

CITY OF GLADEWATER, TEXAS

CODE OF ORDINANCES

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PUBLISHER'S ACKNOWLEDGMENT

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.
President

**CITY OF GLADEWATER,
TEXAS**

CITY OFFICIALS

Mayor: Harold R. Wells

Mayor Pro Tem: John “J.D.” Shipp

City Manager: Ricky Tow

Interim City Secretary: Ricky Tow

City Council:

Leon Watson
Lana Niemann
Nick Foster
Elijah “Sonny” Anderson
Dennis Robertson

Municipal Address: P.O. Box 1725, Gladewater, TX 75647

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ORDINANCE 97-03

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Texas empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF GLADEWATER:

Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the City of Gladewater."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

CHARTER

Chapter

TITLE I. GENERAL PROVISIONS

10. General Provisions

TITLE III: ADMINISTRATION

- 30. Boards and Commissions
- 31. Police Department
- 32. Personnel Policies and Procedures
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- 50. Solid Waste
- 51. Water and Sewers
- 52. Industrial Waste

TITLE VII: TRAFFIC CODE

- 70. General Provisions
- 71. Stopping Standing and Parking
- 72. Traffic Schedules
- 73. Parking Schedules

TITLE IX: GENERAL REGULATIONS

- 90. Animals
- 91. Fire Prevention
- 92. Nuisances; Sanitation and Health

Chapter

TITLE IX: GENERAL REGULATIONS (CONT'D)

- 93. Parks and Recreation; Lake Gladewater
- 94. Streets and Sidewalks
- 95. Public Library
- 96. Cemetery
- 97. Fair Housing

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing
- 111. Alarms
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- 115. Ambulances
- 116. Junk Shops, Auction Houses and Other Special Businesses
- 117. Vendors and Solicitors
- 118. Hotels and Motels
- 119. Trailer Courts
- 120. Wrecker Businesses
- 121. Vehicles For Hire; Taxicabs
- 122. Oil Wells

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses
- 131. Offenses Against Public Peace, Safety, and Justice
- 132. Offenses Against Property
- 133. Firearms and Weapons

TITLE XV: LAND USAGE

- 150. Building Regulations
- 151. Electrical Code
- 152. Flood Damage Prevention
- 153. Subdivisions
- 154. Zoning Code

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- I. Annexations
- II. Street Name Changes
- III. Street and Alley Closings
- IV. Franchises
- V. Contracts and Agreements
- VI. Zoning Changes

PARALLEL REFERENCES

References to Texas Statutes
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- Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.
- Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.
- Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date

of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision of the City of Gladewater on this 17th day of April 1997.

TEXAS CERTIFICATION OF CODIFIED ORDINANCES

We, Jackie D. Wood, Mayor and James Latham, Secretary of the Municipality of Gladewater, Texas, pursuant to Texas Local Government Code 53.006, hereby certify, authenticate and approve that the general and permanent ordinances of the Municipality of Gladewater, Texas, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Municipality of Gladewater, Texas, as amended to April 17, 1997.

Jackie D. Wood /s/
JACKIE D. WOOD, MAYOR

James Latham /s/
JAMES LATHAM, CITY SECRETARY

ORDINANCE NO. 98-12

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF GLADEWATER, TEXAS, AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the annual supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement of the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Texas Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety, and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF GLADEWATER, TEXAS

SECTION 1. That the annual supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of this date of adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the office of the Clerk.

Gladewater - Adopting Ordinance

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of this municipality and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this the 19th day of November, 1998.

Curtis E. Bright /s/
CURTIS E. BRIGHT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 00-01

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF GLADEWATER, TEXAS, AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 1999 S-3 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement of the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Texas Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety, and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF GLADEWATER, TEXAS

SECTION 1. That the 1999 S-3 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of this date of adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the office of the Clerk.

