Concept Plan

QUIDDITY
Texas Board of Professional Engineers and Land Surveyors Registration Nos. F-23290 & 10046100
 3100 Alvin Devane Boulevard, Suite 150 • Austin, Texas 78741 • 512.441.9493

SCALE: 1" = 100'
 DATE: 1/24/2024
 JOB NO: 17912-0003-03

K:\17912\17912-0003-03 Bartlett Crossing\2 Design Phase\CAD\Bartlett Land Plan - PDD PLAN.dwg



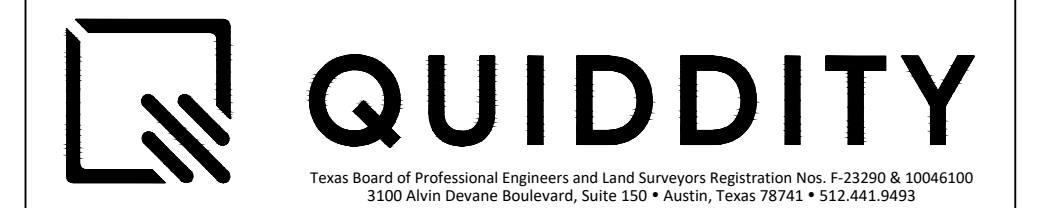
LEGEND

- PROPERTY BOUNDARY
- PROPOSED FIRE LANE

NOTES:

1. TREE MITIGATION IS NOT REQUIRED BY CITY OF BARTLETT OR WILLIAMSON COUNTY.
2. EACH LOT IS ANTICIPATED TO ACCOMMODATE TWO GARAGE PARKING SPACES AND TWO DRIVEWAY PARKING SPACES.

BARTLETT CROSSING
 Concept Plan



SCALE: 1" = 100'
 DATE: 1/18/2024
 JOB NO: 17912-0003-03

EXHIBIT - B

BARTLETT CROSSING – PDD

A. Purpose and Intent

1. The Bartlett Crossing PDD is composed of approximately 5.62 acres, as shown in **Exhibit A**. The development of this property includes single-family residential use. An HOA will be setup to maintain the common space lots in the subdivision.

B. Applicability and Base Zoning

1. All aspects regarding the development of this PDD shall comply with the City of Bartlett Planning and Development Regulations, except as established in this exhibit, titled **Exhibit B**.
2. For the purpose of establishing development standards for the PDD, the following base zoning districts have been selected from the Bartlett Planning and Development Regulations.
R-4 (Small House District) with variances

C. Conceptual Site Layout & Land Use Plan

1. A Concept Plan has been attached to this PDD to illustrate the design intent for the property.

D. Allowable / Prohibited Uses

1. The allowable uses shall include single-family residential on platted lots.
2. The maximum residential lot count shall be twenty-six (26).
3. Accessory dwelling units are permitted and habitable area shall not exceed 450 square feet per floor and shall require additional parking.
4. Home based businesses are restricted.

E. Development Standards

1. The Bartlett Crossing Development will comply with the Development Standards in the table below for single-family residential uses.

	Base Zoning	Proposed Zoning
Lot Width Minimum	40 ft	50 ft
Cul-de-sac Lot Width Minimum at building setback	N/a	40 ft
Front Setback from Public Streets (minimum from ROW)	N/a	12 ft.
Street Side Setback from Public Streets (minimum from ROW)	N/a	15 ft.
Side Setback (minimum) No vertical obstruction except for monument	N/a	5 ft
Perimeter Setback (minimum)	N/a	15 ft
Lot area (minimum)	2,400 sq ft	5,000 sq ft
Maximum Building Height	N/a	2.5 stories

2. Street lighting is required in the interior of the project. Two (2) streetlights will be provided in the approximate location shown at the north entrance and at the bend near the detention pond lot. Additional lighting can be added at the discretion of the developer. The monument sign will also be lit.
3. Underground electric is required.
4. Fencing may be either masonry, wrought iron, decorative tubular metal, or wood.
5. Street parking will be allowed along both sides of the ROW. Each Single-Family lot will be developed to provide two (2) garage parking spots and two (2) driveway parking spots.

F. Architectural Standards

1. For all residential products, the definition of masonry shall include, stone, or brick as long as the homes substantially comply with the elevations shown in **Exhibit D**. The Masonry requirement will be 25% for 50% of the homes. The images are not to be interpreted as the only elevations allowed within the community or a final product, but merely to represent the general intent for the street scene and home style. See **Exhibit B** for conceptual site layout and unit mix.
2. The project will provide two (2) parking spaces in garages and two (2) parking spaces in driveways.

G. Landscape

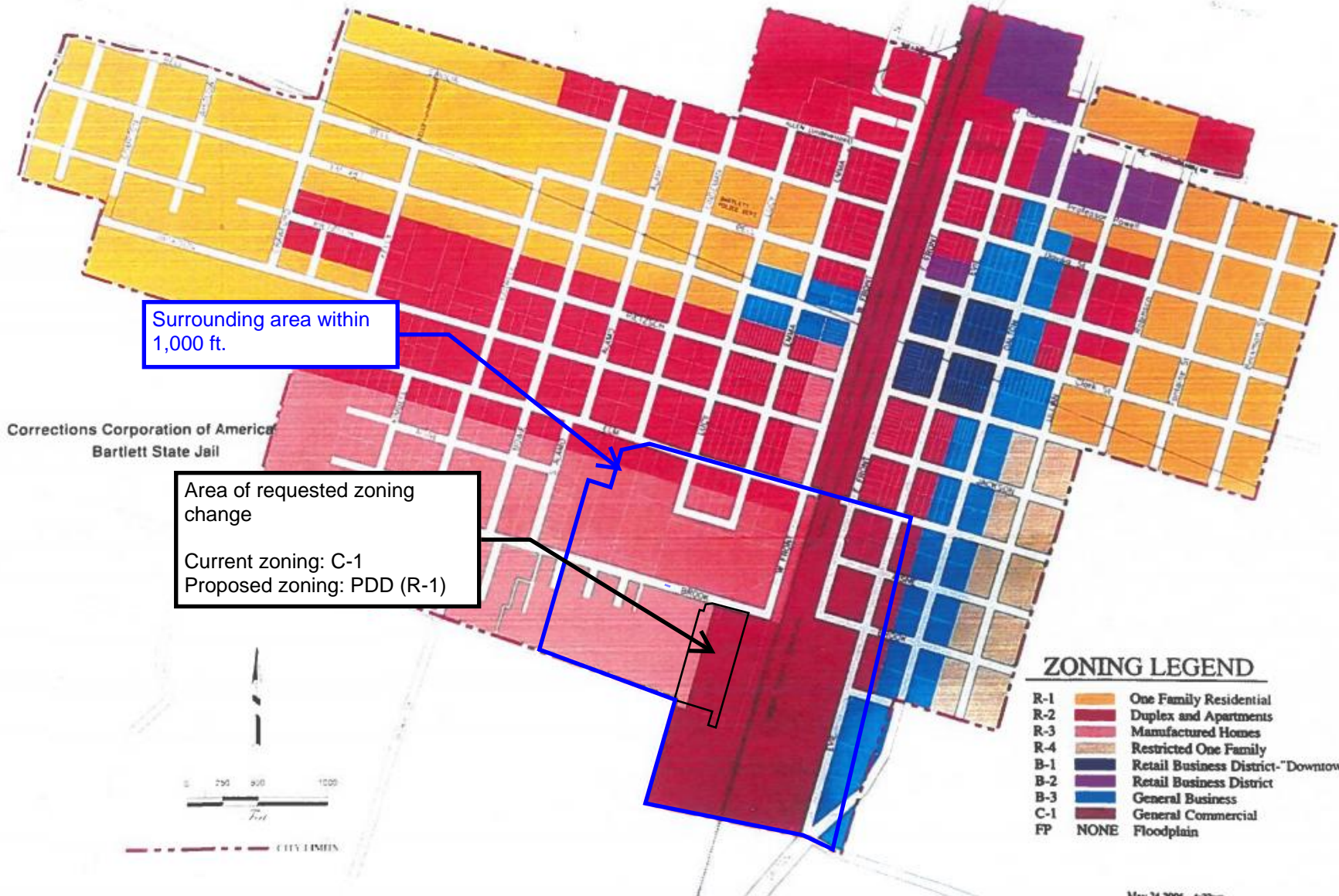
1. Two (2) two (2") caliper inch trees shall be planted in the front yard of each lot. Trees shall not be planted between the back of curb and the public ROW.
2. Entrance Monument to be included as shown in Exhibit B and must be approved by City Council separately.
3. Ponds shall be designed as deemed appropriate by City engineer.
4. Decomposed granite trail shall run along the perimeter of the open space/detention lot at a width of 5 feet.
5. Efforts will be made to minimize impact to the existing trees primarily the desired species.

H. Transportation

1. Sidewalks: A sidewalk is required along the east and south side (one side) of the ROW. See **Exhibit B** for conceptual sidewalk layout.

I. Project Phasing & Project Scheduling

1. Project Phasing will be done in two phases. The 1st phase will include developing the northern most five (5) lots along with the monument, one (1) light pole, and a detention pond. The 2nd phase will be the remaining improvements including building out the detention pond to the ultimate design. The fire access easement will be a temporary fire access easement that will be vacated upon connection of the stubbed ROW with a future City Street.
2. Project Scheduling
 3. Schedule 1st Phase
 - Start Platting, Design, & Permitting - Anticipated March 2024
 - Complete Platting, Design, & Permitting - Anticipated June 2024
 - Begin Infrastructure Construction - Anticipated July 2024
 - End Infrastructure Construction - Anticipated October 2024
 - Begin Homebuilding Construction – Anticipated November 2024
 - End Homebuilding Construction – Anticipated March 2025
 - Begin Homebuilding Sales – Anticipated April 2025
 - End Homebuilding Sales – Anticipated August 2025
 4. Schedule 2nd Phase
 - Start Platting, Design, & Permitting - Anticipated September 2025
 - Complete Platting, Design, & Permitting - Anticipated February 2026
 - Begin Infrastructure Construction - Anticipated March 2026
 - End Infrastructure Construction - Anticipated August 2026



Surrounding area within 1,000 ft.

Corrections Corporation of America
Bartlett State Jail

Area of requested zoning change
Current zoning: C-1
Proposed zoning: PDD (R-1)

ZONING LEGEND

- R-1 One Family Residential
- R-2 Duplex and Apartments
- R-3 Manufactured Homes
- R-4 Restricted One Family
- B-1 Retail Business District-"Downtown Area"
- B-2 Retail Business District
- B-3 General Business
- C-1 General Commercial
- FP NONE Floodplain

May 24 2006 - 4:27pm

Prepared by
PUBLIC MANAGEMENT, INC.

#0289 1827
Growing Smaller 7726 1427
281-935-6439

THE PREPARATION OF THIS DOCUMENT WAS FINANCED THROUGH PROCEEDS OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

REPRODUCED FROM THE OFFICE OF DEVELOPMENT SERVICES OF THE OFFICE OF THE ATTORNEY GENERAL

Author	Article	Date Revised
JMG	Revised Pursuant to Council's Passage - BCM-20180409	20180412

EXHIBIT
Z

**2006
CITY OF BARTLETT, TEXAS
ZONING MAP**

Request for Proposal (RFP) for Administration Professional Services - Cover Letter

2/13/2024

Re: Texas General Land Office (“GLO”) **Community Development Block Grant Disaster Recovery-Mitigation (CDBG-MIT), Resilient Communities Program (RCP)**

Dear Service Providers:

Attached is a copy of the City of Bartlett’s Request for Proposals (“RFP”) for professional administration services. These services are being requested to assist the City in its application(s) for and implementation of one or more contracts, if awarded, from the GLO’s CDBG – MIT RCP program. The City is considering applying for such funding for planning activities.

Service providers may submit proposals for any or all activities. The City will, in its sole discretion, determine the number of contracts awarded, and may decide not to award any contracts.

The submission requirements for this proposal are included in the attached RFP. Please submit a proposal of services and statement of qualifications to:

Mayra Cantu, City Administrator
mayra.cantu@bartlett-tx.us

The deadline for submission of proposals is February 29, 2024 at 5 PM CST. It is the responsibility of the submitting entity to ensure that the proposal is received in a timely manner. Proposals received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting provider. The City reserves the right to negotiate with any and all service providers submitting timely proposals.

The City of Bartlett is an Affirmative Action/Equal Opportunity Employer. Section 3 Residents, Minority Business Enterprises, Small Business Enterprises, Women Business Enterprises, and Labor Surplus Area firms are encouraged to submit proposals.

RFP for Administration Professional Services

The City of Bartlett is seeking well-qualified administration/activity delivery service provider(s) to assist the City in preparing application(s) for and in the overall administration or implementation of proposed **Community Development Block Grant Disaster Recovery-Mitigation (CDBG-MIT) RCP program**, if funded by the Texas General Land Office (GLO). The following outlines the RFP:

1. Scope of Work

Administration Services

A sample detailed Scope of Services for CDBG administration services provided by the GLO is enclosed in this packet. The administration service provider to be hired will provide application and contract-related management services, including but not limited to the following areas:

Pre-Funding Services*

Provider will assist in developing project scope(s) and complete CDBG-MIT application(s). The provider will work with the local government and Engineer, if applicable, to provide the concise information needed for submission of one or more complete CDBG-MIT funding applications and related documents. The required information shall be submitted in a format to be described by the GLO.

Post-Funding Services

Provider will administer and provide activity delivery of infrastructure, utilities, planning, housing and eligible projects approved for CDBG-MIT funding. The selected service provider must follow all requirements of the HUD CDBG-MIT program as administered by the GLO.

General Administration Services

- Administrative Duties
- Construction Management
- Acquisition Duties (as necessary)
- Buyout Duties (as necessary)
- Environmental Services
- Plan Development

Please specify a complete list of actual tasks to be performed under each of these categories in your response, including, if necessary, a **brief** description of each task.

**Pre-funding services are generally ineligible for CDBG-MIT reimbursement.*

2. Statement of Qualifications

The City is seeking qualified professional administration service providers experienced in grant application preparation, and administration/activity delivery. Please provide the following as it relates to your qualifications:

- A brief history of the service provider, including general background, knowledge of and experience working with relevant agencies and programs;
- Related experience in applying for and managing federally-funded local projects, in particular recent experience;
- A description of work performance and experience with CDBG, CDBG Disaster Recovery, FEMA Hazard Mitigation or similar projects including a list of at least three references from past local government clients, with information describing the relevancy of the previous performance;
- Describe which specific parts of the Scope of Work the service provider proposes to perform;

- Describe the capacity to perform the chosen Scope of Work activities as well as resumes of all employees who may be assigned to provide services if your firm is selected, identifying current employees and proposed hires; and
- A statement substantiating the resources of the service provider and the ability to carry out the scope of work requested within the proposed timeline.

3. Proposed Cost of Services

Provide your cost proposal to accomplish the scope of work by activity or to complete a specific service outlined above and for any additional services required using the Cost of Services page(s) included in this packet: Required RFP Forms. The specific projects and grant amounts are yet to be determined; therefore, vendors should propose pricing based on the potential funding amounts provided.

The local government will consider dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises. As such, proposers may specify any maximum limit to the total dollar value of grant funds they are able and willing to manage. Service providers may submit proposals for any or all activities. Preference will be given to firm fixed pricing. The proposal must include all costs that are necessary to successfully complete these activities. Note that the lowest/best bid will not be used as the sole basis for entering into this contract; rather, award will be made to the service provider(s) providing the best value, cost and other factors considered.

Profit (either % / actual cost) must be identified and negotiated as a separate element of the price of the contract. To comply, the respondent must disclose and certify in its proposal the percentage of profit being used. “Cost plus percentage of cost” type proposals are prohibited.

4. Evaluation Criteria - The proposal received will be evaluated and ranked according to the following criteria and using the rating sheet enclosed:

<u>Criteria</u>	<u>Maximum Points</u>
Experience	40
Work Performance	30
Capacity to Perform	25
Proposed Cost	5
Total	100

5. Submission Requirements

- A copy of your current **certificate of insurance** for professional liability.
- **Statement of Conflicts of Interest** (if any) the service provider or key employees may have regarding these services, and a plan for mitigating the conflict(s). Note that the City may in its sole discretion determine whether or not a conflict disqualifies a firm, and/or whether or not a conflict mitigation plan is acceptable.
- **System for Award Management.** Service provider and its Principals, may not be debarred or suspended nor otherwise on the Excluded Parties List System (EPLS) in the System for Award Management (SAM). Include verification that the service provider as well as the its principals are not listed (are not debarred) through the System for Award Management (www.SAM.gov). Enclose a print out of the search results that includes the record date.
- **Form CIQ**, (enclosed). Texas Local Government Code chapter 176 requires that any vendor or person who enters or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person’s employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with a local government entity. Questionnaire form CIQ is included in the RFP and must be submitted with the response.
- **Certification Regarding Lobbying** (enclosed). Certification for Contracts, Grants, Loans, and Cooperative Agreements is included in the RFP and must be submitted with the response.

- **Form 1295**, (enclosed). Effective January 1, 2016, all contracts and contract amendments, extensions, or renewals executed by the Commissioners Court will require the completion of Form 1295 "Certificate of Interested Parties" pursuant to Government Code § 2252.908. Form 1295 must be completed by awarded vendor at time of signed contract submission. Form 1295 is included in this RFP for your information.
 - **Required Contract Provisions**. Applicable provisions (enclosed) must be included in all contracts executed as a result of this RFP.
6. Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate in this RFP. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
- 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the Department of Commerce.

Minority-owned businesses may be eligible for contract procurement assistance with public and private sector entities from MBDA centers:

Houston MBDA Business Center
 2302 Fannin Street, Suite 165, Houston, TX 77002
 713-718-8974
<https://www.hccs.edu/hcc-in-the-community/entrepreneurial-initiatives/mbda/>

Dallas-Fort Worth MBDA Business Center
 8828 N Stemmons Freeway - Ste 550-B, Dallas, TX 75247
 214-920-2436
<http://www.mbdadfw.com/>

San Antonio MBDA Business Center
 501 W César E Chávez Blvd, San Antonio, TX 78207
 210-458-2480
<https://sanantoniombdacenter.com/>

MBDA Business Center – El Paso
 c/o El Paso Hispanic Chamber of Commerce
 2401 E. Missouri Ave.
 El Paso, TX 79903
 915-351-6232 ext. 19
<https://ephcc.org/blog/growing-my-existing-business/our-mbda-business-center/>

Small and woman-owned businesses may be eligible for assistance from SBA Women's Business Centers:

Houston Women's Business Council, Inc.
 9800 Northwest Freeway, Suite 120, Houston, TX 77018
 713-681-9232
wbc@wbea-texas.org

LiftFund - Dallas Fort Worth Women's Business Center
 8828 N. Stemmons Fwy, Suite 142, Dallas, TX 75247

888-215-2373
wbcdfw@liffund.com

LiftFund - San Antonio Women's Business Center
600 Soledad St., San Antonio, TX 78205
888-215-2373
wbc@liffund.com

SBA also provides assistance at Small Business Development Centers located across Texas:
<https://americassbdc.org/small-business-consulting-and-training/find-your-sbdc/>

7. Deadline for Submission – Proposals must be received no later than February 29, 2024 at 5 PM CST. It is the responsibility of the submitting entity to ensure that the proposal is received in a timely manner. Proposals received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting firm. Please submit via email your proposal to:

Mayra Cantu, City Administrator
mayra.cantu@bartlett-tx.us

Any questions or requests for clarification must be submitted in writing via EMAIL to the address above at least 3 business days prior to the deadline. The City may, if appropriate, circulate the question and answer to all service providers submitted proposals.

Texas General Land Office
Community Development Block Grant Disaster Recovery - Mitigation (CDBG – MIT)

Administration Services
Description of Programs

Below is a description of proposed Community Development Block Grant-Mitigation (CDBG-MIT) construction/acquisition programs through the Texas General Land Office (GLO). The City of Sinton anticipates applying for the following programs (please check the appropriate programs below):

Applicant: City of Bartlett

Programs:

- Hurricane Harvey Mitigation (for declared counties)
- 2015 Floods Mitigation (for declared counties)
- 2016 Floods Mitigation (for declared counties)
- Hazard Mitigation: Supplemental (for declared counties)
- Regional Mitigation (for declared counties)
- Resilient Communities**
- CDBG-MIT Local Hazard Mitigation Plans Program (LHMPP)

CDBG-MIT

Program Descriptions:

Hurricane Harvey State Mitigation: Funds mitigation projects for Hurricane Harvey HUD MID and State MID areas. The State Competition is open to cities, counties, council of governments, state entities, special and service districts. Examples of projects include flood control and drainage improvements, infrastructure improvements, green infrastructure, public facilities, and buyouts.

2015 Floods State Mitigation: Provide funds to cities, counties, Indian Tribes, and councils of governments to address risks in the 2015 Floods HUD MID and State MID areas. Examples of projects include flood control and drainage improvements, infrastructure improvements, green infrastructure, public facilities, and buyouts.

2016 Floods State Mitigation: Provide funds to cities, counties, Indian Tribes, and councils of governments to address risks in the 2016 Floods HUD MID and State MID areas. Examples of projects include flood control and drainage improvements, infrastructure improvements, green infrastructure, public facilities, and buyouts.

Hazard Mitigation Grant Program (HMGP): Supplemental: The Texas Division of Emergency Management has called for, selected, and prioritized a variety of local mitigation projects through FEMA's HMGP. This supplemental helps fund HMGP CDBG-MIT eligible projects that were selected but unable to receive funding in Hurricane Harvey impacted areas.

Regional Mitigation (COG MODs): Each Council of Government (COG) impacted by Hurricane Harvey will be allocated funds. Each COG will develop a method of distribution (MOD) to allocate funds to local units of governments and Indian Tribes. The GLO encourages the prioritization of regional investments with regional impacts in risk reduction to develop disaster-resistant infrastructure including upgrading of water, Sewer, solid waste, communications, energy, transportation, health and medical infrastructure, and natural mitigation infrastructure.

Resilient Communities: Provides funds for the development, adoption, and implementation of resilient building codes, flood damage prevention ordinances, zoning ordinances, comprehensive plans, and land use plans. Additionally, RCP funds an array of public service activities related to resiliency.

Local Hazard Mitigation Plans Program (LHMPP) Assists eligible entities through providing grants to develop or update local hazard mitigation plans, or to provide cost share for hazard mitigation planning activities funded through other federal sources.

See the GLO's CDBG-MIT Action Plan for more information on the requirements and scopes of these activities:
<https://recovery.texas.gov/files/programs/mitigation/cdbq-mit-submitted-plan.pdf>

SCOPE OF SERVICES Administration Services

The Contractor shall provide the following scope of services:

SCOPE OF SERVICES REQUESTED

Providers will help the GLO fulfill State and Federal Community Development Block Grant Mitigation (“CDBG-MIT”) statutory responsibilities related to recovery in connection with any federally declared disaster. Providers will assist the GLO and/or grant recipients in completion of CDBG-MIT projects. Respondents may be qualified to provide Grant Administration services for one or more programs or services (environmental, acquisition/buyout, general administration, etc.) Grant administrative services must be performed in compliance with the U.S. Department of Housing and Urban Development (“HUD”) and guidelines issued by the GLO.

DESCRIPTION OF SERVICES AND SPECIAL CONDITIONS

Respondent must be able to perform the tasks listed herein to be considered eligible for an award under this Solicitation. Respondents should provide a detailed narrative of their experience as it relates to each of the items below. Respondents should clearly indicate if they intend to provide services in-house with existing staff or through subcontracting or partnership arrangements. Grant Administration Services will be provided in conformance with the guidance documents and use forms provided by the subrecipient utilizing GLO guidance. The providers shall furnish pre-funding and post-funding grant administrative services to complete the CDBG-MIT projects, including, but not limited to the following:

Pre-Funding Services

Grant Administrator will develop project scope and complete CDBG-MIT application(s). The provider will work with the subrecipient and Engineering, if applicable, to provide the concise information needed for submission of complete CDBG-MIT funding application(s) and related documents. The required information shall be submitted in a format to be described by the GLO.

Post-Funding Services

Grant Administrator will provide Grant Administration Services required to complete infrastructure, acquisition/buyout, planning, housing and other eligible projects approved for CDBG-MIT funding. The selected service provider must follow all requirements of the Texas CDBG-MIT program.

Grant Administration Services

a) General Administrative Duties:

- i. Ensure program compliance including all CDBG-MIT requirements and all parts therein, current Federal Register, etc.
- ii. Assist subrecipient in establishing and maintaining financial processes.
- iii. Obtain and maintain copies of the subrecipient’s most current contract including all related change requests, revisions and attachments.
- iv. Establish and maintain record keeping systems.
- v. Assist subrecipient with resolving monitoring and audit findings.
- vi. Serve as monitoring liaison.
- vii. Assist subrecipient with resolving third party claims.
- viii. Report suspected fraud to the GLO.
- ix. Submit timely responses to the GLO requests for additional information.
- x. Complete draw request forms and supporting documents.
- xi. Facilitate outreach efforts, application intake, and eligibility review.
- xii. Utilize and assist with GLO’s system of record to complete milestones, submit documentation, reports, draws, change requests, etc.
- xiii. Submit change requests and all required documentation related to any change requests.
- xiv. Coordinate, as necessary, between subrecipient and any other appropriate service providers (i.e. Engineer, Environmental, etc.), contractor, subcontractor and GLO to effectuate the services requested.
- xv. May assist in public hearings.
- xvi. Will work with GLO’s system of record.
- xvii. Provide monthly project status updates.
- xviii. Funding release will be based on deliverables identified in the contract.
- xix. Labor and procurement duties:
 - a. Provide all Labor Standards Officer (LSO) Services.
 - b. Ensure compliance with all relevant labor standards regulations.
 - c. Ensure compliance with procurement regulations and policies.

- d. Maintain document files to support compliance.
- xx. Financial duties:
 - a. Prepare and submit all required reports (Section 3, Financial Interest, etc.).
 - b. Assist subrecipient with the procurement of audit services.
 - c. Assist subrecipient in establishing and maintaining a bank account for program funds.
 - d. Implementation and coordination of Affirmatively Furthering Fair Housing (“AFFH”) requirements as directed by HUD and the GLO.
 - e. Implementation and coordination of Section 504 requirements.
 - f. Program compliance.
 - g. Ensure that fraud prevention and abuse practices are in place and being implemented.
 - h. Prepare and submit all closeout documents.
 - i. Submit all invoices no later than 60 days after the expiration of the contract. All outstanding funds may be swept after 60 days. The provider may request an extension of this requirement in writing.
 - j. Assist in preparation of contract revisions and supporting documents including but not limited to:
 - Amendments/modifications,
 - Change orders.
- xxi. Perform any other administrative duty required to deliver the project.
- b) Construction Management
 - i. The provider will assist the subrecipient in submitting/setting up project applications in the GLO’s system of record.
 - ii. The provider may compile and collate complete contract/bid packages that meet GLO program requirements. The packages will contain supporting documentation that meets or exceeds the requirements of the GLO’s program. If applications do not have the necessary forms, the provider may assist the subrecipient by coordinating to acquire the necessary documentation.
 - iii. The provider may monitor, report, and evaluate contractor’s performance; notify the subrecipient if the contractor(s) fails to meet established scheduled milestones. Receive, review, recommend, and process any change orders as appropriate to the individual projects.
 - iv. The provider may assist the subrecipient with project Activity Draws/Close Out.
 - v. The provider may assist the subrecipient by submitting all the necessary documentation for draws and to close a project activity in the GLO’s system of record. The provider will compile, review for completeness, and collate complete contract/closeout packages that meet GLO program requirements for draw requests. If applications do not have the necessary forms, the provider may assist the subrecipient by coordinating to acquire the necessary documentation.
 - vi. The provider may assist the subrecipient in developing Architectural and Engineering plans with guidance from the GLO.
 - vii. Reassignment scope alignment (if necessary).
- c) Acquisition Duties:
 - i. Submit acquisition reports and related documents.
 - ii. Establish acquisition files (if necessary).
 - iii. Complete acquisition activities (if necessary).
- d) Planning Duties:
 - I. The Provider will assist in the development, adoption, and implementation of a forward-looking comprehensive plan that may integrate hazard mitigation plans. This may include: base map, land use analysis, housing and population analysis, financial analysis for capital improvements.
 - II. The Provider will assist in the development, adoption, and implementation of a forward-looking hazard mitigation plan as dictated or required.
- e) Environmental Services
 - i. Review each project description to ascertain and/or verify the level of environmental review required: Exempt, Categorical Exclusion not Subject to 58.5, Categorical Exclusion Subject to 58.5, Environmental Assessment, and Environmental Impact Statements;
 - ii. If necessary, conduct tiered environmental review and submit broad and site-specific environmental reviews as required by 24 CFR Part 58.
 - i. Prepare, complete and submit HUD required forms for environmental review and provide all documentation to support environmental findings;
 - ii. Consult and coordinate with oversight/regulatory agencies to facilitate environmental clearance;
 - iii. Be able to perform or contract special studies, additional assessments, or permitting to secure environmental clearance. These may include, but are not limited to biological assessments, wetland delineations, asbestos

- surveys, lead-based paint assessments, archeology studies, architectural reviews, Phase I & II ESAs, USACE permits, etc.;
- iv. Prepare all responses to comments received during comment phase of the environmental review, including State/Federal Agency requiring further studies and/or comments from public or private entities during public comment period;
 - v. Maintain close coordination with local officials, project engineer and other members of the project team to assure appropriate level of environmental review is performed and no work is conducted without authorization;
 - vi. Complete and submit the environmental review into GLO's system of record;
 - vii. At least one site visit to project location and completion of a field observation report;
 - viii. Prepare and submit for publication all public notices including, but not limited to the Notice of Finding of No Significant Impact (FONSI), Request for Release of Funds floodplain/wetland early and final notices in required order and sequence;
 - ix. Provide documentation of clearance for Parties Known to be Interested as required by 24 CFR 58.43;
 - x. Process environmental review and clearance in accordance with NEPA;
 - xi. Advise and complete environmental re-evaluations per 24 CFR 58.47 when evidence of further clearance or assessment is required;
 - xii. Prepare and submit Monthly Status Report; and
 - xiii. Participate in regularly scheduled progress meetings.

Administration Professional Services Rating Sheet

CDBG-MIT

Grant Recipient _____ Name of Respondent _____

Evaluator's Name _____ Date of Rating _____

Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (**environmental or buyout only**) will be scored only on those services.

Experience

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Related Experience / Background with federally funded projects	5	_____
2. Related Experience / Background with specific project type (infrastructure, acquisition of property, coordination with regulatory agency, etc.)	5	_____
3. Related experience/background with specific services:		
a. Administrative, construction management, and related acquisition	10	_____
b. Environmental review	5	_____
c. Buyout management (if not applicable score '0')	5	_____
4. References from current/past clients	10	_____
Subtotal, Experience	40	_____

Work Performance

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Submits requests to client/GLO in a timely manner	5	_____
2. Responds to client/GLO requests in a timely manner	5	_____
3. Past client/GLO projects completed on schedule	5	_____
4. Work product is consistently of high quality with low level of errors	5	_____
5. Past client/GLO projects have low level of monitoring findings/concerns	5	_____
6. Manages projects within budgetary constraints	5	_____
Subtotal, Performance	30	_____

Capacity to Perform

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
1. Qualifications / Experience of Staff		
a. Administrative, construction management, and related acquisition	5	_____
b. Environmental review	5	_____
c. Buyout management (if not applicable score '0')	5	_____
2. Present and Projected Workloads	5	_____
3. Demonstrated understanding of scope of the CDBG-MIT Project	5	_____
Subtotal, Capacity to Perform	25	_____

Proposed Cost

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
Proposed cost is in line with independent estimate and compared with all cost proposals received	5	_____
	5	_____

TOTAL SCORE

<u>Factors</u>	<u>Max.Pts.</u>	<u>Score</u>
<input type="checkbox"/> Experience	40	_____
<input type="checkbox"/> Work Performance	30	_____
<input type="checkbox"/> Capacity to Perform	25	_____
<input type="checkbox"/> Proposed Cost	5	_____
Total Score	100	_____

Cost of Services: Administration Services

Indicate **No Cost Proposal** if your firm is not proposing for the services specified on this Cost of Services page.

The City may apply for all, none, or any combination of the CDBG-MIT programs listed below (see the Administration Services—Description of Programs in this RFP) and choose one or more service providers to implement awarded activities.

Maximum amount of grant funds firm is able and/or willing to manage: \$300,000

Indicate pricing for any/all CDBG-MIT programs for which firm is able and/or willing to provide specified services at the level of the total award amount.

Proposed Cost to Provide All Grant Administration Services
 General Administrative, Environmental, Construction Mgt,
 Planning, related Acquisition Duties (Not Buyout)

Total Award Amount

Program	\$100,000	\$300,000	\$500,000	\$1,000,000	\$3,000,000	\$25,000,000	\$100,000,000
<input type="checkbox"/> Hurricane Harvey Mitigation (for declared counties)							
<input type="checkbox"/> 2015 Floods Mitigation (for declared counties)							
<input type="checkbox"/> 2016 Floods Mitigation (for declared counties)							
<input type="checkbox"/> Regional Mitigation (for declared counties)							
<input type="checkbox"/> Hazard Mitigation: Supplemental (for declared counties)							
<input type="checkbox"/> CDBG-MIT Local Hazard Mitigation Plans Program (LHMPP)							
<input type="checkbox"/> Resilient Communities							

Insert Certificate of Insurance

Insert System for Award Management (SAM) record search for company name and company principal

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Printed Name and Title of Contractor's Authorized Official

Date

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

Type of Federal Action: _____ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	Status of Federal Action: _____ a. bid/offer/application b. initial award c. post-award	Report Type: _____ a. initial filing b. material change
Name and Address of Reporting Entity: _____ Prime _____ Subawardee Tier _____, if Known: Congressional District, if known:	If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only	Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)	

(To be completed by awarded vendor)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity (Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

REQUIRED CONTRACT PROVISIONS

2 CFR 200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

All Contracts

THRESHOLD	PROVISION	CITATION
>\$150,000 (Simplified Acquisition Threshold)	Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.	2 CFR 200 APPENDIX II (A)
>\$10,000	All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.	2 CFR 200 APPENDIX II (B)
None	Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.	2 CFR 200 APPENDIX II (F)
None	Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.	2 CFR 200 APPENDIX II (H)
None	Records of non-Federal entities. The U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, the Texas General Land Office (GLO), and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.	2 CFR 200.336
None	Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:	2 CFR 200.333

	<p>(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.</p> <p>(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.</p> <p>(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.</p> <p>(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.</p> <p>(e) Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.</p> <p>(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p>(2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>	
None	<p>Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.</p> <p>(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.</p> <p>(b) Affirmative steps must include:</p> <p>(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;</p> <p>(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;</p> <p>(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;</p>	2 CFR 200.321

	<p>(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;</p> <p>(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and</p> <p>(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.</p>	
None	<p>Verification No Boycott Israel. As required by Chapter 2270, Government Code, CONTRACTOR hereby verifies that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.</p>	<p>Texas Government Code 2270.002</p>
None	<p>Foreign Terrorist Organizations. Pursuant to Chapter 2252, Texas Government Code, [Company] represents and certifies that, at the time of execution of this Agreement neither [Company], nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapters 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code, or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.</p>	<p>Texas Government Code 2252.152</p>
Option Contract Language for contracts awarded prior to Grant Award	<p>The contract award is contingent upon the receipt of CDBG-MIT funds. If no such funds are awarded, the contract shall terminate.</p>	<p>Optional</p>

EO Clause for Construction Contracts > \$10K including administration & engineering contracts associated with construction contracts

THRESHOLD	PROVISION	CITATION
<p>>\$10,000</p>	<p>Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</p> <p>41 CFR 60-1.4 Equal opportunity clause.</p> <p>(b) Federally assisted construction contracts. (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:</p> <p>The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:</p> <p>During the performance of this contract, the contractor agrees as follows:</p> <p>(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:</p> <p>Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.</p> <p>(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.</p> <p>(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to</p>	<p>41 CFR §60-1.4(b) and 2 CFR 200 APPENDIX II (C)</p>

individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules,

regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

(d) Inclusion of the equal opportunity clause by reference. The equal opportunity clause may be included by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director of OFCCP may designate.

(e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.

(f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

[80 FR 54975, Sept. 11, 2015]

THRESHOLD	PROVISION	CITATION
>\$2,000	<p><i>Compliance with the Davis-Bacon Act (40 U.S.C. 3141 et seq.) as supplemented by Department of Labor regulations (29 CFR part 5) and with the Copeland “Anti-Kickback” Act (18 U.S.C. 874; 40 U.S.C. 3145) as supplemented in Department of Labor regulations (29 CFR part 3):</i></p> <p>Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.</p>	2 CFR 200 APPENDIX II (D)
>\$100,000	<p>Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.</p>	2 CFR 200 APPENDIX II (E)
>\$150,000	<p>Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).</p>	2 CFR 200 APPENDIX II (G)
>\$100,000	<p>Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or</p>	2 CFR 200 APPENDIX II (I) and 24 CFR §570.303

	<p>employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.</p>	
<p>>\$100,000</p>	<p>All Section 3 covered contracts shall include the following clause (referred to as the Section 3 clause):</p> <p>A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.</p> <p>B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.</p> <p>C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.</p> <p>D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.</p> <p>E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.</p> <p>F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.</p> <p>G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i)</p>	<p>24 CFR §135.38</p>

	<p>preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).</p>	
	<p>A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</p> <p>[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]</p>	<p>2 CFR 200 APPENDIX II (J)</p>
	<p>Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.</p>	<p>42 U.S.C. 6201</p>



**PROFESSIONAL GRANT ADMINISTRATION
SERVICES PROPOSAL FOR
THE RESILIENT
COMMUNITIES PROGRAM**

CITY OF BARTLETT, TEXAS

PROPOSED BY:

Langford Community Management Services
9017 W. Hwy. 29, Suite 206
Liberty Hill, Texas 78642

With satellite offices in:
Beaumont, Magnolia, Stockdale and Harlingen

PROPOSED TO:

City of Bartlett
140 W. Clark Street
Bartlett, TX 76511

Attn: Mayra Cantu



City of Bartlett
140 W. Clark Street
Bartlett, TX 76511

Attn: Mayra Cantu, City Administrator

RE: Proposal for Resilient Communities Comprehensive Plan and Development Services and Grant Administration Services - GLO CDBG-MIT

Langford Community Management Services, Inc. (LCMS) is pleased to submit this proposal to provide Comprehensive Plan Development and Grant Management Services for the City of Bartlett. We have reviewed the evaluation criteria for the GLO-Resilient Communities Program grant and because there are no fund-matching requirements, we recommend the City leverage this opportunity by requesting the full \$300,000 available to build a robust digital comprehensive plan. Our goal is to help you develop a plan that matches your community's culture and values and can be easily accessed and used to guide decisions long after the grant closes. Historically, comprehensive plans have been delivered in a three-ring binder and ended up on a shelf, but LCMS would like to help you create digital tools and plans that can be used to easily update, share, and leverage your community's data to start making more informed decisions. LCMS' passion is to empower communities to build their best possible future.

By building the customized digital tools your community needs to improve resiliency through a data-driven comprehensive planning process, the city will receive current, updated, reliable, and accurate risk information for the community leaders to quickly adapt to the ever-changing hazards of the future.

From the enclosed information, you will find that the LCMS team has an excellent record of performance in providing quality service in Grant Administration and Plan Development. We have successfully secured eight (8) GLO – RCP contracts to date at the full \$300,000 funding and we are confident we have the team and project experience to successfully develop the City's Plan and administer the grant for your project.

We trust this proposal provides all the requested information. Please contact me at (512) 452-0432 if you have any questions or require additional information about LCMS to complete your assessment of our capabilities.

LCMS values our relationship with the city, and we appreciate your consideration of our proposal. We look forward to hearing from you regarding your review of the proposal and the opportunity to work with you on this important project. It would be our pleasure to get this project started as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judy Langford", is written over the typed name and title.

Judy Langford
President/Owner
Langford Community Management Services

ADMINISTRATION SERVICES

Introduction

Langford Community Management Services, Inc. (LCMS) has been serving Texas Cities and Counties and their grant writing and administration needs for nearly 40 years. LCMS incorporated as a Women-owned Business Enterprise (WBE) in 1997, having worked with numerous grants since 1983 as a sole proprietorship. LCMS became a certified HUB through the Secretary of State's office and has maintained that certification since 2009. As a Texas "home-grown" business, LCMS has chosen to concentrate in helping to strengthen Texas communities through community and economic development while advocating for affordable housing through local program development and statewide policy changes affecting Texas communities. Judy Langford, President and Owner, is actively engaged in every project we undertake, and will be integrally involved in every step along the way. With our roots in public service, LCMS strives to meet our clients' needs with the recognition that all local governments are in place to assist the public and provide basic services to sustain their communities.

Statement of Qualifications

Langford Community Management Services (LCMS) brings full-spectrum grant writing, plan development and management service with over 39 years of Texas-based grant administration as a firm, and more than a century of combined experience from our team of grant specialists. Langford, being created and continued by service-driven individuals, many of whom worked as public servants for many years prior to coming to this job, take very seriously the fact that we are project managers.

LCMS has written and administered millions of dollars in grants and loans from state and federal agencies, including the Texas Water Development Board (TWDB), Texas Department of Agriculture (TDA), General Land Office (GLO), Texas Department of Housing and Community Affairs (TDHCA), Texas Department of Emergency Management (TDEM), Texas Department of Economic Development (TDED), Texas Parks and Wildlife (TPWD), Texas Department of Transportation (TxDOT), Texas Water Commission (now Texas Commission on Environmental Quality-TCEQ), Department of Energy (DOE), State Energy Conservation Office (SECO), Housing and Urban Development (HUD), United States Department of Agriculture (USDA), Texas Historical Commission (THC), U.S. Department of Justice (DOJ), Federal Emergency Management Agency (FEMA) and the Economic Development Administration (EDA).

Approach to Providing Services

Comprehensive plans take the community goals and aspirations and formalize them into actionable policies that determine what can be built within a certain jurisdiction and where. Comprehensive plans themselves serve as guiding documents that provide the framework by which regulatory structures are created. Comprehensive plans can be developed for a single community or as a multi-jurisdictional plan that includes multiple communities across a county or larger multi-county planning region. The comprehensive plan will be forward-looking and will integrate your hazard mitigation plan and will identify local hazard risks and explain how it mitigates against those risks. The plan will also include a Population Study, Housing Study, Land Use Study/Plan, Zoning Ordinance (if applicable) and an

Infrastructure Study/Capital Improvement Plan.

LCMS understands the need for the selected consulting firm to administer, develop the comprehensive plan and manage the program entirely. LCMS is familiar with the planning area for the City, having provided services to the City for Disaster Recovery and Mitigation Projects over many years. All work will be performed in the LCMS offices in Liberty Hill and with our planning partner KU & Associates. LCMS is experienced with comprehensive plan development and the processes associated with it.

Experienced Staff

LCMS and Ku & Associates will provide experienced, professional staff to develop the City's comprehensive plan, and manage any awarded and approved funds for the City.

LCMS ranks our employees as our #1 asset. Our work with more than 150 communities would not be possible without the knowledge, experience and skills of our staff members. LCMS has in place a strong team with vast training and experience in HMA, TWDB, CDBG-DR and TxCDBG Programs. Our staff members are trained and certified through Texas Department of Emergency Management in Mitigation Plan Development and are also trained and certified through Texas Department of Agriculture to be administrators of the TxCDBG Program. Many are CDBG trained for environmental reviews and trained and certified with the Texas Department of Transportation for administration of TxDOT projects.

Dennis Ku, P.E., with Ku and Associates will partner with LCMS to develop and prepare the City's comprehensive plan. Mr. Ku has over 25 years of experience in a wide range of civil and land- development engineering work including site, subdivision, and utilities construction projects. His experience includes the planning, design, and construction oversight for municipal and private water distribution and sewer facilities, drainage, water quality, and detention facilities. He has extensive project management experience, and experience as a program manager overseeing the planning, design, and delivery of more than 1,500 infrastructure projects. Mr. Ku also has substantial knowledge on Federal and State funding program rules and regulations.

OVERVIEW OF PLANNING PROCESS

Comprehensive Plan Development

Comprehensive plans take the community goals and aspirations and formalize them into actionable policies that determine what can be built within a certain jurisdiction and where Comprehensive plans themselves serve as guiding documents that provide the framework by which regulatory structures are created. Comprehensive plans can be developed for a single community or as a multi-jurisdictional plan that includes multiple communities across a county or larger multi-county planning region.