Gladewater - Adopting Ordinance

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of this municipality and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this the 20th day of January, 2000

Curtis E. Bright /s/
CURTIS E. BRIGHT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 00-10

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS, AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2000 S-4 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement of the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas, Code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

SECTION 1. That the 2000 S-4 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Gladewater - Adopting Ordinance

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas, on this 21st day of September, 2000.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 01-10

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS, AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2001 S-5 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement of the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas, code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

SECTION 1. That the 2001 S-5 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority, and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

Gladewater - Adopting Ordinance

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas, on this 23rd day of August, 2001.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 02-22

ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS, AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the S-6 supplement to the Code of Ordinances of the City of Gladewater, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the code of Ordinances which are based on or make reference to sections of the Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS;

SECTION 1. That the S-6 supplement to the Code of Ordinances of the City of Gladewater as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the City of Gladewater is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

SECTION 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 19th day of December, 2002.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Martha Haralson /s/
MARTHA HARALSON, City Secretary

ORDINANCE NO. 03-18

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2003 S-7 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

- Section 1.** That the 2003 S-7 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2.** Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 20th day of November, 2003.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Martha Haralson /s/
MARTHA HARALSON, City Secretary

ORDINANCE NO. 04-09

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2004 S-8 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2004 S-8 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 16th day of September, 2004.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 06-04

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2006 S-10 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

- Section 1.** That the 2006 S-10 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2.** Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 20th day of July, 2006.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 07-08

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2007 S-11 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2007 S-11 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 17th day of May, 2007.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. 08-04

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2008 S-12 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2008 S-12 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 15th day of May, 2008.

John Paul Tallent /s/
JOHN PAUL TALLENT, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. O-09-09

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2009 S-13 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2009 S-13 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 18th day of June, 2009.

Walter Derrick /s/
WALTER DERRICK, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. O-10-05

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GLADEWATER, TEXAS AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2010 S-14 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2010 S-14 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 15th day of April, 2010.

Walter Derrick /s/
WALTER DERRICK, Mayor

ATTEST:

Melba Haralson /s/
MELBA HARALSON, City Secretary

ORDINANCE NO. O-11-16

**AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR
THE CITY OF GLADEWATER, TEXAS
AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2011 S-15 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2011 S-15 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 20th day of October, 2011.

Walter Derrick /s/
WALTER DERRICK, MAYOR

ATTEST:

Melba Haralson /s/
MELBA HARALSON, CITY SECRETARY

ORDINANCE NO. O-12-13

**AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR
THE CITY OF GLADEWATER, TEXAS
AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2012 S-16 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2012 S-16 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 19th day of July, 2012.

Harold R. Wells /s/
HAROLD R. WELLS, MAYOR

ATTEST:

Melba Haralson /s/
MELBA HARALSON, CITY SECRETARY

ORDINANCE NO. O-13-05

**AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR
THE CITY OF GLADEWATER, TEXAS
AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2013 S-17 supplement to the Code of Ordinances of the City of Gladewater, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Gladewater; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

Section 1. That the 2013 S-17 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the legislative authority of the City of Gladewater, Texas on this 18th day of July, 2013.

Harold R. Wells /s/
HAROLD R. WELLS, MAYOR

ATTEST:

Melba Haralson /s/
MELBA HARALSON, CITY SECRETARY

ORDINANCE NO. O-14-09

**AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR
THE CITY OF GLADEWATER, TEXAS
AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2014 S-18 supplement to the Code of Ordinances of the City of Gladewater, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Gladewater; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

- Section 1.** That the 2014 S-18 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2.** Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the legislative authority of the City of Gladewater, Texas on this 17th day of July, 2014.

Harold R. Wells /s/
Harold R. Wells, Mayor

ATTEST:

Melba Haralson /s/
Melba Haralson, City Secretary

ORDINANCE NO. O-16-16

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES FOR THE CITY OF
GLADEWATER, TEXAS AND DECLARING AN EMERGENCY**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2016 S-20 supplement to the Code of Ordinances of the City of Gladewater, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Gladewater; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the City of Gladewater, Texas code; and

WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Texas; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF GLADEWATER, TEXAS:

- Section 1. That the 2016 S-20 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the legislative authority of the City of Gladewater, Texas on this 15th day of September, 2016.

/s/
HAROLD R. WELLS, MAYOR

ATTEST:

/s/
MELBA HARALSON, CITY SECRETARY

CHARTER FOR THE CITY OF GLADEWATER

PREAMBLE

The people of the City of Gladewater, a City of more than five thousand inhabitants, incorporated under the general municipal incorporation laws of this State, under powers conferred by the Constitution and laws of Texas, in order to obtain more fully the benefits of local self-government, encourage better methods in the transaction of municipal business, enlarge the powers of municipal government and otherwise promote the common welfare, do adopt the following Charter, to-wit, (Amended 11-12-68):

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES

Section

1. Incorporation
2. Form of Government
3. City Limits - Extension of Boundaries
4. Extension of City Limits by Petition
5. Extension of City Limits by Council
6. Exclusion and Discontinuance of Territory
7. Official Map

Section 1. INCORPORATION

The inhabitants of the City of Gladewater, Texas, within the corporate limits as now established or as hereafter established in the manner provided herein, shall be and continue to be a municipal corporation and a body politic incorporated under the name of "City of Gladewater," Texas, possessed of all the property and interest of which it was possessed immediately prior to the time this Charter takes effect or may hereafter acquire with the powers, duties, obligations and liabilities now pertaining to said City, as a municipal corporation.

Section 2. FORM OF GOVERNMENT

The municipal Government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter all powers of the City shall be vested in an elective Council hereinafter referred to as "Council" which shall enact local legislation, adopt budgets, determine policies, and appoint the other officials listed herein as well as the City Manager who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed in this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 3. CITY LIMITS - EXTENSION OF BOUNDARIES

The City Council shall have power by ordinance to fix the boundary limits of the City of Gladewater and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants annexed subject to the procedures set forth in State Law.

(As amended on 8-10-85).

Section 4. EXTENSION OF CITY LIMITS BY PETITION

(Section 4 deleted 8-10-85)

Section 5. EXTENSION OF CITY LIMITS BY COUNCIL

(Section 5 deleted 8-10-85)

Section 6. EXCLUSION AND DISCONTINUANCE OF TERRITORY

(Section 6 deleted 8-10-85)

Section 7. OFFICIAL MAP

The Council may by ordinance adopt an official map of the City on which shall be shown all public streets and thoroughfares existing and established by law.

ARTICLE II. GENERAL POWERS

Section

8. Powers of City
9. Municipal Court
10. Codification of Ordinances
11. Property Owned by the City of Gladewater
12. Acquisition of Property
13. Eminent Domain
14. Streets and Other City Property
15. Underground Construction
16. Zoning
17. Public Health
18. Licenses
19. Building Code

Section 8. POWERS OF CITY

The City shall have all the powers, except as limited by this Charter, granted to municipal corporations and to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any City purpose in fee simple, or any lesser interest or estate by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of the State of Texas, or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The City may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts and places and in all matters whatever; may cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, education, morals, comfort, safety and convenience of the City or its inhabitants, and may pass such ordinances as may be expedient for maintaining and promoting the peace, welfare and government of the City, and for the performance of the functions thereof. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein, or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Gladewater shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, now and hereafter granted by the Constitution, and laws of Texas, including without limitation the powers conferred expressly and permissively by Tex. Loc. Gov't Code §§ 1.001 et seq., as now or hereafter amended, all of which are hereby adopted. The Council is expressly authorized to adopt any rule or regulation deemed necessary, advisable or convenient for the purpose of exercising any power expressly or permissively conferred by such Act.

Section 9. MUNICIPAL COURT

There shall be a court for the trial of misdemeanor offenses known as the Municipal Court of the City of Gladewater, with such powers and duties as are given and prescribed by the laws of the State of Texas.

(Amended 8-10-85)

Section 10. CODIFICATION OF ORDINANCES

The Council shall cause a code of city ordinances to be prepared as early as practicable and enacted to give effect to this Charter and to repeal or revise such ordinances and resolutions in force in the City of Gladewater at the time this Charter becomes effective, inconsistent with this Charter. All such ordinances and resolutions which are not inconsistent with the provisions of this Charter, shall continue in full force and effect until otherwise provided by resolution or ordinance.

Section 11. PROPERTY OWNED BY THE CITY OF GLADEWATER

All real estate owned by the City of Gladewater, all public utility buildings, fire stations, parks, airports, streets and alleys, and all other property whether real or personal, of whatever kind, character, or description, now owned or controlled by the City of Gladewater, shall vest in, inure to, remain and be the property of said City of Gladewater, under its Charter and all suits and pending actions to which the City of Gladewater heretofore was, or shall be, a party or plaintiff or party defendant, shall be in no wise affected or terminated by the adoption of this Charter, but shall continue unabated.