LCMS's approach seeks to modernize comprehensive planning for your community by leveraging the use of Geographical Information Systems (GIS) tools for mapping, data management and data visualization. The resulting delivered product will not only include the traditional hard copies and electronic copies of the narrative chapters, maps and appendices of supporting documentation of the finalized plan, but will also include digitized maps and database of the data collected and developed during the planning process. This will allow the City to engage in more dynamic planning process into the future by facilitating the capture and update of existing conditions in their community, as well as using GIS based visualization tools for analyzing future conditions.

Modernized planning approaches allow community leaders to quickly adapt to the ever-changing future, by integrating local data with neighboring communities, state, and federal partners. Community leaders will gain the ability to access to reliable and accurate risk information, optimize mitigation projects, and find potential funding for projects. As new information becomes available, communities with strong data management plans will be in the position to provide community leaders with the data visuals and tools to discover and build their best possible future.

LCMS fully understands the need for the selected consulting firm to administer, develop the comprehensive plan and manage the program entirely. LCMS is familiar with the planning area for the City having provided services to cities for Disaster Recovery and Mitigation projects over many years. All work will be performed in LCMS's offices in Liberty Hill and with our planning partners Ku and Associates and Doucet Engineers. LCMS and our team members are highly experienced with comprehensive plan development and the processes and procedures associated with it.

The housing study will examine the existing housing stock and provide recommended changes to policy and regulations to meet the City's future housing needs in a resilient manner. The Infrastructure Study and Capital Improvements plan will include analyses of the City's water, sewer, drainage, and transportation systems and facilities and provide recommended improvements to meet the City's future needs. The Land Use Plan will include an economic analysis and examine existing land use and zoning and land use related codes and provide recommendations regarding future land use to inform Zoning Ordinance updates. A general summary of the steps LCMS will follow to develop each of the various studies and plans (Population, Housing, Land Use, Infrastructure and Capital Improvement) is presented in the table below:

Comprehensive Plan Study and Plan Elements Process Summary	
Task	Description
Data Collection	<ul style="list-style-type: none"> • Base maps, inventory, previous plans, studies and ordinances from City/County records • Digitized data, including maps, shape files, hazard and risk information, and building data • Applicable State and Federal data including Census population and TWDB and TCEQ records
Data Analysis	<ul style="list-style-type: none"> • Data verification • Inventory update Assessment • Existing conditions assessment • Future conditions development • Resilience and Mitigation Analysis Gap Analysis and Needs Assessment
Alternatives Analysis & Final Recommendations with both a printed and digital final document	<ul style="list-style-type: none"> • Develop Initial Concepts & Alternatives • Develop Initial Draft Plan Recommendations • Develop Draft Final Plan Recommendations • Final Plan Recommendations

To ensure the comprehensive plan reflects the goals and objectives of the community, LCMS will work with you to conduct an extensive stakeholder engagement process that will include the activities summarized on the following page.:

Stakeholder Engagement Process Activity Summary	
Task	Description
Kickoff Meeting	Establish key points of contact and roles and responsibilities.
Planning Committee and Community Engagement	Establish the Planning Committee and hold periodic meetings to seek input and provide updates on plan progress.
Key Stakeholder Engagement	Establish Key Stakeholder Group and hold regular meetings to seek input on goals, objectives, and alternative concepts and recommendations.
Public Meetings and Hearings	Coordinate and hold public workshops to gather input on initial concepts and alternatives and draft comprehensive plan recommendations. Assist staff in providing updates and presentations to City Council during Comprehensive Plan development and final adoption.

LCMS will assist the City in developing or updating the City's Zoning Ordinance and policies, based on the recommendations in the Comprehensive Plan. LCMS will attend scheduled meetings to assist the City during the development and adoption of the proposed Zoning Ordinance. The following pages outline the proposed process for developing the Comprehensive Plan - the "Plan for Planning".

Overview of the Plan for Planning

The Plan for Planning establishes the path for the overall planning effort for developing a Comprehensive Plan. The steps include:

- Introduction of Comprehensive Development Plan
- Community Outreach and Public Participation
- Project Planning Committee
- Schedule

The intent of the Comprehensive Development Plan is to develop and integrate the City's plan for: land use; annexation; public utilities and infrastructure; economic development; housing; transportation; environmental quality; parks and natural resources; as well as intergovernmental coordination.

Community Outreach & Public Participation

The community outreach goal of the PLAN Review is to offer opportunities and encouragement to all citizens, businesses, interest groups, relevant units of government to participate in a meaningful way throughout the entire process. The public participation process will:

- Ensure all planning decisions are open to public comment.
- Produce better planning decisions.
- Support and add credibility to all City decision-making processes.
- Provide opportunities to disseminate information about the PLAN to the community.
- Strengthen the relationship between our decision makers and citizens; and,
- Reinforce the shared vision for the future of the City as described in the Comprehensive Development Plan.

A "stakeholder" is any group or organization that has a vested interest in the planning process. The City will identify and engage representatives from a diverse range of stakeholders to participate. Key stakeholders are:

- Community residents, including those who have not historically been engaged in the decision-making process, such as low-income residents, minority groups, and young people.
- Local Businesses and industries.
- The development community, including real-estate professionals.
- City staff and elected officials.
- City Organizations' leadership.
- Banks, churches, civic clubs, students organizations, and service organization.

Provisions for Open Discussion

To ensure that public meetings allow for an open discussion of the relevant issues, the City will make every effort to ensure those who choose to participate have the opportunity to have their opinions heard. To accomplish this, the following actions will be implemented:

- An agenda will be established for each public hearing or meeting outlining the purpose, items to be discussed, and any actions that may be taken.
- A variety of days and times will be scheduled to encourage maximum participation by city residents and other stakeholders.
- A clearly identifiable facilitator or chair will conduct the meeting or hearing in an orderly fashion to ensure that all attendees have an opportunity to offer comments, discuss issues, or provide testimony.
- The facilitator or chair will provide opening remarks that clearly outline the purpose of the meeting or hearing, describe procedures attendees shall use during the meeting or hearing when offering input, and describe how the public input will be used.
- All persons attending the meeting or hearing that desire to participate should be allowed to do so. However, specific factors, such as the meeting or hearing purpose, number in attendance, time considerations, and future opportunities to participate may require that appropriate constraints be applied, to be outlined by the facilitator or chair if the need arises.
- All attendees will be encouraged to sign in using a provided sign-in sheet.
- Special arrangements will be made under the provisions of the American with Disabilities Act (ADA) with sufficient advance notice.

Project Planning Committee

To facilitate the process, the City Council will appoint a “Planning Committee” to bring together a diverse range of stakeholders to prepare a comprehensive and integrated plan. The Planning Committee will include representatives of the community at large including the school system, local businesses, non-profit organizations, local churches and the development community.

To achieve its goal of providing opportunities and encouragement to City residents and stakeholders to participate in the planning process, the project team will use a variety of approaches to inform the public and invite participation.

Develop a Link on the City's Website

The Project Team will post information regarding the Comprehensive Development Plan Review progress and dates of upcoming public participation sessions. This information may include agendas, minutes, draft plan elements and reports, maps, photographs, and survey results, as well as provide an opportunity for the public to provide input.

News Releases and Mass Media

Throughout the planning process, the Planning Committee will make efforts to keep the public informed through media outlets such as the *local newspaper and* local radio, as well as City administered media such as the City website and the City's social media accounts.

Public Workshops and Meetings

The Planning Committee will hold a series of public workshops and meetings to gather information relevant to the development. Through public comment residents and other stakeholders will be able to participate and become instrumental in the planning process.

Targeted Community Outreach

The Planning Committee will reach out to community groups such as non-profits and related organizations to attain stakeholder diversity in the project team and public participation.

Schedule

The review will launch and continue for approximately 12 months. It will conclude with the City Council's adoption of the Comprehensive Development Plan.

Event	Description	Date	
City Council Meeting	Approval of Scope, Schedule & Planning Committee	Regular monthly council meeting	Staff & Project Team
Staff & Project Team Meeting	First meeting with Staff & Project Team	Kick-off	Staff & Project Team

PLAN FOR PLANNING

Planning Committee	First meeting with Planning Committee	Bimonthly meetings	Staff, Project Team & Committee
Virtual Public Workshop/ Planning Committee Meeting. *	Meeting # 1: Overview. Community Profile. Vision.	Bimonthly meetings	Staff, Project Team & Committee
Planning Committee Meeting. *	Meeting # 2: Public Utilities/ Infrastructure. Environmental Quality. Parks and Recreation.	Bimonthly meetings	Staff, Project Team & Committee
Planning Committee Meeting. *	Meeting # 3: Housing. Economic Development. Implementation	Bimonthly meetings	Staff, Project Team & Committee
Planning Committee Meeting*	Meeting # 4: Transportation Chapter Land Use Annexation	Bimonthly meetings	Staff, Project Team & Committee
Planning Committee Public Workshop*	Open Public “Walk-In” Workshop(s) of Committee.	Bimonthly meetings	Open to public
Planning Committee Meeting. *	Meeting # 5: Overall review to discuss comments from Public Workshop.	Bimonthly meetings	Staff, Project Team & Committee
City Council Public Hearing.	Comprehensive Development Plan Update Review and Adoption.	TBD	Open to public

*Planning Committee meetings will be followed up with a progress report to the City Council at their regularly scheduled meetings.

Appendix A

The Plan vision has three goals to guide future growth and development:

- **Healthy & Active Community:** A community that provides safe infrastructure and amenities to allow opportunities for a healthy and active lifestyle, to include aspirations such as:
 - Bicycle and pedestrian accessibility.
 - Complete streets.
 - Ample parks and open space.
 - Compact & mixed-use development
 - Access to healthy foods.

- **Sustainable Community:** A community that will be sustainable - both economically and environmentally - for generations to come, to include aspirations such as:
 - Promote transit and other alternative transportation modes for reduced dependence on fossil fuels.
 - Stream valley protection.
 - Energy conservation and recycling.
 - Air and water quality.
 - Diverse economic base
 - Preserving historical resources.

- **Inclusive Community:** A community that embraces cultural diversity and lifestyles for all age groups, to include aspirations such as:
 - Access to transit and other alternative transportation modes for increased choice.
 - Range of housing choices and affordability levels.
 - Access to a variety of dining, shopping, entertainment, and employment options.
 - Parks and open space offering a range of activities.
 - Support services such as day care, health care, and retrofitting houses.

PLANNING PROJECTS & REFERENCES

City of Lyford Comprehensive Plan



LCMS has been working with the City of Lyford for 18 years. We look at the cities and counties we work with in a comprehensive manner to best serve their project needs. We completed a Comprehensive Plan for the City. As part of the planning efforts, other potential projects and funding sources were identified. The City has been funding for HOME program, the Community Enhancement Fund for a

Health Clinic, multiple General Land Office disaster related drainage projects, Hazard Mitigation Program Grants for drainage projects and multiple TDA TxCDBG water and sewer projects.



City of Uhland Comprehensive Plan

LCMS has worked with the City of Uhland for over 15 years. As with all communities we work with, we strive to deliver as many opportunities as possible for sustained growth and grant program projects. LCMS met numerous times with leaders of the community appointed by council (planning committee) to develop a Comprehensive plan for the City. Preparation of the Comprehensive Plan included an analysis of the land use, transportation, housing, environmental and utilities. The City of Uhland is situated along Plum Creek and Highway 21 just east of the City of Kyle. A part of the fast-growing Austin Metropolitan area, the City of Uhland is experiencing unmatched growth. Using the Comprehensive plan as a base document, the City created a Planning and Zoning Commission to assist council with the review and approval of the numerous housing developments proposed in Uhland.



To better serve the City, LCMS has completed not only the Comprehensive Plan, but also a Downtown Revitalization Project, several water system improvement projects through TxCDBG, a GLO Disaster Recovery grant for drainage repairs/improvements and are kicking off a large GLO Mitigation Grant for drainage to improve the damages the City sustains during flash floods along Plum Creek.

City of Flatonia Comprehensive Plan

LCMS has worked with the City of Flatonia for over 23 years. Flatonia's Comprehensive Plan provides a guide for the physical development of the community by identifying characteristics



and features which influence the community growth patterns. Included in this plan is an analysis of Flatonia's historical patterns of development in the areas of housing, population, land use, and projections for the City's future. Attention is given to the adequacy of each of these major elements for future development needs and how these facilities will affect and

be affected by future growth. The plan also suggests appropriate objectives which would assist in meeting the community's goals regarding future growth and development.

As with the aforementioned City's, LCMS work closely with the City to match needs to grant funding possibilities. Several possible grant applications were identified in the planning process. We work in partnership with the City to best position our clients for the most funding opportunities.



Langford Community Management Services Grant Management Experience

YEAR	CLIENT	AMOUNT	YEAR	CLIENT	AMOUNT
1988	Florence	\$ 250,000.00	1995	McMullen County	\$ 265,504.00
1989	Buckholts	\$ 168,000.00	1995	Runge	\$ 265,504.00
1989	Devine	\$ 250,000.00	1995	Thrall	\$ 250,000.00
1989	Harker Heights	\$ 227,540.00	1996	Atascosa County	\$ 500,000.00
1989	Runge	\$ 250,000.00	1996	Atascosa County	\$ 250,000.00
1990	Charlotte	\$ 250,000.00	1996	Blanco	\$ 350,000.00
1990	Harker Heights	\$ 246,650.00	1996	Blanco	\$ 250,000.00
1990	Llano	\$ 250,000.00	1996	Charlotte	\$ 250,000.00
1990	Moody	\$ 200,000.00	1996	Falls City	\$ 250,000.00
1990	Taft	\$ 273,925.00	1996	Florence	\$ 250,000.00
1991	Jourdanton	\$ 385,000.00	1996	Lampasas	\$ 250,000.00
1991	La Vernia	\$ 383,000.00	1996	Marble Falls	\$ 434,769.00
1991	Milam County	\$ 250,000.00	1996	Moody	\$ 250,000.00
1991	Thorndale	\$ 186,015.00	1997	La Grange	\$ 250,000.00
1991	Blanco	\$ 250,000.00	1998	Atascosa County	\$ 500,000.00
1991	Charlotte	\$ 250,000.00	1998	Bastrop	\$ 250,000.00
1991	Devine	\$ 177,700.00	1998	Charlotte	\$ 250,000.00
1991	Falls City	\$ 250,000.00	1998	Florence	\$ 250,000.00
1992	Runge	\$ 250,000.00	1998	Harker Heights	\$ 250,000.00
1992	Thrall	\$ 250,000.00	1998	La Coste	\$ 250,000.00
1992	Falls City	\$ 250,000.00	1998	Live Oak County	\$ 300,000.00
1992	Gillespie County	\$ 300,000.00	1998	Marble Falls	\$ 300,000.00
1993	Blanco	\$ 250,000.00	1998	Marble Falls	\$ 200,000.00
1993	Charlotte	\$ 250,000.00	1998	Smithville	\$ 250,000.00
1993	Devine	\$ 250,000.00	1999	Atascosa County	\$ 500,000.00
1993	Florence	\$ 171,870.00	1999	Bandera	\$ 250,000.00
1993	Gillespie County	\$ 250,000.00	1999	Belton	\$ 250,000.00
1993	Harker Heights	\$ 229,122.00	1999	Charlotte	\$ 250,000.00
1993	Holland	\$ 250,000.00	1999	Cuney	\$ 250,000.00
1993	Llano	\$ 250,000.00	1999	Hays County	\$ 350,000.00
1993	Rockdale	\$ 250,000.00	1999	Hays County	\$ 350,000.00
1993	Runge	\$ 250,000.00	1999	Holland	\$ 250,000.00
1994	Bee County	\$ 300,000.00	1999	Kyle	\$ 250,000.00
1994	Bee County	\$ 499,845.00	1999	Runge	\$ 250,000.00
1994	Buda	\$ 250,000.00	1999	Smithville	\$ 350,000.00
1994	Falls City	\$ 250,000.00	2000	Devine	\$ 250,000.00
1994	Lampasas	\$ 250,000.00	2000	Fayetteville	\$ 226,732.00
1994	Rockdale	\$ 250,000.00	2000	Flatonia	\$ 250,000.00
1994	Travis County	\$ 250,000.00	2000	Hays County	\$ 250,000.00
1995	Buckholts	\$ 250,000.00	2000	Harker Heights	\$ 250,000.00
1995	La Coste	\$ 250,000.00	2000	Hondo	\$ 250,000.00

Langford Community Management Services Grant Management Experience

YEAR	CLIENT	AMOUNT	YEAR	CLIENT	AMOUNT
2000	Marble Falls	\$ 250,000.00	2004	Devine	\$ 250,000.00
2000	Mexia	\$ 250,000.00	2004	Falls City	\$ 250,000.00
2000	Moody	\$ 250,000.00	2004	Fayette County	\$ 250,000.00
2000	Smithville	\$ 250,000.00	2004	Flatonia	\$ 313,000.00
2001	Bastrop	\$ 250,000.00	2004	Marble Falls	\$ 250,000.00
2001	Cuney	\$ 250,000.00	2004	Mexia	\$ 250,000.00
2001	Falls City	\$ 250,000.00	2004	Streetman	\$ 250,000.00
2001	Fayette County	\$ 250,000.00	2005	Bartlett	\$ 250,000.00
2001	Flatonia	\$ 250,000.00	2005	Bastrop County	\$ 250,000.00
2001	Holland	\$ 250,000.00	2005	Bastrop	\$ 350,000.00
2001	Karnes County	\$ 250,000.00	2005	Bastrop County	\$ 250,000.00
2001	Kyle	\$ 250,000.00	2005	Bastrop County	\$ 350,000.00
2001	McMullen County	\$ 300,000.00	2005	Devine	\$ 250,000.00
2001	Travis County	\$ 189,820.00	2005	Fayette County	\$ 250,000.00
2002	Atascosa County	\$ 310,501.08	2005	Flatonia	\$ 250,000.00
2002	Bandera	\$ 186,249.00	2005	Florence	\$ 250,000.00
2002	Bee County	\$ 300,000.00	2005	La Coste	\$ 250,000.00
2002	Blanco	\$ 96,008.00	2005	Live Oak County	\$ 300,000.00
2002	Blanco	\$ 350,000.00	2005	Moody	\$ 250,000.00
2002	Devine	\$ 250,000.00	2005	Runge	\$ 250,000.00
2002	Falls City	\$ 231,533.00	2005	Streetman	\$ 250,000.00
2002	Florence	\$ 250,000.00	2005	Taylor	\$ 400,000.00
2002	Hays County	\$ 217,790.00	2005	Thrall	\$ 250,000.00
2002	Hondo	\$ 250,000.00	2005	Weimar	\$ 250,000.00
2002	Karnes County	\$ 350,000.00	2006	Atascosa County	\$ 250,000.00
2002	La Coste	\$ 250,000.00	2006	Bandera	\$ 250,000.00
2002	Lampasas	\$ 250,000.00	2006	Blanco	\$ 250,000.00
2002	Rockdale	\$ 250,000.00	2006	Charlotte	\$ 250,000.00
2002	Runge	\$ 250,000.00	2006	Cisco	\$ 250,000.00
2002	Smithville	\$ 250,000.00	2006	Falls City	\$ 250,000.00
2002	Weimar	\$ 350,000.00	2006	Giddings	\$ 250,000.00
2003	Atascosa County	\$ 250,000.00	2006	Harker Heights	\$ 250,000.00
2003	Bee County	\$ 300,000.00	2006	Hondo	\$ 250,000.00
2003	Blanco	\$ 250,000.00	2006	Lampasas	\$ 250,000.00
2003	Charlotte	\$ 250,000.00	2006	Marble Falls	\$ 250,000.00
2003	Fayetteville	\$ 250,000.00	2006	Rockdale	\$ 250,000.00
2003	Giddings	\$ 250,000.00	2006	Smithville	\$ 250,000.00
2003	Runge	\$ 250,000.00	2007	Bandera	\$ 250,000.00
2003	Thrall	\$ 250,000.00	2007	Bastrop County	\$ 250,000.00
2004	Bandera	\$ 250,000.00	2007	Bastrop County	\$ 250,000.00
2004	Belton	\$ 250,000.00	2007	Charlotte	\$ 250,000.00

Langford Community Management Services Grant Management Experience

YEAR	CLIENT	AMOUNT	YEAR	CLIENT	AMOUNT
2007	Gatesville	\$ 350,000.00	2009	Marble Falls	\$ 250,000.00
2007	Giddings	\$ 250,000.00	2009	Martindale	\$ 250,000.00
2007	Karnes County	\$ 250,000.00	2009	Moody	\$ 250,000.00
2007	Lampasas	\$ 350,000.00	2009	Rockdale	\$ 250,000.00
2007	Marble Falls	\$ 350,000.00	2009	Runge	\$ 250,000.00
2007	Marble Falls	\$ 350,000.00	2009	Smithville	\$ 250,000.00
2007	McMullen County	\$ 500,000.00	2009	Streetman	\$ 250,000.00
2007	Runge	\$ 250,000.00	2010	Atascosa County	\$ 250,000.00
2008	Atascosa County	\$ 250,000.00	2010	Bertram	\$ 250,000.00
2008	Atascosa County	\$ 84,435.00	2010	Blanco	\$ 250,000.00
2008	Bastrop	\$ 250,000.00	2010	Cottonwood Shores	\$ 350,000.00
2008	Bee County	\$ 300,000.00	2010	Devine	\$ 250,000.00
2008	Blanco	\$ 250,000.00	2010	Falls City	\$ 250,000.00
2008	Christine	\$ 63,198.00	2010	Fayette County	\$ 250,000.00
2008	Cisco	\$ 250,000.00	2011	Christine	\$ 250,000.00
2008	Cisco	\$ 114,591.00	2011	Cottonwood Shores	\$ 250,000.00
2008	Cisco	\$ 50,000.00	2011	Dilley	\$ 250,000.00
2008	Copperas Cove	\$ 350,000.00	2011	Dublin	\$ 250,000.00
2008	Falls City	\$ 250,000.00	2011	Flatonia	\$ 250,000.00
2008	Hays County	\$ 250,000.00	2011	Hondo	\$ 250,000.00
2008	Hondo	\$ 250,000.00	2011	Karnes City	\$ 250,000.00
2008	La Coste	\$ 250,000.00	2011	Kenedy	\$ 250,000.00
2008	Lampasas	\$ 250,000.00	2011	Mathis	\$ 250,000.00
2008	McMullen County	\$ 300,000.00	2011	Poteet	\$ 250,000.00
2008	Moody	\$ 250,000.00	2011	Rockdale	\$ 250,000.00
2008	Rockdale	\$ 250,000.00	2011	Runge	\$ 250,000.00
2008	Rockdale	\$ 350,000.00	2011	Smiley	\$ 250,000.00
2008	Taylor	\$ 100,000.00	2011	La Feria	\$ 18,000,000.00
2009	Bandera	\$ 250,000.00	2011	Bastrop County	\$ 503,284.67
2009	Bartlett	\$ 250,000.00	2012	Bastrop County	\$ 4,754,900.00
2009	Charlotte	\$ 250,000.00	2012	Bastrop County	\$ 23,439,414.14
2009	Christine	\$ 250,000.00	2012	Bastrop County CD	\$ 275,000.00
2009	Copperas Cove	\$ 250,000.00	2012	Bastrop County	\$ 350,000.00
2009	Fayetteville	\$ 250,000.00	2012	Bee County	\$ 297,036.00
2009	Flatonia	\$ 250,000.00	2012	Atascosa County	\$ 299,599.00
2009	Gatesville	\$ 250,000.00	2012	Bynum	\$ 300,000.00
2009	Hallettsville	\$ 250,000.00	2012	Cisco	\$ 275,000.00
2009	Hays County	\$ 250,000.00	2012	Devine	\$ 275,000.00
2009	Hondo	\$ 250,000.00	2012	Falls City	\$ 275,000.00
2009	La Grange	\$ 250,000.00	2012	Falls City	\$ 350,000.00
2009	Lampasas	\$ 250,000.00	2012	Fayette County	\$ 275,000.00

Langford Community Management Services Grant Management Experience

YEAR	CLIENT	AMOUNT	YEAR	CLIENT	AMOUNT
2012	Florence	\$ 275,000.00	2014	Stockdale	\$ 275,000.00
2012	Florence	\$ 327,500.00	2014	Weimer	\$ 350,000.00
2012	Gatesville	\$ 75,000.00	2014	West	\$ 274,999.00
2012	Harker Heights	\$ 350,000.00	2015	Buda	\$ 430,377.00
2012	La Coste	\$ 275,000.00	2015	Hays County	\$ 2,349,747.00
2012	Live Oak Colonia	\$ 500,000.00	2015	Hays County	\$ 5,003,006.00
2012	Live Oak Colonia	\$ 300,000.00	2015	Lyford B-116	\$ 1,000,000.00
2012	Marble Falls	\$ 275,000.00	2015	Lyford B-118	\$ 433,375.00
2012	Pleasanton	\$ 275,000.00	2015	Uhland	\$ 277,388.00
2012	Wilson County	\$ 350,000.00	2015	Bastrop County	\$ 275,000.00
2013	Bartlett	\$ 275,000.00	2015	Charlotte	\$ 275,000.00
2013	Charlotte	\$ 275,000.00	2015	Devine	\$ 275,000.00
2013	Devine	\$ 275,000.00	2015	Elgin	\$ 275,000.00
2013	Granite Shoals	\$ 275,000.00	2015	Flatonia	\$ 275,000.00
2013	Hondo	\$ 275,000.00	2015	Harker Heights	\$ 275,000.00
2013	La Grange	\$ 275,000.00	2015	City of Hondo	\$ 275,000.00
2013	Lyford	\$ 215,382.00	2015	Karnes City	\$ 275,000.00
2013	Lyford D	\$ 350,000.00	2015	Lyford	\$ 230,870.00
2013	Moody	\$ 300,000.00	2015	Poteet	\$ 275,000.00
2013	Nixon	\$ 275,000.00	2015	Rockdale	\$ 275,000.00
2013	Poteet	\$ 275,000.00	2015	Stockdale	\$ 275,000.00
2013	Refugio County	\$ 300,000.00	2015	Taylor	\$ 350,000.00
2013	Runge	\$ 275,000.00	2015	Taylor	\$ 82,203.00
2013	Taylor-Wilco	\$ 300,000.00	2016	Bastrop County	\$ 447,748.00
2013	Three Rivers	\$ 300,000.00	2016	Lee County	\$ 2,020,000.00
2014	Bandera	\$ 275,000.00	2016	Bandera	\$ 275,000.00
2014	Bertram	\$ 275,000.00	2016	Barlett	\$ 275,000.00
2014	Christine	\$ 275,000.00	2016	Bastrop Coumnty	\$ 350,000.00
2014	Gatesville	\$ 275,000.00	2016	Blanco	\$ 275,000.00
2014	Hallettsville	\$ 275,000.00	2016	Chico	\$ 275,000.00
2014	Hays County	\$ 275,000.00	2016	Eastland County	\$ 350,000.00
2014	Jourdanton	\$ 275,000.00	2016	Falls City	\$ 275,000.00
2014	Karnes County	\$ 275,000.00	2016	Fayette County	\$ 87,271.00
2014	Kenedy	\$ 275,000.00	2016	Florence	\$ 275,000.00
2014	La Coste	\$ 275,000.00	2016	Gatesville	\$ 500,000.00
2014	Lampasas	\$ 275,000.00	2016	Glen Rose	\$ 275,000.00
2014	Lyford	\$ 26,743.00	2016	Granite Shoals	\$ 275,000.00
2014	Martindale	\$ 275,000.00	2016	Kenedy	\$ 275,000.00
2014	Rockdale	\$ 275,000.00	2016	Marble Falls	\$ 275,000.00
2014	Schulenberg	\$ 150,000.00	2016	Martindale	\$ 350,000.00
2014	Smithville	\$ 275,000.00	2016	Meridian	\$ 300,000.00

Langford Community Management Services Grant Management Experience

YEAR	CLIENT	AMOUNT	YEAR	CLIENT	AMOUNT
2016	Natalia	\$ 50,000.00	2017	Thrall	\$ 300,000.00
2016	Nixon	\$ 275,000.00	2017	Uhland	\$ 40,000.00
2016	Runge	\$ 275,000.00	2018	Atascosa County	\$ 275,000.00
2016	Smiley	\$ 275,000.00	2018	Bandera	\$ 275,000.00
2016	Stockdale	\$ 350,000.00	2018	Bastrop	\$ 300,000.00
2016	Tolar	\$ 275,000.00	2018	Devine	\$ 275,000.00
2016	Uhland	\$ 275,000.00	2018	Eastland County	\$ 500,000.00
2016	Wilson County	\$ 350,000.00	2018	Eastland County	\$ 350,000.00
2017	Bastrop County	\$ 2,015,856.00	2018	Fayette County	\$ 300,000.00
2017	Bastrop County	\$ 1,632,148.00	2018	Fayetteville	\$ 300,000.00
2017	Caldwell County	\$ 1,000,000.00	2018	Floresville	\$ 275,000.00
2017	Caldwell County	\$ 1,458,279.00	2018	Hallettsville	\$ 275,000.00
2017	Goliad County	\$ 1,583,333.00	2018	Jourdanton	\$ 275,000.00
2017	Goliad County	\$ 723,030.00	2018	Karnes County	\$ 275,000.00
2017	Gonzalez County	\$ 1,667,714.00	2018	La Coste	\$ 275,000.00
2017	Gonzalez County	\$ 903,466.00	2018	Lampasas	\$ 275,000.00
2017	Hallettsville	\$ 279,939.00	2018	Lyford	\$ 275,000.00
2017	Karnes County	\$ 1,725,606.00	2018	Moulton	\$ 275,000.00
2017	Karnes County	\$ 74,177.00	2018	Pleasanton	\$ 275,000.00
2017	Lee County	\$ 286,021.00	2018	Poth	\$ 275,000.00
2017	Lee County	\$ 1,000,000.00	2018	Schulenberg	\$ 300,000.00
2017	Moulton	\$ 263,295.00	2018	Smiley	\$ 275,000.00
2017	Nixon	\$ 671,903.00	2018	Uhland	\$ 300,000.00
2017	Shiner	\$ 272,693.00	2018	Taylor	\$ 500,000.00
2017	Smiley	\$ 595,907.00	2018	Florence	\$ 750,000.00
2017	Yoakum	\$ 1,416,383.00	2018	Floresville	\$ 500,000.00
2017	Bastrop County	\$ 242,902.00	2018	Liberty Hill	\$ 1,243,165.00
2017	Bertram	\$ 300,000.00	2019	Bastrop County	\$ 300,000.00
2017	Charlotte	\$ 275,000.00	2019	Burnet County	\$ 350,000.00
2017	Cisco	\$ 275,000.00	2019	Charlotte	\$ 275,000.00
2017	Cisco	\$ 350,000.00	2019	Flatonia	\$ 300,000.00
2017	Eastland County	\$ 275,000.00	2019	Florence	\$ 300,000.00
2017	Flatonia	\$ 45,000.00	2019	Granite Shoals	\$ 300,000.00
2017	Hays County	\$ 300,000.00	2019	Hondo	\$ 275,000.00
2017	Hondo	\$ 275,000.00	2019	Lexington	\$ 300,000.00
2017	La Grange	\$ 300,000.00	2019	McLennan County	\$ 300,000.00
2017	Natalia	\$ 275,000.00	2019	Poteet	\$ 275,000.00
2017	Rockdale	\$ 275,000.00	2019	Rockdale	\$ 275,000.00
2017	Runge	\$ 275,000.00	2019	Runge	\$ 275,000.00
2017	Smithville	\$ 300,000.00	2019	Stockdale	\$ 275,000.00
2017	Stockdale	\$ 275,000.00	2019	Liberty Hill	\$ 500,000.00

Langford Community Management Services Grant Management Experience

YEAR	CLIENT	AMOUNT	YEAR	CLIENT	AMOUNT
2019	Florence	\$ 300,000.00	2020	Eastland County	\$ 9,805,900.00
2019	Granite Shoals	\$ 300,000.00	2020	Gonzales County	\$ 6,071,588.57
2019	Hondo	\$ 275,000.00	2020	Hallettsville	\$ 9,882,441.85
2019	Lexington	\$ 300,000.00	2020	Ivanhoe	\$ 11,472,116.80
2019	McLennan County	\$ 300,000.00	2020	Kenedy	\$ 43,040,897.00
2019	Poteet	\$ 275,000.00	2020	Lexington	\$ 6,393,661.50
2019	Rockdale	\$ 275,000.00	2020	Martindale	\$ 6,678,027.21
2019	Runge	\$ 275,000.00	2020	Moulton	\$ 4,298,611.68
2019	Stockdale	\$ 275,000.00	2020	Nixon	\$ 3,592,211.82
2019	Liberty Hill	\$ 500,000.00	2020	Rockdale	\$ 4,417,469.03
2019	Taylor	\$ 40,000.00	2020	San Patricio County	\$ 15,435,182.60
2019	Taylor	\$ 70,000.00	2020	Seadrift	\$ 4,850,939.04
2019	Corpus Christi	\$ 3,000,000.00	2020	Seguin	\$ 37,861,885.50
2020	Blanco	\$ 275,000.00	2020	Smithville	\$ 12,966,041.00
2020	Bynum	\$ 275,000.00	2020	Uhland	\$ 11,851,660.80
2020	Devine	\$ 275,000.00	2020	Yoakum	\$ 8,143,545.20
2020	Falls City	\$ 275,000.00	2020	Yoakum	\$ 4,960,187.10
2020	Floresville	\$ 275,000.00	2020	Comanche	\$ 150,000.00
2020	Hallettsville	\$ 275,000.00	2020	Taylor	\$ 107,351.00
2020	Hitchcock	\$ 408,940.00	2020	Bandera	\$ 150,000.00
2020	Iredell	\$ 275,000.00	2020	Stockdale	\$ 150,000.00
2020	Jourdanton	\$ 275,000.00	2020	La Grange	\$ 750,000.00
2020	Karnes City	\$ 500,000.00	2020	Salado	\$ 150,000.00
2020	Karnes County	\$ 275,000.00	2020	Tomball	\$ 750,000.00
2020	La Coste	\$ 275,000.00	2020	Atascosa County	\$ 461,460.00
2020	La Grange	\$ 275,000.00	2020	Caldwell County	\$ 890,595.00
2020	Lampasas	\$ 275,000.00	2020	Goliad County	\$ 308,148.00
2020	Los Indios	\$ 275,000.00	2020	Kenedy County	\$ 295,360.00
2020	Lyford	\$ 275,000.00	2020	Lee County	\$ 461,460.00
2020	Marble Falls	\$ 275,000.00	2020	Marble Falls	\$ 2,500,000.00
2020	Meridian	\$ 275,000.00	2020	Seguin	\$ 860,000.00
2020	Moody	\$ 275,000.00	2020	Bandera	\$ 275,000.00
2020	Nixon	\$ 275,000.00	2020	Bee County	\$ 275,000.00
2020	Pleasanton	\$ 275,000.00	2020	Bertram	\$ 275,000.00
2020	Santa Rosa -DRP	\$ 275,000.00	2021	Buckholts	\$ 2,922,456.00
2020	Schulenburg	\$ 275,000.00	2021	Lexington	\$ 2,297,000.00
2020	Thrall	\$ 275,000.00			
2020	Austin County	\$ 36,937,293.90			
2020	Bastrop County	\$ 4,240,329.20			
2020	Caldwell County	\$ 17,460,036.00			
2020	Eastland County	\$ 9,999,140.72			

PROPOSED COST OF SERVICE

PROPOSED COST FOR GLO CDBG-MIT RESILIENT COMMUNITIES COMPREHENSIVE PLAN

We serve our clients with the end goal in mind and base our service fees on delivered results. We are conscious of the financial burden our communities face in the disaster recovery environment. We operate in a way that minimizes the expenditure of local tax dollars and maximizes grant funding. LCMS will complete the community's application at no cost to the City. No grant administration fees are charged until a GLO CDBG-MIT project is funded. LCMS will apply for and complete the City's Comprehensive Plan for no more than \$300,000 (three hundred thousand dollars), depending on the entity driven type of comprehensive plan and the amount of funds the GLO allows for that activity. We will prepare the application in partnership with the City and submit on your behalf. We will determine the final costs to include in the application based on the studies necessary as identified and approved by the City when developing the application. As no GLO match is required, there is no cost to the community.

A New Digital "Living" Comprehensive Plan

The funding will be utilized to develop a more robust, digital comprehensive plan than traditionally seen in most vulnerable communities, providing the intended equity and resilience for the under served and underrepresented communities in Texas. To effectively prepare for the future, the community needs to analyze diverse and complicated issues that are not typically accounted for in comprehensive plans like high growth corridor population issues, risk assessment and mitigation, climate change, environmental health, social vulnerability, and economic growth.

With this funding, the City, an identified disadvantaged area, can utilize the latest geo database tools, data collection methods, and GIS mapping. The new plan will cost more to produce than a Texas Department of Agriculture funded plan, because it will identify community specific existing and potential local hazards, future risks and explain how to mitigate and be more resilient against those risks. These efforts will consider local and regional planning efforts to reduce future risk to the jurisdiction.

A key element of the new plan will utilize the latest digital engagement software in community forums to educate and gather critical data from interactive community participation (both traditional in-person and virtual workshops) throughout the process which will incur no additional cost.

By building the tools the community truly needs to improve resiliency through the planning process, the City will also receive current, updated, reliable, and accurate risk information for the community leaders to quickly adapt to the ever-changing future, including potential hazards resulting from the effects of climate change, flooding, extreme weather events, and other identified hazards in the area.

Total GLO Resilient Communities Comprehensive Plan and Grant Administration \$300,000.00

REFERENCES

&

REQUIREMENTS

References

1. City of Seguin

Steve Parker – City Manager

Contact Number: (830) 379 – 3212

Sparker@Seguintexas.gov

Grant Funding: GLO-CDBG MIT and EDA

Projects: Langford Community Management Services is currently working with the City on a city-wide drainage and street improvement project that is estimated to be approximately \$38 million. These projects will increase/install detention basins, replace low-water crossings with all-water crossings and bridges, and install an underground stormwater conveyance system and drainage network.

Amount of funding secured: \$38.6 Million

2. Karnes County

Wade J. Hedtke – County Judge

Contact Number: (830) 780-3732

Wade.hedtke@co.karnes.tx.us

Grant Funding: Texas Water Development Board & Community Development Block Grants

Projects: Langford Community Management Services has implemented projects designed to improve water infrastructure including water lines, drainage improvements along roadways, and a bridge in the City of Runge. The County is also working with LCMS with implementing a drainage study that is being funded by the Texas Water Development Board.

Amount of funding secured: \$3.5 Million

3. Gonzales County

Patrick C. Davis – County Judge

Contact Number: (830) 672-2327

CJadmin@co.gonzales.tx.us

Grant Funding: Community Development Block Grants

Projects: Langford Community Management Services has implemented several projects with Gonzales County including various communication towers and generators. The current GLO mitigation grant will install two towers, one master site with core server system and a wireless microwave link between sites.

Amount of funding secured: \$6.1 Million

4. City of Smithville

Robert Tamble – City Manager

Contact Number: (512) 237-3282

Citymanager@ci.smithville.tx.us

Grant Funding: Community Development Block Grants & American Rescue Plan

Projects: Langford Community Management Services has implemented projects to improve street and drainage systems throughout the City of Smithville. The current GLO mitigation grant will also include street improvements, pavement repairs, upgrading/extend the City's existing storm sewer and two regional detention ponds. With their ARP funds, Langford is assisting the city in doing several projects to help mitigate the effects of the COVID-19 pandemic including assisting small businesses, several tourism projects, assistance to the local workforce training center and community clinic, and more.

Amount of secured funding: \$15 million

5. City of Ivanhoe

Skip Blackstone – City Mayor

Contact Number: (409) 283-3299

skip.blackstone@cityofivanhoe.texas.gov

Grant Funding: Community Development Block Grants & American Rescue Plan

Projects: Langford Community Management Services is currently implementing projects to convert the Lake Ivanhoe Dam into a stormwater detention facility, clear and grade drainage channels, and reconstruct the emergency discharge structure and water control gates at Lake Tristan Emergency Spillway and Lake Camelot Water Control and Dam.

Amount of funding secured: \$22 Million

6. City of Hallettsville

Grace Ward – City Administrator

Contact Number: (361) 798-3681

cityadmin@cityofhallettsville.org

Grant Funding: Community Development Block Grants & American Rescue Plan

Projects: Langford Community Management Services has implemented and improved street and drainage projects throughout the City of Hallettsville. Through grant funding the City has also installed storm sewers, box culverts, sidewalks, and is in the process of upgrading their city water meters.

Amount of funding secured: \$12.5 Million

7. San Jacinto County

Caroline Weisinger – County Auditor

Contact Number: (936) 653-4461

caroline@san-jac.us

Grant Funding: American Rescue Plan

Projects: Langford Community Management is currently working with the county to assist local water supply corporations in making various improvements to infrastructure, water supply towers, and obtaining generators.

Amount of funding secured: \$9.5 Million

8. Bastrop County

Clara Becket - County Commissioner, Precinct 2

Contact Number: (512) 581-4002

clara.becket@co.bastrop.tx.us

Grant Funding: GLO

Projects: Langford Community Management has assisted Bastrop County with several projects including the following: Wildfire (2012), Fire Station, Ingress and Egress, and currently a drainage project through CDBG-MIT.

Amount of secured funding: \$34 million

9. Caldwell County

Judge Hoppy Haden

Contact Number: (512) 398-1809

Hoppy.haden@co.caldwell.tx.us

Grant funding: GLO CDBG DR and MIT

Projects: Langford Community Management has assisted Caldwell County with several projects including their 2017 Infrastructure project and a 2020 GLO-MIT award for an Emergency Shelter.

Amount of secured funding: \$21 million



GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

The Texas Comptroller of Public Accounts (CPA) administers the Statewide Historically Underutilized Business (HUB) Program for the State of Texas, which includes certifying minority, woman, and service disabled veteran-owned businesses as HUBs and facilitates the use of HUBs in state procurement and provides them with information on the state's procurement process.

We are pleased to inform you that your application for certification/re-certification as a HUB has been approved. Your company's profile is listed in the State of Texas HUB Directory and may be viewed online at <https://mycpa.cpa.state.tx.us/tpasscmlsearch/index.jsp>. Provided that your company continues to meet HUB eligibility requirements, the attached HUB certificate is valid for the time period specified.

You must notify the HUB Program in writing of any changes affecting your company's compliance with the HUB eligibility requirements, including changes in ownership, day-to-day management, control and/or principal place of business. *Note: Any changes made to your company's information may require the HUB Program to re-evaluate your company's eligibility.*

Please visit our website at <http://comptroller.texas.gov/procurement/prog/hub/> and reference our publications (i.e. Grow Your Business pamphlet, HUB Brochure and Vendor Guide) providing addition information on state procurement resources that can increase your company's chances of doing business with the state.

Thank you for your participation in the HUB Program! If you have any questions, you may contact a HUB Program representative at 512-463-5872 or toll-free in Texas at 1-888-863-5881.

Texas Historically Underutilized Business (HUB) Certificate



Certificate/VID Number:	1742804904700
File/Vendor Number:	059528
Approval Date:	08-DEC-2020
Scheduled Expiration Date:	08-DEC-2024

The Texas Comptroller of Public Accounts (CPA), hereby certifies that
LANGFORD COMMUNITY MANAGEMENT

has successfully met the established requirements of the State of Texas Historically Underutilized Business (HUB) Program to be recognized as a HUB. This certificate printed 11-DEC-2020, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, business location) provided in the submission of the business' application for registration/certification as a HUB, you must immediately (within 30 days of such changes) notify the HUB Program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility.

*Statewide HUB Program
Statewide Procurement Division*

Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies, universities and prime contractors are encouraged to verify the company's HUB certification prior to Issuing a notice of award by accessing the Internet (<https://mycpa.cpa.state.tx.us/tpasscmlsearch/index.jsp>) or by contacting the HUB Program at 512-463-5872 or toll-free in Texas at 1-888-863-5881.



Cease Using the Entity Management API for Reps and Certs Information

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All Words ▾

e.g. 1606N020Q02

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Disaster Response Registry

Responsibility / Qualification

Exclusions

Filter By



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- All Words (i)
- Exact Phrase (i)

e.g. 123456789, Smith Corp

Classification ∨

Excluded Individual ∧

First Name

Middle Name

Last Name

SSN / TIN

Add Individual

Judy Langford ×

Reid Howell ×

Excluded Entity ∧

Entity Name

Langford Community Management Services, Inc. ×

Unique Entity ID

e.g. HTYR9YJHK65L ∨

CAGE / NCAGE

Federal Organizations



Exclusion Type



Exclusion Program



Location



Dates



Reset



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[Core Data](#)



Entity Registration

Core Data

Business Information

Entity Types

Financial Information

Taxpayer Information

Points of Contact

Assertions

Reps and Certs (FAR/DFARS)

Reps and Certs (Financial Assistance)

Exclusions

Responsibility / Qualification

Entity Information

LANGFORD COMMUNITY MANAGEMENT SERVICES, INC.

● Active Registration

Unique Entity ID CAGE/NCAGE
E9ZTZ6ZKMK51 5U3R0

Expiration Date

Oct 22, 2024

Physical Address
**9017 W State Highway 29
STE 206
Liberty Hill, Texas
78642-2424, United States**

Mailing Address
**9017 W State Highway 29
STE 206
Liberty Hill, Texas
78642-2424, United States**

Purpose of Registration
All Awards

Version

Current Record ▼

BUSINESS INFORMATION

Doing Business As LANGFORD COMMUNITY MANAGEMENT SERVICES INC	URL (blank)
Division Name (blank)	Division Number (blank)
Congressional District Texas 31	State/Country of Incorporation Texas, United States

Registration Dates

Activation Date Nov 8, 2023	Initial Registration Date Dec 21, 2009
Submission Date Oct 23, 2023	

Entity Dates

Owner	CAGE	Legal Business Name
Immediate Owner	(blank)	(blank)
Highest Level Owner	(blank)	(blank)

Owner	CAGE	Legal Business Name
Immediate Owner	(blank)	(blank)
Highest Level Owner	(blank)	(blank)

Entity Start Date	Fiscal Year End Close Date
Jan 1, 1997	Dec 31

Executive Compensation

Registrants in the System for Award Management (SAM) respond to the Executive Compensation questions in accordance with Section 6202 of P.L. 110-252, amending the Federal Funding Accountability and Transparency Act (P.L. 109-282). This information is not displayed in SAM. It is sent to USAspending.gov for display in association with an eligible award. Maintaining an active registration in SAM demonstrates the registrant responded to the questions.

In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which this specific SAM record, represented by a Unique Entity ID, belongs) receive both of the following: 1. 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements and 2. \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

No

Does the public have access to information about the compensation of the senior executives in your business or organization (the legal entity to which this specific SAM record, represented by a Unique Entity ID, belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Not Selected

SAM SEARCH AUTHORIZATION

I authorize my entity's non-sensitive information to be displayed in SAM public search results:

Yes

ENTITY TYPES

Business Types

Socio-Economic Types

Entity Structure	Corporate Entity (Not Tax Exempt)
Entity Type	Business or Organization
Profit Structure	For Profit Organization
Organization Factors	Subchapter S Corporation

Self Certified Small Disadvantaged Business, Women-Owned Small Business, Women-Owned Business

Check the registrant's Reqs & Certs, if present, under FAR 52.212-3 or FAR 52.219-1 to determine if the entity is an SBA-certified HUBZone small business concern. Additional small business information may be found in the SBA's Dynamic Small Business Search if the entity completed the SBA supplemental pages during registration.

FINANCIAL INFORMATION

Payments	
Accepts Credit Card Payments No	Debt Subject To Offset ? No

ACCOUNT DETAILS

EFT Indicator **0000**
CAGE Code **5U3R0**

Electronic Funds Transfer

Account Type	Checking
Account Number	*****84

Automated Clearing House

Phone (U.S.)	5124520432
Phone (non-U.S.)	(blank)
Email	Teresa@lcmsinc.com
Fax	(blank)

Routing Number	*****93
Lockbox Number	(blank)
Financial Institution	FROST BANK

Remittance Address

Teresa Scalapino
 9017 W. State HWY 29
 Suite #206
 Liberty Hill, Texas 78642-2424
 United States

TAXPAYER INFORMATION

Taxpayer Name

**LANGFORD
 COMMUNITY
 MANAGEMENT
 SERVICES INC**

Name/Title of Individual

Executing Consent
President

Signature

Judy Langford

Address

**9017 W State Highway
 29,
 Liberty Hill, TX 78642-
 2424
 United States**

EIN

*******4904**

Type of Tax

Applicable Federal Tax

Tax Year (Most Recent Tax Year)

2020

TIN Consent Date

Oct 23, 2023

POINTS OF CONTACT

Accounts Receivable POC

Primary Point of Contact

JUDY LANGFORD, Owner

Email

judy@LCMSINC.com

Phone

512 452-0432

Fax

5124525380

Address

(blank)

Electronic Business**Primary Point of Contact****JUDY LANGFORD, Owner**

Email

judy@LCMSINC.com

Phone

512 452-0432

Fax

5124525380

Address

9017 W. State HWY
29
Suite #206
Liberty Hill, Texas
78642-2424
United States

Alternate Point of Contact**Judy Langford**

Email

judy@lcmsinc.com

Phone

512 704-2040

Fax

5124525380

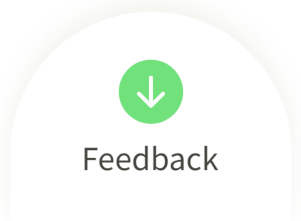
Address

2901 County Road
175
Leander, Texas
78641
United States

Government Business**Primary Point of Contact****Judy Langford, Owner**

Email judy@LCMSINC.com	Phone 512 452-0432	Fax 5124525380	Address 9017 W. State HWY Suite #206 Liberty Hill, Texas 78642-2424 United States
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Alternate Point of Contact			
JUDY LANGFORD			
Email judy@LCMSINC.com	Phone 512 452-0432	Fax 5124525380	Address 2901 County Road 175 Leander, Texas 78641 United States



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Entities Search Results 1 Total Results

Filter by:

Entity Name	Status
"LANGFORD COMMUNITY MANAGEMENT SERVICES INC."	active

LANGFORD COMMUNITY MANAGEMENT SERVICES, INC. ● Active Registration

Unique Entity ID: E9ZTZ6ZKMK51

Physical Address:

Expiration Date:

CAGE/NCAGE: 5U3R0

9017 W STATE HIGHWAY 29 STE 206

Oct 22, 2024

LIBERTY HILL , TX

Purpose of Registration:

78642 USA

All Awards

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

NO CONFLICT OF INTEREST

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

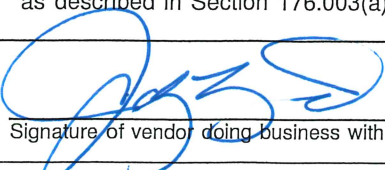
Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7


Signature of vendor doing business with the governmental entity

February 1, 2024

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, LCMS, Inc., certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.



Signature of Contractor's Authorized Official

Judy Langford, President

Printed Name and Title of Contractor's Authorized Official

February 1, 2024

Date

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract _____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application _____ b. initial award c. post-award	3. Report Type: a. initial filing _____ b. material change For material change only: Year _____ quarter _____ Date of last report _____
4. Name and Address of Reporting Entity: _____ Prime _____ Subawardee Tier _____, if Known: Congressional District, if known:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: <u>Judy Langford</u> Title: <u>President</u> Telephone No.: <u>512-452-0432</u> Date: <u>02/01/24</u>	
Federal Use Only	Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

(To be completed by awarded vendor)

CERTIFICATE OF INTERESTED PARTIES		FORM 1295	
Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.		OFFICE USE ONLY	
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.			
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.			
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.			
4		Nature of Interest (check applicable)	
Name of Interested Party	City, State, Country (place of business)	Controlling	Intermediary
5 Check only if there is NO Interested Party. <input type="checkbox"/>			
6 UNSWORN DECLARATION			
My name is _____, and my date of birth is _____.			
My address _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country)			
I declare under penalty of perjury that the foregoing is true and correct.			
Executed in _____ County, State of _____, on the _____ day of _____, 20____.			
(month) (year)			
_____ Signature of authorized agent of contracting business entity (Declarant)			
ADD ADDITIONAL PAGES AS NECESSARY			



Email: judy@lcmsinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com



JUDY LANGFORD

President & Owner

CDBG-MIT Areas of Expertise

Monitoring & Compliance

Creation and Maintaining Systems of Record

Understanding of Action Plan Amendments

Review of future staffing, contracts, scoping, and feasibility

Financial Management

Educational & Experience

**Bachelor of Science,
The University of Texas**

39 Years of Experience



Professional Skills

I have owned LCMS since 1983 and my firm brings full-spectrum grant writing and management services with over 39 years of Texas based grant administration as a firm, and more than a decade of combined experience from her team of grant specialists. We write, review, and administer competitive grants on behalf of rural cities and counties throughout the State of Texas, and have assisted numerous communities complete grant applications, secure approved funding, administer timely project service, monitor, and successfully close projects in full compliance with State and Federal requirements, which results in few monitoring and concerns. My experience and responsibilities include, but are not limited to; oversight of financial management, monitoring of construction and engineering activities, environmental clearance of projects to include the submission and maintenance of the environmental review record for projects as needed, conducting public hearings for grant programs at city council and commissioner’s court meetings as needed and ensuring the communities we represent comply with applicable State and Federal rules and regulations from application through administration, attendance of trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program, and maintaining and building solid working relationships with pertinent governmental agencies that manage the grant programs of our clients. Our overall approach identifies and addresses problems long before the funding agency audits the project. We specialize in disaster recovery grants that meet the needs of recovering community, and by working closely with local governments, engineers, and other parties, we ensure that projects conform to project performance statements and schedules and have developed an extensive knowledge of the disaster recovery programs available and how they may complement each other to best serve the communities and extend available dollars. Our firm collaborates with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

Core Task Include

- Maintain regular contact with the project engineer, the local contact person, and construction contractors,
- Provide project engineers with an instruction and forms packet so they know up-front what information is required by the state agency,
- Assist in processing all invoices, contracts, and change orders received from the project engineer and contractors,
- Respond to clients in a timely manner,
- Predict potential project delays and move to mitigate potential issues early in the project, charting critical paths to timely completion,
- Assist in reviewing workable solutions to resolve unexpected cost overruns, changes in construction activities or locations, or other issues that affect your project’s eligibility and standing with the state and federal agencies; and
- Assist you in working with the state and federal agencies to resolve any issues that may arise with your grant application or funded project.



Email: jill@lcmsinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com



JILL PHINNEY

Disaster Recovery / ARPA Program Manager

CDBG-DR / ARP Areas of Expertise

Monitoring & Compliance

Creation and Maintaining Systems of Record

Understanding of Action Plan Amendments

Review of future staffing, contracts, scoping, and feasibility

Financial Management

Educational & Experience

Bachelor of Science, Business
St. Cloud State University, Minnesota

Completed the National Development Council ED101 and ED201, 2006

FEMA Fundamentals of Grant Management, 2011

Minnesota Certified Emergency Manager



Professional Skills

DISASTER RECOVERY/ARP PROGRAM MANAGER, LANGFORD COMMUNITY MANAGEMENT SERVICES JUNE 2019 - PRESENT

Provides critical leadership and managerial expertise in delivering multiple operation and programs. Her expertise centers on ARPA, CDBG-DR, CDBG-MIT, FEMA, HUD, NHTSA, and other state and federal programs. Manages the ARPA team and provides guidance and support required for successful project implementation. Experienced in disaster recovery, federal procurement, and grant management with the ability to work on current large-scale disaster recovery efforts. Provides internal quality oversight and day-to-day operations management.

GRANT MANAGER, STATE OF TEXAS GENERAL LAND OFFICE (GLO), COMMUNITY DEVELOPMENT AND REVITALIZATION INFRASTRUCTURE | JANUARY 2017-JUNE 2019

Coordinated, reviewed, evaluated and processed grants at various stages to determine appropriateness of grant expenditures and compliance with requirements and standards. Developed Standard Operating Procedures (SOP's) for CDBG-DR infrastructure program. Represented the GLO within Hurricane Harvey impacted communities by providing outreach to assist in implementing short term housing needs for Texans. Collected, organized, analyzed and prepared materials for executive reports, required federal reports, legislative inquiries and public information requests. Served as a liaison and representative for the grant program with the constituents and other entities within assigned communities. Monitored, reviewed, and evaluated compliance with grant program policies and procedures, statues, and rules with support of disaster recovery teams.

FINANCE AND GRANT CONTRACTOR | CITY OF MINNEAPOLIS, OFFICE OF EMERGENCY MANAGEMENT (OEM) | DECEMBER 2014 - DECEMBER 31, 2016

Coordinated emergency management activities within the finance function of OEM's executive vision and strategy for sustained and significant change to disaster planning operations. Lead, directed, coordinated, evaluated and improved finance and administration functions (including budget development support and grant management and administration). Provided guidance and technical assistance to departments for the development of department level continuity of operations plans and assures compliance with enterprise guidance. Reviewed budgets and monitored expenditures, proposed budget modifications, managed dollars within guidelines of grants received, and ensured fiscal responsibility. Interpreted and applied federal and state laws, policies, rules, and requirements including Uniform Grant Guidance (UGG), Uniform Grants Management Standards (UGMS), Office of Management and Budget (OMB) circulars and Code of Federal Regulations (CFR). Developed and implemented annual plan for Finance section supporting OEM's strategic plan and annual deliverables including assessment of resources needed for plan implementation.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT BUDGET AND GRANT MANAGER | STATE OF MINNESOTA, DEPARTMENT OF PUBLIC SAFETY | JUNE 2007-DECEMBER 2014

Worked for the State Administrative Agency (SAA) on FEMA grant programs including the Non-Profit Security Grant Program (NSGP), Urban Area Securities Initiatives (UASI), State Homeland Security Program (SHSP), and Emergency Management Performance Grants (EMPG). Served as the point of contact between the affected federal, state, local and tribal agencies to ensure program requirements are understood and implemented, that federal grant projects receive approval and available funding is secured, and that local grants are initiated in a timely manner. Established, developed, oversaw and implemented procedures for grant activities and program development, including the creation of sub recipient criteria and scope of work development.

Core Task Include

- Maintain regular contact with the project engineer, the local contact person, and construction contractors
- Provide project engineers with an instruction and forms packet so they know up-front what information is required by the state agency
- Assist in processing all invoices, contracts, and change orders received from the project engineer and contractors,
- Respond to clients in a timely manner
- Predict potential project delays and move to mitigate potential issues early in the project, charting critical paths to timely completion
- Assist in reviewing workable solutions to resolve unexpected cost overruns, changes in construction activities or locations, or other issues that affect your project's eligibility and standing with the state and federal agencies
- Assist in working with the state and federal agencies to resolve any issues that may arise with your grant application or funded project



Email: Jerri@lcmsinc.com

Phone: 512-452-0432

Website: www.lcmsinc.com

Professional Skills

Accomplished professional with over 21 years of demonstrated experience in community engagement, public communications, sales and marketing. Known for implementing quantifiable marketing strategies and creating innovative publicity campaigns across diverse industries. Expert data management and analytical skills when managing large, complex projects.

LANGFORD COMMUNITY MANAGEMENT, Liberty Hill, Texas - 10/2022 - Present - Community Engagement Manager - Responsible for administering the Texas General Land Office (GLO) - (RCP) Resilient Communities Program. Write, review, submit and administer competitive grants on behalf of CDGB-MIT identified disaster prone rural cities and counties throughout the State of Texas. Build and maintain solid working relationships with pertinent governmental agencies and vendors. Oversees community engagement events internally and externally, including community briefings, presentations to community, key stakeholders and act as liaison with community leaders.

THE CONRADO GROUP, INC., Business Marketing and Consulting Austin, Texas - 1/1999 - 4/2018 -- Sevierville, Tennessee - 4/2018 - 4/2022 President of sales and marketing consulting firm specializing in community engagement, branding, and public communications – Responsible for new business development and daily operations of a full service creative marketing and consulting firm. Delivered consultations to community clients, economic development alliances and business owners. Provided consultative selling and customer support to improve market position, build brand loyalty and increase revenue.

Specialties: Community advertising, branding, marketing, public relations and communications, economic development, tourism and hospitality.

JERRI CONRADO

Community Engagement Manager

CDGB-MIT- GLO RCP Areas of Expertise

Proposals and Grant
Application Submissions

Monitoring and Compliance

Creation and Maintaining
Systems of Record

Economic Development -
Branding and Marketing

Community Engagement

Public Communications

Financial Management

Educational & Experience

Bachelor of Science, Business
Administration

Public Communications and Global
Marketing Certification

Entrepreneurial - Business Development

Community Branding and Communications



Core Skills and Responsibilities

- Responsible for supervising community relations activities for the GLO- Resilient Communities Program (RCP) Initiatives.
- Provide leadership and support to the (RCP) engagement team.
- Prepare and present request for proposals to communities for the Resilient Communities Program through the General Land Office.
- Oversee community engagement events internally and externally, including community briefings, presentations to community organizations and acting liaison with community "key stakeholders".
- Develops and maintains effective relationships with General Land Office - Resilient Communities Program and other pertinent governmental agencies.



DENNIS C. KU, P.E.

Resilient Community



Office: (512) 452-0432 Phone: (512) 518 - 4280 Website: www.LCMSinc.com

Professional Skills

Puerto Rico Department of Housing Disaster Recovery Grant Management – San Juan, Puerto Rico.

- Serves as a Subject Matter Expert (SME) in support of the Grant Manager and Grantee regarding program implementation.
- Development of program guidelines and subrecipient management procedures for the CDBG-DR program.
- Development of the CDBG-MIT Action Plan and Implementation Plan approved by HUD.

Texas General Land Office Disaster Recovery Program Management – Austin, Texas.

This Disaster Recovery program is funded by grants from the U.S. Housing and Urban Development (HUD) for Hurricanes Ike and Dolly and the 2011 Texas Wildfires.

- Served as the Program Manager for the largest infrastructure project in Texas history and was responsible for overseeing the successful design and delivery of approximately \$1.4 Billion of infrastructure projects in compliance with all HUD CDBG, State, and Federal regulatory requirements.
- Managed a staff of 37 consisting of GLO and PMC vendor staff with 10 direct reports.
- Served as Contracts Team manager, Lower Rio Grande Valley Area Manager and Applications Team Lead for all infrastructure grant applications.
- Involved with scoping and estimating of over 700 water and wastewater infrastructure projects for over 200 communities impacted by Hurricanes Ike and Dolly.
- Extensive knowledge of Davis-Bacon, Section 3, Uniform Relocation Assistance Act (URA), National Environmental Policy Act (NEPA), and Federal (2 CFR Part 200) and State of Texas Local Government Code procurement requirements.

Hays County 2015 Flood CDBG DR Program, San Marcos, Texas.

This Disaster Recovery program is funded by grants from the U.S. Housing and Urban Development (HUD) through the State of Texas General Land Office (GLO) for the 2015 Texas Floods.

- Currently serving as consultant to Hays County and assisting the County in administration, management, and delivery of their \$11.6 Million Housing and Infrastructure program in compliance with all HUD CDBG, State, and Federal regulatory requirements.
- Assisted the County with identifying eligible projects, including identifying the County's FEMA funded projects for which CDBG funds could be used as matching funds.

Nassau Bay 2016 Flood Mitigation Assistance Project – Nassau Bay, Texas.

Project consists of elevation of 16 residences above the Base Flood Elevation utilizing FEMA Hazard Mitigation Assistance Grant funds.

- Responsible for producing house footprint drawings and square footage quantities for obtaining bids from lift contractors.
- Developed a system for accurately measuring and presenting house dimensions, square footage calculations, potential obstructions, and special site-specific conditions.

Core Tasks

- Maintain regular contact with the project engineer, the local contact person, and construction contractors
- Provide project engineers with an instruction and forms packet so they know up- front what information is required by the state agency
- Assist in processing all invoices, contracts, and change orders received from the project engineer and contractors,
- Respond to clients in a timely manner
- Predict potential project delays and move to mitigate potential issues early in the project, charting critical paths to timely completion
- Assist in reviewing workable solutions to resolve unexpected cost overruns, changes in construction activities or locations, or other issues that affect your project's eligibility and standing with the state and federal agencies
- Assist in working with the state and federal agencies to resolve any issues that may arise with your grant application or funded project

Areas of Expertise

CDBG Rules and Regulations, including Section 3 and Davis-Bacon Act

Disaster Recovery

Federal National Environmental Policy Act requirements

Federal, State, and Local regulations regarding procurement

Water Distribution planning, evaluation, design and construction

Wastewater Treatment and Collection System planning, evaluation, design and construction
Stormwater Hydrology and Hydraulics

Educational & Experience

B.A., Computer Science, University of Texas, Austin, Texas

M.S., Civil Engineering, University of Texas, Austin, Texas

Licenses
Registered Professional Engineer,
Texas # 96419





HELEN WILLARD

Environmental Specialist



Areas of Expertise

Monitoring & Compliance

Creation and Maintaining

Systems of Record

Financial Management

Technical writing

Quotes

CRM software

Market Research

Technical and Copy writing

Educational & Experience

**Brown | 2001 BA Public Policy
Providence, RI**



Email: helen@lcmisinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com

Professional Skills

**Environmental Specialist, Langford Community Management Services, Austin, Texas
(May 2023 - Present)**

- Ensure projects administered by Langford adhere to the National Environmental Policy Act and any other applicable laws and regulations. Prepare Environmental Reviews, public notices, and other correspondence and documentation to ensure that project designs will be approved and can proceed to construction.
- Collaborate with localities and Langford teams to develop and write competitive grants on behalf of rural cities and counties throughout Texas for awards from various state and federal agencies, including: Texas Department of Agriculture, the Texas General Land Office, Texas Parks & Wildlife Department, Texas Historical Commission, Texas Department of Economic Development, Texas Department of Transportation, US Department of Transportation, and the National Oceanic and Atmospheric Administration.
- Coordinate with communities to support long-term development that aligns with community goals and values by creating grant project ideas that will be both competitive and meaningfully help residents.
- Liaise with various state and local agencies to secure approval for projects that minimize adverse effects on the environment and comply with all guidelines, regulations, and laws.

Sales Consultant, AT&T August 2016 - May 2023

- Grew sales year-over-year for many different technologies: software and cloud solutions, fleet management, fiber, satellite, streaming, 5G cellular, and FirstNET solutions for first responder organizations.
- Achieved Business and FirstNET expert status within AT&T for exceeding goals for Business to Business and Government sales.
- Utilized dashboards and data analysis to develop new business opportunities. Create events for existing and new customers.
- Networked and utilized CRM software to create leads for new sales opportunities.

Guest Services Coordinator, SPCA of Brazoria County - October 2012 - March 2016

- Transitioned shelter to new data management software. Trained employees, created queries and forms, and assisted with payroll, medical records, bookkeeping, and workers' compensation.
- Created, planned, and executed adoption events and fundraisers.
- Coordinated with various rescue groups, fosters, and other shelters to form a network of safe homes for animals.
- Increased adoptions and fosters that enabled transition to no-kill status.

Master and Premier Tutor, Princeton Review October 2007 - July 2012

- Developed a network of clients to generate referrals. Lead informational sessions, marketing events, and workshops.
- Created published written content for Princeton Review coursebooks, software, website, and diagnostic tests.
- Continually exceeded net promoter scores, delivered documented score improvements for clients and generated referrals in order to become a top 50 nationwide tutor.

Core Responsibilities

- Maintain regular contact with the project engineer, the local contact person, and construction contractors. Provide project engineers with an instruction and forms packet so they know up-front what information is required by the state agency.
- Assist in processing all invoices, contracts, and change orders received from the project engineer and contractors. Respond to clients in a timely manner. Ensure compliance with all requirements.



Kevin Coleman

Client Relations Specialist



Email: Kevin@lcmsinc.com Phone: (903) 810-7140 Website: www.LCMSinc.com

Professional Skills

Client Relations Specialist, Langford Community Management Services, Austin, Texas (January 2024 - Present)

Maintain regular contact with community contacts and other key stakeholders to strengthen new and existing relationships. Communicate proactively to keep communities informed of company news, grant opportunities and relevant information. Provide project updates as required. Review community plans for necessary updates and integration into new or revised RCP Comprehensive Plans. Assist in proposals and identify new grant opportunities within the communities. Provide assistance with completion of special projects with the RCP team.

City of Yoakum, TX - City Manager (December 2021 - August 2023)

Under the City's charter, the City Manager defined position is directly charged with the administration of all city services. Direct responsibilities include supervision and budgetary control of all Department Heads and implementation of City Council policy and direction.

City of Kerrville, Texas, Director of Development Services (February 2007-December 2011)

A departmental director position directly charged with the administration of all department functions, including building inspections, planning/zoning, and health and code compliance. Direct responsibilities include supervision of three division heads and administrative staff, oversight of day to day operations and departmental budgeting, as well as coordination of development process both within and outside the department.

Abilene Habitat for Humanity - Abilene, Texas, Executive Director (August 1998 - January 2007)

A management position charged with the oversight of all program staff, administrative staff, volunteer board of directors, and volunteer activities covering all functions of the organization. Direct responsibilities include annual budgeting and cash flow management, long range planning, payroll, administrating local and state government grants, and development/maintenance of local funding base. Day to day coordination of construction activities including project design, site coordination, subcontract and staff implementation, project accounting, and daily project management.

Core Responsibilities

- Act as community liaison to establish and build relationships which foster loyalty and retention.
- Identify grant opportunities and assist community with applications as necessary.
- Deliver proposals and manage client communication throughout the process.
- Gather insights and feedback from community contacts.
- Conduct community presentations and education sessions to maximize opportunities.
- Track key metrics related to client retention, satisfaction and account review.

Areas of Expertise

Client Relations and
Community Engagement
Policy & Direction
Short and Long Range
Planning
Financial Management
Community Growth and
Development
CRM software
Market and Community
Research

Education

Bachelor of Science - Business Administration - University of Kansas

Master of Arts - Public Administration - University of Kansas





Email: Kay@lcmsinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com

Professional Skills

Langford Community Management Services, Austin, Texas Finance Director, August 2020-present

Assist owner with business structure, organization, and business plan. Responsible for optimization of financial performance including reporting, liquidity, budgeting, payroll, processing transactions.

Honeywell, Arlington, TX Senior Finance Manager, November 2018 - May 2020

Transitioned finance to corporate upon sell of company to Honeywell while continuing operations of the business. Also, on Acquisition team for IT, Finance and Oracle conversation.

Transnorm System Inc, Arlington, TX Chief Financial Officer, May 2008 - Nov 2018 President and CEO, Nov 1998 - May 2008 Controller and Vice President, June 1990 to Nov 1998

Responsible for North American operations and finance of global manufacturing company under multiple ownership types. During my 30-year tenure developed process and procedures, obtain ISO 9001 certification, developed strategies, budgets, financial reporting, y-o-y business growth, increased company value and profitability for each owner.

Educational & Experience

**Bachelor of Business
Administration – Accounting
Texas Tech University**

Certified Public Accountant

Core Task Include

- Assist with strategic Management of business operations
- Execute and manage the financial strategy
- Prepare financial documents such as business reports, financial statements and budgets
- Assist with organization development and policies
- Responsible for payroll and employee benefits
- Responsible for financial transactions and functions



KAY LYNN WOLFE

Finance Director

Finance Areas of Expertise

Monitoring & Compliance

**Creation and Maintaining
Systems of Record**

Financial Management





Email: erin@lcmsinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com

Professional Skills



ERIN THOMPSON

Disaster Recovery Program Manager

CDBG-DR Areas of Expertise

Monitoring & Compliance

Creation and Maintaining Systems of Record

Understanding of Action Plan Amendments

Financial Management

Federal Procurement

Program Manager, Langford Community Management Services Austin, Texas | June 2019 - Present

Detailed involvement with central Texas Cities and Counties who suffer damage and loss from federally declared natural disasters. Duties include: Ensuring program compliance within all Community Development Block Grant - Disaster Recovery (CDBG-DR) requirements including current Federal Register Requirements; Assisting Municipalities in establishing and maintaining financial processes; Obtaining and maintaining copies of contracts pertaining to change requests, revisions and attachments; Establishing and maintaining record keeping systems; Resolution of monitoring and audit findings; Resolution of Municipality third party claims; Intimate communication with the Texas General Land Office (GLO) regarding program compliance and suspected fraud; Completion of draw requests for payments and procuring supporting documentation; Facilitating outreach efforts, application intake, and eligibility review for community residents regarding CDBG - DR funding. HMGP Program Management. Facilitate the HMGP team through application preparation project management and compliance requirements for FEMA/TDEM funded projects.

Fundraising Coordinator, Hannah's House, San Diego, California | January 2016-June 2019

Attain, create, organize and maintain fundraising opportunities; prospecting online and in-person. Organizational maintenance of both monetary and in-kind donations. Curator of donor retention. Familiarity with both the Classy.org platform and Network for Good regarding fundraising campaigns, donor tracking, CRM Management and web page/campaign creation. Tracking and sending acknowledgements of donations received. Social media account creation and management. Major Gala/Event planning which comprises venue scouting, securing vendors (catering, photo, specialty desserts, printing & signage, acquiring silent & live auction donation items, floral & decor, live music & DJ services) set up & break down of event. Between 2016 and 2019 I assisted with securing a total of \$559,676 in private foundation grant funding. Proficiency with all aspects of the grant process including research, writing, editing and submission of applications.

Training:

Nonprofit Management Solutions- Mindful Manager Series (10 Course Program) (February 2019)
University of San Diego, Nonprofit Academy, Operational Efficiency & Grant Collaboration (August 2018)
Nonprofit Management Solutions- Development Director Learning Group - Completed (April 2018)

Educational & Experience

**Bachelor of Arts, Microbiology
University of California - Davis**

Notary Public- State of Texas

**TDA Implementation Workshop,
TxCDBG Grants Certification**

**Fundamentals of Grant Management
FEMA, Emergency Management
Institute Certification**

**Federal register Notice of Funds
Available (NOFA) Certification**

Core Task Include

- Application development, preparation, and submission
- Maintain regular contact with the project engineer, City or County project representative, and construction contractors to ensure exceptional project management
- Daily contact with state agency grant managers for seamless project management
- Provide project engineers with compliance requirements for GLO/HMGP funded projects
- Prepare and process contract documents, invoices, change orders and any other project related documentation
- Maintain excellent client communication
- Predict potential project delays while providing assistance to mitigate these potential issues early in the project
- Charting critical paths to timely project completion
- Assist in reviewing workable solutions to resolve unexpected cost overruns,
- Preparing required State Agency reports
- Ensuring environmental compliance is met before, during and after project development and construction
- Assist in resolution of issues at the state and federal agencies level





Email: teresa@lcmsinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com

Professional Skills



TERESA SCALAPINO

Office Manager

Areas of Expertise

Planning and Organization

Creation and Maintaining Systems of Record

Inventory Control

Highly Adaptable

Multi-tasking

Client Relations

Office Manager, Langford Community Management Services 2018 - Present

Manage the daily operations of a demanding office. Efficiently direct office support activities including; maintenance, mailing, shipping, ordering of supplies and equipment, deposits, taking care of business cars, assist all employees with any help needed to ensure project success, run all errands needed for business to run smoothly.

- Facilitate the onboarding of new personnel and assist and coordinates IT equipment ordering and set-up.
- Assist coworkers with IT issues and following through with results.
- Fullfill urgent coworker requests for potential clients... proposal processing, proof reading and delivery (both in person and via shipment).
- Distribution of company mail to the appropriate employees.
- Monitor and maintain office supplies inventory.
- Weekly/Daily Deposits
- Organization of company vehicles for employees travel plus all maintenance, repair and registration.
- Assist in the collection and retrieval of documents needed during ongoing the application processes.
- Organizing new administrative contracts for city and county signatures and uploading them into their respective online project files.
- Check state comptroller site daily for processed grant disbursements.
- Assist cities and counties in the renewal/updating of SAM/UEI numbers and sending email reminders when expiration dates are close.
- Assists with document uploads into our online electronic filing system.

I'm always assisting someone. Organization, flexibility and teamwork are what make a company successful!

Labor and Delivery/Surgery/Surgical Technologist, St. David's Hospital Austin, Texas | 1995-2002:

Assisted physicians with deliveries, c-sections and post-partum tubals; assisted nurses with patient care before and after childbirth. Rotated through all areas of surgery with concentration in cardiology, gynecology, and general; preoperative, intraoperative and postoperative.

Companion/Aide, Home Health Agency Austin, Texas | 1993-1995

Provided supervision to clients with mobility problems, insured patient safety throughout the evening.

Medical Assistant to Dr. Phillips Reeves, McCarron and Phillips: Urology Group Austin, Texas | 1992-1993

Responsible for assisting Doctors and Nurses in providing patient care. Duties include recording and updating medical histories and contact information in patient files, perform standard care procedures like drawing blood, checking vitals, collecting lab samples, prepping patients and assisting the doctor in certain procedures while maintaining patient confidentiality.

Volunteer Service:

Booster Club President, son's high school tennis team, 2017-2019
Booster Club President, daughter's gymnastic team, 2012 - 2017
Church Preschool Teacher, 2006
Girl Scout Co-Leader, 2004-2009

Educational & Experience

Associates Degree: Surgical Technology

TDA Implementation Certification

Core Task Include

- Oversee the day-to-day activities of the office as the main point of contact for mail, errands, supplies, company vehicle assignment and maintenance
- Maintains office efficiency by planning and implementing office systems, layouts, and equipment procurement
- Coordinate with IT department on all office equipment
- Maintain the office condition and arrange necessary repairs
- Contributes to team effort by accomplishing related results as needed





Email: melisa@lcmisinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com

Professional Skills

Environmental Specialist, Langford Community Management Services Austin, Texas | August 2013 to present

Prepare Environmental Review Records (ERR) to ensure compliance with the National Environmental Policy Act (NEPA), and other related Federal and state environmental laws. ERRs are compiled for projects administered by Langford, i.e., Texas Department of Agriculture Office of Rural Affairs Community Development Block Grant, Texas General Land Office, Texas Water Development Board, Texas Department of Transportation, Texas Department of Housing and Community Affairs, Texas Parks and Wildlife Department, Federal Emergency Management Agency, and others. The ERR includes research and determination as to whether the human environment would be negatively impacted by the project activities and outcome; publishing of Public Notices; coordination with other agencies, i.e., Texas Historical Commission, Texas Coastal Program, United States Fish and Wildlife Service, Texas Parks and Wildlife Department, Environmental Protection Agency, USDA Natural Resources Conservation Service, and tribes of interest in the project county as identified on the HUD Tribal Assessment Tool; coordination with project engineers, Langford Project Coordinator and Responsible Entity staff to ensure complete and correct information is included in the ERR.

Assist with writing of competitive grants on behalf of rural cities and counties throughout the State of Texas, and correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the following agencies: Texas Department of Rural Affairs, Texas Department of Rural Affairs - Disaster Recovery Division; Texas Department of Agriculture; Texas Parks & Wildlife Department; Texas Historical Commission; Texas Department of Economic Development; Texas Department of Transportation; as well as private entities such as HNTB. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs. Collaborate with communities and their public works, parks, and economic development programs to develop plans and strategies which better assist them in meeting the needs of their community.

Office Manager, Frontera Administrative Services, Inc., Austin, Texas | June 2009 to June 2013

Co-managed grant projects funded through the Texas Department of Transportation Border Colonia Access Paving (BCAP), Texas Department of Agriculture Community Development (CDBG), and Texas Water Development Board Economically Distressed Areas Program (EDAP): Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Responsible for the environmental clearance of projects to include the submission and maintenance of the Environmental Review Record for projects as needed. Ensure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant.

WORKSHOPS and TRAININGS

HUD-sponsored Trainings
Texas General Land Office-sponsored Trainings
The Office of Rural Affairs Implementation Trainings
The Office of Rural Affairs TxCDBG Administrator Certification Trainings
Texas Municipal League Annual Conferences
TDHCA Eligibility Training for Affordable Housing Programs
TDHCA Environmental Review and Clearance for Single Family Housing Construction Projects



MELISA DURHAM

Environmental Specialist

ERR Areas of Expertise

Educational & Experience





Email: shauna@lcmsinc.com Phone: (512) 452 - 0432 Website: www.LCMSinc.com



SHAUNA COSPER

Project Coordinator / Labor Standards Specialist

TDA Areas of Expertise

- Monitoring & Compliance
- Creation and Maintaining Systems of Record
- Financial Management

Educational & Experience

10 Years of Experience



Professional Skills

Project Coordinator/Labor Standards Specialist, Langford Community Management Services Austin, Texas | July 2012 - Present

Write, review and administer competitive grants on behalf of rural cities and counties throughout the State of Texas. Responsible for the correspondence and submission of grant applications to the appropriate federal and/or state agency with a primary focus within the Texas Department of Agriculture. Oversee financial management, monitor construction and engineering activities for grantees. Oversee and process certified payrolls for community projects. Ensure communities we represent comply with applicable State & Federal rules and regulations from application through administration. Continuously attend trainings, seminars, and workshops to keep current on applicable rules and regulations within each grant program. Maintain and build solid working relationships with pertinent governmental agencies that manage grant programs.

Provide proper Davis-Bacon wage decision rates for bid processes and incorporation into construction contracts. Review of weekly payroll for the duration of a project, and investigate/resolve potential violations. Provide Labor Standards support to our clients; monitor Labor Standards compliance by conducting onsite interviews with construction workers, review payroll reports, and confirm that the Davis-Bacon wage decision and DOL's "Notice to All Employees" are posted at the job site.

Restaurant Manager, My Friend's Place Deli Duluth, Georgia | June 2004 - December 2010

Managed different areas of restaurant operations such as customer relations, vendor relations and inventory control. Specialized in training and motivating staff regarding their work and responsibilities. Ensured provision of service in terms of order accuracy and time management. Ensured smooth coordination between the back-end and front-end activities. Monitored procurement, storage, preparation, cooking, handling, and serving of food. Maintained a clean and safe environment.

Shipping Coordinator, American Spincast Belton, Texas | February 1996 - December 2003

Daily scheduling of pickups with numerous carriers on a daily basis. Ongoing negotiation of freight carrier contracts to reduce inbound and outbound freight costs. Forklift operation, operated ceiling crane, operated floor saw in time critical situations. Daily invoicing of all materials shipped, daily rate quotes to find the fastest cost saving freight move, maintenance and processing of "UPS Online Worldship" shipping and receiving logs. Continued organization of inventory control area, working knowledge of international customs rules and regulations to ensure compliance, documents needed for international shipping and brokerage. Ensured record keeping of invoices, bill of lading, work orders, and shop orders.

Core Task Include

- Application development, preparation, and submission
- Maintain regular contact with the project engineer, City or County project representative, and construction contractors to ensure exceptional project management
- Daily contact with state agency grant managers for seamless project management
- Provide project engineers with compliance requirements for TDA funded projects
- Prepare and process contract documents, invoices, change orders and any other project related documentation
- Maintain excellent client communication
- Assist in resolution of issues at the state and federal agencies level

RESOLUTION NO. 20240311-01
RESOLUTION AUTHORIZING PUBLICATION
OF NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2024

THE STATE OF TEXAS §
COUNTIES OF BELL AND §
WILLIAMSON §
CITY OF BARTLETT §

WHEREAS, the City Council of the City of Bartlett, Texas (the “City Council”) deems it advisable to give notice of intention to issue combination tax and surplus revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS:

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit "A" is a form of Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation, Series 2024, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City’s website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED THIS 11th DAY OF MARCH, 2024.

Mayor, City of Bartlett

ATTEST:

City Secretary, City of Bartlett

[CITY SEAL]

Exhibit "A"

**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2024**

NOTICE IS HEREBY GIVEN that the City Council of the City of Bartlett, Texas, will convene at the Bartlett City Hall, 140 W Clark Street, Bartlett, Texas at 7:00 p.m. on Monday, May 13, 2024, and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and surplus revenue certificates of obligation in an aggregate principal amount not to exceed \$745,000 for the purpose of paying contractual obligations of the City to be incurred for (1) the design of construction improvements to the City's wastewater treatment and collection system, such improvements being identified as Texas Water Development Board Project No. 73933; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance). The certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and a pledge of the surplus net revenues of the City's water and sewer systems. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et seq.

As further required by Local Government Code Section 271.049(b)(4), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$930,000.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$968,630.50.
- (C) The maximum principal amount of the certificates to be authorized is \$745,000.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$1,316,343.06.
- (E) The maximum interest rate for the certificates may not exceed 15%, which is the maximum legal interest rate.
- (F) The maximum maturity date of the certificates to be authorized is March 1, 2049.

Pursuant to Texas Local Government Code Section 271.049(c), an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Chapter 1251, Government Code.

Mayor, City of Bartlett, Texas

**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2024**

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As further required by Local Government Code Section 271.049(b)(4), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$930,000.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$968,630.50.
- (C) The maximum principal amount of the certificates to be authorized is \$745,000.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$1,316,343.06.
- (E) The maximum interest rate for the certificates may not exceed 15%, which is the maximum legal interest rate.
- (F) The maximum maturity date of the certificates to be authorized is March 1, 2049.

Pursuant to Texas Local Government Code Section 271.049(c), an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Chapter 1251, Government Code.

Mayor, City of Bartlett, Texas

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTIES OF BELL AND §
WILLIAMSON §
CITY OF BARTLETT §

I, the undersigned, City Secretary of said City, do hereby certify as follows:

1. That on the 11th day of March, 2024, a Regular meeting of the City Council of said City (the “City Council”), was held at the Bartlett City Hall, 140 W Clark Street, Bartlett, Texas; and the roll was called of the duly constituted officers and members of the said City Council, to-wit:

Chad Mees	Mayor
Philip Weaver	Mayor Pro Tem
Vickie Cooper	Alderman
Gayle Jones	Alderman
Jesse Luna	Alderman
Shelton Gilmore	Alderman

and all of said persons were present, except for the following: _____; thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting a written Resolution entitled:

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION
TO ISSUE COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2024

was duly introduced for consideration of said City Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from the agenda of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and

members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this _____ day of _____, 2024.

City Secretary
City of Bartlett, Texas

[CITY SEAL]

ORDINANCE NO. 20240311-02

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 January 8, 2024.

Section 2. All ordinances of a general and permanent nature enacted on or before January 8, 2024, 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 January 8, 2024, 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 11th day of March, 2024.

Mayor

ATTEST:

City Secretary

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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 (Boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only; order Phidia, family Boidae (racers, boas, water snakes, and pythons); and order Crocodilia (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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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

§ 9.02.001 Ordinance saved from repeal.

The zoning ordinance of the city, adopted in 2006, is not included in this code, but such ordinance is adopted by reference and specifically saved from repeal. The ordinance is on file and available for public inspection at the offices of the city.

(Ordinance adopting 2024 Code)

ARTICLE 9.03 SUBDIVISION CODE*

Division 1. Generally

§ 9.03.001 Title.

This article shall be known and may be cited as the "City of Bartlett Subdivision Code," and unless otherwise stated, the phrase "subdivision code" or "code" as used in this article means the City of Bartlett Subdivision Code.

(Ordinance 2023-1127-01, sec. 10-01, adopted 11/27/2023)

§ 9.03.002 Purpose statement.

* **Editor’s note**—This article consists of the subdivision code, Ordinance 2023-1127-01 adopted November 27, 2023, and effective December 1, 2023, as amended. 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. 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 enacted and amended. Any other material added for purposes of clarification is enclosed in brackets.

Attachment A to the subdivision code (penalty provisions) is not printed herein. The fees in Attachment B to the subdivision code, "Application Fee Schedule", are located in section A3.007 of the fee schedule in appendix A of the Code of Ordinances.

The subdivision and development of land is a major factor toward the process of achieving sound community development and makes up a public responsibility because at times, it includes the construction and dedication of public improvements; meaning, for example, streets, water, wastewater, drainage (stormwater), sidewalks, park facilities, utilities, and other public improvements shall be provided and thereafter maintained by the city. Therefore, it is in the interest of the public, the developer, property owners, and future owners that subdivisions and other developments be conceived, designed, and developed in accordance with appropriate design standards and development specifications. It is the intent of these regulations to aid in guiding the growth of the City of Bartlett ("city") and its extraterritorial jurisdiction ("ETJ") in an orderly manner; and to provide attractive, well-planned subdivisions with adequate streets, water, wastewater, drainage (stormwater), sidewalks, park facilities, utilities, and building sites in a manner that will be uniformly applied. The goals and objectives of this subdivision code are:

- (1) To provide for the harmonious development of the urban area;
- (2) To coordinate the supply of services as a tool for directing the optimal distribution of population in the urban area;
- (3) To provide for the separation of pedestrian and vehicular traffic;
- (4) To designate and preserve through advance dedication and reservation of rights-of-way for transportation corridors;
- (5) To ensure the acquisition of land for public needs to include parks, schools, drainage, open space, fire, and police facilities;
- (6) To preserve and maintain scenic vistas;
- (7) To encourage the preservation of natural vegetation to minimize erosion;
- (8) To restrict development in areas where hazards may result;
- (9) To minimize the financial burden of urban development upon the city and taxpayers;
- (10) To assure the accuracy of land records; and
- (11) To address the needs of sensitive lands that would be adversely affected by the strict application of this code.