Section 12. ACQUISITION OF PROPERTY

The City of Gladewater shall have the power and authority for any municipal purpose to acquire by purchase, gift, devise, deed, condemnation or otherwise any character of property, within or without its municipal boundaries.

Section 13. EMINENT DOMAIN

The City shall have the full power, right and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas, upon payment of fair compensation for the property taken. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State and particularly as provided by Tex. Loc. Gov't Code §§ 251.001 through 251.002, as heretofore or hereafter amended. The power of eminent domain

hereby conferred shall include the right of the City to take the fee in the lands so condemned unless a lesser interest would serve the needs of the City, and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

Section 14. STREETS AND OTHER CITY PROPERTY

The City of Gladewater shall provide by ordinance for the control and improvement of streets, alleys, sidewalks, parks and public buildings, and shall cause the same to be kept in repair and free from nuisance.

Section 15. UNDERGROUND CONSTRUCTION

The City of Gladewater may require the placing of all wires of overhead construction of public utilities as may be deemed necessary or expedient from time to time under the surface of the ground, under such regulations as may be prescribed by the Council, and the City of Gladewater may provide for such construction or changes thereof in any franchise hereinafter granted.

Section 16. ZONING

All powers granted by the General Laws of Texas relating to zoning and housing cooperation in cities are hereby adopted as part of this Charter.

Section 17. PUBLIC HEALTH

The City shall have power to define all nuisances and hazards to life and property and prescribe controls for the same within the City limits and outside for a distance of five thousand feet.
(Amended 8-10-85)

Section 18. LICENSES

The Council shall have the power to license such occupations as are susceptible to the police power.

Section 19. BUILDING CODES

The Council shall have the power, by ordinance, to prescribe and enforce compliance with codes governing materials and construction methods in all public and private buildings within the City Limits.

ARTICLE III. THE GOVERNING BODY**Section**

- 20. The Council
- 21. Municipal Election
- 22. Organization of the Council
- 23. Filling of Vacancies
- 24. The Mayor and the Chairman Pro Tempore
- 25. Duties and Powers of the Mayor
- 26. Mayor Pro Tem
- 27. Regular Sessions
- 28. Special Sessions
- 29. Open Meetings
- 30. Rules of Procedure
- 31. Term of Office
- 32. Canvassing Elections
- 33. Recall of Mayor and Councilmen
- 34. District Judge May Order Election

Section 20. THE COUNCIL

(a) Except as otherwise provided in this Charter, all powers of the City of Gladewater shall be vested in the Council consisting of a Mayor and six (6) council members to be elected in a manner hereinafter provided, and to be known as the "City Council of the City of Gladewater." The members of the Council shall receive for their services compensation annually of \$100.00; and the terms of the members, except as hereinafter provided, shall be for two (2) years.

(b) No person shall be eligible as a candidate for the Council unless he or she shall be eighteen (18) years of age or older on commencement of the term to be elected, a qualified voter, a citizen of the United States and a resident citizen of this State for a period of twelve (12) months prior to the date of the election. The candidate for Mayor and Council must be a resident of the City, must have resided in the City for a period of six (6) months prior to the date of election, and must continuously reside within the City during his or her term of office.

(c) The City Council of the City of Gladewater shall consist of seven members; six council persons and a mayor elected by place number.
(Amended 8-10-85)

Section 21. MUNICIPAL ELECTIONS

The Mayor shall be designated on the official ballot as “Mayor” and elected for “Place I.” Other Council members shall be elected for Places 2 through 7. The Mayor and Council are to be elected from the City at large. The places on the official ballot shall be consecutively numbered and the candidate's name shall appear in the place for which he or she filed an application. The City Clerk/Secretary shall make up the official ballot with the names so presented in the manner herein above set out.
(Amended 8-10-85)

Section 22. ORGANIZATION OF THE COUNCIL

The terms of service of the six (6) Council members and Mayor shall remain as held by the current incumbents thereof. On the first Saturday in April, 1986, an election will be held to elect the Mayor for Place 1, and members of the Council for Places 2 and 3. On the first Saturday in April, 1987, an election will be held to elect members of the council for places 4, 5, 6, and 7. All persons elected to office at said elections and all future elections for said offices shall serve a term of two (2) years.