(Ordinance 2023-1127-01, sec. 10-02, adopted 11/27/2023)

§ 9.03.003 Authority and jurisdiction.

(a) Authority. From and after the date of its adoption, this code shall govern all subdivisions of land and other development activities specified herein within the city and within its extraterritorial jurisdiction ("ETJ"), under the authority conferred by chapter 212, Texas Local Government Code, and pursuant to the constitution of the State of Texas.

(b) Applicability.

- (1) This code applies to approval of plats, subdivision plans, and other developments for the division or development of property.
- (2) This code does not apply to applications for approval of zoning plans or plans required to accompany applications for building permits.
- (3) Any application for plat or subdivision plan approval filed before the effective date of this code is governed by the subdivision procedures in effect immediately preceding this code. Any application for plat or subdivision plan approval filed after such date shall be processed under the requirements of this code.
- (4) This code applies to divisions of land and other developments within the city's ETJ, except as otherwise expressly stated in the regulations or as may be prohibited by law.
- (5) Property must be properly zoned before commencement of the platting process.

(Ordinance 2023-1127-01, sec. 10-03, adopted 11/27/2023)

§ 9.03.004 Definitions.

(a) Usage and interpretation.

- (1) Usage. For purposes of this code, words and phrases have the meanings set forth below.
- (2) Conflicts. When words and terms are defined herein and are also defined in other ordinance(s) of the city, they are to be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this section controls.
- (3) Present and past tenses. Words used in the present tense include the future tense; words used in the masculine gender include the feminine gender; words used in the singular number include the plural number; and words used in the plural number include the singular number.
- (4) Specific word usage.
 - (A) The word "shall" or "will" is mandatory and not discretionary.
 - (B) The word "may" is permissive.
 - (C) The word "including" shall be construed as meaning "including, but not limited to".
 - (D) The word "includes" shall be construed as meaning "includes but is not limited to".
 - (E) The word "applicant," "developer," "owner," "person," or "individual" shall include corporations, partnerships, associations, and groups acting together as a single entity.

- (F) The word "year" means 365 calendar days.
 - (G) The word "month" means 30 calendar days.
 - (H) The word "developer" is not, in all cases, interpreted as a reference solely to the property owner. The city administrator, or designee, may interpret "developer" to mean the property owner or persons acting on behalf of the property owner as an agent to which the city administrator, or designee, may require written affirmation of this relationship.
- (5) Words not defined. Terms not herein defined have the meaning assigned to them by state law or as applicable in other city ordinances. Terms not herein defined, nor defined in state law or any applicable city ordinance, have the meaning customarily assigned to them in the planning and zoning profession.
- (6) Interpretation. In the event a word or phrase used in this code is unclear or ambiguous, any interpretation shall be made in a manner that uses reasonable judgment to apply the intent and purpose of regulations to the specific situation in question. The city administrator, or such other official as designated by the city administrator, shall have the authority, upon request of an affected person, to interpret unclear or ambiguous words and phrases.

(b) Definitions.

100-year floodplain means the land area that may be affected by the flood having a one percent (1%) chance of being equaled or exceeded in any given year, based upon a fully developed watershed and the capacity of a creek or other drainageway to accommodate stormwater runoff from a 100-year storm event.

Abutting means adjacent, adjoining and contiguous to; it may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, utility line, park, open space, etc.

Access means an approach or entrance to a property either from a public right-of-way or via a private way, alley, easement or other right of passage.

Adequate facilities plan ("AFP") means a written plan that ensures that an adequate level of public facilities and services is available to efficiently serve the proposed and existing development.

Alley means a minor right-of-way which provides a secondary means of vehicular access to abutting properties for delivery or public service purposes.

Block means a grouping of residential lots (and their alleys) that are partially or fully surrounded by one or more streets. A block consists of one or two tiers of lots. Lots that are separated by an alley are in the same block, but lots that are separated by a street are in different blocks.

Building means any structure which is built for the support, shelter, or enclosure of persons, animals, machinery, equipment, or movable property of any kind.

Building line or building setback line means a line that is parallel, or approximately parallel, to the street right-of-way line at a specific distance therefrom and defines an area on the building lot, or tract, between the street right-of-way lines and the building line within which no structure shall be constructed.

Commission means the city's planning and zoning commission, if any.

Comprehensive plan means the city's adopted planning document and maps, to include the city's thoroughfare plan, along with any amendments, which is used as a guide for future development of the city and its surrounding areas.

Corner lot means a lot or parcel of land bounded on two (2) sides, usually at a 90-degree angle, by public streets.

Council means the governing body of the City of Bartlett.

County means Williamson or Bell County, Texas, as applicable.

Crosswalk means a marked area of public right-of-way generally not more than six feet (6.0') in width between right-of-way lines which provides pedestrian circulation.

Cul-de-sac means a street having only one vehicular access to another street and terminated by a vehicular turn-around.

Dead-end street means a street, other than a cul-de-sac, with only one vehicular outlet.

Development means any activities related to the division of or development of land or installation of improvements thereon, including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces, including parking lots; the installation of streets, water, wastewater, drainage (stormwater) or park facilities, utilities, or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, cut or filling, and/or removal of vegetation or soil, removal of trees and any mining, dredging, excavation, or drilling operations. "Development" includes such activities on a previously platted lot or tract.

Development plat means a single lot subdivision developed in accordance with subchapter B, chapter 212 Texas Local Government Code and this code.

Double-frontage lot means a building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.

Driveway means the paved or improved access, approach, or entrance to a property either from a public right-of-way or via a private way, alley, easement, or other right of passage.

Easement means a right that is granted to the city, to the public generally, and/or to a private entity for the purpose of limited public or semi-public use across, over, or under private land. It may include a street right-of-way.

Extraterritorial jurisdiction ("ETJ") means the unincorporated area that is contiguous to the corporate boundaries of the city pursuant to chapter 42, Texas Local Government Code, and as may be expanded or contracted from time to time by operation of state law or by agreement.

Final plat means the map or plat of a proposed subdivision submitted to the city for approval by the commission or council.

Front or frontage means that portion of a tract of land which abuts on a street to which it has direct access.

Homeowners' association ("HOA") means a community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, amenities, or facilities, and improvements and which operates under recorded land agreements. This term also includes a property owners' association (POA) and property management corporation (PMC), which are more typically formed for multi-family and nonresidential developments.

Lot means a physically undivided tract or parcel of land having access to a street and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, which is designated as a distinct and separate tract and may be identified by a lot number or tract symbol on an approved subdivision or development plat which has been properly recorded.

Lot depth means the horizontal distance measured perpendicularly between two points on the front lot line and two points on the rear lot line which creates an area that meets (or exceeds) the zoning district's minimum width and depth requirements.

Lot width means the horizontal distance measured between side lot lines parallel to the front lot line, measured along the front building line.

Master plan(s) means the thoroughfare plan, parks and recreation master plan, water master plan, wastewater master plan, stormwater master plan and other master plans adopted, or that may in the future be adopted, by the city.

Off-site improvements means all required improvements beyond the property limits of the subdivision or development.

On-site improvements means all required improvements within or contiguous to the proposed subdivision or development.

On-site sewage facility or OSSF means an on-site wastewater system capable of complying with the current rules and regulations of the State of Texas and the county or any other applicable local entity.

Open space means public and private property under public or common ownership designated for recreational use, private park, play lot area, building setback and ornamental areas open to general view within the development, areas to be retained for views and vistas, wildlife preserves, and land set aside for drainage ways. No parking shall be permitted in lands defined as open space.

Pavement width means the portion of the surface of a street available for vehicular traffic. Where curbs are laid, "pavement width" shall be measured from back of curb to back of curb. In the absence of curbs, it is that portion of vehicular improvements.

Person means any individual, association, firm, corporation, governmental agency, or political subdivision.

Plat means a map drawing or plan identifying the layout of a subdivision and includes a preliminary plat, final plat, minor plat, amending plat, development plat and replat.

Pollution means any substance which would generate, produce, or discharge any matter or thing into the atmosphere, surface of land, or watercourses, including noise or odor, which violates state, federal, or local laws and/or is offensive to a person of ordinary sensibilities.

Preliminary plat means the first or introductory plat of a proposed subdivision submitted to the commission or council, as applicable.

Public facilities system means the collection of water, wastewater, roadway, drainage (stormwater), or park facilities owned or operated by or on behalf of the city for the purpose of providing services to the public, including existing and new developments.

Public infrastructure or public improvement(s) means a street, water, wastewater, drainage (stormwater), sidewalks, park facilities, utilities, and other improvements that is a part of one or more of the public facilities systems including public improvements required to be constructed in accordance with this code.

Record drawings, sometimes referred to as "as-builts," means a group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements which have been verified by the contractor as their installation or construction occurs during development, reflecting the construction plans, or working drawings, used, corrected, and/or clarified in the field and signed by the project's design engineer.

Recording plat means a final plat, development plat, amended plat, or replat which has been approved by the planning and zoning commission, city council, or city administrator, as applicable, and which has met the requirements for this code and is ready to be recorded in the deed records of the county.

Remainder tract means any portion of a larger parcel that is not included within the boundaries of a plat.

Replat means a plat for all or part of any lot(s) or block(s) of a previously platted subdivision, addition, lot or tract, other than an amending plat, whether or not the prior plat for the subdivision is proposed for vacation.

Rural road means a rural road that does not meet the city's street standards.

Sidewalk(s) means a paved pathway, normally located within public right-of-way or within a pedestrian easement, which is typically used by pedestrian traffic, bicycles, and other non-motorized personal conveyances.

Street(s) means an access way for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated. An alley is not considered a street. Streets include the following types:

- (1) An arterial street means a principal traffic artery or traffic way, generally having continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways and shall include each street designated as an "arterial" on the thoroughfare plan.
- (2) A collector street means a street whose primary function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily having continuous routing for long distances, generally has intersections at-grade providing direct access to abutting properties and shall include each street designated as a "collector" on the thoroughfare plan.
- (3) A local street means a street whose primary function is to provide access to abutting residential property within neighborhoods, with all intersections at-grade, and not having continuous routing for any great distances to discourage through traffic.
- (4) A marginal access street means a street whose primary function is to provide a buffer between a subdivision fronting along an arterial street or highway. The purpose of these streets is to allow better through-traffic movement along arterials while preserving low-density residential living environments.
- (5) An access street means a street that provides access to cluster housing unit developments limited to 10 dwelling units or less. Access streets provide direct vehicular access to individual garages, drives or common parking courts.

Subdivide or subdivision means the division of a tract of land into two or more parts by using a metes and bounds description in a deed conveyance, a contract for deed, or by another manner such as platting, for the purpose of:

- (1) Laying out a subdivision of any tract of land or any addition to the city;
- (2) Laying out suburban lots or building lots or any lots; or
- (3) Laying out streets, alleys, or parks or other portions intended for public use or the use of the purchasers, owners, or lessees of lots fronting thereon or adjacent thereto.

Subdivision or development application means a request for approval of a plat or subdivision plan required to initiate the division or development of land.

Subdivision plan means an adequate facilities plan or construction plans. A subdivision plan excludes a concept plan and/or approvals required pursuant to the city's zoning code.

Subdivision regulations or "these regulations" means the standards and procedures for property development and division adopted by the council by ordinance, as may be amended from time to time.

Technical construction standards and specifications ("TCSS") means the TCSS manual for the City of Round Rock [sic], or the city's latest adopted edition of standards and specifications applicable to the construction of public infrastructure or public improvements, as approved by the city engineer.

Texas Commission on Environmental Quality ("TCEQ") means the environmental agency for the state or its successor.

Thoroughfare plan will mean the city's planning document and maps when adopted, along with any amendments or supplements, which is used as a guide for the layout and configuration of major and secondary streets and highways and is a component part of the comprehensive plan as amended from time to time.

Undevelopable lot means a lot that is unbuildable or cannot be feasibly developed due to conditions such as shape, size, slope, topography, amount of floodplain or floodway, unable to meet setbacks, unable to meet minimum size requirements for lots or improvements, lots less than one acre in size located in the ETJ, unable to accommodate utilities to serve the lot, incapable of meeting all applicable requirements for constructing utilities and buildings, or other impairments to lawful development.

Vested right means a right of an applicant in accordance with chapter 245, Texas Local Government Code, as amended, requiring the city to review and decide the development application under standards in effect prior to the effective date of the standards of the subdivision regulations or any subsequent amendments thereto.

Waiver, major has the meaning set forth in section 9.03.068 [9.03.069].

Waiver, minor has the meaning set forth in section 9.03.068 [9.03.069].

Wastewater means a waterborne industrial waste, recreational waste, domestic waste, or combination of these wastes, as defined by the TCEQ.

Zoning plan means a concept plan, site plan, or similar document required to determine compliance with land use regulations which are authorized under chapter 211, Texas Local Government [Code].

(Ordinance 2023-1127-01, sec. 10-04, adopted 11/27/2023)

§ 9.03.005 Platting required.

(a) Duty to file plat. Except as otherwise provided in section 9.03.006 [9.03.005], the owner of land located within the city or extraterritorial jurisdiction who proposes to divide or develop the land shall have a plat of the land approved as provided in this code. A division of land under this section includes a division of land by metes and bounds, or in a contract for a deed, contract of sale, or other executory contract for conveyance. No improvements to the land shall be commenced or any type of development or building permit shall be issued until compliance with this code is achieved.

(b) Exemptions. The following subdivisions are exempted from the above-stated platting requirement:

- (1) A conveyance of land by dedication, lease, or sale to a public agency for a street or other type of right-of-way, utility line, or drainage facility, provided that said conveyance is accepted and approved by the public agency.
- (2) Leases, including a lease of public property.

- (3) Any property subdivided or developed prior to December 1, 2023 provided that the platting application does not relate to replats or amended plats and each part of the subdivided property was adequately served by the following after the subdivision:
 - (A) Streets constructed and previously accepted for maintenance by the city or county, whichever is applicable;
 - (B) Water improvements as currently required by this article or other applicable ordinances;
 - (C) Wastewater or individual OSSF disposal system as currently required by this article or other ordinances;
 - (D) Storm drainage facilities as currently required by this article or other applicable ordinances; and
 - (E) Easements or rights-of-way as may be currently required by this article or other applicable ordinance for the installation of any of the above-stated improvements.
- (4) In accordance with section 212.004(a), Texas Local Government Code, the division of land into two or more parts provided that:
 - (A) All parts after the division of land are larger than five acres;
 - (B) No public improvement is required by this code to be dedicated or constructed; and
 - (C) After the division, each part has access.

For purposes of this subsection, "access" means connection to an existing public right-of-way abutting each part of the subdivided property, on which right-of-way is constructed on a publicly maintained paved street or road, unless access by some other means has been previously approved by the city. A person proposing to divide land under this subsection may apply for an exemption determination from the city administrator.

(Ordinance 2023-1127-01, sec. 10-05, adopted 11/27/2023)

§ 9.03.006 Authority of decision makers.

- (a) General delegation. All actions set forth in this code for matters not designated for decision by the commission or reserved to the city council or otherwise expressly delegated hereby, are delegated to the city administrator, except as otherwise required by law.
- (b) City engineer. The city engineer, or designee ("city engineer"), is the responsible official for approval of construction plans, preparing rough proportionality determinations, overseeing construction management, and promulgating standard specifications applicable to subdivision approvals.

(c) City administrator. The administrator is responsible for filing plat and subdivision plan applications; for preparing recommendations for approval, conditional approval, or disapproval of plat and adequate facilities plan applications to the commission/council; for promulgating requirements for such plat or plan applications; for deciding exemption requests; and for approving adequate facilities plans. In carrying out these duties, the administrator shall consult with the city engineer and other city departments and officials and his or her recommendations shall reflect such communications.

(d) Planning and zoning commission. If appointed, the commission is responsible for approving plats and granting specified waivers to platting requirements.

(e) City council. The city council acts as the planning and zoning commission in the absence of an appointed planning and zoning commission and the city council is responsible for reviewing appeals planning and zoning commission, [sic] from rough proportionality determinations and waiver requests and for adopting changes to the subdivision and development regulations.

(Ordinance 2023-1127-01, sec. 10-06, adopted 11/27/2023)

§ 9.03.007 Filing fees.

(a) Establishment and amendment of filing fees. A schedule of filing fees for plat and subdivision plan applications shall be established by the city council by resolution or ordinance, as amended from time to time.

(b) Fees nonrefundable. All filing fees are nonrefundable.

(Ordinance 2023-1127-01, sec. 10-07, adopted 11/27/2023)

§ 9.03.008 Enforcement.

(a) Commission/council authorization required.

- (1) No plat of any subdivision or development within the city or its ETJ shall be recorded in the real property records of the county and has no validity until such has been approved by the commission or the city council, as applicable, in the manner prescribed by this code.
- (2) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the commission/council, as applicable and endorsed in writing on the plat, unless such changes are approved by the commission/council.
- (3) Until a plat has been approved by the commission/council and filed for record in the real property records of the county, no person shall transfer title of any parcel of such land, nor shall there be initiated any construction of residences or other buildings or private wastewater disposal systems, nor shall any such property be served with public utilities. This prohibition does not apply to the construction of approved streets and utilities, provided that said utilities do not become operable and serve the development until such time as the recording plat is approved and recorded.

(b) Withholding permits and services.

- (1) The city shall not issue a permit for construction on a lot in a subdivision or development for which a recording plat has not been approved and recorded.
 - (2) The city shall withhold all public improvements, including the maintenance of streets and the furnishing of wastewater facilities and water service, to a subdivision or development for which a recording plat has not been approved and recorded.
- (c) Enforcement.
- (1) Purpose and applicability.
 - (A) Generally. This article sets out the powers, remedies, and procedures of the city to enforce the provisions of these regulations prior to and in a court of competent jurisdiction. This article shall not limit the powers of the city to pursue multiple or alternative actions, remedies, and penalties allowed herein or by law.
 - (B) Applicability. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of these regulations shall be found to be in violation of this code and shall be subject to the fines and penalties set out herein.
 - (C) Penalties. The violation of any provision of this code shall be punished by a maximum fine as follows:
 - (i) Two thousand dollars (\$2,000.00) for violations of all provisions that govern fire safety, zoning, or public health and sanitation; and
 - (ii) Five hundred dollars (\$500.00) for all other violations.
 - (iii) Each day of a violation is considered a separate violation.
 - (2) Enforcement procedures.
 - (A) Generally. This section establishes the authorities of the city and procedures to monitor, investigate, and enforce the provisions of these regulations.
 - (B) Administration. The provisions of this code shall be administered and enforced by the city administrator, or designee, in consultation with the city attorney as may be necessary, or other officials in the exercise of this duty.
 - (C) Filing a complaint. Any person may allege a violation of this code by a written and signed complaint that is filed with the city. Such complaint shall state the factual basis for the alleged violation along with the complainant's contact information.
 - (D) Right to enter. The city administrator, or designee, shall have the right to enter upon any premises at any reasonable time for the purposes of making periodic inspection of a building's exterior and/or premises or investigating alleged violations as are necessary to enforce these regulations.

- (E) Compliance information required. Whenever the designated city official, based on a sworn complaint from any person or based on other information available to the official, has reason to believe that a violation of these regulations exists, they may require an owner/operator to provide information as may be necessary to determine the existence or extent of any violation.
 - (F) Notice of violation. Upon determining a violation, the city shall issue a written notice of violation to the owner/operator of property upon which a violation of these regulations exists. Such notice shall set out the grounds upon which the notice is based, including the specific code section or sections at issue. Notices shall conform to the requirements of section 54.005, Notices to Certain Property Owners, of the Texas Local Government Code.
 - (G) Correction of violation. Upon notification of a violation, the person responsible for the violation shall correct the violation immediately.
- (3) Administrative enforcement powers and remedies.
- (A) Generally. The city may use one or a combination of administrative enforcement efforts prior to and without judicial process to enforce these regulations.
 - (B) Withholding or denying permits and approvals. The city may withhold, revoke, or deny all permits, approvals, or other authorizations on any land, building, or structure for which there is an uncorrected violation.
 - (C) Suspension of permits. The city may suspend permits, for a period of up to sixty (60) days to allow for the correction of the violation or the judgment of a court of competent jurisdiction.
 - (D) Stopping work. The city may stop work on any site, building, or structure on such property where an uncorrected violation exists. The city administrator or designee shall order the work stopped by notice in writing (referred to as a "stop-work order") served on any persons engaged in the doing or causing such work to be done. The stop-work order shall be posted on the property adjacent to the activity in question, and any such person shall stop work accordingly until authorized by the city to proceed with the work. The city may revoke permits as part of its effort to stop work pursuant to subsection (E) (revocation of permits and approvals), below.
 - (E) Revocation of permits and approvals.
 - (i) Revocation. Any permit, certificate of occupancy, or other permit or approval required under these regulations shall be revoked when it is determined that:
 - a. There is a departure from the approved plans, specifications, limitations, or conditions as required under the permit or approval;
 - b. The permit or approval was procured by false representation;

- c. The permit or approval was issued in error; or
 - d. There is a violation of any provision of these regulations.
- (ii) Written notice. When revoking a permit, the city shall provide written notice of such revocation to the permit holder, stating that the subject violation shall be corrected in no less than ten (10) days.
 - (iii) Effect of notice. No work or construction may proceed after service of the revocation notice unless such work is to correct a violation.
- (4) Severability. If any section, paragraph, subdivision, clause, phrase, or provision of the ordinance adopting the subdivision code is adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance or this code as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

(Ordinance 2023-1127-01, sec. 10-08, adopted 11/27/2023)

§§ 9.03.009—9.03.030 Reserved.

Division 2. Platting Process - General Provisions

§ 9.03.031 Stages of subdivision approval.

(a) Platting sequence. Except for minor plats, amending plats, development plats and certain replats described in division 3 of this article, the city's review and, where appropriate, approval of a plat is subject to three separate stages. Approval is required for each stage before the city will accept an application for the next stage of the sequence for filing. The stages occur in the following sequence:

- (1) Adequate facilities plan (AFP);
- (2) Preliminary plat/construction plans; and
- (3) Final plat.

(b) Sequence to be followed.

- (1) No required plat or subdivision plan may be submitted for filing simultaneously with another required plat or subdivision plan. No required plat or subdivision plan may be approved unless a required prior plat or subdivision plan has been approved or conditionally approved. Approval is required before the city will accept an application for the next stage of the sequence.
- (2) Unless otherwise indicated in the action taken on an application, conditional approval means that conditions shall be satisfied prior to the approval of a subsequent plat or subdivision plan. Disapproval of an application means that the applicant may not proceed to the next stage of subdivision approval until the grounds for disapproval have been satisfied.

(Ordinance 2023-1127-01, sec. 10-20, adopted 11/27/2023)

§ 9.03.032 Application procedures.

(a) Pre-application conference.

- (1) Before a person may submit an application for approval of a plat or subdivision plan to the city, an applicant shall meet with the city administrator, or designee, to review the following matters:
 - (A) The sequence of stages required prior to approval;
 - (B) Any claim of exemption for a contemplated division of land;
 - (C) Prerequisites to filing the initial application;
 - (D) Any request for major waivers to the subdivision regulations; and
 - (E) Complete application requirements.
- (2) The following authorizations are required prior to submittal of an initial subdivision or development plat application for approval, unless a major waiver is approved waiving the requirement:
 - (A) For property within the city, zoning approval for the contemplated use(s) of the property to be divided or the developer has applied for a zoning change simultaneously with the subdivision or plat application;
 - (B) Texas Department of Transportation approval for any contemplated modification(s) to a state owned or maintained roadway, to include access;
 - (C) Approval of amendments to the city's adopted thoroughfare plan, if applicable, or other master plan for public facilities and services necessary to serve the proposed development;
 - (D) Any requested vested rights determination; and
 - (E) Any request for a major waiver to the subdivision regulations. No subdivision application will be accepted for filing at the pre-application conference.

(b) Official submittal dates.

- (1) A person may only submit a plat or subdivision application, on an official submittal date.
- (2) The city shall establish and publish annually on its website a monthly schedule of official submittal dates, which is subject to change.
- (3) An applicant shall schedule a meeting with the city administrator on the official submittal date in order to review the proposed plat or subdivision application.

- (4) A subdivision application shall not be accepted for filing on an official submittal date and shall be returned to the applicant in the following circumstances:
 - (A) Prerequisite authorizations have not been obtained;
 - (B) A prior required application has not been approved;
 - (C) A proposed major waiver is pending for decision;
 - (D) The subdivision application is not complete; or
 - (E) The applicant has not submitted the filing fee.
 - (5) If a subdivision application has been returned to the applicant for incompleteness following an initial review, the application shall be accepted for filing on the next official submittal date that it is submitted by the applicant. If any of the items in subsection (b)(4), above, have not been resolved, the application shall be placed on the commission or council, as applicable, agenda for summary denial. No further materials in support of the application shall be filed after the application has been accepted for filing. An applicant may elect to withdraw an application prior to the commission decision on the application.
- (c) Complete application determination.
- (1) The city administrator shall perform a completeness determination for the application within 5 days of the official submittal date.
 - (2) In addition to any requirements stated in this code, the administrator, in consultation with the city engineer, shall promulgate standards for a complete application for each plat or subdivision plan, such standards to be in conformance with this code and published on the city's website.
 - (3) The city administrator shall accept the application as complete or provide a list of deficiencies to the applicant that render the application incomplete.
 - (4) The administrator shall deny and return any subdivision application that remains incomplete after acceptance for filing.
- (d) Thirty-day decision process.
- (1) Approval by commission/council. The city administrator shall prepare a report on a proposed plat or subdivision application. The adequate facilities plan shall be considered for approval as described in subsection (d)(2), below. The commission/council as applicable, upon consideration of the administrator's report, shall approve, approve with conditions, or disapprove a preliminary plat, final plat, or other plat within 30 days after the date the plat or adequate facilities plan application is filed. A plat is deemed approved unless it is conditionally approved or disapproved by the commission/council within that period in the manner provided in subsection (d)(4), below.

- (2) Approval of adequate facilities plan ("AFP"). The city administrator shall approve, approve with conditions, or disapprove an adequate facilities plan within 30 days after the date the AFP application is filed. An AFP is deemed approved unless it is conditionally approved or disapproved within that period in the manner provided in subsection (d)(4), below.
 - (3) Approval of construction plans. The city engineer shall approve, approve with conditions, or disapprove construction plans within 30 days after the date the construction plans application is filed. A construction plan application is deemed approved unless it is conditionally approved or disapproved within that period in the manner provided in subsection (d)(4), below.
 - (4) Documentation for conditional approval or disapproval. The commission or council, as applicable, shall provide the applicant a written statement that clearly articulates each specific condition for conditional approval or reason for disapproval of the plat or subdivision plan. Each condition or reason specified in the written statement shall be directly related to the requirements of this code and include a citation to the applicable law, including state or local laws, that is the basis for the conditional approval or disapproval. The commission/council or administrator shall identify the stage of the subdivision approval process by which the time for satisfaction of each condition or reason for approval imposed on the application shall be satisfied.
 - (5) Extension by agreement. The applicant may request in writing and the commission/council may approve the request for an extension of the time for plat or subdivision plan approval required by subsection (d)(1), above, for a period not to exceed 30 days. The written request shall be made at least 15 days prior to the time scheduled for a decision on the application. If an extension is granted, the applicant may submit additional materials in support of the application no later than 20 days before the date the commission/council is scheduled to review the application.
- (e) Post-decision procedures.
- (1) Applicant's response. After the conditional approval or disapproval of a plat or subdivision plan under subsection (d)(4), above, the applicant may submit to the commission/council, as applicable, a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval. The commission/council, as applicable, shall disapprove any response that does not address all of the conditions or reasons for disapproval. When the city administrator or city engineer determines that a condition may be satisfied at the next stage of subdivision or plat approval, the applicant need not submit a response before application is made for the next plat or subdivision plan in the sequence of approvals.
 - (2) Reply to applicant's response. The commission/council, as applicable, that receives an applicant's response in accordance with subsection (e)(1), above, shall determine whether to approve or disapprove the plat or subdivision plan not later than the 15th day after the date the response was submitted. The commission or the responsible official, as the case may be, shall approve the plat or subdivision plan if the response adequately addresses each condition of the conditional approval or each reason for the disapproval. If the commission/council disapproves the plat or subdivision plan, the city administrator shall then provide the applicant with a written statement that clearly articulates each reason for disapproval in the manner provided in subsection

(d)(4), above. Following timely disapproval of the plat or subdivision plan, a new application for the plat or subdivision plan will need to be filed. If the response meets the criteria in subsection (e)(1), above, and the commission/council, as applicable, fails to act upon the response as required by this subsection, the plat or subdivision plan shall be deemed approved.

- (3) Delegation and appeal. The city administrator is authorized, and hereby designated as a municipal authority, to take action on and prepare a reply to an applicant's response to conditional approval or disapproval of a plat or an adequate facilities plan in the event the commission/council, as applicable, is unable to meet within the 15-day period required by subsection (e)(2), above. The city engineer is authorized to take action on and prepare a reply to an applicant's response to conditional approval or disapproval of construction plans. An applicant may appeal the decision of the city administrator or the city engineer to the council. An applicant may also elect to have the commission/council, as applicable, take action on and make the reply by agreeing in writing to have the response considered at the next scheduled commission/council meeting, as applicable.

(f) Exceptions to thirty-day decision process. The 30-day decision process and post-decision procedures described in subsections (d) and (e), above, do not apply to the following proceedings:

- (1) Any request for relief provided for in this code, including an application for any waivers from the standards or procedures;
- (2) Any appeal provided for in these regulations, including an appeal from a vested rights determination;
- (3) Any action by the city council on the city engineer's rough proportionality determination, including an appeal taken by an applicant;
- (4) Any actions taken to modify an approved final plat;
- (5) Inspections of improvements;
- (6) Any actions taken after plat recordation, other than a replat or amending plat;
- (7) Any request to extend plat or subdivision plan approval beyond an expiration date; or
- (8) Any matter requiring authorization prior to submittal of a plat or subdivision plan application identified in subsection (a)(2), above.

(g) Certification.

- (1) If a plat or subdivision plan is approved, the council shall endorse the approved plat or subdivision plan with a certificate indicating the approval. Where approved, the certificate shall be signed by the mayor. The city engineer is responsible for approving all construction plans, technical notes, and/or the dedication of improvements and property interests.
- (2) If a plat or subdivision plan application is deemed approved pursuant to subsection (d)(1) or (e)(2), above, the council shall issue a certificate stating the date that the plat

or plan application was filed and that the commission/council, as applicable, failed to act on the application within the prescribed period.

(h) Expiration and extension of an approved plat or subdivision plan.

- (1) Expiration date. Except as otherwise provided in this code, unconditional approval of a plat or subdivision plan application or conditional approval where all conditions may be satisfied at a subsequent stage of subdivision approval, expire 2 years from the date of approval, unless the applicant submits and receives approval for a required subsequent application for approval. Unconditional approval of a preliminary plat expires 2 years from the date of approval, if a final plat has not been submitted to the city.
- (2) New application required. Following expiration of an approved plat or subdivision plan, a new subdivision application is required unless the date for expiration has been extended in accordance with this section.
- (3) Project expiration. Following expiration of an approved plat or subdivision plan, the project defined by a prior-approved plat or subdivision application shall be deemed to have expired within 5 years from the date of the last prior approval, unless a new subdivision or plat application is made and approved for the expired plat or subdivision plan within such period, or unless progress toward completion of the project has otherwise been made in accordance with section 245.005, Texas Local Government Code, such as completion of one or more phases, utility installations, and/or filing of a recording plat.
- (4) Extension request. An applicant may submit a request to the city administrator, or in the case of construction plans, to the city engineer, for an extension of a plat or subdivision plan expiration date for a period not to exceed 1 year, if the request is filed at least 30 days before the date of expiration. Every request for extension shall include a statement of the reasons why the expiration date should be extended. More than one extension request may be filed.
- (5) Criteria for approval of extension request. The city administrator shall take into account the reasons for the requested extension; the ability of the applicant to comply with any conditions attached to the original approval; whether extension is likely to result in timely completion of the project; whether the applicant has made a good faith effort to submit a complete application for the next required application; whether there are circumstances beyond the applicant's control, which have prevented submittal of an application for a subsequent stage of approval; and the extent to which newly adopted regulations should be applied to the original subdivision application.
- (6) Appeal to commission. Denial of an extension request by the city administrator may be appealed to the council within 10 days of notification of the denial. In deciding the appeal, the council shall apply the criteria in subsection (h)(5), above.
- (7) Conditions. The council may attach conditions to approval of an extension request such as are needed to assure that the land will be developed in a timely fashion and that the public interest is served.

(i) Withdrawal of application. The applicant for a plat or subdivision plan approval may withdraw the application following the city's acceptance for filing, but no later than 4 days before the time of the scheduled decision on the plat or subdivision application. Following withdrawal, the applicant shall submit a new subdivision application, including the fee.

(Ordinance 2023-1127-01, sec. 10-21, adopted 11/27/2023)

§§ 9.03.033—9.03.060 **Reserved.**

Division 3. Platting Procedures

§ 9.03.061 Platting procedures; adequate facilities plan.

(a) Purpose. The purpose of an adequate facilities plan is to assure that specific development and subdivisions, as described in subsection (b), below, are served with adequate, streets, water service, wastewater services, drainage (stormwater) and flood control, parks, and other facilities for each phase of the subdivision or development. An AFP shall delineate the sequence and timing of development within a proposed subdivision or development, where the tract to be developed is relatively large, will be developed in phases, or is part of a larger parcel of land owned by the applicant, to determine compliance with the comprehensive plan and the availability and capacity of public improvements needed to serve the development, both now and into the future.

(b) Applicability. An adequate facilities plan shall be required for any of the following proposed subdivisions and developments:

- (1) Any division or development of land where proposed development of the tract is to occur in phases;
- (2) Any division that creates a remainder tract;
- (3) A proposed residential subdivision containing 25 or more residential units or lots; or
- (4) A proposed nonresidential development or subdivision of 1 or more acres.

(c) Remainder tracts.

- (1) Remainder tracts will not be considered lots or tracts of the subdivision. A plan for the future development or subdivision of remainder tracts will be reviewed with the application for adequate facilities plan. The city engineer may require an adjustment in the number of acres included in the subdivision or development plat to comply with the standards applicable to the plat or plan. All remainder tracts must have independent access separate from the access available to the parent tract or subdivision. If the remainder tract does not have independent access the tract must be included in the subdivision or development plat of the parent tract.
- (2) The city shall not accept a subdivision or plat application for a remainder tract for filing until a final plat has been approved for the first phase of the parent tract.
- (3) A remainder tract shall not be an undevelopable lot or tract and must have access to a public street.

(d) Submittal requirements. An application for an adequate facilities plan shall be submitted to the city administrator. The application for the AFP shall include the following information and documentation:

- (1) A copy of all required pre-authorizations set forth in subsection 9.03.032(b) [9.03.032(a)];
- (2) Names and addresses of the subdivider(s), record owner(s), land planner, engineer, or surveyor, when applicable;
- (3) Proposed name of the subdivision/development;
- (4) Location in relation to the rest of the city and boundaries of proposed subdivision;
- (5) A schematic layout of the entire property to be subdivided/developed, including any remainder tracts, and the property's relationship to adjacent property and existing adjoining developments;
- (6) Designation of each phase of development within the subdivision/development, the order of development, and a proposed schedule for the development of each phase of the development;
- (7) Proposed major categories of land use for each phase, showing existing and proposed zoning, if applicable;
- (8) Proposed and existing arterials and collector streets to serve the land to be platted consistent with the thoroughfare plan, if adopted by the city;
- (9) Location of proposed sites for parks, schools, and other public uses as consistent with those required by the comprehensive plan, as applicable;
- (10) Location of significant natural drainage features including drainage courses and other natural areas;
- (11) Location of significant man-made features such as streets, buildings, utilities, or other physical structures;
- (12) Proposed dedication of land, including rights-of-way, for the construction and placement of public improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision, such as streets, utilities, and drainage facilities;
- (13) A detailed statement of how the proposed development/subdivision will be served by water, wastewater, roadway, and drainage facilities that have adequate capacity to serve the development;
- (14) The following studies, where impacts on the city's public infrastructure systems from the development exceed the thresholds established in division 4 of this article or as may be required by the city engineer:
 - (A) A traffic impact analysis ("TIA");

- (B) A drainage study; and/or
 - (C) A utility plan; and
- (15) Any other requirements promulgated in writing by the administrator and city engineer.
- (e) Decision by city engineer.
- (1) The city engineer is the responsible official for processing an adequate facility plan. The procedures in section 9.03.032 apply to an AFP submitted for approval.
 - (2) The city engineer, in consultation with the administrator, shall approve, approve with conditions, or disapprove the adequate facilities plan based on the criteria for approval in subsection (g), below. In addition to other conditions, approval of the AFP may be conditioned on exclusion of land from the AFP, adjustments in the proposed sequence, or timing in the phases of the development. If approved with conditions, the city engineer shall specify whether such conditions must be met at the time of preliminary plat or construction plans approval.
- (f) Appeal. An applicant may appeal the city engineer's disapproval of the adequate facilities plan to the council within 10 days following notification thereof. The appeal shall state with specificity why the AFP should be approved. The council shall approve, approve with conditions or disapprove the AFP in accordance with the criteria in subsection (g), below. Such conditions may address but are not limited to matters involving conformity with the city's zoning code (see article 9.02 of the city's Code of Ordinances), the availability and capacity of public improvements, or the phasing of development. The council may require that a utility plan, drainage study, or traffic impact analysis that supports the subdivision be prepared as a condition of approval or reason for disapproval. In addition to other conditions, approval of the adequate facilities plan may be conditioned on exclusion of land from the AFP, or adjustments in the proposed sequence or timing in the phases of the development. The commission shall specify whether any conditions to approval must be met at the time of preliminary plat or construction plans approval.
- (g) Criteria for approval. The following criteria apply to determine whether an adequate facilities plan shall be approved, approved with conditions, or disapproved:
- (1) The AFP is consistent with all existing or proposed zoning requirements for the property and any approved development or annexation agreements;
 - (2) The proposed provision and configuration of streets, water, wastewater, drainage (stormwater), sidewalk, and park facilities generally conform to the master plans for such improvements;
 - (3) The streets, water, wastewater, drainage (stormwater), and park facilities serving the development have adequate capacity to accommodate the demands for services created by each phase of the development in accordance with the standards in division 4 of this article;

- (4) A required TIA, drainage study, and/or utility plan has been properly prepared and supports the adequacy of such facilities to serve the proposed development;
 - (5) The schedule of development for phased development/subdivisions is feasible and prudent and supports the development schedule;
 - (6) The location, size, and sequence of the phases of development proposed assure orderly and efficient development of the land subject to the plat;
 - (7) Where the proposed development is located in whole or in part within the ETJ and if subject to an interlocal agreement with the county pursuant to state law, the proposed AFP meets any county standards to be applied pursuant to the agreement.
- (h) Effect of approval. Approval of an adequate facilities plan authorizes an applicant to submit for approval of a preliminary plat for one or more phases of the subdivision. However, approval of the AFP does not reserve any type of utility capacity for the development. Infrastructure capacity may be reserved through the approval of the construction plans.
- (i) Expiration and extension.
- (1) Time of expiration. An adequate facilities plan that is approved, or approved with conditions, is valid for 2 years from date of such approval, but automatically expires without notice if the subdivider/developer fails to receive approval, or conditional approval, for a preliminary plat/development plat, as applicable, by such date. Failure to meet said platting deadline will result in the expiration of the AFP for that and any subsequent phases of the development. In addition, where an approved preliminary plat/development plat expires pursuant to section 9.03.062, the AFP for that phase shall expire and for all other phases for which a preliminary plat, development plat, or final plat has not been approved, is not pending for approval, or no longer remains in effect.
 - (2) Extension. The expiration date for any phase of the development may be extended by the council for a period of not more than 1 year provided that a request for extension is made in writing by the subdivider at least 30 days before the expiration date of the AFP. Extension of the expiration date for the phase extends the expiration date for the AFP for a like period, including a requirement that one or more current development standards be applied to subsequent subdivision/plat applications within the area subject to the AFP.

(Ordinance 2023-1127-01, sec. 10-30, adopted 11/27/2023)

§ 9.03.062 Platting procedures; preliminary plat.

- (a) Purpose. The purpose of a preliminary plat is to determine the general layout of the development/subdivision as applicable, the adequacy of public infrastructure needed to serve the intended development, and the overall compliance with this code.
- (b) Submittal requirements. The following documents and verifications shall be submitted to the city administrator with the application for preliminary plat or development plat approval:

- (1) The application shall include a statement describing the current ownership of the property. The owner or owner's representative shall verify such information by signature, with the representative to also submit an owner's affidavit or some other written proof affirming such information and the relationship;
 - (2) If required, a copy of the approved adequate facilities plan and documents addressing any conditions attached to the AFP, where satisfaction of the conditions has been delayed until the time of preliminary plat/development plat approval, as applicable;
 - (3) Where an adequate facilities plan is not required, documentation that all pre-authorizations set forth in section 9.03.032 have been obtained and a detailed statement of how the proposed subdivision/development will be served by streets, water, wastewater, drainage (stormwater), sidewalk, and park facilities that have adequate capacity to serve the development;
 - (4) A copy of the preliminary plat showing the scale, layout requirements, and technical standards as per the application checklist promulgated by the city administrator.
- (c) Council/commission decision.
- (1) The city administrator is the responsible official for processing preliminary plats in accordance with the procedures in section 9.03.032.
 - (2) Both the city administrator and the city engineer shall submit reports to the commission/council as applicable, who shall thereafter approve, approve with conditions, or disapprove the preliminary plat/development plat based on the criteria for approval in subsection (d), below.
 - (3) The council/commission, as applicable, may impose such conditions on the approval of the preliminary plat as are reasonably necessary to assure compliance with the criteria in subsection (d), below. Such conditions may include that the applicant prepare a utility plan, drainage study, or traffic impact analysis that supports the subdivision/development.
 - (4) The council/commission, as applicable, shall specify whether such conditions must be completed in conjunction with approval of construction plans or final plat approval.
- (d) Criteria for approval. The council/commission, as applicable, shall apply the following criteria to determine whether the preliminary plat shall be approved, approved with conditions, or disapproved:
- (1) The preliminary plat is consistent with all zoning requirements for the property if the property is located within the city's limits;
 - (2) The proposed provision and configuration of public infrastructure including streets, water, wastewater, drainage (stormwater), sidewalk, park facilities, and corresponding easements or other property interests are adequate to serve the subdivision/development and conform to the master plans, if any, for those facilities;

- (3) Where the proposed preliminary plat is located in whole or in part in the ETJ and if subject to an interlocal agreement with the county pursuant to state law, the plat meets any county standards to be applied pursuant to the agreement;
 - (4) The preliminary plat conforms to design requirements and construction standards set forth in division 4 of this article; and
 - (5) The proposed subdivision/development represented on the preliminary plat mitigates the impact of the proposed development on public health, safety, or welfare.
- (e) Effect. The approval of a preliminary plat/development plat authorizes the applicant to apply for approval of construction plans.
- (f) Expiration and extension.
- (1) Procedures and standards. Except as modified by this subsection, the provisions of subsection 9.03.032(h) apply to expiration and extension of preliminary plat approvals.
 - (2) Time of expiration. A preliminary plat expires 2 years after approval if a final plat is not submitted to the city. If the applicant does not submit and receive approval, or conditional approval, for construction plans or a final plat with appropriate surety within the 2-year period, the preliminary plat shall automatically expire without notice. A preliminary plat shall remain valid for the period of time in which approved construction plans are in effect.
 - (3) Development plat expiration. A development plat expires within the same time frame as a final plat.
- (g) Amendments to preliminary plat.
- (1) Minor amendments. Following approval of the preliminary plat, minor amendments may be made to the design of the subdivision by incorporating those into an application for approval of a final plat without the necessity of filing a new application for a preliminary plat. Minor amendments only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots, any nonconforming lots, or undevelopable lots; provided that such amendments are otherwise consistent with the approved prior plat and subdivision plan.
 - (2) Major amendments. All other proposed changes to the design of the subdivision subject to an approved preliminary plat will be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of construction plans and/or a final plat.
 - (3) Determination. The city administrator shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a preliminary plat.

(Ordinance 2023-1127-01, sec. 10-31, adopted 11/27/2023)

§ 9.03.063 Platting procedures; construction plans.

(a) Purpose. The purpose of a construction plan is to assure that required public infrastructure be installed in accordance with all of the standards in division 4 of this article.

(b) Submittal requirements. The following documents and verifications shall be submitted with an application for approval of construction plans:

- (1) Documentation that any conditions of an approved adequate facilities plan that have been deferred to the time of construction plan approval have been satisfied;
- (2) An approved preliminary plat showing that all conditions attached to approval have been satisfied;
- (3) Any request to defer construction of required public infrastructure until after final plat approval and recordation;
- (4) If construction of required public infrastructure will occur before final plat approval and recordation, documents evidencing the provision for the existence of on-site easements for utility providers and acquisition of off-site easements for placement of the improvements as required by subsection (d), below. The easements shall be filed of record in the real property records of the county and the recording information shall be specified on the plat; and
- (5) The construction of improvements within all subdivisions and developments shall be in conformance with the technical construction standards and specifications pursuant to division 4 of this article.

(c) Decision by city engineer. The city engineer is the responsible official for processing and approving construction plans. The city engineer shall review and approve, approve with conditions, or disapprove the construction plans applying the criteria in subsection (f), below.

(d) Timing of public improvements.

- (1) Completion prior to final plat approval and recordation. A developer may complete all required public improvements in accordance with the approved construction plans prior to the approval of a final plat.
- (2) Completion before recordation of final plat. Unless an improvement agreement is executed pursuant to subsection (3), below, an approved final plat/development plat shall not be recorded in the real property records until after the public improvements have been completed by the owner and thereafter, inspected and accepted by the city.
- (3) Deferral of obligation. The city engineer may defer a subdivider's/developer's obligation to construct public improvements upon execution of an improvement agreement, in a form approved by the city attorney, and upon provision of adequate security pursuant to subsection (e), below. Such improvement agreement shall be executed and security provided before final plat approval if the subdivider wishes to defer construction of any public improvement.

- (4) Easements for utility providers. The applicant shall secure all necessary easements for utility providers prior to the city releasing the plans for construction or final acceptance of utility infrastructure. This obligation may be fulfilled for an on-site easement by dedicating the easement on the final plat and may be fulfilled for any off-site easement as set forth in subsection (5), below.
 - (5) Off-site easements. All necessary off-site easements required for installation of required off-site public infrastructure to serve the subdivision/development shall be acquired by the applicant prior to the city releasing the plans for construction. This obligation may be attached as a condition of development plat/final plat approval if the city engineer allows deferral of public infrastructure until after development plat/final plat approval and recordation. Off-site easements shall be conveyed and recorded in the real property records of the county by an instrument approved by the city.
- (e) Improvement agreement and security for completion.
- (1) Contents of agreement. When construction of any of the required public infrastructure has been deferred until after final plat/development plat approval and recordation, the final plat/development plat will not be accepted for filing, nor will it be approved, unless and until the applicant enters into an improvement agreement with the city by which the applicant:
 - (A) Agrees to complete the improvements by a specified date;
 - (B) Warrants the improvements for 2 years following final acceptance by the city;
 - (C) Provides a maintenance bond in the amount of 110% of the costs of the improvements for such time period;
 - (D) Provides for securing the obligations of the agreement consistent with subsections (4) and (5), below; and
 - (E) Contains other terms and conditions as are agreed to by the applicant and the city or as may be required by these subdivision regulations.
 - (2) Agreement to run with the land. The improvement agreement shall provide that the covenants of the agreement contained therein shall run with the land and shall bind all successors, heirs, and assignees of the applicant. All existing owners shall be required to execute the agreement or provide written consent to the covenants contained in the agreement. The applicant shall record the agreement or evidence thereof in the county's real property records on a form approved by the city prior to submitting an application for final plat/development plat approval. The applicant shall thereafter return a copy of the filing to the city administrator.
 - (3) Decision by city engineer. The city engineer shall review the improvement agreement and shall approve it, approve it with conditions, or disapprove it. The agreement shall also be reviewed and approved by the city attorney prior to any approval by the city engineer. An improvement agreement shall not be considered final until the approved form is executed by the city and all existing owners.

- (4) Security for completion of improvements.
- (A) Type of security. When any of the required public infrastructure will be constructed after approval and recordation of the final plat, the applicant shall guarantee his or her construction obligations by an irrevocable letter of credit, cash deposit with the city, or bond executed by a surety company licensed to do business in the State of Texas and on a form provided by the city attorney. The type of security required for each improvement shall be as agreed to by the city.
 - (B) Estimated cost and security approval. Security shall be issued in the amount of 110% of the estimated cost, in the sole opinion of the city engineer, to construct and complete all required public infrastructure to the city's standards. Security shall be subject to the review and approval of the city attorney.
 - (C) Security for construction in ETJ. Where all or some portion of the public infrastructure will be constructed in the ETJ, the security shall be in a form and shall contain such terms as are consistent with the city's interlocal agreement with the county, where applicable. In cases where the requirements governing the form and terms of the security are defined in such interlocal agreement, they will supersede any conflicting provisions within these regulations.
- (5) Escrow policies and procedures.
- (A) Request for escrow. The city engineer may require, or the developer may petition the city, to defer required public infrastructure in exchange for a deposit of cash funds in escrow. The city engineer may require studies and other information to support a developer's request to escrow funds. The parties will incorporate the provisions for escrow into the improvement agreement.
 - (B) Escrow deposit. When the city engineer requires or agrees to accept escrow deposits, the subdivider shall deposit funds in escrow in an amount equal to 110% of the total "turnkey" costs including the design, permitting, acceptance, and inflation costs related to the improvement(s). The city engineer shall review and approve the amount, which shall be approved and paid prior to approval of the final plat.
 - (C) City usage of escrowed funds. The city may also use the escrowed funds in participation with another party to jointly construct the public infrastructure.
 - (D) Termination of escrow. Escrow funds which remain unused after a period of 10 years following the date of such payment shall, upon written request, be returned to the property owner or successor without interest if the recorded final plat/development plat is vacated. Such return of escrowed funds does not remove any obligations of the subdivider/developer for construction of the required improvement(s).
 - (E) Refund. If funds are deposited in escrow for a public infrastructure that is constructed by a party other than the developer or city, any unused escrowed funds, upon written request, shall be refunded to the property owner, without interest, after completion and city acceptance of the improvement.

(f) Criteria for approval of construction plans. The city engineer shall approve the construction plans if:

- (1) The plans are consistent with any deferred conditions attached to an approved adequate facilities plan;
- (2) The plans are consistent with the approved preliminary plat/development plat and any conditions attached thereto;
- (3) The plans conform to the standards of division 4 of this article;
- (4) An applicant has provided on-site easements and has acquired off-site utilities easements as required by subsection (d), above;
- (5) Postponing construction of public infrastructure until after final plat approval and recordation is appropriate and a financial guarantee is acceptable through an improvement agreement; and
- (6) An applicant has executed an improvement agreement and has posted security as required in subsection (e), above, if the obligation to construct public infrastructure has been deferred until final plat/development plat approval.

(g) Effect. Approval of construction plans authorizes the applicant to schedule a pre-construction meeting with the city in accordance with subsection 9.03.071(a) [9.03.072(a)] and to apply for the city to release the plans for construction or final acceptance of utility infrastructure in accordance with subsection 9.03.071(b) [9.03.072(b)]. If the obligation to construct public infrastructure has been deferred until after final plat/development plat approval and recordation, approval of construction plans authorizes the applicant to apply for final plat/development plat approval.

(h) Expiration and extension.

- (1) Procedures and standards. Except as modified by this subsection, the provisions of subsection 9.03.032(h) apply to expiration and extension of construction plan approvals.
- (2) Expiration. Approved construction plans remain valid for a period of 1 year following the date of approval during which period, a developer shall commence and be diligently and continuously pursuing construction of the public infrastructure. If the developer does not undertake these activities as described above, the construction plans will automatically expire without notice. If the obligation to construct public infrastructure has been deferred until after approval and recordation of the final plat/development plat, the construction plans will expire upon the deadline to complete the improvements contained in the improvement agreement.

(Ordinance 2023-1127-01, sec. 10-32, adopted 11/27/2023)

§ 9.03.064 Platting procedures; final plat.

(a) Purpose. The purpose of a final plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of these subdivision regulations pertaining to the adequacy of public infrastructure, that public infrastructure to serve the subdivision has been installed and accepted by the city or that provision for such installation has been made, and that all other requirements and conditions have been satisfied or provided for to authorize the recording of the final plat.

(b) Submittal requirements. The following documents and verifications shall be submitted to the city administrator with the application for preliminary plat approval:

- (1) A copy of the approved preliminary plat and approved construction plans;
- (2) If construction of any public infrastructure is to be delayed until after recordation of the final plat, an executed copy of the improvement agreement and security for completion required by subsection 9.03.063(e);
- (3) Documents addressing any conditions attached to the approved preliminary plat or construction plans, where satisfaction of the conditions has been delayed until the time of final plat approval;
- (4) A current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or other proof of ownership acceptable to the city, identifying all persons having an ownership interest in the property subject to the preliminary plat. Records from the county appraisal district are not sufficient;
- (5) A copy of the final plat showing the signatures of each owner, or owner's representative, authorized to sign legal documents for the owner(s), denoting that each owner is consenting to the platting of the property and to the dedications and covenants that may be contained in the final plat;
- (6) Where the land to be platted is located in whole or part in the ETJ of the city and if subject to an interlocal agreement with the county pursuant to state law, the proposed plat meets any county standards to be applied pursuant to the agreement; and
- (7) One paper bond copy of the final plat, as well as a PDF or other digital file in a format acceptable to the city and showing the following:
 - (A) Name and location of subdivision, date the drawing was prepared, graphic scale, and true north arrow;
 - (B) Location map at a scale of one inch (1.0") to one thousand feet (1,000.0');
 - (C) Lot and block numbers for each lot or tract;
 - (D) Certification of dedication of all rights-of-way, easements or property to be dedicated for public use, signed by the owner(s);
 - (E) An agreement waiving any claim for damages against the city occasioned by the alteration of the surface of any portion of existing streets or alleys to conform to the grade established in the subdivision/development;

- (F) Certification by a registered professional land surveyor registered in the State of Texas to the effect that the plat represents a complete and accurate survey made on the ground;
 - (G) If the final plat is not a minor plat, a note referencing the date of approval of the preliminary plat by the council and its location in city records; and
 - (H) Any other requirements as required by an application checklist as promulgated by the administrator and available on the city's website.
- (c) Council/commission decision.
- (1) The administrator is the responsible official for processing final plats.
 - (2) After consideration of the administrator's report and the report of the city engineer, the commission/council, as applicable, shall approve, approve with conditions, or disapprove the final plat based on the criteria for approval in subsection (d), below.
 - (3) If the obligation to construct public infrastructure has been deferred until after approval and recordation of the final plat, the commission/council may impose such conditions on the approval of the final plat as are reasonably necessary to assure compliance with the criteria for approval in subsection (d), below.
- (d) Criteria for approval of final plat. The commission/council shall use the following criteria to determine whether the application for a final plat shall be approved, approved with conditions, or disapproved:
- (1) The final plat conforms to the approved preliminary plat and may be approved without the necessity of revising the approved preliminary plat;
 - (2) All conditions imposed at the time of approval of the preliminary plat have been satisfied;
 - (3) Construction plans have been approved by the city engineer;
 - (4) Where public infrastructure has been installed, the infrastructure conforms to the approved construction plans and have been approved for acceptance by the city engineer;
 - (5) Where the city engineer has authorized public infrastructure to be deferred, an improvement agreement has been executed and submitted by the property owner, and security and/or escrow in conformity with these regulations has been provided to the city;
 - (6) The final layout of the subdivision or development meets all standards for adequacy of public infrastructure to comply with these subdivision regulations;
 - (7) If applicable, the final plat meets all county standards to be applied under an interlocal agreement between the city and the county under chapter 242, Texas Local

Government [Code], and where the proposed subdivision is located in whole or in part in the ETJ; and

- (8) The plat conforms to design requirements and construction standards as set forth in division 4 of this article.
- (e) Effect. The approval of a final plat supersedes any prior approved preliminary plat for the same land. The approval authorizes the applicant to install any improvements in public rights-of-way in conformance with approved construction plans, an improvement agreement as provided in subsection 9.03.063(e), and other city regulations.
- (f) Recordation of plat.
- (1) The applicant shall deliver to the city administrator the required number of signed and executed copies of the final plat that will be needed to file the plat in the real property records of the county where the property is located.
 - (2) The administrator shall procure the requisite city approvals required on the plat.
 - (3) The administrator shall record the final plat if:
 - (A) The final plat is approved by the commission/council, as applicable;
 - (B) All required public infrastructure has been completed and accepted by the city, or an improvement agreement has been executed and appropriate security and/or escrow has been provided in accordance with these regulations;
 - (C) All county filing requirements are met;
 - (D) Where some of or all required public infrastructure is not yet completed in connection with an approved final plat, the applicant shall submit the final plat as approved by the commission and revised to reflect any conditions imposed by the commission as part of approval; and
 - (E) If there has been any change in ownership since the time of the proof of ownership provided under subsection (b), above, the applicant shall submit a new consent agreement executed by each owner consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement is subject to review and approval by the city attorney.
 - (4) Revisions to the recorded plat may only be processed and approved as a replat or amending plat under section 9.03.066 or 9.03.067 [9.03.067 or 9.03.068], respectively.

(Ordinance 2023-1127-01, sec. 10-33, adopted 11/27/2023)

§ 9.03.065 Development plat.

- (a) Generally. This section establishes the procedures and application requirements for development plats.

(b) Authority. This section is adopted pursuant to the Texas Local Government Code, chapter 212, subchapter B, and sections 212.041 through 212.050, as amended.

(c) Applicability. For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof on property that has not been previously platted. This section shall apply to any land lying within the city or within its extraterritorial jurisdiction in the following circumstances:

- (1) The development of any tract of land which has not been platted or replatted prior to the effective date of these regulations, unless expressly exempted herein; or
- (2) The development of any tract of land for which the property owner claims an exemption from the city's subdivision ordinance, including requirements to replat, which exemption is not expressly provided for in such regulations; or
- (3) The development of any tract of land for which the only access is a private easement or street; or
- (4) The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated or constructed.

(d) Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of these regulations. The city council may, from time to time, exempt other development or land divisions from the requirements of this section.

(e) Prohibition on development. No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this section, until a development plat has been approved by the commission/council, as applicable, and submitted to the city for filing at the county. Notwithstanding the provisions of this section, the city shall not require building permits or otherwise enforce the city's building code in the city's extraterritorial jurisdiction in relation to any development plat required by this subdivision ordinance.

(f) Standards of approval. The development plat shall not be approved until the following standards have been satisfied:

- (1) The proposed development conforms to all city plans, including but not limited to, the comprehensive plan, utility plans and applicable capital improvements plans;
- (2) The proposed development conforms to the requirements of the zoning (if located within the city's corporate limits) and subdivision regulations of this code;
- (3) The proposed development is adequately served by public facilities and services, parks and open space in conformance with city regulations;

- (4) The proposed development will not create a safety hazard on a public roadway (such as by not providing adequate on-site parking or vehicle maneuvering space for a restricted-access/gated entrance);
 - (5) Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
 - (6) The proposed development conforms to the design and improvement standards contained in these regulations and in the city's TCSS, and to any other applicable codes or ordinances of the city that are related to development of a land parcel.
- (g) Conditions. The city council may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in subsection 9.03.065(f) (Standards of approval), above.
- (h) Approval procedure. The application for a development plat shall be submitted to the city in the same manner as a final plat and shall be approved, conditionally approved, or denied by the commission/council, as applicable, in a similar manner as a final plat. Upon approval, the development plat shall be filed at the county by the city administrator in the same manner as prescribed for a final plat, and approval of a development plat shall expire if all filing materials are not submitted to the city administrator (or designee) and if the plat is not filed at the county within the time periods specified for a final plat.
- (i) Submittal requirements. In addition to all information that is required to be shown on a final plat, a development plat shall:
- (1) Be prepared by a registered professional land surveyor;
 - (2) Clearly show the boundary of the development plat;
 - (3) Be accompanied by a showing of each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein and also show all other AFP requirements as required by these regulations;
 - (4) Show all easements and rights-of-way within or adjacent to the development plat; and
 - (5) Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (per the city's current fee schedule), and a certificate or some other form of verification from the appropriate appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
- (j) A copy of all application materials for a development plat shall be simultaneously submitted to the city administrator for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(Ordinance 2023-1127-01, sec. 10-34, adopted 11/27/2023)

§ 9.03.066 Platting procedures; minor subdivisions.

(a) General delegation. The city administrator, after consultation with the city engineer, may approve a minor subdivision. The approval of a minor subdivision will be deemed to be the approval of a final plat for the subdivision, which may be recorded following approval.

(b) Applicability. A proposed subdivision is eligible for minor subdivision approval if it meets each of the following standards:

- (1) The division creates five or fewer lots;
- (2) Each lot abuts and takes access from a public street that is constructed to current city specifications;
- (3) The city's water and wastewater systems are in place adjacent to each lot and there is no further extension of improvements for such systems; or, the lots are to be served by on-site water and wastewater facilities, which use is subject to compliance with applicable laws; and
- (4) Drainage facilities to serve each lot have been constructed in accordance with an approved stormwater drainage study for properties within the city.

(c) Submittal requirements. An application for minor subdivision approval shall be submitted to the city administrator, together with the required number of copies of the minor subdivision drawn at an adequate scale as required by the application checklist promulgated by the city administrator and available on the city's website. Submission shall include the following:

- (1) Authorization for any on-site water and wastewater facilities;
- (2) Any stormwater drainage study approved for the property; and
- (3) If the street abutting the subdivision from which the lots will take access is substandard under current subdivision regulations, a waiver approved by the council authorizing approval of the subdivision without the necessity of improving the street to current standards.

(d) Processing and decision.

- (1) The procedures in section 9.03.032 apply to an application for minor subdivision approval.
- (2) The city administrator shall approve the minor subdivision application if it meets the eligibility standards in subsection (b), above, within 30 days after the date the application is filed. Such division may not create an undevelopable lot. If an application does not meet the eligibility standards, the city administrator shall disapprove the application within such period. An applicant may then submit an application for preliminary plat approval to the commission/council, as applicable, in accordance with these regulations.
- (3) The city administrator may refer the minor subdivision application to the commission/council, as applicable, for a decision for any reason, such decision to be made within 30 days after the date the application is filed. The commission/council

shall decide the application at its next regularly scheduled meeting applying the criteria in subsection (b), above.

(Ordinance 2023-1127-01, sec. 10-35, adopted 11/27/2023)

§ 9.03.067 Platting procedures; re-subdivision.

(a) Vacation of prior plat.

- (1) Purpose. The purpose of a plat vacation is to provide an expeditious means of vacating a previously recorded plat in its entirety, consistent with state law.
- (2) Application.
 - (A) By property owner. The property owner of the whole tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.
 - (B) By all lot owners. If lots in the plat have been sold, an application to vacate the plat shall be submitted by all the owners of lots in the plat.
- (3) Council decision. The council, on the recommendation of the city administrator, shall determine whether the plat is eligible for vacation and whether the plat should be vacated in whole or in part. The council's decision on a plat vacation is final.
- (4) Recordation of action. If the council determines that a plat should be vacated, it shall certify in writing by resolution that the plat vacation has been approved by the city. If the council adopts a resolution vacating a plat, it shall cause a vacating plat to be recorded. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the council and recorded in the manner prescribed for the original plat.
- (5) Effect.
 - (A) On the execution and recording of the vacating instrument, a previously filed plat has no effect. Regardless of the commission's action on the application, the property owner(s) or subdivider has no right to a refund of any application fees paid to the city nor to the return of any property or consideration previously dedicated or delivered to the city.
 - (B) The city council, at its discretion, shall have the right to retain all or specific portions of street rights-of-way or easements shown on the plat being considered for vacation, and may require separate instruments prior to the vacating plat being recorded.
 - (C) Following vacation of a plat, a new application must be filed for any subdivision/development approval, as provided in division 2 of this article.

(b) Replat without vacation of preceding plat.

- (1) Purpose and applicability. The purpose of a replat is to allow changes to be made to all or a portion of a recorded plat without vacation of the recorded plat, if the replat:
 - (A) Is signed and acknowledged by only the owners of the property being replatted;
 - (B) Does not propose to amend or remove any plat notes, covenants or restrictions previously incorporated in the recorded plat; and
 - (C) Is approved by the council.
- (2) Exceptions. The term "replat" for purposes of this subsection does not include the following:
 - (A) A vacating plat and any plat filed after plat vacation;
 - (B) Platting of a remainder tract; or
 - (C) An amending plat.
- (3) General procedures.
 - (A) The city administrator is the responsible official for processing a replat application in accordance with division 2 of this article, except as otherwise stated in this subsection.
 - (B) At the required pre-application conference, the city engineer will determine the replat requires construction of additional improvements, in which case an application for approval of construction plans shall be required in accordance with section 9.03.063.
 - (C) Unless otherwise specified, an application for a replat shall be processed as a final plat application.
 - (D) If a replat is submitted for only a portion of a previously platted subdivision, the replat shall reference the previous subdivision name and recording information and shall state on the replat the specific lots which are being changed along with a detailed statement as to the purpose of the replat.
- (4) Notice and public hearing requirements for certain replats.
 - (A) If the proposed replat requires a minor waiver, then the council/commission, as applicable shall hold a public hearing. The city administrator shall then cause a notice of a public hearing to be given by:
 - (i) Publication in the city's official newspaper before the 15th day (i.e., 17 days) before the date of the hearing; and
 - (ii) Written notice, mailed before the 15th day (i.e., 17 days) before the date of the hearing, including a copy of section 212.015(c), Texas Local Government Code, as may be amended, and sent by the administrator to the owners of lots that are in the original subdivision and that are within

two hundred feet (200.0') of the lots to be replatted, as indicated on the most recent city tax roll or in the case of a replat within the ETJ, the most recent county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a postal depository within the city.

- (B) The council/commission, as applicable, shall conduct a public hearing. If a protest is received in accordance with subsection (C), below, before the close of the public hearing, approval or conditional approval of the replat requires an affirmative vote of at least three-fourths of the members present at the council/commission hearing.
 - (C) A protest triggering the requirements of subsection (B), above, shall be signed by at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200.0') from that area, and contained within the original plat. In determining the percentage of land area, the area of streets and alleys shall be included.
 - (D) Following approval or conditional approval of the replat that does not require a major or minor waiver, the city administrator shall cause written notice of the council's decision to be given by mail not later than 15 days after the date of approval of the replat to each owner of a lot that is on the original plat and is within two hundred feet (200.0') of the replatted lots according to the most recent city or county tax roll. The notice shall include the zoning designation of the property after the replat, where applicable, and a telephone number and email address an owner of a lot may use to contact the city about the replat.
- (5) Effect. Following council approval of the replat application and recording of the replat, the replat is controlling over the previously recorded plat for the portion replatted.

(Ordinance 2023-1127-01, sec. 10-36, adopted 11/27/2023)

§ 9.03.068 Platting procedures; amending plat.

- (a) Purpose and applicability.
 - (1) Purpose. The purpose of an amending plat is to provide an expeditious means of making minor revisions to a previously recorded plat.
 - (2) Applicability. The procedures for an amending plat only apply if the sole purpose is to achieve one or more of the following:
 - (A) Correct an error in a course or distance shown on the preceding plat;
 - (B) Add a course or distance that was omitted on the preceding plat;
 - (C) Correct an error in a real property description shown on the preceding plat;

- (D) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (E) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (F) Correct any other type of scrivener or clerical error or omission on a plat previously approved by the city, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (G) Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (i) Both lot owners join in the application for amending the plat;
 - (ii) Neither lot is abolished;
 - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iv) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (H) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (I) Relocate one or more lot lines between one or more adjacent lots if:
 - (i) The owners of all those lots join in the application for amending the plat;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iii) The amendment does not increase the number of lots;
- (J) Make necessary changes to the preceding plat to create 6 or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (i) The changes do not affect applicable zoning and other regulations of the city;
 - (ii) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (iii) The area covered by the changes is located in an area that the city has approved, after a public hearing, as a residential area; or
- (K) Replat one or more lots fronting on an existing street if:
 - (i) The owners of all those lots join in the application for amending the plat;

- (ii) The amendment does not attempt to remove recorded covenants or restrictions;
 - (iii) The amendment does not increase the number of lots; and
 - (iv) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) Submittal requirements. The applicant shall identify the matters under subsection (a)(2), above, for which an amending plan is sought and submit documentation sufficient to show that the application meets the standards set forth therein.
- (c) Decision by city administrator.
- (1) The approval and issuance of an amending plat does not require notice, a public hearing, or approval of other lot owners.
 - (2) The provisions in section 9.03.032 apply to an amending plat.
 - (3) The city administrator, in consultation with the city engineer, shall approve the amending plat, approve the amending plat with conditions, or disapprove the amending plat in accordance with the criteria in subsection (e), below.
- (d) Appeal. An applicant may appeal the city administrator's disapproval of the amending plat to the council within 10 days following notification thereof. The appeal shall state with specificity why the amending plat should be approved. The council shall approve the amending plat, approve the amending plat with conditions, or disapprove the amending plat in accordance with the criteria in subsection (e), below.
- (e) Criteria for approval. The following criteria shall be used to determine whether the amending plat shall be approved, approved with conditions, or disapproved:
- (1) For each ground for which the applicant seeks approval for an amending plat, the eligibility requirements stated in subsection (a)(2), above, have been met; and
 - (2) The plat otherwise meets the requirements of division 4 of this article.
- (f) Effect and recordation. Upon approval, an amending plat shall be recorded and is controlling over the previously recorded plat without vacation of that plat. The procedures for recordation of an amending plat shall be the same as the procedures for recordation of a final plat.

(Ordinance 2023-1127-01, sec. 10-37, adopted 11/27/2023)

§ 9.03.069 Relief procedures; waivers.

- (a) The city council may authorize major waivers from these subdivision regulations upon a request by an applicant. The administrator or commission, as applicable, may authorize minor waivers in accordance with the following:

- (1) Request for waiver. Prior to any application for plat or subdivision plan approval, an applicant who seeks a major waiver, as specified below, to the standards in these regulations shall submit the request for the waiver(s) to the city administrator for consideration by the city council. The request shall be accompanied by a detailed statement of the reasons for the waiver and addressing the criteria for approval of the request, together with a schematic showing the plat or subdivision plan with and without the waiver. No application for plat or subdivision approval shall be accepted for filing until the council has acted upon the waiver request. Any waiver request that is based upon the alleged disproportionate costs of dedicating land, construction, or payment of fees for a public infrastructure will be classified as an appeal of a rough proportionality determination and processed under section 9.03.069 [9.03.070]. Determinations on requests for waivers will be handled in the following manner:
 - (A) Minor waivers. Requests for waivers that will be considered minor amendments to the subdivision regulations may only include minor adjustments in street or alley alignments, and lengths, and minor adjustments to lot lines that do not result in creation of additional lots or any nonconforming lots, provided that such amendments are consistent with applicable approved prior plats and subdivision plans. Minor waivers may be approved by the city administrator. Denial of the waiver by the city administrator may be appealed to the city council. If a minor waiver is requested in an application for a replat, the minor waiver shall be considered for approval by the council following the procedures in subsection 9.03.066(b) [9.03.067(b)], above.
 - (B) Major waivers. All other proposed changes that do not meet the criteria to be a minor waiver to the subdivision regulations shall be deemed major amendments that require approval of the major waiver by city council. If a major waiver is requested in an application for a replat, the public hearing and notice procedures in subsection 9.03.066(b) [9.03.067(b)], above, shall apply to approval of the major waiver.
- (b) Criteria for approval of waiver.
 - (1) In deciding a major waiver request, the council shall consider the hardship of the applicant in complying with the standards for which the waiver is sought, the nature of the proposed use of land involved and existing uses of the land in the vicinity, and the probable effect of such waivers upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No major waiver will be granted unless council finds that:
 - (A) There are special circumstances or conditions affecting the land to be platted such that the strict application of the provisions of these subdivision regulations would result in unnecessary hardship to the applicant and/or the waiver accomplishes one of the following:
 - (i) To preserve environmental features that would be otherwise be affected by a strict application of these regulations, including tree preservation, geologic formations, steep slopes, springs, or similar conditions;
 - (ii) To enable more efficient use of the land;

- (iii) To minimize or correct previous adverse effects from placement of drainage courses, transmission lines, or septic systems; or
 - (iv) To enable orientation of lots for greater solar advantage; and
 - (B) The granting of the waiver will not be detrimental to the public health, safety, general welfare, or injurious to surrounding properties; and
 - (C) The granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with these subdivision regulations.
- (2) The city administrator or the council may grant a minor waiver utilizing the criteria in subsection (1)(A), above.
- (3) No waiver may be granted that would constitute a violation of a city ordinance.
- (c) Decision and effect. The council or the city administrator, as the case may be, shall provide the applicant with its written decision on the waiver request. Where the council grants a major waiver, the applicant is authorized to submit an application for plat or subdivision plan approval that incorporates the major waiver(s), which shall not be altered by the city administrator or the commission, as the case may be, nor shall an approved waiver be the basis for a denial of the application.

(Ordinance 2023-1127-01, sec. 10-38, adopted 11/27/2023)

§ 9.03.070 Rough proportionality determination; appeal.

- (a) Purpose and applicability.
- (1) Purpose. The purpose of a proportionality determination is to assure that any requirement to dedicate, construct, or pay a fee for streets, water, wastewater, drainage (stormwater), sidewalks, park facilities, utilities, and other public infrastructure imposed on a proposed plat or subdivision plan as a condition of approval does not result in a disproportionate cost burden on the developer, taking into consideration the nature and extent of the demands created by the proposed development on the public facilities systems.
 - (2) Applicability. The proportionality determination by the city engineer and any appeals filed by the developer apply solely to the dedication of land for the construction of, or the payment of fees for public infrastructure that serves developments in addition to the subdivision which is the subject of the determination or appeal. The standards for on-site public infrastructure set forth in these regulations are the minimum standards required to supply the development with services from the public facilities systems.
- (b) Proportionality determination by city engineer. Following the submission of an AFP and/or an application for a preliminary plat, the city engineer, in conjunction with such review, shall prepare a written report affirming that each required dedication of land for, construction of, or payment of fees for a public infrastructure is roughly proportionate to the city's costs required to supply services to the subdivision from its public facilities systems, taking into consideration the nature and extent of the development proposed.

- (1) The city engineer, in drafting the report, may rely upon categorical findings pertaining to on-site improvements; the proposed or potential use of the land; the timing and sequence of development in relation to availability of adequate levels of public facilities systems; the effects of development of subsequent phases of the subdivision or of a remainder tract on the public facilities systems; impact fee studies or other studies that measure the demand for services created by the development and the cost impacts on the public facilities systems; standardized land values or construction costs; the function of the public infrastructure in serving the proposed development; the degree to which public infrastructure to serve the subdivision/development are supplied by other developments; the anticipated participation by the city in the costs of such infrastructure; any reimbursements for the costs of public infrastructure for which the proposed development is eligible; or any other information relating to the mitigating effects of the public infrastructure on the impacts created by the development on the public facilities systems.
 - (2) The city engineer may require the developer, at his or her expense, to submit any information or studies that reasonably may assist in making the proportionality determination.
 - (3) Based on the proportionality determination, the city engineer shall affirm or not affirm that the exaction requirements of this code or other ordinance, as applied to the proposed development or subdivision, does not impose costs on the developer for public infrastructure that exceed those roughly proportionate to the impact of the proposed development or subdivision.
 - (4) The city engineer shall provide the report to the city administrator and the council shall consider the report when making a decision on a plat application.
 - (5) If the city engineer does not affirm that the costs of the dedication of land for, construction of, or fees for public infrastructure are roughly proportionate to the costs necessary for the city to provide services to the subdivision from its public facilities systems, he or she shall make a recommendation whether the city council should negotiate a participation agreement with the developer in which the city will participate in the costs of such public infrastructure. The council may then determine to eliminate or lessen the requirements for dedication of land for, or construction of, the public infrastructure or negotiate any other terms as it deems necessary.
 - (6) The city council shall approve, reject, or modify the participation agreement. In lieu of entering into a participation agreement, the council may determine to eliminate or lessen the requirements for dedication of land for, or construction of, the public infrastructure. In such case, the council's determination shall be reflected in the commission's decision on the final plat/development plat application.
- (c) Appeals. An applicant may appeal the city engineer's report to city council as follows:
- (1) Time for filing and stay of construction or applications. The appeal shall be filed in writing within 15 days following the receipt of the report. The appeal shall be filed with the city secretary and shall be forwarded to city council for consideration. The applicant may not proceed with construction of improvements or submit an application for final plat approval until the council has decided the appeal.

- (2) Form of appeal. An appeal shall allege that the costs of the required dedication of land for, construction of, or payment of fees for public infrastructure is not roughly proportionate to the city's costs in supplying the subdivision with services from its public facilities system or does not reasonably benefit the subdivision. The applicant shall specifically allege what the applicant asserts to be proportionate in the appeal.
- (3) Study required. The applicant shall provide a study in support of the appeal that includes the following information within 30 days following the date the appeal is filed, unless a longer time is requested:
 - (A) As a threshold matter, the study shall demonstrate that the public infrastructure at issue serves other property or development(s) in addition to the subdivision/development which is the subject of the appeal.
 - (B) Total capacity of the city's streets, water, wastewater, drainage (stormwater), sidewalk, and/or park facilities to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of public facilities systems capacity to be consumed by the development. If the proposed subdivision is to be developed in phases, such information shall be provided for the entire development proposed, including any phases already developed.
 - (C) Total capacity to be supplied to the city's streets, water, wastewater, drainage (stormwater), sidewalk, and park facilities by the dedication of land for, construction, or payment of fees for public infrastructure and the associated costs. If the plat application is proposed as a phased development, the information shall include the costs of any capacity supplied by prior dedication of land for, construction of, [or] payment of fees for public infrastructure.
 - (D) Comparison of the capacity of the public facilities systems to be utilized by the proposed development with the capacity to be supplied to such systems by the proposed dedication of land for, construction of, or payment of fees for the public infrastructure. In making this comparison, the impacts on the public facilities systems from the entire development shall be considered.
 - (E) The amount of any city participation in the costs of oversizing the public infrastructure to be constructed in accordance with the city's requirements.
 - (F) Any other information that shows the alleged disproportionality between the impacts created by the proposed subdivision and the dedication, construction, or fee requirement imposed by the city.
- (4) Extraterritorial jurisdiction. Where the subdivision or the public infrastructure are located in the ETJ and are to be dedicated to the county under an interlocal agreement, if any, an appeal or study in support of the appeal shall not be accepted as complete for filing by the city engineer unless the appeal and subsequent study are accompanied by verification that a copy has been delivered to the county.
- (5) Processing application.

- (A) The city engineer is the responsible official for evaluation and processing of an appeal. Where the appeal is for relief from dedication of an easement or other property interest for, or construction of, a facility in the ETJ that is to be dedicated to a county under any interlocal agreement, if applicable, the city engineer shall coordinate a recommendation with the county.
 - (B) The city engineer shall evaluate the appeal and supporting study and shall make a recommendation to city council based upon the information contained in the study, any comments received from the county, and the city engineer's report. The city engineer's recommendation shall present the city's costs of supplying the subdivision with services from its public facilities systems in comparison to the costs attributed to the subdivision by the proportionality determination.
- (6) Decision. The city council shall decide the appeal within 30 days following the final submission of any testimony or evidence by the applicant. The council shall base its decision on the criteria listed in subsection (7), below, and may take one of the following actions:
- (A) Deny the appeal and affirm the required dedication of land for, construction of, or payment of fees for the public infrastructure in accordance with the report;
 - (B) Grant the appeal and waive in whole or in part any dedication of land for, construction of, or payment of fees for the public infrastructure to the extent necessary to achieve rough proportionality; or
 - (C) Grant the appeal and direct that the city participate in the costs of acquiring land for or constructing the public infrastructure under standard participation policies. If the appeal is granted in whole or in part by the council, the commission's decision on the final plat application shall reflect the council's action on the appeal.
- (7) Criteria for approval. In deciding an appeal under this section, the city council shall determine whether the application of the standard or condition requiring dedication of land for, construction of, or payment of a fee for public infrastructure is roughly proportionate to the city's costs of supplying services to the subdivision from its public facilities systems for streets, water, wastewater, drainage (stormwater), sidewalk, and park facilities and reasonably benefits the development. In making such determination, the council shall consider the evidence submitted by the applicant, the report from the city engineer, and, where the property or the public infrastructure is located within the ETJ, any recommendations from the county.

(Ordinance 2023-1127-01, sec. 10-39, adopted 11/27/2023)

§ 9.03.071 Relief procedures; vested rights determination; appeal.

- (a) Vested rights petition.
- (1) Purpose. The purpose of a vested rights petition is to determine whether one or more standards of these subdivision regulations should not be applied to a plat or subdivision plan application by operation of state law.

- (2) Applicability. A vested rights petition may be filed and shall be decided prior to submittal of a plat or subdivision plan application. A petitioner may elect to request a decision on all required plat or subdivision plan applications simultaneously.
 - (3) Effect. Upon granting of a vested rights petition in whole or in part, the plat or subdivision plan application shall be decided in accordance with the standards specified in the relief order based on prior subdivision requirements.
 - (4) Exceptions. The procedures in division 2 of this article are not subject to a vested rights petition, nor are the submittal requirements for plat or subdivision plan applications.
- (b) Petition requirements.
- (1) Who may petition. A vested rights petition may be filed by a property owner or the owner's authorized agents, with a preliminary, development plat, or final plat application.
 - (2) Form of petition. The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the plat application under chapter 245, Texas Local Government Code, or pursuant to section 43.002, Texas Local Government Code, that requires the city to review and decide the application under standards in effect prior to the effective date of these regulations. The petition shall include the following information and documents:
 - (A) A narrative description of the grounds for the petition;
 - (B) A copy of each approved or pending development application which is the basis for the contention that the city may not apply current standards to the plat or subdivision plan application which is the subject of the petition;
 - (C) Documentation reflecting the original date of submittal of the prior application or development plan which is claimed as the basis for vesting;
 - (D) The date the project defined by the prior application or development plan was commenced;
 - (E) Identification of all standards otherwise applicable to the application(s) from which relief is sought;
 - (F) Identification of the standards which the petitioner contends apply to the plat or subdivision plan application;
 - (G) Identification of any current standards which petitioner agrees can be applied to the application(s) at issue; and
 - (H) A copy of any prior vested rights determination by the city involving the same land.
- (c) Processing of petition and decision.

- (1) Responsible official. The city administrator shall review a petition for completeness and where complete, process the vested rights petition. A petition that is incomplete shall be rejected and the applicant shall be notified in writing of the incomplete items within 10 days. An incomplete petition expires if the missing items are not submitted to the administrator within 45 days following the date notice is issued. The petition shall be reviewed by the city administrator in consultation with the city attorney following receipt of the petition.
 - (2) Decision by administrator. The city administrator shall render a decision on the vested rights petition within 30 days after receiving a complete petition.
 - (3) Appeal of decision. The petitioner may appeal the city administrator's decision on the vested rights petition within 14 days following the date of such decision to the city council.
 - (4) Decision by council. The council shall consider the vested rights petition on appeal no later than its first regular meeting that follows the expiration of 30 days from the date the written appeal is received from the owner.
- (d) Form of action on petition. The city administrator, or council on appeal, may take any of the following actions:
- (1) Deny the relief requested in the petition and direct that the plat or subdivision plan application(s) be reviewed and decided under currently applicable standards;
 - (2) Grant the relief requested in the petition and direct that the plat or subdivision plan application be reviewed and decided in accordance with the standards contained in the identified prior subdivision regulations or other than applicable exceptions identified in subsection (a)(4), above; or
 - (3) Grant the relief requested in part and direct that certain identified current standards shall be applied to the plat application, while other standards contained in prior subdivision regulations also shall be applied.
- (e) Order on petition. Either the administrator's or council's decision on the petition shall be memorialized in an order stating the following:
- (1) The nature of the relief granted, if any;
 - (2) The application(s) or development plan(s) which is the basis for any vesting determination;
 - (3) Current standards which shall apply to the plat or subdivision plan application for which relief is sought;
 - (4) Prior subdivision standards which shall apply to the plat application for which relief is sought; and
 - (5) The statutory exception or other grounds upon which relief is denied in whole or in part on the petition.

(f) Criteria for approval. The city administrator, or the council on appeal, shall decide the vested rights petition based upon the following factors:

- (1) The nature and extent of prior applications or development plans filed or approved for the land subject to the petition;
- (2) Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
- (3) Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
- (4) Whether any statutory exception to vesting applies to the standards in the current subdivision regulations from which the applicant seeks relief; and
- (5) Whether the project defined by a prior application(s) has expired.

(Ordinance 2023-1127-01, sec. 10-40, adopted 11/27/2023)

§ 9.03.072 Construction management of public infrastructure.

(a) Pre-construction conference.

- (1) Purpose. The purpose of the pre-construction conference is to discuss procedures for project construction prior to construction release under subsection (b), below. The city engineer may furnish a list of typical inspection items, procedures, and acceptance criteria for public infrastructure within public right-of-way and easements to the applicant.
- (2) Drawings. All record drawings shall reflect the construction plans, or working drawings, used, corrected, and/or clarified in the field and be signed by the project's design engineer.
- (3) Requirement and effect. Following approval of construction plans and prior to commencement of any construction of public infrastructure, the subdivider or his or her engineer(s) and contractors shall attend a pre-construction conference with the city engineer. Following the pre-construction conference, the subdivider/developer may request construction release, as provided in subsection (b), below.

(b) Construction release. Following approval of construction plans and fulfillment of any conditions thereto, the city engineer shall release the plans for commencement of construction of the public infrastructure. The construction release will remain in effect as long as the construction plans are in effect. If the obligation to construct public infrastructure has been deferred, the city engineer shall release plans for commencement of construction following approval of the development plat/final plat, fulfillment of any conditions thereto, and following recordation of the development plat/final plat. No construction release shall be issued until after a pre-construction conference has been held pursuant to subsection (a), above.

(c) Inspections.

- (1) The city engineer shall inspect the construction of public infrastructure while in progress as well as upon completion. The subdivider, or his contractor, shall maintain contact with the city engineer during construction of improvements.
 - (2) Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the applicant's engineer and shall be subject to approval by the city engineer.
 - (3) If the city engineer finds, upon inspection, that any of the required public infrastructure has not been constructed properly and in accordance with the approved construction plans, the applicant shall be responsible for completing and/or correcting the public infrastructure to bring such into compliance.
- (d) Maintenance during construction. The subdivider/developer shall maintain all required public infrastructure during construction of the development.
- (e) Acceptance of improvements.
- (1) Responsible official. The city engineer shall be responsible for accepting completed public infrastructure intended for dedication to the city.
 - (2) Final inspection. After completion of all public infrastructure, franchise utilities, grading, and erosion control, the city engineer shall perform a final inspection before recommending acceptance of the infrastructure.
 - (3) Letter of final acceptance. When all public infrastructure has been completed, inspected, tested (if applicable), and determined by the city engineer to be in conformance with the approved construction plans and the standards and specifications in division 4 of this article, and when all required documents associated with acceptance of the new improvements, including maintenance bonds, contractors' affidavits of final payment and release, record drawings reflecting the construction plans, or working drawings, used, corrected, and/or clarified in the field and signed by the project's design engineer, have been submitted to the city, the city engineer shall issue a letter of final acceptance to the subdivider.
 - (4) Effect. Acceptance of the improvements shall mean that the applicant has transferred all rights to all the public infrastructure to the city for title, use, and maintenance.
 - (5) Rejection. The city engineer shall reject infrastructure that fails to comply with the city's standards and specifications. The city shall enforce the guarantee provided by the improvement agreement.
 - (6) Disclaimer. Approval of a preliminary plat, development plat, or final plat by the council, or construction plans by the city engineer, shall not constitute acceptance of any of the public infrastructure required to serve the subdivision/development. No public infrastructure shall be accepted for dedication by the city except in accordance with this section.
 - (7) Acceptance of improvements for land in the ETJ. Where the improvements to be constructed under an improvement agreement are located within the extraterritorial jurisdiction and are to be dedicated to the public, the city engineer shall inform the

county that the public infrastructure have been constructed in accordance with approved construction plans and are ready for acceptance by the county.

- (8) Maintenance bond for accepted improvements. The subdivider shall furnish the city engineer with a sufficient maintenance bond with a reputable and solvent corporate surety registered with the State of Texas, in favor of the city, to indemnify the city against any repairs. The bond shall remain in effect for 1 year from the date of the city's final acceptance of all public infrastructure. The bond shall be a minimum of 110% of the value of the work constructed, such value to be determined by the city engineer. Final acceptance shall be withheld until said maintenance bond is furnished to the city in a form acceptable by the city attorney.

(Ordinance 2023-1127-01, sec. 10-41, adopted 11/27/2023)

§§ 9.03.073—9.03.100 Reserved.

Division 4. Subdivision Improvements and Design Standards

§ 9.03.101 Public infrastructure standards.

(a) Compliance with minimum standards. Land proposed for subdivision or development within the city and within the ETJ shall be adequately served by public infrastructure, including streets, water, wastewater, drainage (stormwater), sidewalk, and park facilities that meet the city's minimum standards as specified within this division 4. No plat or development shall be approved unless and until the infrastructure necessary to serve the development exists or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site. In addition:

- (1) It is necessary and desirable to require dedication of rights-of-way and easements for public improvements, and in some cases to require construction of such improvements to support new subdivisions/development.
- (2) There is an essential nexus between the demand on public facility systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct public infrastructure to offset such impacts.
- (3) The city desires to assure both that development impacts are mitigated through contributions of rights-of-way, easements, and construction of public infrastructure, and that a subdivision/development contributes not more than its proportionate share of such costs.
- (4) The city will extend water and wastewater service to property in accordance with section [9.03.117].

(b) Conformance to plans and specifications.

- (1) Proposed public improvements serving new subdivisions and developments shall conform to and be properly related to the master plans, if applicable, and shall meet the service levels specified in such plans.

- (2) The construction of improvements within all subdivisions and developments shall be in conformance with the technical construction standards and specifications (TCSS) and any component or portion of the TCSS may be further amended by the city at any time. The TCSS includes technical design and construction standards, specifications, and regulations that apply to all developments and redevelopments, together with all associated tables, drawings, and other attachments. All city standards described or referred to in these regulations are adopted by reference and are a part of these regulations in the same way as if they were set forth at length herein, and include the most current versions of the following, each of which the city council may have adopted and may amend:
 - (A) Standard specifications for subdivision construction;
 - (B) Design manual for storm drainage facilities;
 - (C) Stormwater master plan;
 - (D) Thoroughfare plan;
 - (E) Building codes;
 - (F) Fire code;
 - (G) Water and wastewater master plans;
 - (H) Parks master plan;
 - (I) Bicycle plan;
 - (J) Trail master plan;
 - (K) Sidewalk master plan; or
 - (L) Other city plans as adopted.
- (c) Adequacy of facilities. All development and all public improvements shall meet the standards and requirements set forth in the master plans and TCSS to include the following:
 - (1) Water. All lots, tracts, and parcels of a proposed subdivision/development shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection. The city may require the phasing of development and/or improvements in order to maintain adequate water capacity. Additional standards and requirements are defined in section 9.03.102.
 - (2) Wastewater. All lots, tracts, and parcels of a proposed subdivision shall be served by an approved means of wastewater collection and treatment. The city engineer is responsible for determining the approved means of wastewater collection and treatment. The city may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Additional standards and requirements are defined in section 9.03.103.

- (3) Streets. Streets serving a proposed subdivision/development shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to the applicable thoroughfare plan, and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision/development. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network. The city may require the phasing of development and/or improvements in order to maintain adequate street capacity. Additional standards and requirements are defined in section 9.03.104.
 - (4) Drainage (stormwater) and flood control. Drainage (stormwater) improvements serving a proposed subdivision/development shall accommodate potential runoff from the entire property drainage area under fully developed conditions; and, shall be designed so that runoff from the development does not exceed the pre-development runoff, and to prevent overloading the capacity of the downstream drainage system, or under-designed, to prevent potential flooding upstream. The city may require the phasing of development, the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed subdivision. Additional standards and requirements are defined in section 9.03.105 and section 9.03.106.
 - (5) Parks. All lots, tracts, and parcels of a proposed subdivision/development shall be served by public parks that provide a variety of outdoor recreational opportunities.
- (d) City options. In order to maintain prescribed levels of public facilities and services for the health, safety, and general welfare of its citizens, the city may require the dedication of easements, including rights-of-way, for or construction of on-site or off-site public infrastructure for streets, water, wastewater, drainage (stormwater), sidewalks, park facilities, utilities, and other public improvements to serve a proposed subdivision, or may require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the city may deny a plat or subdivision plan application until the public facilities and services can be provided, or may require that the development be phased so that the delivery of facilities and services coincides with the demands for public improvements created by the development.
- (e) Property owner's obligation.
- (1) Dedication and construction of improvements. The developer shall dedicate all rights-of-way and easements to the public for, and shall construct at developer's expense, public infrastructure and capital improvements within the rights-of-way and easements for those water, wastewater, street, and drainage (stormwater) improvements needed to adequately serve a proposed development consistent with master plans, whether the facilities are located on, adjacent to, or outside the boundaries of the property being developed. Following completion of construction by the developer, and inspection and acceptance by the city, all streets (unless approved as private), utilities, and other public improvements (but not including stormwater management ponds or facilities) within the city limits shall become the property of the city. The developer, at the developer's expense, shall extend all water mains, wastewater lines, other utilities and streets across a property's full frontage, or as approved by the city engineer, and to the outer boundaries of the subdivision for

future connections and use beyond the subdivision. The ability to tap into, and utilize, city water and wastewater services will become available only when a public utility main exists or is constructed across the full property frontage, and future connection point(s) shall be located such that future extension(s) are easily made. If water and/or wastewater main(s) are across the developer's private property, an easement(s) shall be provided to the abutting property line with no gaps such that the main can be easily extended.

- (2) Adjacent street improvements. In the case of adjacent or abutting streets, along and parallel to the property line, the city shall require that the one-half (1/2) the entire width of the right-of-way be dedicated and improved to city design standards, depending on factors such as the impact of the development on the street, the timing of development in relation to need for the street, and the likelihood that adjoining property will develop in a timely manner. In the case of frontage or service roads for state and federally designated highways, the entire abutting right-of-way for the frontage or service road shall be dedicated and improved to applicable design standards.
 - (3) Substandard street improvements. Notwithstanding any other provision within these subdivision regulations, where an existing street that does not meet the city's right-of-way or design standards abuts a proposed subdivision, the city may require the property owner to dedicate part or all of the right-of-way for the improvement of the road to its ultimate planned width, and to improve the street according to the dimensions and specifications in the thoroughfare plan, if any, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to the need for the thoroughfare, the impact the development will have on adjoining streets and the likelihood that an adjoining property will develop in a timely manner.
 - (4) Facilities impact studies. The city may require that a property owner prepare a comprehensive traffic impact analysis (TIA) study, drainage study, and/or other public facilities study(s) in order to assist the city in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the subdivision. The study(s) shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the public improvements that will be needed to meet the facilities' established levels of service assuming development at the intensity proposed in the subdivision application. The study(s) shall be subject to approval by the city engineer.
 - (5) Proportionality. The requirements in this section are subject to a proportionality determination by the city engineer and subsequent appeal, as provided in section 9.03.069 [9.03.070].
- (f) Timing of dedication and construction.
- (1) Initial provision for dedication or construction. The city shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including a petition for establishing a planned development zoning district, or other overlay zoning district; a petition for an

annexation agreement or a development agreement; an application for a subdivision plat, or an application for a preliminary or final subdivision plat. As a condition of approval of the development application, the city may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

- (2) Deferral of obligation. The obligation to dedicate rights-of-way for and/or to construct one or more public improvements to serve a proposed subdivision/development may be deferred until approval of a subsequent stage of subdivision approval, or until approval of a subsequent phase of the subdivision, at the sole discretion of the city engineer, upon written request of the subdivider/developer, or at the city's own initiative. As a condition of deferring the obligation, the city shall require that the developer enter into a public improvements agreement, specifying the time for dedication of rights-of-way for or construction of public improvements serving the subdivision/development.

(Ordinance 2023-1127-01, sec. 10-50, adopted 11/27/2023)

§ 9.03.102 Water improvements.

(a) Water supply system.

- (1) Water mains properly connected with the city's water distribution system, or with an alternate supply approved by the city engineer, shall be constructed to adequately serve all lots shown on the subdivision plat for both domestic use and shall meet fire code requirements for fire protection. The sizes of water mains; the location and types of valves, hydrants, and appurtenances; the amount of soil cover over the pipes; and other features of the installation shall be approved by the city engineer and shall conform with the TCSS.
- (2) If the city's water distribution system is available within two hundred feet (200.0') of a development or subdivision, each lot shall then be required to connect. This requirement also applies to a development or subdivision that is exempt from platting.
- (3) When it is necessary to relocate, oversize, or replace the city's water distribution system to accommodate a proposed subdivision or development, the developer is responsible for all costs associated therewith unless the city agrees to participate in oversizing the facility.

(Ordinance 2023-1127-01, sec. 10-51, adopted 11/27/2023)

§ 9.03.103 Wastewater improvements.

(a) Wastewater system.

- (1) Sanitary sewers and ancillary appurtenances shall be installed in such a manner to adequately serve all lots with connection to the city's wastewater system. The sizes of wastewater mains, the location and types of manholes and appurtenances, the amount of soil cover over the pipes, and other features of the installation shall be approved by the city engineer and shall conform with the TCSS.

- (2) A proposed development or subdivision shall tie onto the city's public wastewater system at the developer's expense if any part of the property is located within two hundred feet (200') away from the nearest city-owned wastewater line.
- (3) When it is necessary to relocate, oversize, or replace an existing public wastewater facility to accommodate a proposed development or subdivision, the developer is responsible for all costs associated with such work, unless the city agrees to participate in oversizing the facility.

(Ordinance 2023-1127-01, sec. 10-52, adopted 11/27/2023)

§ 9.03.104 Thoroughfare and street improvements.

(a) Conformity to thoroughfare plans. The general location, connections, and width of all streets and roads shall conform to the thoroughfare plan, if applicable.

(b) Relation to adjoining street system. A proposed street system shall extend existing stubbed streets from adjacent properties at the same or greater right-of-way and paving widths, but in no case less than the required minimum widths.

(c) Additional width of existing streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street requirements shown on the thoroughfare plan and as follows:

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the centerline of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than fifty feet (50.0').

(d) Street right-of-way widths. The minimum width of street rights-of-way, measured from lot line to lot line shall be as shown on the thoroughfare plan.

(e) Cul-de-sacs.

- (1) Streets that are designed to have one end permanently closed (cul-de-sacs) may not exceed six hundred feet (600.0') in length unless a longer length is necessitated by topography or other pre-existing natural feature. In no instance shall any such street exceed twelve hundred feet (1,200.0') in length unless a waiver is approved by the city in accordance with these regulations. At the closed end, cul-de-sacs shall be provided with a permanent turn-around having an outside street pavement diameter that meets the fire code and a street right-of-way diameter that extends a minimum of ten feet (10.0') beyond the paving around the turn-around "bulb." Waivers may be granted as follows:

- (A) A minor waiver for residential cul-de-sacs over six hundred feet (600.0') in length may be granted by the administrator or the commission pursuant to

section 9.03.068 [9.03.069], up to a maximum length of twelve hundred feet (1,200.0') or 60 lots, whichever is less.

- (B) A minor waiver for nonresidential cul-de-sacs over six hundred feet (600.0') in length may be granted by the administrator or the commission, up to a maximum length of twelve hundred feet (1,200.0'), pursuant to section 9.03.068 [9.03.069] and subject to the fire code.
- (2) Street access to adjoining property is required unless necessitated by topography or other pre-existing natural feature. Proposed cul-de-sac streets shall be extended by right-of-way dedication to the boundary of such property with abutting (i.e., contiguous) width of at least the same width of the street segment for future extension.
- (3) Temporary dead-end streets may not exceed twelve hundred feet (1,200.0') in length unless a waiver is granted by city council in accordance with section 9.03.068 [9.03.069]. Such streets shall be provided with a paved turn-around having an outside roadway pavement diameter that meets the fire code and be designated by a recorded temporary street easement, which is typically a separate instrument for ease of abandonment when the street is permanently connected. Paving type(s) that can be used for temporary turn-arounds shall be as determined by the fire code. Permanent dead-end streets without a permanent cul-de-sac "bulb" are prohibited.
- (4) Streets which temporarily dead end at power lines, rights-of-way, or easements shall be constructed for at least one-half the distance across these areas or to the property boundary. The applicant shall submit written permission from the utility or entity that owns the easement or right-of-way being crossed to the city prior to preliminary plat approval.
- (5) For any temporary dead-end street, a note shall be clearly placed on the final plat stating that the street will be extended with future development. In addition, the dead-end street shall have a sign in accordance with the city's street signs prominently posted at the terminus of the street to provide notice that the street will be extended in the future.
- (f) Topographic restrictions. In cases where topography or other physical conditions make a street of the required minimum width, cul-de-sac length, and/or street grade impracticable, the commission may approve an exception allowing extension of the six hundred feet (600.0') maximum length to be up to one thousand feet (1,000.0') maximum length at the time of preliminary plat approval as described in section 9.03.068 [9.03.069].
- (g) Restriction of access. When a tract fronts on an arterial street or highway, the commission may require such lots to be provided with frontage on a marginal access street having a minimum right-of-way and paving width as set forth in subsection (k), below.
- (h) Reserve strips. Reserve strips are prohibited. A "reserve strip" is a strip of property that separates one developing property from another property as a way to prevent street or utility extensions into or out of it, thereby controlling access to the streets or utilities. An exception may be made where the control of such strips is definitely placed with the city under conditions approved by the commission.

(i) Intersections. Proposed streets shall align with existing streets at intersections. Street intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than 75 degrees for a principal or secondary arterial, or 75 degrees for a collector or local street, unless a lesser angle is granted by waiver of the city council in accordance with section 9.03.068 [9.03.069]. Corner property line radii at street intersections shall not be less than twenty-five feet (25.0'), or as required by fire code, and where the angle of street intersection is less than 75 degrees, the commission may require a greater curb radius at the time of preliminary plat approval. Wherever it is necessary to allow the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to accommodate such construction.

(j) Street jogs. Street jogs with centerline offsets of less than one hundred fifty feet (150.0') shall only be allowed if approved by the city engineer.

(k) Minimum pavement widths. Minimum pavement widths from back of curb to back of curb for each type of street shall be as set forth in the thoroughfare plan and technical construction standards and specifications (TCSS) unless a waiver is granted by the city council in accordance with section 9.03.068 [9.03.069].

(l) Pavement. Excavation, embankment, compaction, preparation of sub-grade, flexible base, and surfacing shall be in compliance with the TCSS.

(m) Curb and gutters. The developer shall provide permanent reinforced concrete curbs and gutters which shall be in compliance with the TCSS.

(n) Horizontal curves. Any curves in the street or street rights-of-way shall be in compliance with the TCSS.

(o) Street grades. The grade of streets shall be as set forth in the TCSS and fire code unless otherwise approved by the city engineer due to unusual topographic or other design constraints.

(p) Private streets.

(1) Eligibility criteria. No private streets shall be permitted within a subdivision unless the city council approves a waiver and the subdivision application complies with the following criteria:

(A) The subdivision shall have no fewer than 20 residential lots;

(B) The streets to be restricted to private use are not intended for regional or local through traffic circulation (see subsection (4), below);

(C) The subdivision is located in an area that is surrounded on at least three sides (i.e., 75% of the perimeter) by natural or man-made barriers (e.g., creeks and floodplains, golf course, linear park, utility easements, train tracks, or rights-of-way, etc.) or by other private street subdivisions;

(D) The subdivision is not located adjacent to an existing or approved public street subdivision that can be reasonably connected, even where the street connection would require construction of a bridge or culvert; and

(E) The subdivision shall connect to any existing street stubs with a public street.

If the proposed subdivision cannot meet the eligibility requirements, the applicant may request a waiver from the city council prior to a preliminary plat application. Said waiver shall require a simple majority vote of the council for approval.

- (2) Design and construction. Private streets shall be designed and constructed in accordance with the technical standards and specifications (TCSS). The term "private streets" shall also include alleys if such are provided within the development.
- (3) Homeowners' association (HOA) ownership and maintenance required. A subdivision/development with 50 or more lots, or that is created by planned development district, shall have a mandatory homeowners' association, which includes all properties within the development. The HOA shall own and be responsible for the maintenance of the private streets and any public improvements not accepted by the city for maintenance and any common areas that serve the development as a whole and associated appurtenances. The HOA's recorded document shall contain a section devoted to compliance with city regulations and will be considered for approval in conjunction with approval of the final plat/development plat and will indicate whether streets are private and what amenities or common property will be maintained by the HOA. The covenants shall provide that the city has no obligation to maintain private streets, if applicable, stormwater management facilities, public improvements not owned or dedicated to the city, or any common property owned by the HOA. The documents shall be filed of record in conjunction with approval of the final plat. A notation shall be included on the final plat with the recording information of the HOA covenants and stating that the HOA shall own and be responsible for all costs associated with the maintenance and reconstruction of such improvements. Lot deeds shall convey membership in the HOA and provide for the payment of dues and assessments as required by the HOA. The HOA shall not be dissolved without the prior written consent of the city council. No portion of the HOA's documents pertaining to the maintenance of the public improvements and assessments thereto shall be amended without the written consent of the council. All HOA documents must be reviewed and approved by the city attorney to ensure that they conform to this and other applicable city policies prior to being filed of record. The HOA may not be dissolved, must pay for ad valorem taxes associated with HOA common property and including any property, such as stormwater management facilities, nor may deed restrictions and covenants providing for maintenance of common areas be deleted or amended, without the prior written consent of the council, by way of a plat amendment.
- (4) Streets excluded. Streets that are shown on the thoroughfare plan, if applicable, as arterials or collectors shall not be used, maintained, or constructed as private streets and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. The city council may deny the creation of a private street subdivision if, in its sole judgment, the private streets would negatively affect traffic circulation on public streets or if they would impair access to the subject or adjacent property, impair access to or from public facilities including schools or parks, or if they could cause possible delays in the response time of emergency vehicles.

- (5) Points of access. A private street subdivision shall have at least two points of access from a public street(s) as required by the fire code. If the subdivision is to be secured/gated and will have fewer than 100 residential lots, then only one main entry point may be allowed, with the second (additional) point(s) of access being designated as emergency-only, if such arrangement is approved by the city engineer and fire chief.
- (6) Parks and greenbelts excluded. A private street subdivision shall not cross or interfere with an existing or future public pedestrian pathway, hike and bike trail, greenbelt, or park.
- (7) Private street lot. Private streets shall be constructed to public street standards and be included within a separate lot owned by the HOA. This lot shall conform to the city's standards for public rights-of-way. An easement covering the street lot shall be granted to the city providing unrestricted access to and use of the property for any purpose related to the exercise of a governmental service or function, including city utilities, fire and police protection, and code enforcement. This right shall also extend to utility providers operating within the city. The easement shall also permit the city to remove any vehicle or obstacle within the street lot that may impair emergency access.
- (8) Restricted access. The entrances to all private street subdivisions shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private and that they are not maintained by the city. Guard houses, access control gates, and cross arms, if used, shall be constructed per subsection (9), below. All restricted access entrances shall be manned twenty-four (24) hours every day, or they shall provide an alternative means of ensuring access to the subdivision by city personnel and other utility or public service providers (e.g., postal carriers, utility companies, etc.) with appropriate identification. If the HOA fails to maintain reliable access as required herein, the city may enter the subdivision and remove any gate or device which is a barrier to emergency access at the sole expense of the HOA.
- (9) Access restricted entrance design standards. A private street which has an access control gate or cross arm shall have a minimum uninterrupted pavement width of twenty-two feet (22.0') at the location of the access control device. If an overhead-lifting barrier is used, it shall be a minimum of fourteen feet (14.0') in height above the street surface, and this clearance height shall be extended through all streets. All gates and cross arms shall be of a break-away design. A turn-around space shall be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets without having to back up into the street. The design and geometry of such turn-around shall be such that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:
 - (A) Larger passenger vehicles (e.g., vans, pick-up trucks, etc.);
 - (B) Passenger vehicles with short trailers up to twenty-four feet (24.0') in length (e.g., small flatbed, camping, or box-type trailers); and
 - (C) The types of service and utility trucks that commonly visit or make deliveries to neighborhoods that are similar to the proposed private street development

(e.g., utility company vehicles, postal/UPS delivery trucks, two- to three-axle flatbed or box-type trucks used by contractors and moving companies, etc.). The city council and/or the city engineer may require submission of additional drawings, plans, and/or exhibits demonstrating that the proposed turn-around will work and that vehicle turn-around movements will not compromise public safety on the subdivision entrance or on the adjacent public street(s). The design of all proposed access restricted entrances shall be submitted for review and approval by the city engineer along with the construction plans for the subdivision.

- (10) Waiver of services. The subdivision final plat/development plat, HOA documents, and contracts for sale of each lot shall note that certain city services will not be provided for private street subdivisions. Among the services which will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision/development, other services, such as sanitation, may not be provided.
- (11) Hold harmless. HOA documents shall contain language whereby the HOA, as owner of the common property, and public improvements not maintained by the city and appurtenances, agrees to release, indemnify, defend, and hold harmless the city, its officers, agents, licensees, servants, and employees, any other governmental entity, and any public utility entity for claims or suits for property damage, loss, personal injury, or death, arising out of or in connection with, directly or indirectly [a] the reasonable use of the private streets, emergency access, utility easements, entrance gate, stormwater management facilities or structures, by the city, its officers, agents, licensees, servants, and employees; b) the condition of the private streets or appurtenances; or c) any use of the subdivision with private streets by the city, its officers, agents, licensees, servants, and employees for any purpose related to the exercise of a governmental functions or services. The HOA shall be responsible for carrying liability insurance to meet the requirements in this paragraph.
- (12) Conversion of private streets to public. The city council may, but is not obligated to, accept private streets for public access and maintenance. Private alleys shall remain private. Requests to convert private streets to public streets are subject to the following provisions:
 - (A) The homeowners' association (HOA) shall submit a petition signed by at least seventy-five percent (75%) of its members/lot owners, or a greater number of signatures, if required by the HOA documents or declaration.
 - (B) All of the infrastructure shall meet or exceed the TCSS, pursuant to street core sampling and plans as required and approved by the city engineer.
 - (C) All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the city.
 - (D) All monies in the reserve fund for private street maintenance shall be delivered to the city. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to city standards will be refunded to the HOA.

- (E) The HOA shall prepare and submit a replat to the city administrator for review and approval by the council, and for acceptance of the streets (excluding alleys) by the city engineer. Upon approval, the replat shall be recorded at the county thereby dedicating the streets and appurtenances to the city.
 - (F) The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to private street developments. The city attorney shall review the modified HOA documents prior to their filing.
- (q) Points of access. All residential subdivisions shall have at least two (2) points of access from improved public roadways. All entrances shall be consistent with the requirements of the fire code. The two points of access shall be from two different entrances either on a single public thoroughfare or on two public thoroughfares. Each point of access shall be designed to safely cross any floodprone areas. The primary point of access shall be designed to not be impacted by a 25-year rain event. The secondary point of access shall be designed to not be impacted by a 10-year rain event. Said points of access shall comply with the TCSS and the drainage design manual.
- (r) Traffic impact analysis.
- (1) A traffic impact analysis (TIA) worksheet, as promulgated by the city administrator and city engineer, shall be submitted with the first project application to include an adequate facilities plan, preliminary plat, construction plans, and/or final plat.
 - (2) A TIA is required when:
 - (A) According to the thresholds established on the TIA worksheet;
 - (B) On-street parking is requested in a commercial area; and/or
 - (C) A traffic light is desired.

(Ordinance 2023-1127-01, sec. 10-53, adopted 11/27/2023)

§ 9.03.105 Stormwater management.

- (a) Drainage improvements.
- (1) Drainage facilities shall be designed to meet the city's drainage requirements as approved by the city engineer and shall be designed and constructed in accordance with the TCSS and drainage design manual.
 - (2) Stormwater management facilities, to include retention/detention ponds, shall be located on private property and maintained by the property owner or an approved homeowners' association unless otherwise approved by the city engineer.
 - (3) Pre-existing drainage ways shall not be dedicated to or maintained by the city unless approved by the city council.

- (4) All new subdivisions or modifications to existing subdivisions near the Guadalupe River and creeks are encouraged to follow best practices for stormwater design and stormwater quality near the river and tributaries as well as any city adopted guidelines, as applicable.
- (b) Flood hazard standards.
- (1) All plats and subdivisions shall comply with standards and regulations associated with flood hazard standards.
 - (2) The land subject to flooding as identified in the Federal Insurance FEMA rate maps report titled "The Flood Insurance Study for the City of Bartlett," as may be amended, with accompanying flood hazard maps, shall serve as the basis for identifying those lands susceptible to flood conditions.
 - (3) During preparation of the preliminary plat, the developer shall study and establish floodplain and floodway elevations if such elevations had not been established previously.
 - (4) Lands that are to be platted for development, and which are susceptible to flooding, shall be in accordance with current city code requirements for finished floor elevations (FFE).

(Ordinance 2023-1127-01, sec. 10-54, adopted 11/27/2023)

§ 9.03.106 Parks and open space standards; preservation of natural features.

- (a) Purpose and effect.
- (1) The purpose of these requirements is to provide parks and park land to support residential development within the city and the ETJ. Public parks provide a variety of outdoor recreational opportunities to residents of new subdivisions and developments. It is the policy of the city to require residential developments to contribute park land or fees in lieu of land dedication in proportion to the needs of future residents and within close proximity to their homes.
 - (2) In order to accomplish the objectives of this section, all residential subdivisions within the city shall dedicate park land or pay fees in lieu of dedication. For multiple-family projects that are not required to dedicate park land, payment of in-lieu fees may be deferred until the time of building permit application.
 - (3) All subdivisions shall comply with city's parkland dedication ordinance.
- (b) Preservation of natural features. Natural features include large trees, watercourses, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the property. Nature features shall be identified on a site plan prior to preliminary plat approval. If considered to be of significant value to the property, neighborhood, or community, the commission may require the preservation of some or all of these natural features.

(Ordinance 2023-1127-01, sec. 10-55, adopted 11/27/2023)

§ 9.03.107 Subdivision design standards.

(a) Technical construction standards and specifications (TCSS). The TCSS are the design standards for the city and are available on the city's website. Public review is also available in the office of the city secretary and development services during business hours.

(b) Monuments. Monuments shall be established to define public right-of-way in accordance with the TCSS and applicable state law related to surveying. Variances from these requirements may be allowed by written authorization of the city engineer in cases where rock strata, unusual soil conditions, major trees, fences, or other obstacles are encountered.

(c) Blocks; lots.

(1) Blocks.

(A) Block length shall not exceed one thousand two hundred feet (1,200.0'), as measured from the centerline of one intersecting through street to the centerline of another intersecting through street.

(B) All lots within each phase of a development shall be numbered consecutively within each block. Each block shall have an alpha or numeric designation (e.g., "Block A", "Block 6", etc.).

(2) Lots.

(A) Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot shall have direct frontage onto a public street or to an approved public way, private street, or irrevocable access easement. Each lot shall have at least thirty feet (30.0') of abutting frontage on such street or easement.

(B) Single- and two-family lots may not be "through lots" to a collector or thoroughfare (i.e., shall not back up to a public or private street) unless fully screened [by] a six foot (6.0') solid wood or masonry fence. Single- and two-family lots shall not have direct (i.e., driveway) access onto any arterial or future collector street, as such are shown on the thoroughfare plan. Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal access streets, rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic.

(C) The size, shape, and orientation of lots shall be in accordance with the type of development and use contemplated and, for properties that are located within the city, as established in the zoning code. The minimum size of residential lots not served by both city water and wastewater services shall be as follows:

(i) Five (5) acres for lots where an individual water well is planned to be the source of potable water, and an on-site sewage facility (OSSF) will be used for wastewater disposal.

- (ii) One (1) acre for lots served by a public water system and served by an on-site sewage facility (OSSF) if such OSSF is installed in compliance with county rules for OSSFs.
 - (iii) Lot size shall be dictated by the zoning if served by a community, public or shared water system and also a municipal sewage collection system.
 - (D) The city shall have the right to disapprove any lot which, in its opinion, will not be suitable for the purpose intended or which is so oddly shaped as to create an irregular or difficult building envelope or that does not fully contain a building envelope that meets all applicable size and setback requirements. Sharp angles between lot lines and flag or "panhandle" lots shall be avoided unless some physical attribute of the property requires such angles or flag lot configuration. Flag lots shall have a minimum street frontage in compliance with the zoning code or fifty feet (50.0'), whichever is greater.
 - (E) All lot lines shall, to the greatest extent possible, align along city, county, school district, and other jurisdictional boundary lines such that lots are fully within one jurisdiction or other.
 - (F) No structure shall be constructed across a tract boundary or lot line.
- (d) Driveways, fire lanes, and access easements.
- (1) Driveways. Driveways shall be designed in accordance with chapter 90 [sic], city's Code of Ordinances, as amended, the fire code, and constructed in accordance with the TCSS. Driveway approaches shall be designed in such a way that stormwater does not flow from the street onto private property.

Editor's note—The city's 1989 Code of Ordinances did not contain a chapter 90.
 - (2) Fire lanes. Fire lanes shall be designed and constructed in accordance with the fire code.
 - (3) Access easements. Easements shall be required, when necessary, to allow convenient access to other adjacent property(s) due to such having minimal or inadequate public street access, location of median opening, etc. The city engineer and the planning administrator have the authority to require such access easement(s) when needed. All access easements require approval from the city attorney.
- (e) Sidewalks.
- (1) All sidewalks shall comply with the sidewalk ordinance of the city code with respect to width and location.
 - (2) For existing lots, sidewalks shall be constructed concurrent with construction of the first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided.
 - (3) Unless sidewalks already exist, multi-family, nonresidential developments, colleges and universities, hospitals, and other campus-like facilities shall construct sidewalks

within all street rights-of-way adjacent to all tracts or lots utilized or intended to be utilized for any development purposes, whether platted or unplatted, to the full length of the frontage of the lot or tract involved, said construction to be:

- (A) Concurrent with construction of the first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided;
 - (B) Concurrent with the construction of the addition to an existing building or buildings, regardless of the amount of additional square footage; or
 - (C) Concurrent with the construction of an additional building(s) on a lot or tract regardless of the amount of additional square footage.
- (4) For single- and two-family residential developments, sidewalks shall be constructed prior to the acceptance of public utilities. For existing lots, sidewalks shall be constructed concurrent with construction of the first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided.
- (5) Sidewalks shall be constructed in the rights-of-way of all streets, public or private, pursuant to these regulations.
- (6) The administrator shall not issue any final utility clearance or certificate of occupancy until all sidewalks required to be constructed have been finally completed or repaired and approved by the city engineer.
- (7) A developer may apply to the city to receive a waiver from the sidewalk requirements. Such waivers are heard by the city council and shall require a simple majority vote of the council for approval. The city council shall consider the following criteria for whether to grant a waiver:
- (A) Topographic restrictions such as slope and drainage structures make the construction and subsequent use of a sidewalk unmanageable;
 - (B) Whether all property(s) adjacent to the subject property, whether or not such property(s) is separated from the subject property by a public or private road, alley, or easement, is exempted from sidewalk construction by operation of these regulations;
 - (C) Whether all property(s) adjacent to the subject property is developed property, whether or not separated from such subject property by a public or private road, alley, or easement, and does not have existing sidewalks as of the effective date of these regulations; or
 - (D) If it is shown to the satisfaction of the city council that any of the requirements of this section, if complied with, would work an undue hardship on the property owner, the requirements required herein would not be in the best interest and general welfare of the public, and that the intent of these regulations was being met by the granting of such waiver.
- (8) Compliance with other laws. All sidewalks required by these regulations shall comply with all federal, state, and local laws, including those requiring certain

accessibility standards. Where there are instances of conflicting requirements, the most restrictive standards apply.

(Ordinance 2023-1127-01, sec. 10-56, adopted 11/27/2023)

§ 9.03.108 Alleys.

(a) Alleys shall not be allowed except within certain zoning districts or to connect to a subdivision with existing alleys for the purpose of providing continuity. If alleys are constructed or required, the following standards shall be met:

- (1) In residential zoning districts, alleys shall be parallel, or approximately parallel, to the streets.
- (2) Alleys shall be designed and paved in accordance with the TCSS and shall be privately owned and maintained by an HOA that is formed in accordance with these regulations.
- (3) Where the deflection of alley alignment occurs, the design of the paving and property line shall be as established by the TCSS.
- (4) Dead-end alleys are prohibited. Alleys shall have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turn-around "bulb" or turnout onto a street, either of which will need a temporary easement for street/alley purposes, shall be provided as determined by the city engineer.
- (5) Alleys may not exceed a maximum length of one thousand two hundred feet (1,200.0'), as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets. The city council may approve a waiver for an overlength alley upon consideration of the following:
 - (A) Alternative design which would reduce alley length;
 - (B) The effect of overlength alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways;
- (6) Public utilities shall be placed in a platted easement.

(b) Means of mitigation, including additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.

(Ordinance 2023-1127-01, sec. 10-57, adopted 11/27/2023)

§ 9.03.109 Streetlights.

(a) The developer shall install fully functional streetlights in accordance with the TCSS.

(b) Streetlights shall be installed in the right-of-way unless an alternative placement is approved by the city engineer or commission.

(c) Streetlight easements of ten feet (10.0') in width shall be provided for the purpose of service wire installation, if needed and when necessary for service.

(Ordinance 2023-1127-01, sec. 10-58, adopted 11/27/2023)

§ 9.03.110 Street names and traffic-control signs/devices.

(a) Proposed streets which are in alignment with already existing, or approved, named streets, shall bear the same names of existing (or approved) streets. In no case shall the names for proposed streets duplicate existing streets' names or like-sounding street names, irrespective of the use of the suffixes such as street, avenue, boulevard, driveway, place, or court. Proposed street names shall be included with a preliminary plat and are subject to the administrator's approval in accordance with the city's addressing policy to avoid street naming conflicts.

(b) Street name signs and traffic-control signs and devices shall be installed by the developer prior to acceptance of public infrastructure by city engineer, final plat approval, and recordation at the county. The design and placement of all signs shall be submitted to, and approved by, the city engineer prior to installation, and all traffic-control signs and devices shall be designed and placed in accordance with the latest edition of the Federal Highway Administration's (FHWA's) "Manual on Uniform Traffic Control Devices for Streets and Highways" ("MUTCD"), as amended.

(Ordinance 2023-1127-01, sec. 10-59, adopted 11/27/2023)

§ 9.03.111 Addressing.

The city administrator shall have the authority to assign street addresses for individual lots or building sites located within the city. A person making application for approval of a subdivision shall request and obtain a designation of street addresses by the administrator prior to approval of the final plat. The assignment of individual street addresses shall comply with the city's addressing policy.

(Ordinance 2023-1127-01, sec. 10-60, adopted 11/27/2023)

§ 9.03.112 Easements.

(a) The city may require easements for access, poles, wires, conduits, storm and wastewater, gas, water, or other utility lines or their appurtenances. The developer shall be responsible for acquisition of all necessary easements, on-site and off-site, if such are necessary to serve the proposed development.

(b) Easements shall be a minimum of twenty feet (20.0') in width. Easements of the same or greater width may be required where necessary for the extension of existing or planned utilities.

(c) The full width of all easements for city water and wastewater facilities shall be fully upon one lot and may not straddle a common lot line.

(d) Public water, wastewater, and drainage easements shall be dedicated to the city and shown on the final plat for the specific use or uses intended, and shall not be used by private utility providers unless approved by the city engineer. The city has no obligation to maintain drainage easements or facilities that serve a particular development.

(Ordinance 2023-1127-01, sec. 10-61, adopted 11/27/2023)

§ 9.03.113 Utility placement.

(a) All utilities shall be placed underground or if the developer so elects, they may be placed overhead only if located on pre-existing utility poles. If no pre-existing poles exist, utilities may be placed overhead but only if located entirely behind the front face of the building on private property and within a recorded utility easement that is at least fifty feet (50.0') away from any single-family zoning district or dwelling.

(b) High-voltage and large gas distribution lines may be allowed overhead or over-ground if a waiver is granted by the city council.

(Ordinance 2023-1127-01, sec. 10-62, adopted 11/27/2023)

§ 9.03.114 Large tracts and developments.

(a) When the land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow for the extension of future streets and for logical re-subdivision in the future.

(b) Developments of a large scale nature under single ownership or condominium arrangement which would result in significant change to existing topographic and landscape features, traffic and drainage patterns, parking and other development changes that would impact the community shall be required to submit a plat of the proposed development for commission review and approval in the manner prescribed by these regulations.

(Ordinance 2023-1127-01, sec. 10-63, adopted 11/27/2023)

§ 9.03.115 ETJ subdivisions; rural subdivision standards.

(Intentionally left blank as standards may be adopted pursuant to an interlocal agreement with the county.)

(Ordinance 2023-1127-01, sec. 10-64, adopted 11/27/2023)

§ 9.03.116 Homeowners' associations (HOAs).

(a) Purpose. The purpose for the establishment of an HOA for residential developments is to create an entity that owns and is responsible for maintaining commonly owned properties pursuant to the plat, private amenities, private streets, and riparian areas for the communal good of the development's property owners and residents. The ownership and maintenance of property and amenities shall be organized and established to exist in perpetuity.

(b) Applicability. An HOA shall be established for any subdivision or development that contains any of the following: a private amenity, street, or drainage facility; a floodplain; or open

space that will not be dedicated to the city. For purposes of this section, the terms "homeowners' association" and "HOA" are interchangeable with the term "property owners' association" for multi-family and nonresidential developments.

(c) Descriptions of elements requiring an HOA. Any of the following elements created as part of a subdivision or development, and not dedicated to the city, shall require the formation and continued operation of a mandatory HOA:

- (1) Amenity center (e.g., private swimming pool, club house, tennis court, recreation center, playground, etc.);
- (2) Entry features, signage, and landscaping;
- (3) Open space, walkways and trails that will not be dedicated to the city;
- (4) Ponds, including those for detention/retention of stormwater;
- (5) Water features and fountains;
- (6) Private streets, alleys, and internal sidewalks, including security stations and gates, perimeter security fencing, etc.;
- (7) Thoroughfare screening walls, fences, and landscaping; and
- (8) Any other non-public and commonly owned facilities.

(d) Procedure for HOA formation. The establishment of a required HOA shall occur prior to final plat approval and acceptance of the public improvements, and generally using the following procedure:

- (1) Documents submitted for review. The declaration, bylaws, covenants, and other necessary documents establishing an HOA shall be submitted to the city for review and approval by the city attorney for conformance with this article and other applicable ordinances prior to submission of the final plat and prior to issuance of a letter of final acceptance for the subdivision or recordation of the plat. HOA documents shall include descriptions of all areas and amenities for which the HOA is responsible for maintenance, and shall outline the organization and governance of the HOA.
- (2) Recordation. All HOA documents shall be recorded at the county prior to the recordation of the final plat. Two (2) copies of the recorded documents shall be submitted to the administrator prior to or simultaneously with the final plat application.
- (3) Additional phases. An additional phase to an existing subdivision is not required to establish a separate and distinct HOA, provided that the existing, recorded HOA documents are amended to incorporate the area of the new subdivision phase and to adopt the responsibility of all areas and amenities for which the HOA is responsible for maintenance. The procedure for review and recordation of the HOA amendment documents is as set forth above.

(e) Notice to purchasers. For any subdivision that will have an HOA, notice shall be posted in a prominent place at all model homes and sales offices stating the following:

- (1) That an HOA has been established for the subdivision;
- (2) That membership in the HOA is mandatory for all lot owners; and
- (3) That the developer is required to provide to any person, upon their request, a complete copy of the HOA documents and a five (5) year projection, at a minimum, of association dues, income and expenses.

(f) General requirements. The following shall be set forth in the HOA documents:

- (1) A statement that membership in the association is mandatory for all owners of property within the subdivision;
- (2) A listing of all areas and amenities that the association will be responsible for maintaining, including legal descriptions for land parcels, if applicable; and, such maintenance areas shall be clearly shown as dedicated to the association on the final plat;
- (3) Bylaws related to the governance of the association;
- (4) Covenants for maintenance assessments, which shall run with the land;
- (5) Responsibility for liability insurance and local taxes;
- (6) Statement that the authority for enforcement of association rules and regulations is solely the responsibility of the association and is not, in any way, the responsibility of the city;
- (7) Authority for the association to secure funds from its members sufficient to meet its responsibilities, which shall include the ability to collect dues, to increase dues, to charge special assessments, and to place liens against property for failing to pay dues and assessments;
- (8) Provision that no amendment of the association documents relating to maintenance of association areas or amenities, or related reserve funds (as applicable), shall occur without prior city approval;
- (9) Written release of adequate funds for maintenance to benefit the city; written indemnification of the city outlining that under no circumstances shall the city be liable to the association or any property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death), and/or liability resulting from any amenity, on the private streets, within or adjacent to any association area or amenity;
- (10) Written assurance of funds based on an accredited cost projection analysis within a specific reserve account of the association for the maintenance and removal of amenities as determined by the city;

- (11) Written consent giving the city the authority to take the actions for violations; and
 - (12) Other city requirements as applicable.
- (g) Violations, revocations, and liens.
- (1) The city will notify the HOA of violations of any of the regulations specified within this section.
 - (2) Failure to bring the subdivision into compliance with these regulations may cause the city to revoke the specific approval of the HOA or take other remedies as outlined in this section.
 - (3) The city shall have all lien, assessment, and enforcement rights granted therein to the HOA, and the city shall have the ability to enforce the liens.

(Ordinance 2023-1127-01, sec. 10-65, adopted 11/27/2023)

§ 9.03.117 Water and wastewater extension of services.

(a) Consistency with subdivision requirements. To the extent that the subdivision ordinance contains provisions that may overlap with the requirements of this section 9.03.117, the language in this section shall prevail over general language in the rest of the subdivision regulations.

(b) Definitions. Words and phrases used in this section 9.03.117 shall have the meanings set forth in this section. Words and phrases that are not defined in this section but are defined in this or other sections of the Code of Ordinances shall be given the meaning set forth in those sections. Other words and phrases shall be given their common, ordinary meanings unless the context requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

City means the City of Bartlett, County of Williamson and County of Bell, State of Texas, and includes any official, agent or employee acting on behalf of the city.

City council means the city council of the City of Bartlett.

City's water and sewer system means the water and sewer facilities owned or operated by the city in the provision of water and sewer service within the city's service area and such wholesale treated water service and wholesale sewer service provided in areas outside of the city's service area.

Commission means the Texas Commission on Environmental Quality or its successor entity.

Customer means any person provided retail water and sewer service, including water treatment and distribution service, or sewage collection, treatment and disposal service, by the City of Bartlett and its designee.

ETJ means the extraterritorial jurisdiction of the City of Bartlett.

Facilities agreement means an agreement between the city and a service applicant providing for the construction and expansion of the water and sewer system necessary to serve the property or subdivision.

Meter means any device used to measure water or sewage flow.

Person means an individual, corporation, organization, government or political subdivision or agency, business trust, partnership, association, or any other legal entity.

Plumbing code means the International Building Code or such other codes as may be adopted by the city that are applicable to the regulation of plumbing, plumbing fixtures, cross-contamination protection, and backflow prevention.

Qualified service applicant means a person that has met all the applicable requirements as outlined in this article in order to obtain water and sewer service within the city's service area. An "applicant" is not a "qualified service applicant" unless and until he or she has met all the applicable requirements specified herein.

Sanitary sewage means the liquid and water carrying wastes discharged from the sanitary conveniences of dwellings and other buildings.

Service address means a specific, unique address for a location eligible to receive water and sewer service from the city, including a street name, house number, and if applicable, a building or unit identification letter or number.

Service area means the area served by or certificated to the City of Bartlett for provision of retail water and sewer service.

Sewage means sanitary sewage and industrial waste, together with such infiltration water as may be present.

Water and sewer service means retail water and sewer service provided by the city or its designee directly to the ultimate retail customer and wholesale water and sewer service provided by agreement to customers located outside of the service area.

Wholesale customer means any wholesale customer that purchases water and/or sewer service from the city by agreement for resale to a retail customer.

(c) Water and sewer service application requirements.

- (1) All persons desiring retail water and sewer service from the city or desiring to transfer service from a service location to another service location shall file an application with the city at the city's designated location. No connection to the city's water and sewer system shall be made before the person has met the application, fee, and extension requirements of this article.
- (2) The city shall provide water and sewer service to only qualified service applicants and no water and sewer service application shall be accepted by the city administrator unless the application is submitted by a qualified service applicant. The request by a qualified service applicant shall be filled within five (5) working days unless the city and the applicant have entered into a facilities agreement. If the city and the applicant

have entered into a facilities agreement, service will be provided in accordance with the facilities agreement.

- (d) A person is a qualified service applicant if the person has met the following conditions:
 - (1) The person has submitted a completed and signed water and sewer service application to the city administrator, has presented a driver's license or social security card to the city, which the city shall keep on file, and has verified that the request for service is for property the person owns or otherwise has legal control over.
 - (2) For subdividers in the city limits or ETJ of the city desiring retail water and sewer service from the city, the subdivider has complied with the city's subdivision regulations to obtain retail water and sewer service from the city for the subdivision.
 - (3) For persons required to obtain a building permit from the city, the person has paid all the required building permitting fees.
 - (4) For persons desiring water and sewer service for property or service connections located outside the city limits of the city, the person has complied with the requirements of section 9.03.117.
 - (5) The person has paid all applicable charges and fees prescribed by the city's fee schedules, including any applicable impact fees, and tapping and metering charges, all security deposits, and water and sewer connection and plumbing code inspection fees.
 - (6) The person has complied with the city's extension of water and sewer facilities requirements, if necessary, as provided this section 9.03.117 and the facilities have been extended and inspected and accepted by the city.
 - (7) The person has paid all the pro rata charges as required by section 9.03.117, if applicable.
 - (8) There is water and sewer plant capacity and capacity within the water and sewer system to serve the person or development, or the person or developer has entered into a facilities agreement with the city for the expansion of the water and sewer plant or system.
 - (9) The person requesting water and sewer service has provided a service address to which water and sewer service will be provided and has agreed to provide access to the person's property so that the city can locate, construct, place, and maintain meters and other equipment necessary to connect the person's property to the city's water or sewer system.
 - (10) An inspection of the water and sewer connection has been conducted and approved by the city.
- (e) The city administrator may refuse service to a person if, at the time of the application, the person is indebted to the city for any charge, tax, or fee, or is indebted to another retail public utility for the same kind of service for which the person has applied from the city.

(f) No application shall be approved if the city administrator determines that the requested service is for unreasonable consumer uses that will threaten or endanger the city's water and sewer system or threaten the city's ability to provide continuous and adequate service.

(g) To obtain sewer service from the city, the applicant must either be a current water service customer, or must request water service from the city in accordance with this section.

(h) Any person denied service under this article may request review of the city administrator's decision. The request shall be made to the city administrator, who shall place the request before the city council. The city administrator may request additional information of the person denied service. The city council may grant or deny service, after review of the request, in accordance with the provisions of this article.

(i) It shall be unlawful for any person not employed by the city to uncover and make any connection with the water and sewer system of the city without first obtaining the consent of the city.

(j) The city may provide, but is not obligated to provide, water and sewer service to an applicant whose property is located outside the city's service area. If the city decides that it is in the best interest of the city to extend and provide service to a person or subdivider outside the service area, the applicant shall request in writing that the city include the applicant's property within the city's water and sewer certificates of convenience and necessity, if applicable.

(k) Out of city limits. This subsection applies to any retail water and sewer service provided and requested to be provided by the city to premises that are located, in whole or in part, outside the corporate limits of the city.

- (1) All customers of the city's water and sewer system, including those customers located in whole or in part outside the corporate limits of the city, shall comply with the cross-contamination and backflow prevention requirements of the city.
- (2) Any customer receiving utility services outside the city limits may not maintain connection to the city's water or sewer system or connect to the city's water or sewer system unless the customer is in compliance with the applicable city ordinances. Customers receiving water and sewer service must at all times be in compliance with state law, the city's plumbing code, the city's pretreatment requirements, and this article and other city ordinances relating to the provision of water and sewer service. Any customer failing to be in compliance or refusing reasonable requests for inspection of facilities connected or to be connected to the city's utilities may be disconnected or declined services.
- (3) The application for service to property located outside the corporate limits of the city shall include the following statement:

THE APPLICANT UNDERSTANDS AND AGREES THAT ALL ORDINANCES OF THE CITY (AS NOW WRITTEN AND AS HEREINAFTER AMENDED) RELATING TO WATER AND SEWER SERVICE OR TO PLUMBING MATTERS, INCLUDING BUT NOT LIMITED TO CROSS-CONNECTION AND BACKFLOW PROTECTION REQUIREMENTS, AND PRETREATMENT REQUIREMENTS, AND INCLUDING ORDINANCES THAT IMPOSE CRIMINAL SANCTIONS, APPLY TO WATER AND SEWER SERVICES

PROVIDED BY THE CITY TO PREMISES OUTSIDE OF THE CORPORATE LIMITS. THE APPLICANT ALSO UNDERSTANDS AND AGREES THAT THE CITY MAY SUSPEND OR DISCONNECT SUCH SERVICES IN THE EVENT THAT THE APPLICANT OR ANY OTHER PERSON AT THE PREMISES TO BE SERVED FAILS TO COMPLY WITH SUCH ORDINANCE.

- (4) No water and sewer service application shall be accepted by the city and no new retail water and sewer service shall be provided at premises located in whole or part outside the corporate limits of the city unless a completed and signed application is submitted to the city that meets the requirements described herein and the person has complied with the following requirements:

- (A) The person has paid the prescribed water and sewer connection and plumbing code inspection fees and impact fees if applicable, and has presented to the city administrator, or his or her designee, written evidence from the appropriate plumbing official that the plumbing system at the premises to be served has been inspected by the city and is in compliance with the city's plumbing code;
- (B) The person has complied with the city's utility facilities extension requirements as provided herein, if necessary; and
- (C) The person has submitted a written request to be annexed into the corporate limits of the city. If the person's property is not contiguous to the city limits of the city, the written request must be submitted, but will not be effective, until such time as the person's property is contiguous to the city limits of the city. Such request shall be filed in the deed records and shall run with the land.

(l) Only applicants located outside the city limits that meet the requirement of this section will be qualified service applicants and thus eligible to obtain water or sewer service.

(m) In addition to the requirements contained in this section, subdividers desiring retail water and sewer service from the city shall comply with the city's subdivision regulations to obtain retail water and sewer service from the city for the development and to extend the city's water and sewer system to the development.

(n) Upon meeting the requirements herein, upon payment of all applicable fees and charges due under this article and at the expense of the applicant and upon execution of an agreement with the city regarding the extension of facilities, the city may extend all necessary water and sewer facilities to the property plus the distance across or through the entire frontage of the property for which the application for service has been made.

- (1) The applicant shall pay the estimated cost to extend the water and sewer facilities prior to construction. If the actual cost to extend the water and sewer mains and facilities is greater than the estimated costs, the applicant shall pay the city the difference between the actual and estimated costs upon completion of the extension project. If the applicant fails to pay the difference in the costs, the city may deny service, and take all actions legally available to it to recover the funds owed to the city. If the estimated cost to extend the water and sewer mains or facilities is greater than the actual cost, the applicant shall be responsible for paying the actual cost or reimbursing the city, as applicable, upon completion of the extension project. If the facility is identified on the city's most recently adopted capital improvements plan for

its impact fees, the applicant may be entitled to an offset or credit in accordance with state law.

- (2) For facilities that are not identified on the city's most recently adopted capital improvements plan for its impact fees, the owners of all intervening property served by such extension shall be required to pay the pro rata charges at such time as their property is connected to the city's water and sewer system in accordance with the approved pro rata agreement.
- (o) Upon approval of the city and execution of an agreement with the city, the property owner or person requesting extension of water and sewer facilities or mains to his or her property may extend the facilities or mains by a competent and reputable contractor.
- (1) The facilities shall be consistent with the city's comprehensive and water and sewer utility infrastructure master plans and comply with city standards and specifications, including the city's technical construction standards and specifications. Subdividers shall also comply with the city's subdivision ordinance.
 - (2) Detailed construction plans for the improvements complying with the city's construction standards and specifications for public works construction shall be drawn by a registered professional engineer and approved by the city administrator prior to any construction.
 - (3) The construction shall be inspected and approved prior to final acceptance by the city administrator.
- (p) The sizes of the facilities proposed to be extended shall be determined by the city in conformance with the city's subdivision regulations, any comprehensive and water and sewer utility infrastructure master plans, and the city's technical construction standards and specifications. At a minimum, all water and sewer lines shall be at least eight (8) inches in diameter and must meet the minimum requirements of the city's technical construction standards and specifications.
- (q) Unless otherwise specified in an agreement between the applicant and the city, the total costs to extend the water and sewer facilities to and across the applicant's property, the costs to construct all on-site and off-site facilities necessary to serve the property, and costs to acquire all off-site easements necessary to provide water and sewer service to the property shall be borne solely by the applicants with the following exceptions:
- (1) The city may elect to participate in the cost to oversize the facilities. In the event the city elects to oversize facilities, prior to the extension of the facilities, the city and the applicant shall execute an agreement that defines the scope and details of the proposed extension, outlines all the regulations to which the applicant is to abide, and requires the delivery to the city [of] clear and unencumbered title to all proposed improvements and easements before the time of acceptance by the city. The reimbursement cost will be determined by the difference in the cost to construct the facility necessary to serve the property and the cost to construct the oversized facility as determined below:
 - (A) If the city constructs the oversized facility, actual low bid prices shall be obtained in accordance with city and state purchasing regulations and shall be

used subject to the city's review for reasonableness. The bids shall be unit price bids for the various items of work involved and shall include prices for both the size of the facility needed to provide service to the property and the approved oversized facility. The city will make refunds, subject to the availability of funds, within thirty (30) days of acceptance of the facility.

- (B) If the person requesting extension of water and sewer facilities or mains to his or her property intends to extend the oversized facilities to his or her property as provided by subsection (c) [(o)] of this section, the person shall take at least three (3) bids on the installation of the facilities necessary to serve his or her property as specified by the city's engineer, and the larger size that will actually be installed. Copies of the bids, tabulations and figures shall be submitted to the city for review by its staff and consultants. Calculations shall delineate the total cost for installation of the oversized facilities with appurtenances, along with the cost for installing the facilities and appurtenances necessary to serve property with the differences noted for the city. If the city determines the oversizing costs are unreasonable or the person fails to submit adequate information, the city may withdraw its approval for the person to construct the facility.
- (2) For facilities not included on the city's capital improvements plan for its impact fees, the city and the original applicant may enter into a city council approved pro rata agreement whereby the city agrees to pay to the original applicant pro rata charges as received from applicants who desire to connect to the facilities, with the total payment not to exceed the amount of the original applicant's cost of off-site improvements, less the applicant's pro rata share. The pro rata share shall be based on the per linear foot cost of the facility installed by the original applicant multiplied by the number of linear feet across the frontage of the property of the applicant requesting to connect to the facility. The maximum period of time for the pro rata reimbursement to the original applicant for the off-site mains shall not exceed ten (10) years. The applicant shall have no claim against the city for any expenses not reimbursed and any pro rata charges not received within ten (10) years, nor any fees received after ten (10) years.
- (3) An applicant is not entitled to pro rata reimbursement for the construction of facilities that are identified on the city's capital improvements plan for its impact fees, but may be entitled to an offset or credit against impact fees owed in accordance with state law.
- (r) Pro rata charges shall be collected at the time of application for water and sewer service.
- (s) In the event that it is determined that additional land is needed for the disposal of wastewater through land application to provide service to the applicant, or that the installation of equipment or appurtenances such as pump stations, elevated or ground storage facilities, lift stations, booster pumps, or similar facilities is necessary in the area between the existing water and sewer utility facilities and the perimeter of the subdivision or property for which the water and sewer service request has been made, the city council shall, taking all circumstances into consideration, determine who shall bear the cost of such necessary land, equipment, and appurtenances, and in what proportion each party shall be liable.

(t) In no event will the city be required to make extensions to or to connect individuals, non-developers, or developers to the water and sewer system if there is no capacity in the water and sewer plant or systems to provide the service. The city may enter into a facilities agreement with an applicant for the expansion of the water and sewer plant and/or systems.

(u) In no event will the city be required to make extensions to or participate in the cost of improvements under the provisions of this section if there are no funds available, or if, at the discretion of the city, the extension or improvement is not practical, or otherwise warranted, or is for an unreasonable consumer use.

(v) All water and sewer utilities are owned and operated by the city. Any extensions of the city's water and sewer facilities made by a qualified service applicant or subdivider, after inspection and acceptance by the city, shall be owned by the city.

(w) Where recorded public utility easements in favor of the city do not exist on the property of an individual, non-developer, or subdivider who is requesting water and sewer service from the city, the individual, non-developer, or subdivider shall grant a permanent recorded public utility easement for poles, wires, conduits, drainage channels, stormwater and sewers, sanitary water and sewers, water lines, gas lines, or other utilities to the city. A state-owned right-of-way does not constitute a public utility easement in favor of the city. If the applicant is required to extend service, the applicant shall obtain all necessary public utility easements in favor of and dedicated to the city for the location of all off-site facilities required to provide service to the applicant. All easements shall comply with the requirements in the city's subdivision regulations. The location of necessary easements that cannot follow roadway frontage shall be approved by the city prior to construction of such water and/or sewer lines. The city must be in receipt of properly executed, dedicated, and recorded easements that are in favor of the city for the applicant to be a qualified service applicant. Failure to grant the required easements shall result in the denial of service.

(x) A separate connection for each house or building on the property requiring water or sewer service shall be required unless the city administrator approves the connection of more than one (1) building located on the single property to a single connection.

(y) Connection to the water and sewer system required. This section [subsections (z) through (bb)] applies only to properties within the city limits of the city and to properties that are not subject to the city's subdivision ordinance. Subdividers shall comply with the city's subdivision ordinance regarding connection to the city's water and sewer system.

(z) If sewer facilities with adequate capacity require less than two hundred (200) feet of sewer facility extension to any portion of a piece of property, then no alternate sources, such as on-site sanitary sewer systems, may be constructed and the property must be connected to the city's sewer system in accordance with this article unless the property is exempted as provided in this subsection. The following properties are exempted from this subsection:

- (1) On-site sanitary sewer systems existing at the time of adoption of this section shall be exempted from the requirements of this subsection, but only if they perform adequately, do not cause a nuisance condition to exist, and meet all current state and local permit and health requirements and standards. This exemption does not apply if the on-site sanitary sewer system fails and cannot be repaired without replacement of the system, the on-site sanitary sewer system no longer complies with minimum state or local standards, or the on-site sanitary sewer system causes a nuisance condition to exist.

- (2) Properties located in a subdivision platted prior to the effective date of this article where the use of on-site sanitary sewer systems was specifically permitted shall be exempt from the requirements of this subsection. This exemption does not apply if the on-site sanitary sewer system fails and cannot be repaired without replacement of the system, the on-site sanitary sewer system no longer complies with minimum state or local standards, or the on-site sanitary sewer system causes a nuisance condition to exist.
- (3) Table 1 identifies who is and who is not required to connect to the city's wastewater system.

TABLE 1. CONNECTION TO THE SEWER SYSTEM

Types of Properties		Connection Required	
		Inside City	Outside City
For properties within 200 feet of the existing systems			
No septic system	The property owner has or intends to construct a building suitable for human occupancy and the project does not trigger the subdivision regulations	Yes	No
	The person's project triggers the city's subdivision ordinance	Yes	Yes
	The property is located in a subdivision platted prior to the effective date of the ordinance and not being replatted where the use of on-site sanitary sewer systems was specifically permitted	No	No
Existing septic system that functions properly and meets current state standards	The property owner has or intends to construct a building suitable for human occupancy and the project does not trigger the subdivision regulations	No	No
	The person's project triggers the city's subdivision ordinance	Yes	Yes
Existing septic system that does not function properly or meet current state standards	The property owner has or intends to construct a building suitable for human occupancy and the project does not trigger the subdivision regulations	Yes	No
	The person's project triggers the city's subdivision ordinance	Yes	Yes
For properties more than 200 feet from the existing system			
No septic system	The property owner has or intends to construct a building suitable for human occupancy and the project does not trigger the subdivision regulations	No	No
	The person's project triggers the city's subdivision ordinance	Yes	Yes
Existing septic system that functions properly and meets current state standards	The property owner has or intends to construct a building suitable for human occupancy and the project does not trigger the subdivision regulations	No	No
	The person's project triggers the city's subdivision ordinance	Yes	Yes
Existing septic system	The property owner has or intends to construct	No	No

that does not function properly or meet current state standards	a building suitable for human occupancy and the project does not trigger the subdivision regulations		
	The person's project triggers the city's subdivision ordinance	Yes	Yes

(aa) Every new building intended for human habitation or occupancy shall be connected to the water system by the owner or agent of the premises in accordance with this article. All existing buildings or structures intended for human habitation or occupancy located on property that is abutting a new or replaced water line installed after the adoption of this article shall be connected to the water system by the owner or agent of the premises in accordance with this article. The city shall notify the property owners whose properties must be connected to the city's water system that the property owner must apply to connect to the city's water system within one hundred eighty (180) days after the date of the notification. Such notice shall also state that, upon failure of the property owner or occupant to connect to the city's water system within one hundred eighty (180) days from the date of the notice, the city will connect the property to the city's water system, and will charge the cost and expense incurred by the city to connect the property to the water system shall be charged to the owner of such property, and that the city may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the city, and may undertake other measures within the city's authority to recover the costs. The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district. Table 2 identifies who is and who is not required to connect to the city's water system.

TABLE 2. CONNECTION TO THE WATER SYSTEM

Type of Property	Connection Required	
	Inside City Limits	Outside City Limits
New building intended for human habitation or occupancy	Yes	No
Existing building located on a water line that existed at the time the ordinance was adopted	No	No
Existing building located on a new or replaced water line that was constructed after the ordinance was adopted	Yes	No
The person's project triggers the city's subdivision ordinance.	Yes	Yes

(bb) Properties required to connect to the city's water system may continue to use existing water wells exclusively for irrigation purposes provided however that the well is permitted through the city's inspection department, has all of the necessary state and local permits or registrations, and there are no cross-connections between the water well and the city's water system.

(Ordinance 2023-1127-01, sec. 10-66, adopted 11/27/2023)

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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 of 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

Article A3.000 Building and Development Related Fees A-9

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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 2024 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.

	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	
TYPE OF PLAN SUBMITTAL		
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; Ordinance adopting 2024 Code)

§ 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	
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	

	Price	Extra Fees
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 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 Protection Inspection - Systems	Additional Details	Fee
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)

§ A3.007 Land development processing fees.

The following is a summary of the city’s land development processing fees. The planning department encourages you to verify the total fees for your project prior to submitting an application by emailing (permitclerk@bartlett-tx.us). All fractions of an acre will be rounded up to the next acre. A per lot calculation includes the total number of lots being created in a subdivision (not just buildable lots, but open space, drainage, etc.).

Application Type	New Application Fee	Tech Fee	Total Amount Due at Time of Submittal
Abandonment	\$150	\$10	\$160
Annexation	\$500	\$10	\$510
Appeal (100% refunded if appeal is granted)	\$500	\$10	\$510
Comprehensive plan amendment	\$350	\$25	\$375
Construction plans			
Construction plans, subdivision (limits of construction)	\$3,099 + \$50 per acre/lot over 1 acre/lot/easement area (whichever is greater)	\$50	\$3,149 + \$50 per acre/lot over 1 acre/lot/easement area (whichever is greater)
Construction plan revision, minor	\$750	\$6	\$756
Construction plan revision, major	\$2,500 + \$50 per acre/lot over 1 acre/lot/easement area (whichever is greater)	\$50	\$2,550 + \$50 per acre/lot over 1 acre/lot/easement area (whichever is greater)
Development agreement			
Development agreement	\$2,250 (includes 5 hrs. of staff meetings) + additional staff time (at hourly rate to be determined) + related legal fees (at rate billed to the city, minimum \$225/hr.)	\$50	\$2,300 (includes 5 hrs. of staff meetings) + additional staff time (at hourly rate to be determined) + related legal fees (at rate billed to the city, minimum \$225/hr.)

Development agreement amendment	\$500 (includes 5 hrs. of staff meetings) + additional staff time (at hourly rate to be determined) + related legal fees (at rate billed to the city, minimum \$225/hr.)	\$50	\$550 (includes 5 hrs. of staff meetings) + additional staff time (at hourly rate to be determined) + related legal fees (at rate billed to the city, minimum \$225/hr.)
Driveway access permit			
Agricultural	\$100	\$6	\$106
Residential	\$100	\$6	\$106
Nonresidential	\$250	\$6	\$256
Letter of regulatory compliance (plat certification and zoning verification)	\$25	\$6	\$33
License to encroach (easement or right-of-way)	\$200	\$10	\$210
Rezoning			
Rezoning	\$500 (1st 5 acres) + \$25 per each additional 5 acres (maximum fee \$1,000)	\$15	\$515 (1st 5 acres) + \$25 per each additional 5 acres (maximum fee \$1,000)
Planned development district rezoning	\$2,500 (1st 5 acres) + \$50 per each additional 5 acres (maximum fee \$7,000)	\$50	\$2,500 (1st 5 acres) + \$50 per each additional 5 acres (maximum fee \$7,000)
PDD amendment	50% of full application fee	\$10	50% of full application fee + \$10
Site development plan			
Site development plan (includes construction plans) (must be submitted together)	\$3,500 + \$50 per acre over 1 acre	\$50	\$3,550 + \$50 per acre over 1 acre
Site development plan amendment	\$1,500	\$6	\$1,506
Site development plan, minor	\$750	\$6	\$756
Site development plan extension	\$750	\$6	\$756
Site development plan reinstatement	\$750	\$10	\$760
Special use permit			
Special use permit	\$750	\$15	\$765
Special use permit extension	\$50	\$6	\$56
Stormwater permit	\$1,000	\$10	\$1,010
Subdivision plats			
Amending plat	\$2,000	\$15	\$2,015
Final plat	\$2,500 + \$25 per acre or lot (whichever is greater)	\$25	\$2,525 + \$25 per acre or lot** (whichever is greater)
Minor plat	\$1,000	\$15	\$1,015
Preliminary plat	\$2,500 + \$20 per acre or lot (whichever is greater)	\$50	\$2,550 + \$20 per acre or lot** (whichever is greater)
Preliminary plat amendment	50% of full application fee	\$10	50% of full application fee
Replat	\$2,000 + \$20 per acre or lot (whichever is greater)	\$50	\$2,000 + \$20 per acre or lot** (whichever is greater)
Subdivision variance (with plat)	\$750	\$6	\$756
Subdivision variance (without plat)	\$750	\$6	\$756
Plat extension	\$750	\$6	\$756
Vacation of recorded plat	\$750	\$6	\$756
Temporary use permit	\$500, \$250 for extension	\$10	\$510, \$260 for extension
Traffic impact analysis	\$250 + engineer review fees at \$150/hr. (charged separately, engineer fee will be higher if city billed at higher rate)	\$15	\$265 + engineer review fees at \$150/hr. (charged separately, engineer fee will be higher if city billed at higher rate)
Code text amendment (out of cycle)	\$350	\$25	\$375
Zoning variance	\$250	\$15	\$275

Other Fees	New Application Fee	Tech Fee	Total Amount Due at Time of Submittal
Resubmission (after 3rd submission)	\$750	–	\$750
Revisions			
Minor revision	\$150	\$6	\$156
Minor revision, board or council action	50% of full application fee	\$10	50% of full application fee + \$10
Major revision	Current application fee	\$50	Current application fee + \$50
Parkland dedication			
One or two dwelling units on a lot or parcel	\$200 per unit	–	\$200 per unit
Three or more dwelling units on a lot or parcel	\$100 per unit	–	\$100 per unit
Development			
Utility feasibility study	\$1,500	–	\$1,500
Service availability fee	Water - \$1,100 per unit/lot Wastewater - \$900 per unit/lot	–	Water - \$1,100 per unit/lot Wastewater - \$900 per unit/lot
Re-notices: All application fees include the initial public notice fee, up to 50 mailed notices. For projects with over 50 mailed notices, an additional fee of \$1.00 per letter shall be charged for each mailing. Any necessary subsequent public notifications will be charged to the applicant prior to each additional notice at the rate of \$75 per type of notice.			

(Ordinance 2023-1127-01, attach. B, adopted 11/27/2023)

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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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 2024 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		2024 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 2024 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

2024 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 2024 Code

Rpld. by Ordinance adopting 2024 Code

Rpld. by Ordinance adopting 2024 Code

Rpld. by Ordinance adopting 2024 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

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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-

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Sec. 9.602	Water closets
Sec. 9.603	Wastewater
Sec. 9.604	Application for connection
Sec. 9.605	Superintendent of city utilities
Sec. 9.606	Offenses
Sec. 9.607	Penalty
Sec. 9.700	City water connection requirement
Sec. 9.701	General
Sec. 9.702	Tapping charges
Sec. 9.800	Vacant lots
Sec. 9.801	General offenses
Sec. 9.802	Notice and publication
Sec. 9.803	Action after notice
Sec. 9.804	Expense
Sec. 9.805	Penalty
Sec. 9.900	Weeds, trash, rubbish and stagnant standing water
Sec. 9.901	Fire hazard determination
Sec. 9.902	Notice
Sec. 9.903	Expense
Sec. 9.904	Lien on property
Sec. 9.905	Penalty

CHAPTER 10 HOUSING

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Sec. 10.102	General
Sec. 10.103	Definitions
Sec. 10.104	Exceptions
Sec. 10.105	Prohibited acts
Sec. 10.106	Administrator's duties and enforcement
Sec. 10.107	Penalties
Sec. 10.108	Severability
Sec. 10.201	Minimum housing code
Sec. 10.202	General
Sec. 10.203	Building inspector and notice
Sec. 10.204	Housing appeals
Sec. 10.205	Housing standards

CHAPTER 11 LIBRARY

Sec. 11.101	Library department
	(a)
	(b)-(d)

CHAPTER 12 MOBILE HOMES

Sec. 12.101	Permit to move mobile homes into city
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2A
Superseded by Ord. 2019-09-19-2A
Superseded by Ord. 2019-09-19-2A
Superseded by Ord. 2019-09-19-2A
Superseded by Ord. 2019-09-19-2A
§ 12.01.029
Superseded by Ord. 2019-09-19-2A
Superseded by Ord. 2019-09-19-2A
Superseded by Ord. 2019-09-19-2A
Superseded by Ord. 2013-03
Superseded by Ord. 2013-03
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Superseded by Ord. 2013-03
Rpld. by Ordinance adopting 2024 Code
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Rpld. by Ordinance adopting 2024 Code
NIC
Superseded by Ord. 2010-02
Superseded by Ord. 2010-02
Superseded by Ord. 2010-02
Superseded by Ord. 2010-02
§ 10.02.001
§ 10.02.002
Rpld. by Ord. 2012-02

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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
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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

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Rpld. by Ord. 2012-02
Rpld. by Ord. 2012-02
Rpld. by Ord. 2012-02

CHAPTER 13 OCCUPATIONAL LICENSES

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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

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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)
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CHAPTER 15 PARKS AND RECREATION [reserved]**CHAPTER 16 PERSONNEL**

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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

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Sec. 16.107	Current service annuity reserve
Sec. 16.108	City contributions
Sec. 16.109	City obligation
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Sec. 16.111	Members of fund
Sec. 16.112	Monthly contribution
Sec. 16.113	Death benefits

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Sec. 17.201	Flood plain
Sec. 17.202	General
Sec. 17.203	Definitions
Sec. 17.204	General provisions
Sec. 17.205	Administration
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Sec. 17.300	Subdivision regulations [reserved]
Sec. 17.400	Environmental regulations [reserved]

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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

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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)

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Sec. 20.104 Penalty
 Sec. 20.105 Severability

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 Sec. 21.102 Definitions NIC
 Sec. 21.103 Fences NIC
 Sec. 21.201 Use regulations: "R-1" district NIC
 Sec. 21.202 Area regulations: "R-1" one family district NIC
 Sec. 21.301 Use regulations: "R-2" duplex and apartment district NIC
 Sec. 21.302 Area regulations: "R-2" duplex and apartment district NIC
 Sec. 21.401 Use regulations and area regulations of "R-3" house trailer district NIC
 Sec. 21.501 Use and area regulations in "R-4" small house district NIC
 Sec. 21.601 "B-1" retail business district NIC
 Sec. 21.701 "B-2" general business district NIC
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 Sec. 21.901 Non-conforming buildings and uses NIC
 Sec. 21.902 Non-conforming use of land NIC
 Sec. 21.903 Abandonment NIC
 Sec. 21.904 A non-conforming use shall be extended to displace a conforming use. NIC
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 Sec. 21.1002 Special exceptions NIC
 Sec. 21.1003 Notice NIC
 Sec. 21.1004 The hearing NIC
 Sec. 21.1005 Special exceptions NIC
 Sec. 21.1006 Variance NIC
 Sec. 21.1007 Appeal from city council NIC
 Sec. 21.1101 Enforcement and administration NIC
 Sec. 21.1102 Building permit required NIC
 Sec. 21.1103 Powers and duties of the city secretary NIC
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 Sec. 21.1105 Permits issued by city secretary NIC

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§ 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	2024 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 2024 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	2024 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	2024 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	2024 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	2024 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	2024 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 2024 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	2024 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	Ch. 21	NIC
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

Ord. No.	Date	Description	1989 Disposition	2024 Disposition
		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	
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

Ord. No.	Date	Description	1989 Disposition	2024 Disposition
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	
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(l)	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 2024 Code
80-1	4/19/1982	Weeds and grass: nuisance	Superseded by Ord. 85-4	

Ord. No.	Date	Description	1989 Disposition	2024 Disposition
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	Sec. 9.211	§ 6.04.001(a)
		Penalty	Sec. 9.212	§ 6.04.001(b)
85-3	12/18/1985	Fees: Water and wastewater		
		Service availability fee	Sec. 20.101	§§ 12.01.028(a), A3.003(a)
		Definition of living unit	Sec. 20.102	§ A3.003(b)
		Capital recovery fee	Sec. 20.103	§ 12.01.028(b)
		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 2024 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	Zoning; adds sec. 21.602; B-1 retail business district-- downtown area zoning district	NIC	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
	--/2006	Zoning ordinance	NIC	CA
2007-006	8/20/2007	Animal control	Superseded by Ord. 2015-004	CA
2008-03	8/25/2008	Utility service policies	Superseded by Ord. 2010-03	CA
2009-08	--/2009	Noise		
		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	--/2009	City administrator	Superseded by Ord. 2011-08	CA
Minutes	1/11/2010	City cemetery lot prices	§§ 10.03.007, A1.005	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

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 11 Assessment of expenses and penalties	§ 4.04.010	CA
		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 2024 Code	CA
		Sec. V Disconnection of service	Rpld. by Ordinance adopting 2024 Code	CA
		Sec. VI Disputes of billing	Rpld. by Ordinance adopting 2024 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 zoning secs. 21.102 and 21.201; allows for additional uses in R-1 zoning districts	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
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
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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
		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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
		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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
		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

Ord. No.	Date	Description	Disposition	Supp. No.
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
		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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
		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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
		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

Ord. No.	Date	Description	Disposition	Supp. No.
		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
		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	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
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
2023-0828-06	8/28/2023	Adopts budget	NIC	CA
2023-1127-01	11/27/2023	Subdivision regulations Chapter 10 Subdivision Code Art. I General provisions Sec. 10-01 Bartlett Subdivision Code	§ 9.03.001	CA
		Sec. 10-02 Purpose statement	§ 9.03.002	CA
		Sec. 10-03 Authority and jurisdiction	§ 9.03.003	CA
		Sec. 10-04 Definitions	§ 9.03.004	CA
		Sec. 10-05 Platting required	§ 9.03.005	CA
		Sec. 10-06 Authority of decision makers	§ 9.03.006	CA
		Sec. 10-07 Filing fees	§ 9.03.007	CA
		Sec. 10-08 Enforcement	§ 9.03.008	CA
		Sec. 10-09 to 10-19 Reserved		
		Art. II Platting process - General provisions		
		Sec. 10-20 Stages of subdivision approval	§ 9.03.031	CA
		Sec. 10-21 Application procedures	§ 9.03.032	CA
		Sec. 10-22 to 10-29 Reserved		CA
		Art. III. Platting procedures		
		Sec. 10-30 Platting procedures; adequate facilities plan	§ 9.03.061	CA
		Sec. 10-31 Platting procedures; preliminary plat	§ 9.03.062	CA
		Sec. 10-32 Platting procedures; construction plans	§ 9.03.063	CA
		Sec. 10-33 Platting procedures; final plat	§ 9.03.064	CA
		Sec. 10-34 Development plat	§ 9.03.065	CA
		Sec. 10-35 Platting procedures; minor subdivisions	§ 9.03.066	CA
		Sec. 10-36 Platting procedures; re-subdivision	§ 9.03.067	CA
		Sec. 10-37 Platting procedures; amending plat	§ 9.03.068	CA
		Sec. 10-38 Relief procedures; waivers	§ 9.03.069	CA
		Sec. 10-39 Rough proportionality determination; appeal	§ 9.03.070	CA
		Sec. 10-40 Relief procedures; vested rights determination; appeal	§ 9.03.071	CA

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 10-41 Construction management of public infrastructure	§ 9.03.072	CA
		Sec. 10-42 to 10-49 Reserved		
		Art. IV. Subdivision improvements and design standards		
		Sec. 10-50 Public infrastructure standards	§ 9.03.101	CA
		Sec. 10-51 Water improvements	§ 9.03.102	CA
		Sec. 10-52 Wastewater improvements	§ 9.03.103	CA
		Sec. 10-53 Thoroughfare and street improvements	§ 9.03.104	CA
		Sec. 10-54 Stormwater management	§ 9.03.105	CA
		Sec. 10-55 Parks and open space standards; preservation of natural features	§ 9.03.106	CA
		Sec. 10-56 Subdivision design standards	§ 9.03.107	CA
		Sec. 10-57 Alleys	§ 9.03.108	CA
		Sec. 10-58 Streetlights	§ 9.03.109	CA
		Sec. 10-59 Street names and traffic control signs/devices	§ 9.03.110	CA
		Sec. 10-60 Addressing	§ 9.03.111	CA
		Sec. 10-61 Easements	§ 9.03.112	CA
		Sec. 10-62 Utility placement	§ 9.03.113	CA
		Sec. 10-63 Large tracts and developments	§ 9.03.114	CA
		Sec. 10-64 ETJ subdivisions; rural subdivision standards	§ 9.03.115	CA
		Sec. 10-65 Homeowners' associations (HOAs)	§ 9.03.116	CA
		Sec. 10-66 Water and wastewater extension of services	§ 9.03.117	CA
		Sec. 10-67 to 10-99 Reserved		
		Attachment A. [Penalty provisions]	NIC	CA
		Attachment B. Application fee schedule	§ A3.007	CA
2023-1127-02	11/27/2023	TMRS	NIC	CA
20231211-01	12/11/2023	Closure of various rights-of-way	NIC	CA
20240108-01	1/8/2024	Amends zoning; sec. 9.02.042(E)(3)(i); planned development district minimum acreage	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 9 PLANNING AND DEVELOPMENT REGULATIONS

8. Article 9.02, Zoning Ordinance. The city has advised that the zoning ordinance adopted in 2006 is in effect and replaces the zoning provisions in chapter 21 of the existing code. The zoning ordinance will not be included in the initial publication of the code. A section will be included adopting the ordinance by reference and saving it from repeal.

The following zoning amendments were adopted after 2006. These ordinances amend the prior regulations, not the 2006 ordinance, and therefore are not included in the code.

Ordinance 2012-07 adopted 9/26/2012

Ordinance 20230626-02 adopted 6/26/2023

Ordinance 20240108-01 adopted 1/8/2024

CHAPTER 12 UTILITIES

9. § 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.”

10. § 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 (~~i.e.~~)(e.g.) November 15, 2011.”

11. § 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.

12. §§ 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

13. § 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).
14. 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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$750,000 “CITY OF BARTLETT, TEXAS TAX NOTES, SERIES 2024”; AND ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE OF SAID NOTES

WHEREAS, the City Council of the City of Bartlett, Texas (the “City Council”) has determined that tax notes should be issued in accordance with the laws of the State of Texas, including Chapter 1431.004(a)(1), Texas Government Code, as amended, for the purpose of: (1) paying operating or current expenses; and (2) paying costs of issuance of the Notes (as hereinafter defined); and

WHEREAS, Chapter 1431, Texas Government Code (the “Act”), authorizes municipalities to issue anticipation notes the proceeds of which may be used to (1) pay a contractual obligation incurred or to be incurred for the construction of any public work; (2) pay a contractual obligation incurred or to be incurred for the purchase of materials, supplies, equipment, machinery, buildings, land, and rights-of-way for an issuer’s authorized needs; (3) pay a contractual obligation incurred or to be incurred for professional services, including services provided by tax appraisal engineers, engineers, architects, attorneys, mapmakers, auditors, financial advisors, and fiscal agents; (4) pay operating expenses or current expenses; or (5) fund the issuer’s cumulative cash flow deficit; and

WHEREAS, on the 11th day of March, 2024, the City Council of the City of Bartlett, Texas (the “City” or “Issuer”), convened at 7:00 p.m. and considered passage of an ordinance authorizing the issuance of said tax notes (the “Ordinance”); and

WHEREAS, the City has determined that the anticipation notes should be sold for cash in accordance with the provisions of Chapter 1431.010, Texas Government Code; and

WHEREAS, this City hereby finds and determines that anticipation notes in the par amount of \$750,000 should be issued at this time; and

WHEREAS, the City desires to issue notes under the Act the proceeds of which are to be used for the purposes described below.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARTLETT, TEXAS THAT:

Section 1. DEFINITIONS. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

“City” or “Issuer” means City of Bartlett, Texas.

“City Council” means the City Council of the City.

“Code” means the Internal Revenue Code of 1986, as amended, including the regulations and published rulings thereunder.

“Designated Payment/Transfer Office” means the office of the Paying Agent which is designated for the presentment of the Notes.

“Initial Date of Delivery” shall mean the date of physical delivery of the Initial Note in exchange for the payment of the agreed purchase price for the Notes.

“Initial Note” means the initial note described in Sections 4 and 6 of this Ordinance.

“Initial Purchaser” means Simmons Bank.

“Interest and Sinking Fund” means the interest and sinking fund established by Section 7 of this Ordinance.

“Interest Payment Date” means the date or dates upon which interest on each Note is scheduled to be paid until their respective dates of maturity or prior redemption, such dates being March 1 and September 1 of each year, commencing March 1, 2025.

“Note” or “Notes” means the Notes authorized to be issued by Section 2 of this Ordinance and designated as “City of Bartlett, Texas Tax Notes, Series 2024” in the aggregate principal amount of \$750,000, and includes all substitute Notes exchanged therefor, as well as all other substitute Notes and replacement Notes issued pursuant to this Ordinance.

“Paying Agent/Registrar” means initially Simmons Bank, _____, _____, or any successor thereto as provided in this Ordinance.

“Project” means (1) payment of operating or current expenses; and (2) paying costs of issuance of the Notes.

“Project Fund” means the Project Fund established by Section 8 of this Ordinance.

“Purchase and Investment Letter” means the agreement between the Initial Purchaser and the City prescribing the terms and conditions under which the Notes are sold to the Initial Purchaser.

“Record Date” means the close of business on the fifteenth calendar day of the month preceding the month in which an Interest Payment Date occurs.

“Register” means the register specified in Section 5 of this Ordinance.

“Registered Owner” or “Owner” means the person who is the registered owner of a Note or Notes, as shown in the Register.

Section 2. AUTHORIZATION, AMOUNT AND PURPOSE OF NOTES. The Issuer's tax notes (the "Notes") are hereby authorized to be issued in the aggregate principal amount of \$750,000 for the purpose of paying contractual obligations incurred for (1) payment of operating or current expenses; and (2) paying costs of issuance of the Notes.

Section 3. DESIGNATION. The Notes shall be designated as the "City of Bartlett, Texas Tax Notes, Series 2024."

Section 4. GENERAL TERMS AND PROVISIONS OF NOTES.

(a) Dates, Denominations, Maturities and Interest Rates. There shall be issued, sold, and delivered registered Notes, without interest coupons, dated as of _____, 2024 (which date shall be the Dated Date noted on the Notes), in the respective denominations and principal amounts hereinafter stated, numbered separately from R-1 upward, payable to the respective Registered Owners thereof, except the Initial Note which shall be numbered I-1 and registered in the name of the Initial Purchaser (as designated in Section 18 hereof), or to the registered assignee or assignees of said Notes or any portion or portions thereof (in each case, the "Registered Owner").

The Notes shall mature on March 1, 2031, in the principal amount of \$750,000, and shall bear interest from the Initial Date of Delivery to the Initial Purchaser at a fixed rate of _____% per annum. The amount of interest to be paid on the Notes shall be computed on the basis of a 360-day year of twelve 30-day months and such interest shall be payable on March 1 and September 1 of each year commencing March 1, 2025.

(b) Optional Redemption. The Notes are subject to redemption prior to maturity, at the option of the City, in whole only, on March 1, 2027, or on any date thereafter, at the redemption price of par plus accrued interest to the date of redemption, and upon thirty (30) days (unless a shorter notification period shall be satisfactory to the Registered Owner of the Notes) prior written notice being sent by United States mail, first class postage prepaid, to the Registered Owner of the Notes to be redeemed.

(c) Mandatory Redemption. The Notes are subject to mandatory redemption prior to maturity at the price of par and accrued interest and shall be redeemed, in part, on the dates and in the principal amounts set forth below (the "Term Note"):

\$ _____,000 Term Note due March 1, 2031

<u>Payment Date</u>	<u>Principal Amount</u>
March 1, 2027	\$
March 1, 2028	\$
March 1, 2029	\$
March 1, 2030	\$
March 1, 2031	\$ (Maturity)

(d) Unclaimed Amounts.

Any money deposited with the Paying Agent/Registrar for the payment of the principal of, premium, if any, or interest on any Note will be subject to the unclaimed property laws of the State of Texas. If any security or interest check shall not be presented for payment within three (3) years following the stated maturity, the amount shall be reported and disposed of by the Paying Agent/Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended. Once the Paying Agent/Registrar has complied with the applicable unclaimed property law, the Holder of such Security shall thereafter look only to the procedures in the unclaimed property law for payment thereof, and all liability of the Paying Agent/Registrar with respect to such money shall thereupon cease.

Section 5. CHARACTERISTICS OF THE NOTES.

(a) Registration, Transfer, Conversion, and Exchange; Authentication. The Issuer shall keep or cause to be kept at the Designated Payment/Transfer Office of Simmons Bank (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion, and exchange of the Notes (the "Register"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions, and exchanges under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions, and exchanges as herein provided. Attached hereto as Exhibit A is a copy of the Paying Agent/Registrar Agreement between the Issuer and the Paying Agent/Registrar which is hereby approved in substantially final form, and the Mayor and City Secretary of the Issuer are hereby authorized to execute the Paying Agent/Registrar Agreement and approve any changes in the final form thereof.

(b) Payment of Notes and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Notes, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Notes.

(c) In General. The Notes (i) shall be issued in the principal amount of \$5,000 or any integral multiple thereof, (ii) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Notes to be payable only to the Registered Owners thereof, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Notes, (v) shall have the characteristics, (vi) shall be signed, sealed, executed, and authenticated, (vii) shall be payable as to the principal and interest, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Notes, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Notes initially issued and delivered pursuant to this Ordinance (on which is printed or to which Notes is attached the Registration Certificate of the Comptroller of Public Accounts) are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in conversion of and exchange for any Note or Notes issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The Issuer covenants with the Registered Owners of the Notes that at all times while the Notes are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Notes under this Ordinance, and that the Paying Agent/Registrar will be one entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or Interest Payment Date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Register (or a copy thereof), along with all other pertinent books and records relating to the Notes, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Notes, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying/Agent Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

Section 6. FORMS.

(a) Forms Generally. The Notes, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Authentication Certificate of Paying Agent/Registrar, and the Assignment form to appear on each of the Notes, (i) shall be substantially in the form set forth in this Section, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the Issuer or by the officers executing such Notes, as evidenced by their execution thereof.

(b) Placement of Text. Any portion of the text of any Notes may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Notes.

(c) Definitive Notes. The Notes shall be typed, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Notes, as evidenced by their execution thereof.

(d) Initial Note. The Initial Note submitted to the Attorney General of the State of Texas may be typewritten and photocopied or otherwise reproduced. The Initial Purchaser may elect to hold the Initial Note in lieu of delivery of the definitive Notes.

(e) Form of the Notes. The form of the Notes, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Authentication Certificate of Paying Agent/Registrar and the form of Assignment appearing on the Notes, shall be substantially as follows, with such additions, deletions and variations as may be necessary or desirable and not prohibited by this Ordinance.

FORM OF NOTE

United States of America
State of Texas

NUMBER
R-_____
REGISTERED

DENOMINATION
\$____,000
REGISTERED

CITY OF BARTLETT, TEXAS
TAX NOTE
SERIES 2024

MATURITY DATE:

DATED DATE:

INTEREST RATE:

March 1, 20____, 2024 _____%

Initial Date of Delivery: _____

REGISTERED OWNER: SIMMONS BANK

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF BARTLETT, TEXAS (the "City"), a political subdivision of the State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner, specified above, or registered assigns thereof (the "Registered Owner"), on the Maturity Date, specified above, upon presentation and surrender of this Note at the Designated Payment/Transfer Office of Simmons Bank or its successor (the "Paying Agent/Registrar"), the Principal Amount, specified above, in lawful money of the United States of America, and to pay interest on the unpaid Principal Amount hereof at the per annum rate of interest specified above, calculated on the basis of a 360-day year of twelve 30-day months, from the Initial Date of Delivery to the Initial Purchaser or the most recent date to which interest has been paid or duly provided for. Interest on this Note is payable by check on March 1, 2025, and on each March 1 and September 1 thereafter, mailed to the Registered Owner of record as shown on the Register kept by the Paying Agent/Registrar, as of the date which is the fifteenth calendar day of the month next preceding the Interest Payment Date (the "Record Date"), or in such other manner as may be acceptable to the Registered Owner and the Paying Agent/Registrar.

THIS NOTE is one of a series of notes (the "Notes") dated as of _____, 2024, of like designation, date, and tenor, except as to number, interest rate, denomination, and maturity issued pursuant to the ordinance adopted by the City Council of the City on March 11, 2024 (the "Ordinance"), in the original aggregate principal amount of \$_____,000 for the purpose of paying contractual obligations incurred for (1) payment of operating or current expenses; and (2) paying costs of issuance of the Notes, by virtue of the laws of the State of Texas, including particularly Chapter 1431, Texas Government Code, as amended.

THE NOTES are issued pursuant to the Ordinance whereunder the City Council of the City has levied a continuing, direct, annual ad valorem tax on all taxable property within the City, within the limits prescribed by law, for each year while any part of the Notes are considered outstanding under the provisions of the Ordinance, in sufficient amount to pay interest on each Note as it becomes due, to provide a sinking fund for the payment of the principal of the Notes when due, and to pay the expenses of assessing and collecting such tax. Reference is hereby made to the Ordinance for provisions with respect to the custody and application of the City's funds, remedies in the event of a default hereunder or thereunder, and the other rights of the Registered Owner. By acceptance of this Note, the Registered Owner consents to all of the provisions of the Ordinance, a certified copy of which is on file in the office of the City Secretary.

THIS NOTE IS SUBJECT TO REDEMPTION PRIOR TO MATURITY, at the option of the City, in whole only, on March 1, 2027, or on any date thereafter, at the redemption price of par plus accrued interest to the date of redemption, and upon thirty (30) days prior written notice (unless a shorter notification period shall be satisfactory to the Registered Owner of the Notes) being sent by United States mail, first class postage prepaid, to the Registered Owner of the Notes to be redeemed.

THE NOTES are subject to mandatory redemption prior to maturity at the price of par and accrued interest and shall be redeemed, in part, on the dates and in the principal amounts set forth below (the "Term Note"):

\$_____,000 Term Note due March 1, 2031

<u>Payment Date</u>	<u>Principal Amount</u>
March 1, 2027	\$
March 1, 2028	\$
March 1, 2029	\$
March 1, 2030	\$
March 1, 2031	\$ (Maturity)

THIS NOTE IS TRANSFERABLE OR EXCHANGEABLE only upon presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar. If this Note is being transferred, it shall be duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner, or his authorized representative, subject to the terms and conditions of the Ordinance. If this Note is being exchanged, it shall be in the principal amount of \$5,000 or any integral multiple thereof, subject to the terms and conditions of the Ordinance. The Registered Owner of this Note shall be deemed and treated by the City and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Note to the extent of such payment, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

ANY INTEREST DUE at maturity of this Note shall be paid to the Registered Owner upon presentation and surrender of this Note for payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Note that on or before each principal payment date and Interest Payment Date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Notes, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, a Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located

are authorized by law or executive order to close, or the United States Postal Service is not open for business, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close, or the United States Postal Service is not open for business; and payment on such date shall have the same force and effect as if made on the original date payment was due.

ALL NOTES OF THIS SERIES are issuable solely as fully registered Notes, without interest coupons, in the denomination of \$100,000 or any integral multiple of \$5,000 in excess thereof. As provided in the Ordinance, this Note, or any unredeemed portion hereof, may, at the request of the Registered Owner, or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered Notes, without interest coupons, payable to the appropriate Registered Owner, assignee, or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee, or assignees, as the case may be, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Note or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note or any portion or portions hereof from time to time by the Registered Owner. The person requesting such transfer and exchange shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring and exchanging any Note or portion thereof. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the person requesting such assignment, transfer, or exchange, as a condition precedent to the exercise of such privilege. The foregoing notwithstanding, in the case of the exchange of a portion of a Note which has been redeemed prior to maturity, as provided herein, and in the case of the exchange of an assigned and transferred Note or Notes or any portion or portions thereof, such fees and charges of the Paying Agent/Registrar will be paid by the City.

IN THE EVENT OF A NON-PAYMENT OF INTEREST on a scheduled payment date and for 30 days thereafter, a new Record Date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of the

Registered Owner appearing on the Register of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

IN THE EVENT any Paying Agent/Registrar for the Notes is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners.

IT IS HEREBY CERTIFIED, COVENANTED, AND REPRESENTED that all acts, conditions, and things necessary to be done precedent to the issuance of the Notes in order to render the same legal, valid, and binding obligations of the City have happened and have been accomplished and performed in regular and due time, form, and manner, as required by law; that provision has been made for the payment of the principal of and interest on the Notes by the levy of a continuing, direct, annual ad valorem tax upon all taxable property within the City, within the limits prescribed by law; and that issuance of the Notes does not exceed any constitutional or statutory limitation.

BY BECOMING the Registered Owner of this Note, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, and agrees that the terms and provisions of this Note and the Ordinance constitute a contract between each Registered Owner and the City.

IN WITNESS WHEREOF this Note has been signed with the manual or facsimile signature of the Mayor of the City, countersigned with the manual or facsimile signature of the City Secretary, and the official seal of the City has been duly impressed, or placed in facsimile on this Note.

CITY OF BARTLETT, TEXAS

COUNTERSIGNED:

City Secretary
City of Bartlett, Texas

Mayor
City of Bartlett, Texas

[CITY SEAL]

FORM OF REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS*

*Print on or attach to Initial Note only

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____
STATE OF TEXAS:

I HEREBY CERTIFY THAT there is on file and of record in my office an opinion to the effect that the Attorney General of the State of Texas has examined and finds that this Note has been issued in conformity with the laws of the State of Texas and is a valid and binding obligation of the City of Bartlett, Texas, and further that this Note has been registered this day by me.

WITNESS my signature and seal of office this _____.

[COMPTROLLER'S SEAL]

Comptroller of Public Accounts of
the State of Texas

FORM OF AUTHENTICATION CERTIFICATE**

**Print on Definitive Notes only, unless Comptroller's Registration Certificate is signed electronically or by facsimile, in which case the Authentication Certificate shall be added to the Initial Note following the Comptroller's Registration Certificate.

AUTHENTICATION CERTIFICATE

This Note is one of the Notes described in and delivered pursuant to the within-mentioned Ordinance, and this Note has been issued in conversion of and exchanged for, or replacement of, a Note, Notes, or a portion of a Note or Notes, which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

SIMMONS BANK

_____, _____

Registration Date: _____

By: _____
Authorized Signature

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto _____

_____/_____/_____
(Please print or typewrite name and address, including zip code, of Transferee) (Please insert Social Security or Taxpayer Identification Number)

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints attorney, to register the transfer of the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution as defined by SEC Rule 17Ad-15 (17 CFR 240-17Ad-15).

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

(f) Form of Initial Note. The Initial Note shall be in the form set forth in subsection (e) of this Section, except the following shall replace the heading and the first paragraph:

NO. I-1 \$____,000

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF BARTLETT, TEXAS
TAX NOTE
SERIES 2024

Dated Date: _____, 2024

Initial Date of Delivery: _____

Registered Owner: SIMMONS BANK

Principal Amount: _____ DOLLARS

THE CITY OF BARTLETT, TEXAS (the "City"), a political subdivision of the State of Texas, promises to pay to the Registered Owner, specified above, or registered assigns (the "Registered Owner"), the Principal Amount hereinabove stated on March 1, 2031 (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid Principal Amount hereof from the Initial Date of Delivery or the most recent date to which interest has been paid or duly provided for at the per annum rate of interest of __%, computed on the basis of a 360-day year of twelve 30-day months, upon presentation and surrender of this Note to Simmons Bank, or its successor (the "Paying Agent/Registrar"), at its Designated Payment/Transfer Office in _____, _____. Interest on this Note is payable by check on March 1, 2025, and on each March 1 and September 1 thereafter, mailed to the Registered Owner of record as shown on the Register kept by the Paying Agent/Registrar, as of the date which is the fifteenth calendar day of the month

next preceding the Interest Payment Date (the “Record Date”), or in such other manner as may be acceptable to the Registered Owner and the Paying Agent/Registrar.

Section 7. INTEREST AND SINKING FUND. The “City of Bartlett, Texas Tax Notes, Series 2024 Interest and Sinking Fund” (the “Interest and Sinking Fund”), is hereby authorized and shall be established and maintained in a depository bank of the Issuer, so long as the Notes, or interest thereon, are outstanding and unpaid for the purpose described in Section 9.

Section 8. PROJECT FUND.

(a) Establishment of Project Fund. A special fund or account, to be designated the “City of Bartlett, Texas Tax Notes, Series 2024 Project Fund” (the “Project Fund”) is hereby created and shall be established and maintained by the Issuer at the official Issuer depository. The Project Fund shall be kept separate and apart from all other funds and accounts of the Issuer. The proceeds from the sale of the Notes shall be deposited in the Project Fund and payments from the Project Fund shall be made as provided below.

(b) Payments from Project Fund. Payments from the Project Fund shall be made solely for the purpose of paying contractual obligations incurred for the Project.

(c) Surplus Project Funds. Any moneys remaining in the Project Fund after completion of the entirety of the contractual obligations authorized hereby shall be deposited into the Interest and Sinking Fund.

Section 9. SECURITY FOR THE NOTE. During each year while the Notes are outstanding and unpaid, the City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Notes as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Notes as such principal matures (but never less than 2% of the original principal amount of the Notes as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Notes are outstanding and unpaid; and said tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Notes, as such interest comes due and such principal matures, are hereby pledged to such payment, within the limits prescribed by law.

Section 10. EFFECT OF PLEDGE. Chapter 1208, Government Code, applies to the issuance of the Notes and the pledge of taxes granted by the City under Section 9 of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Notes are outstanding and unpaid such that the pledge of taxes granted by the City under Section 9 of this Ordinance is to be subject to the filing

requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Registered Owner of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code, and enable a filing to perfect the security interest in said pledge to occur.

Section 11. SECURITY FOR FUNDS. All Funds created by this Ordinance shall be secured in the manner and to the fullest extent permitted or required by law for the security of public funds, and such Funds shall be used only for the purposes and in the manner permitted or required by this Ordinance.

Section 12. DEFEASANCE OF NOTES.

(a) Any Note and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section 12, when payment of the principal of such Note, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Government Obligations (hereinafter defined) which mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Notes shall have become due and payable. At such time as a Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Government Obligations.

(b) Any money so deposited with the Paying Agent/Registrar may at the written direction of the Issuer also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from such Government Obligations received by the Paying Agent/Registrar which is not required for the payment of the Notes and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer.

(c) The term "Government Obligations" as used in this Section 12, shall mean (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the

issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; or (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the issuer adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

(d) Until all Defeased Notes shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Notes the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

Section 13. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTES.

(a) Replacement Notes. In the event any outstanding Note is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Note of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Notes. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Notes shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Note, the Registered Owner applying for a replacement Note shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Note, the Registered Owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section 13, in the event any such Note shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on this Note, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Note) instead of issuing a replacement Note, provided security or indemnity is furnished as above provided in this Section 13.

(d) Charge for Issuing Replacement Notes. Prior to the issuance of any replacement Note, the Paying Agent/Registrar shall charge the Registered Owner of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section 13 by virtue of the fact

that any Note is lost, stolen, or destroyed shall constitute an obligation of the Issuer whether or not the lost, stolen, or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Notes duly issued under this Ordinance.

(e) Authority for Issuing Replacement Notes. In accordance with Chapter 1431, Texas Government Code, this Section 13 of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the Issuer or any other body or person, and the duty of the replacement of such Notes is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Notes in the form and manner and with the effect, as provided in Section 5(a) of this Ordinance for Notes issued in conversion and exchange of other Notes.

Section 14. CUSTODY, APPROVAL, AND REGISTRATION OF NOTES; BOND COUNSEL OPINION. The Mayor is hereby authorized to have control of the Notes initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Notes, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The legal opinion of the Issuer's Bond Counsel may, at the option of the Issuer, be printed on or attached to the Notes issued and delivered under this Ordinance, but none of such opinion, statement, or number shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Notes.

Section 15. REMEDIES IN EVENT OF DEFAULT. In addition to all of the rights and remedies provided by the laws of the State of Texas, the Issuer covenants and agrees that in the event of default in payment of principal of or interest on any of the Notes when due, or, in the event it fails to make the payments required to be made into the Interest and Sinking Fund or defaults in the observance of performance of any other of the contracts, covenants, conditions, or obligations set forth in this Ordinance or in the Notes, the following remedies shall be available:

(a) the Registered Owners shall be entitled to a writ of mandamus issued by a court of competent jurisdiction compelling and requiring the Issuer and the officials thereof to observe and perform the contracts, covenants, obligations, or conditions prescribed in this Ordinance; and

(b) any delay or omission to exercise any right or power accruing upon any default shall not impair any such right or power nor be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 16. FEDERAL TAX COVENANTS.

(a) The Issuer hereby represents that the proceeds of the Notes are needed at this time for the purposes specified in Section 2 hereof; that based on current facts, estimates and circumstances, it is reasonably expected that final disbursement of the proceeds of the Notes will occur within three years after the closing date, that substantial binding obligations to commence such acquisitions will be incurred within six months of the closing date and that the accomplishment of the projects for which the Notes are hereby issued will proceed with due diligence to completion; that it is not reasonably expected that the proceeds of the Notes or money deposited in the Interest and Sinking Fund will be used or invested in a manner that would cause the Notes to be or become "arbitrage bonds," within the meaning of Section 148 of the Code; and that, except for the Interest and Sinking Fund, no other funds or accounts have been established or pledged to the payment of the Notes.

(b) The Issuer will not take any action or fail to take any action with respect to the investment of the proceeds of the Notes or any other funds of the Issuer, including amounts received from the investment of any of the foregoing, which act or omission based upon the facts, estimates, and circumstances known on the closing date, would result in constituting the Notes "arbitrage bonds," within the meaning of Section 148 of the Code, and the Issuer will not take any deliberate action motivated by arbitrage that would have such result.

(c) The Issuer will comply with the provisions of Section 148(f) of the Code (relating to paying certain excess earnings of investment proceeds of the Notes to the United States) and the regulations promulgated thereunder.

(d) The Issuer will not take any action or fail to take any action which act or omission would result in the interest on the Notes being includable in gross income for federal tax purposes.

(e) The Issuer will not take any action or fail to take any action which act or omission would result in the Notes being treated as "private activity bonds" within the meaning of Section 141(a) of the Code.

(f) The Issuer will not take any action or fail to take any action which act or omission would result in the Notes being treated as "federally guaranteed" within the meaning of Section 149(b) of the Code.

(g) Proper officers of the Issuer charged with the responsibility of issuing the Notes are hereby directed to make, execute and deliver certifications as to facts, estimates and circumstances in existence as of the closing date and stating whether there are any facts, estimates or circumstances that would materially change the Issuer's current expectations.

(h) The covenants and representations made or required by this Section are for the benefit of the Owners and may be relied upon by the Owners and Bond Counsel for the Issuer.

It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor to execute any documents, certificates, or reports required by the Code and to make such elections, on behalf of the Issuer, which may be permitted by the Code as are consistent with the purpose for the issuance of the Notes. In the event that regulations or rulings are hereafter promulgated which modify, or expand provisions of the Code, as applicable to the Notes, the Issuer will not be required to comply with any covenant contained herein to the extent that such modification or expansion, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Notes under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Notes, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Notes under section 103 of the Code.

Section 17. QUALIFIED TAX-EXEMPT OBLIGATIONS. The Issuer hereby designates the Notes as “qualified tax-exempt obligations” as defined in section 265(b)(3) of the Code. In furtherance of such designation, the Issuer represents, covenants, and warrants the following: (a) during the calendar year in which the Notes are issued, the Issuer (including any subordinate entities) has not designated nor will designate bonds or other obligations, which when aggregated with the Notes, will result in more than \$10,000,000 of “qualified tax-exempt obligations” being issued; (b) the Issuer reasonably anticipates that the amount of tax-exempt obligations issued during the calendar year in which the Notes are issued, by the Issuer (or any subordinate entities) will not exceed \$10,000,000; and (c) the Issuer will take such action or refrain from such action as necessary in order that the Notes will not be considered “private activity bonds” within the meaning of section 141 of the Code.

Section 18. SALE OF NOTES. The Notes are hereby sold for a purchase price of par (\$____,000) and the Initial Note I-1 shall be delivered to Simmons Bank (the “Initial Purchaser”), in accordance with the terms of a Purchase and Investment Letter dated March 11, 2024. The Mayor is authorized to execute the acceptance of the Initial Purchaser’s Purchase and Investment Letter. It is further officially found and declared that the Initial Purchaser has purchased the Initial Note at a price which is the price most reasonably obtainable by the City. The Mayor and other appropriate officials of the City are hereby authorized and directed to execute such Purchase and Investment Letter on behalf of the City, and the Mayor and all other officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Notes. The Initial Note shall be registered in the name of Simmons Bank.

Section 19. USE OF PROCEEDS. The Issuer hereby covenants that the proceeds of the sale of the Notes will be used as soon as practicable for the purposes for which the Notes are issued. Obligations purchased as an investment of money in a fund shall be deemed to be a part of such fund.

Section 20. AUTHORITY FOR OFFICERS TO EXECUTE DOCUMENTS. The Mayor, City Secretary and all other officers, employees, and agents of the Issuer, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the official seal of the City and on behalf of the Issuer all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Notes, the Purchase and Investment Letter contract, and the Paying Agent/Registrar Agreement.

Section 21. NO CONTINUING DISCLOSURE UNDERTAKING.

(a) The Notes are being issued in authorized denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof, and the securities are being sold to no more than thirty-five persons, each of whom the City reasonably believes: (A) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the Notes, and (B) is not purchasing for more than one account or with a view to distributing the securities. Accordingly, the Notes are exempt from SEC Rule 15c2-12, and the City does not intend to make any contract to provide continuing disclosure information after the issuance of the Notes.

(b) While the Notes remain outstanding, unless waived by the Initial Purchaser, the City shall provide to the Initial Purchaser Annual Financial Reports within 270 days after the close of each City fiscal year ending on and after September 30, 2024, and such other financial information regarding the City as the Initial Purchaser shall reasonably request.

Section 22. ORDINANCE A CONTRACT; AMENDMENTS. The Ordinance shall constitute a contract with the Owners, from time to time, of the Notes, binding on the City and its successors and assigns, and shall not be amended or repealed by the City as long as any Note remains outstanding except as permitted in this Section. The City may amend the Ordinance without the consent of or notice to any Owners in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission therein. In addition, the City may, with the written consent of the holders of a majority in aggregate principal amount of the Notes then outstanding affected thereby, amend, add to, or rescind any of the provisions of the Ordinance; except that, without the consent of the Owners of all the Notes affected, no such amendment, addition, or rescission may (1) change the date specified as the date on which the principal of any installment of interest on any Note is due and payable, reduce the principal amount thereof, or the rate of interest thereon, change the place or

places at or the coin or currency in which any Note or interest thereon is payable, or in any other way modify the terms of payment of the principal of or interest on the Notes, (2) give any preference to any Note over any other Note, or (3) reduce the aggregate principal amount of the Notes required for consent to any amendment, addition, or waiver.

Section 23. SEVERABILITY. If any part of this Ordinance is ruled unenforceable by a court of competent jurisdiction, this Ordinance shall remain operable to the greatest extent possible under the application of such ruling.

Section 24. RELATED MATTERS. The Mayor, City Administrator, City Secretary, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Notes, the sale of the Notes and the Paying Agent/Registrar Agreement. In addition, prior to the initial delivery of the Notes, the Mayor, City Administrator, City Secretary, and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies or satisfy any requirements of the provider of a municipal bond insurance policy, if any, or (iii) obtain the approval of the Notes by the Attorney General's office. In case any officer whose signature shall appear on any Note shall cease to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 25. NO PERSONAL LIABILITY. No obligation imposed under this Ordinance, the Notes, or any document executed by the City in connection therewith shall be deemed to be the obligation, in an individual capacity, of any officer, employee, or agent of the City, and no such officer, employee, or agent or any individual executing the Notes or any such other document contemplated by this Ordinance on behalf of the City shall be subject to any personal liability with respect thereto.

Section 26. INCORPORATION OF RECITALS. The Issuer hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Issuer hereby incorporates such recitals as a part of this Ordinance.

Section 27. BENEFIT OF ORDINANCE. Except as otherwise expressly provided in this Ordinance or in the Notes, neither this Ordinance nor the Notes confers any right, remedy, or claim on any Person other than the City, the Paying Agent/Registrar, and the Registered Owner.

Section 28. PUBLIC MEETING. It is officially found, determined and declared that the meeting at which this Ordinance has been read and has been adopted was open to the public, and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Chapter 551, Texas Government Code.

Section 29. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect upon and after its passage.

[Remainder of this page is intentionally left blank.]

PASSED AND APPROVED this 11th day of March 2024.

Chad Mees, Mayor
City of Bartlett, Texas

ATTEST:

Brenda Kelley
City Secretary
City of Bartlett, Texas

[CITY SEAL]

EXHIBIT A

Form of Paying Agent/Registrar Agreement

PAYING AGENT/REGISTRAR AGREEMENT

This PAYING AGENT/REGISTRAR AGREEMENT, dated as of March 11, 2024 (this “Agreement”), by and between the City of Bartlett, Texas (the “Issuer”) and Simmons Bank (the “Bank”), a national banking association duly organized and operating under the laws of the United States of America.

WHEREAS, the Issuer has duly authorized and provided for the issuance of its Tax Notes, Series 2024, (the “Securities”), such Securities to be issued in fully registered form only as to the payment of principal and interest thereon; and

WHEREAS, the Securities are scheduled to be delivered to the initial purchasers thereof on or about _____, 2024; and

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of, premium, if any, and interest on the Securities and with respect to the registration, transfer, and exchange thereof by the registered owners thereof; and

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE ONE APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

SECTION 1.01. APPOINTMENT. The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities. As Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal, premium (if any), and interest on the Securities as the same become due and payable to the registered owners thereof, all in accordance with this Agreement and the “Ordinance” (hereinafter defined).

The Issuer hereby appoints the Bank as Registrar with respect to the Securities. As Registrar for the Securities, the Bank shall keep and maintain, for and on behalf of the Issuer, books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Ordinance, a copy of which books and records shall be maintained at the office of the Bank located in the State of Texas or shall be available to be accessed from such office located in the State of Texas.

The Bank hereby accepts its appointment and agrees to serve as the Paying Agent and Registrar for the Securities.

SECTION 1.02. COMPENSATION. As compensation for the Bank’s services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in Schedule A attached hereto for the first year of this Agreement and thereafter the fees and amounts set forth in the Bank’s current fee schedule then in effect for services as Paying Agent/Registrar for

municipalities, which shall be supplied to the Issuer on or before 90 days prior to the close of the Fiscal Year of the Issuer, and shall be effective upon the first day of the following Fiscal Year.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

ARTICLE TWO DEFINITIONS

SECTION 2.01. DEFINITIONS. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

"Acceleration Date" on any Security means, if applicable, the date on and after which the principal or any or all installments of interest, or both, are due and payable on any Security which has become accelerated pursuant to the terms of the Security.

"Bank Office" means the corporate trust or commercial banking office of the Bank as indicated on the signature page hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

"Fiscal Year" means the fiscal year of the Issuer, ending September 30.

"Holder" and **"Security Holder"** each means the Person in whose name a Security is registered in the Security Register.

"Legal Holiday" means a day on which the Bank is required or authorized to be closed.

"Ordinance" means the resolutions, orders or ordinances of the governing body of the Issuer pursuant to which the Securities are issued, certified by the City Secretary or any other officer of the Issuer and delivered to the Bank, together with any pricing certificate executed pursuant thereto.

"Person" means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision of a government.

"Predecessor Securities" of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Ordinance).

"Redemption Date" when used with respect to any Security to be redeemed means the date fixed for such redemption pursuant to the terms of the Ordinance.

"Responsible Officer" when used with respect to the Bank means the Chairman or Vice-Chairman of the Board of Directors, the Chairman or Vice-chairman of the Executive Committee of the Board of Directors, the President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, any Assistant Treasurer, the Cashier, any Assistant Cashier, any Trust Officer or Assistant Trust Officer, or any other officer of the Bank customarily performing functions similar to those performed by any of the above designated officers and also means, with respect to a particular corporate trust matter, any other officer to whom such matter is referred because of his knowledge of and familiarity with the particular subject.

"Security Register" means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfer of the Securities.

"Stated Maturity" means the date specified in the Ordinance the principal of a Security is scheduled to be due and payable.

SECTION 2.02. OTHER DEFINITIONS. The terms "Bank," "Issuer," and "Securities" ("Security") have the meanings assigned to them in the recital paragraphs of this Agreement.

The term "Paying Agent/Registrar" refers to the Bank in the performance of the duties and functions of this Agreement.

ARTICLE THREE PAYING AGENT

SECTION 3.01. DUTIES OF PAYING AGENT. (a) Principal Payments. As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date, or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the Bank Office.

(b) Interest Payments. As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and preparing and sending checks by United States mail, first class postage prepaid, on each payment date, to the Holders of the Securities (or their Predecessor Securities) on the respective Record Date, to the address appearing on the Security Register or by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder's risk and expense.

(c) Federal Tax Information Reporting. To the extent required by the Internal Revenue Code of 1986, as amended, and the Regulations, it shall be the duty of the Bank to report to the owners of the Securities and the Internal Revenue Service (i) the amount of "reportable payments," if any, subject to back up withholding during each year and the amount of tax withheld, if any, with respect to the payments on the Securities, and (ii) the amount of interest or amount treated as interest, such as original issue discount, on the Securities required to be included in the gross income of the owners thereof for federal income tax purposes.

SECTION 3.02. PAYMENT DATES. The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Ordinance.

ARTICLE FOUR REGISTRAR

SECTION 4.01. SECURITY REGISTER - TRANSFERS AND EXCHANGES. The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the “Security Register”) for recording the names and addresses of the Holders of the Securities, the transfer, exchange, and replacement of the Securities, and the payment of the principal of and interest on the Securities to the Holders and containing such other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. If the Bank Office is located outside the State of Texas, a copy of the Security Register shall be kept in the State of Texas. All transfers, exchanges, and replacement of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the Financial Industry Regulatory Authority, in form satisfactory to the Bank, duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer, or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three business days after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

SECTION 4.02. SECURITIES. The Issuer shall provide an adequate inventory of printed Securities to facilitate transfers or exchanges thereof. The Bank covenants that the inventory of printed Securities will be kept in safekeeping pending their use, and reasonable care will be exercised by the Bank in maintaining such Securities in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other political subdivisions or corporations for which it serves as registrar, or that is maintained for its own securities.

SECTION 4.03. FORM OF SECURITY REGISTER. The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer, and exchange of the Securities in accordance with the Bank’s general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

SECTION 4.04. LIST OF SECURITY HOLDERS. The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

Unless required by law, the Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register.

SECTION 4.05. RETURN OF CANCELLED SECURITIES. The Bank will, at such reasonable intervals as it determines, surrender Securities to the Issuer in lieu of which or in exchange for which other Securities have been issued, or which have been paid, or will provide a certificate of destruction relating thereto.

SECTION 4.06. MUTILATED, DESTROYED, LOST, OR STOLEN SECURITIES. The Issuer hereby instructs the Bank, subject to the applicable provisions of the Ordinance, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an over issuance.

In case any Security shall be mutilated, destroyed, lost, or stolen, the Bank, in its discretion, may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Security, or in lieu of and in substitution for such destroyed, lost, or stolen Security, only after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss, or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution, and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, or destroyed, lost, or stolen.

SECTION 4.07. TRANSACTION INFORMATION TO ISSUER. The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.

ARTICLE FIVE THE BANK

SECTION 5.01. DUTIES OF BANK. The Bank undertakes to perform the duties set forth herein and in the Ordinance and agrees to use reasonable care in the performance thereof.

Additionally, the Bank is authorized to transfer funds relating to the closing and initial delivery of the Securities in the manner described in the closing memorandum prepared by the Issuer's financial advisor or other agent of the Issuer. The Bank may act on a facsimile or e-mail transmission of the closing memorandum by the Financial Advisor or the Issuer, as the final closing memorandum. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

SECTION 5.02. RELIANCE ON DOCUMENTS, ETC. (a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely on and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security, or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security, or other paper or document supplied by the Issuer.

(e) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(f) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

SECTION 5.03. RECITALS OF ISSUER. The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

SECTION 5.04. MAY HOLD SECURITIES. The Bank, in its individual or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

SECTION 5.05. MONEY HELD BY BANK. The Bank shall deposit any moneys received from the Issuer into an account to be held in an agency capacity for the payment of the Securities, with such moneys in the account that exceed the deposit insurance, available to the Issuer, provided by the Federal Deposit Insurance Corporation to be fully collateralized with securities or obligations that are eligible under the laws of the State of Texas and to the extent practicable under the laws of the United States of America to secure and be pledged as collateral for trust accounts until the principal and interest on such securities have been presented for payment and paid to the owner thereof. Payments made from such trust account shall be made by check drawn on such trust account unless the owner of such Securities shall, at its own expense and risk, request such other medium of payment.

Funds held by the Bank hereunder need not be segregated from any other funds provided appropriate accounts are maintained in the name and for the benefit of the Issuer.

The Bank shall be under no liability for interest on any money received by it hereunder.

Any money deposited with the Bank for the payment on any Security and remaining unclaimed for three years after final maturity of the Security has become due and payable will be held by the Bank and disposed of only in accordance with Title 6 of the Texas Property Code (Unclaimed Property).

The Bank will comply with the reporting provisions of Chapter 74 of the Texas Property Code with respect to property that is presumed abandoned under Chapter 72 or Chapter 75 of the Texas Property Code or inactive under Chapter 73 of the Texas Property Code.

SECTION 5.06. INDEMNIFICATION. To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or bad faith on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

SECTION 5.07. INTERPLEADER. The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the County in the State of Texas where either the Bank maintains an office or the administrative offices of the Issuer is located, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent

jurisdiction located in the State of Texas to determine the rights of any Person claiming any interest herein.

SECTION 5.08. DEPOSITORY TRUST COMPANY SERVICES. It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for “Depository Trust Company” services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with the “Operational Arrangements,” effective from time to time, which establishes requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

SECTION 5.09. COMPLIANCE WITH LAWS PROHIBITING THE BOYCOTTING OF ISRAEL. The Bank represents and verifies, under Section 2271.002, Texas Government Code, that the Bank and any parent company, wholly-or majority-owned subsidiaries, and other affiliates of the Banker, if any, do not boycott Israel and will not boycott Israel through the full term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section. As used in the foregoing verification, “boycott Israel,” a term defined in Section 2271.001, Texas Government Code, by reference to Section 808.001(1), Texas Government Code, means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

SECTION 5.10. NO TERRORIST ORGANIZATION. The Bank is a Company as defined in Section 2270.0001(2) of the Texas Government Code, which means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association whose securities are publicly traded, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit. The Bank, including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate thereof, hereby verifies that it is not identified on the lists prepared and maintained by the Comptroller of Public Accounts under Section 2252.153 or 2270.0201, Texas Government Code, as amended and posted on any of the following pages of such officer’s Internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, as amended, and excludes the Bank and each of its parent company, wholly-or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Bank understands “affiliate” to mean any entity that controls, is controlled by, or is under common control with the Bank and exists to make a profit.

SECTION 5.11. COMPLIANCE WITH LAWS PROHIBITING CONTRACTS WITH COMPANIES THAT BOYCOTT ENERGY COMPANIES. The Bank represents and verifies, under Section 2276.002, Texas Government Code (as added by Senate Bill 13, 87th Texas Legislature, Regular Session (“SB 13”)), as amended, that the Bank, and the parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, of the Bank do not boycott energy companies and, such entities will not boycott energy companies through the full term of this Agreement. The foregoing verification is made solely to enable the City to comply with such Section. As used in the foregoing verification, “boycott energy companies,” a term defined in Section 2276.001(1), Texas Government Code (as enacted by SB 13) by reference to Section 809.001, Texas Government Code (also as enacted by SB 13), shall mean, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by (A) above.

SECTION 5.12. COMPLIANCE WITH LAWS PROHIBITING CONTRACTS WITH COMPANIES THAT DISCRIMINATE AGAINST A FIREARM ENTITY OR TRADE ASSOCIATION. The Bank represents and verifies, under Section 2274.002, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session, (“SB 19”)), as amended, that Bank, nor the parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, of the Bank have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and such entities will not through the full term of this Agreement discriminate against a firearm entity or firearm trade association. The foregoing verification is made solely to enable the City to comply with such Section.

As used in the foregoing verification and the following definitions, (a) “discriminate against a firearm entity or firearm trade association,” a term defined in Section 2274.001(3), Texas Government Code (as enacted by SB 19), (A) means, with respect to the firearm entity or firearm trade association, to (i) refuse to engage in the trade of any goods or services with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, (ii) refrain from continuing an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, or (iii) terminate an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association and (B) does not include (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association, (b) “firearm entity,” a term defined in Section 2274.001(6), Texas Government Code (as enacted by SB 19), means a manufacturer, distributor, wholesaler, supplier, or retailer of firearms (defined in Section 2274.001(4), Texas Government Code, as enacted by SB19, as

weapons that expel projectiles by the action of explosive or expanding gases), firearm accessories (defined in Section 2274.001(5), Texas Government Code, as enacted by SB 19, as devices specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and items used in conjunction with or mounted on a firearm that are not essential to the basic function of the firearm, including detachable firearm magazines), or ammunition (defined in Section 2274.001(1), Texas Government Code, as enacted by SB 19, as a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile) or a sport shooting range (defined in Section 250.001, Texas Local Government Code, as a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting), and (c) “firearm trade association,” a term defined in Section 2274.001(7), Texas Government Code (as enacted by SB 19), means any person, corporation, unincorporated association, federation, business league, or business organization that (i) is not organized or operated for profit (and none of the net earnings of which inures to the benefit of any private shareholder or individual), (ii) has two or more firearm entities as members, and (iii) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.

SECTION 5.13. SURVIVAL OF REPRESENTATIONS. As used in the foregoing verifications, the Bank understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Bank. Notwithstanding anything contained herein, a claim arising for the breach of the representations and covenants contained in the four preceding sections shall survive termination of the Agreement until the statute of limitations has run.

ARTICLE SIX MISCELLANEOUS PROVISIONS

SECTION 6.01. AMENDMENT. This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

SECTION 6.02. ASSIGNMENT. This Agreement may not be assigned by either party without the prior written consent of the other.

SECTION 6.03. NOTICES. Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page of this Agreement.

SECTION 6.04. EFFECT OF HEADINGS. The Article and Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 6.05. SUCCESSORS AND ASSIGNS. All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

SECTION 6.06. SEVERABILITY. In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

SECTION 6.07. BENEFITS OF AGREEMENT. Nothing herein, expressed or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

SECTION 6.08. ENTIRE AGREEMENT. This Agreement and the Ordinance constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between this Agreement and the Ordinance, the Ordinance shall govern.

SECTION 6.09. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

SECTION 6.10. TERMINATION. This Agreement will terminate on the date of final payment of the principal of and interest on the Securities to the Holders thereof or may be earlier terminated by either party upon 60 days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. Furthermore, the Bank and Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay, or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with other pertinent books and records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and of Article Five shall survive and remain in full force and effect following the termination of this Agreement.

SECTION 6.11. GOVERNING LAW. This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF BARTLETT, TEXAS

By: _____
Title: Mayor

Address: 140 W. Clark Street
Bartlett, Texas 76511

Attest:

Title: City Secretary

SIMMONS BANK

By: _____

Title: _____

Address: _____

Schedule A

Schedule of Fees

Acceptance Fee:	\$-0-
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Annual Fee:	\$-0-
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All out of pocket expenses will be billed at cost. In the event services are required beyond those currently contemplated, additional fees will be charged.

FINAL

City of Bartlett, Texas

\$750,000 Tax Note, Series 2024

Callable Beginning March 1, 2027 at Par

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FINAL

City of Bartlett, Texas

\$750,000 Tax Note, Series 2024

Callable Beginning March 1, 2027 at Par

Sources & Uses

Dated 04/10/2024 | Delivered 04/10/2024 (Interest accrues from date of initial delivery)

Sources Of Funds

Par Amount of Bonds	\$750,000.00
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Total Sources	\$750,000.00
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Uses Of Funds

Costs of Issuance	28,600.00
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Deposit to Project Construction Fund	721,400.00
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Total Uses	\$750,000.00
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FINAL

City of Bartlett, Texas

\$750,000 Tax Note, Series 2024

Callable Beginning March 1, 2027 at Par

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
03/01/2027	Serial Coupon	5.875%	5.875%	130,000.00	100.000%	130,000.00
03/01/2028	Serial Coupon	5.875%	5.875%	140,000.00	100.000%	140,000.00
03/01/2029	Serial Coupon	5.875%	5.875%	150,000.00	100.000%	150,000.00
03/01/2030	Serial Coupon	5.875%	5.875%	160,000.00	100.000%	160,000.00
03/01/2031	Serial Coupon	5.875%	5.875%	170,000.00	100.000%	170,000.00
Total	-	-	-	\$750,000.00	-	\$750,000.00

Bid Information

Par Amount of Bonds	\$750,000.00
Gross Production	\$750,000.00
Bid (100.000%)	750,000.00
Total Purchase Price	\$750,000.00
Bond Year Dollars	\$3,768.75
Average Life	5.025 Years
Average Coupon	5.8749999%
Net Interest Cost (NIC)	5.8749999%
True Interest Cost (TIC)	5.8616093%

FINAL

City of Bartlett, Texas

\$750,000 Tax Note, Series 2024

Callable Beginning March 1, 2027 at Par

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
04/10/2024	-	-	-	-	-
03/01/2025	-	-	39,289.06	39,289.06	-
09/01/2025	-	-	22,031.25	22,031.25	-
09/30/2025	-	-	-	-	61,320.31
03/01/2026	-	-	22,031.25	22,031.25	-
09/01/2026	-	-	22,031.25	22,031.25	-
09/30/2026	-	-	-	-	44,062.50
03/01/2027	130,000.00	5.875%	22,031.25	152,031.25	-
09/01/2027	-	-	18,212.50	18,212.50	-
09/30/2027	-	-	-	-	170,243.75
03/01/2028	140,000.00	5.875%	18,212.50	158,212.50	-
09/01/2028	-	-	14,100.00	14,100.00	-
09/30/2028	-	-	-	-	172,312.50
03/01/2029	150,000.00	5.875%	14,100.00	164,100.00	-
09/01/2029	-	-	9,693.75	9,693.75	-
09/30/2029	-	-	-	-	173,793.75
03/01/2030	160,000.00	5.875%	9,693.75	169,693.75	-
09/01/2030	-	-	4,993.75	4,993.75	-
09/30/2030	-	-	-	-	174,687.50
03/01/2031	170,000.00	5.875%	4,993.75	174,993.75	-
09/30/2031	-	-	-	-	174,993.75
Total	\$750,000.00	-	\$221,414.06	\$971,414.06	-

Yield Statistics

Bond Year Dollars	\$3,768.75
Average Life	5.025 Years
Average Coupon	5.8749999%
DV01	378.00
Net Interest Cost (NIC)	5.8749999%
True Interest Cost (TIC)	5.8616093%
Bond Yield for Arbitrage Purposes	5.8616093%
All Inclusive Cost (AIC)	6.7775604%

IRS Form 8038

Net Interest Cost	5.8749999%
Weighted Average Maturity	5.025 Years

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City of Bartlett, Texas

\$750,000 Tax Note, Series 2024

Callable Beginning March 1, 2027 at Par

Proof Of Bond Yield @ 5.8616093%

Date	Cashflow	PV Factor	Present Value	Cumulative PV
04/10/2024	-	1.0000000x	-	-
03/01/2025	39,289.06	0.9497896x	37,316.34	37,316.34
09/01/2025	22,031.25	0.9227458x	20,329.24	57,645.58
03/01/2026	22,031.25	0.8964719x	19,750.40	77,395.98
09/01/2026	22,031.25	0.8709462x	19,188.03	96,584.02
03/01/2027	152,031.25	0.8461473x	128,640.83	225,224.84
09/01/2027	18,212.50	0.8220545x	14,971.67	240,196.51
03/01/2028	158,212.50	0.7986477x	126,356.04	366,552.55
09/01/2028	14,100.00	0.7759073x	10,940.29	377,492.84
03/01/2029	164,100.00	0.7538145x	123,700.96	501,193.80
09/01/2029	9,693.75	0.7323507x	7,099.22	508,293.03
03/01/2030	169,693.75	0.7114981x	120,736.78	629,029.81
09/01/2030	4,993.75	0.6912392x	3,451.88	632,481.69
03/01/2031	174,993.75	0.6715572x	117,518.31	750,000.00
Total	\$971,414.06	-	\$750,000.00	-

Derivation Of Target Amount

Par Amount of Bonds	\$750,000.00
Original Issue Proceeds	\$750,000.00

FINAL

City of Bartlett, Texas

\$750,000 Tax Note, Series 2024

Callable Beginning March 1, 2027 at Par

Derivation Of Form 8038 Yield Statistics

Maturity	Issuance Value	Coupon	Price	Issuance Price	Exponent	Bond Years
04/10/2024	-	-	-	-	-	-
03/01/2025	-	5.875%	100.000%	-	0.8916667x	-
03/01/2026	-	5.875%	100.000%	-	1.8916667x	-
03/01/2027	130,000.00	5.875%	100.000%	130,000.00	2.8916667x	375,916.67
03/01/2028	140,000.00	5.875%	100.000%	140,000.00	3.8916667x	544,833.33
03/01/2029	150,000.00	5.875%	100.000%	150,000.00	4.8916667x	733,750.00
03/01/2030	160,000.00	5.875%	100.000%	160,000.00	5.8916667x	942,666.67
03/01/2031	170,000.00	5.875%	100.000%	170,000.00	6.8916667x	1,171,583.33
Total	\$750,000.00	-	-	\$750,000.00	-	\$3,768,750.00

Description of Bonds

Final Maturity Date	3/01/2031
Issue price of entire issue	750,000.00
Stated Redemption at Maturity	750,000.00
Weighted Average Maturity = Bond Years/Issue Price	5.025 Years
Bond Yield for Arbitrage Purposes	5.8616093%

Uses of Proceeds of Issue

Proceeds used for accrued interest	-
Proceeds used for bond issuance costs (including underwriters' discount)	28,600.00
Proceeds used for credit enhancement	-
Proceeds allocated to reasonably required reserve or replacement fund	-