The two-year term shall be staggered so that the Mayor and Council persons from Place 1, 2, and 3 shall be elected one year and Council persons from Places 4, 5, 6, and 7 shall be elected the following year.

Each of the Council persons and Mayor, unless sooner removed under the provisions of this Charter, shall hold office until his successor is elected and duly sworn. Regular terms of office shall commence at the beginning of the first regular meeting of the Council following the election.
(Amended 8-10-85)

Section 23. FILLING OF VACANCIES

If a vacancy should occur in the Council, the remaining members thereof, by a majority vote shall appoint a qualified voter to serve until the next regular city election. In the event three or more vacancies shall occur simultaneously, a special election shall be called and held to fill such vacancies. At the next regular city election a Councilman shall be chosen by a vote of the people to serve out the term left vacant.

Section 24. THE MAYOR AND THE MAYOR PRO TEMPORE

“The Council shall meet at the City Hall at the first meeting in April next following the regular City election, and thereof shall choose one of its members as Mayor Pro Tempore, for a term of one year. In the absence or inability of the Mayor, the Mayor Pro Tempore shall act in his place.”

Section 25. DUTIES AND POWERS OF THE MAYOR

The Mayor of the City of Gladewater shall be recognized as head of the City government for all ceremonial purposes and by the Governor of the State of Texas for the purposes of military law, and shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and ordinances and resolutions passed in pursuance hereof. He may participate in the discussion of all matters coming before the Council, and shall be entitled to a vote as a member thereof.

Section 26. MAYOR PRO-TEM

Should a vacancy occur in the office of Mayor or in the case of the absence or disability of the Mayor, the Mayor Pro-Tem shall act as Mayor during such absence or disability, or, in the case of a vacancy, until a Mayor is appointed or elected and qualified. While service as Mayor, the Mayor Pro-Tem shall have such rights and powers, and shall perform such duties as the Mayor.

Section 27. REGULAR SESSION

On the Tuesday following the regular municipal elections the council shall meet for its first regular meeting and thereafter the council shall meet regularly at such time as may be prescribed by its own rules but not less than once each month.
(Amended 11-12-68)

Section 28. SPECIAL SESSIONS

Special sessions of the Council shall be held at the City Hall or at such other places within the City as the City Council may designate and shall be called by the City Clerk/Secretary upon the written request of the Mayor or the City Manager, or of a majority of the Council. Notice of a special session of the Council shall state the location and time of the meeting, the subject to be considered, and no other subject at such special session shall be discussed.
(Amended 8-10-85)

Section 29. OPEN MEETINGS

All official meetings of the Council and all boards, commissions and committees thereof shall be open to the public; provided, however, that the city Council or any board, commission, or committee may adjourn its meeting into executive session if authorized to do so under applicable State Law. The City shall provide for a reasonable opportunity for citizens to be heard at all open meetings concerning any subject considered thereat under such rules as the Council may provide.
(Amended 8-10-85)

Section 30. RULES OF PROCEDURE

Five (5) members of the Council shall constitute a quorum and four (4) affirmative votes shall be required to pass any order of business. The Council shall otherwise determine its own rules and order of business. It shall keep a journal of its proceedings, which shall be open to public inspection.

Section 31. TERM OF OFFICE

The term of office of Mayor and Councilmen shall begin upon taking the oath of office as soon as practicable after the canvass and declaration of election as herein provided.

Section 32. CANVASSING ELECTIONS

Returns of all municipal elections, both general and special, shall be made by the election officers to the Council within three (3) days after the date of the election at which time the council shall canvass and declare the results of such election, ordering a new election when such election is required by reason of a tie vote.

Section 33. RECALL OF MAYOR AND COUNCILMEN

Any member or all members of the Council (including the Mayor) may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent by the following procedure:

A petition signed by qualified voters entitled to vote for a successor to such member sought to be removed equal in number to 35% of the entire number of persons entitled to vote in said city demanding the recall of the Mayor or any Councilman, shall be filed with the City Clerk. Such petition shall contain a general statement of the ground for which removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each paper shall make oath before an officer competent to administer oaths that each signature is that of the person whose name its purports to be. Within ten (10) days from the filing of such petition the City Clerk shall examine the same and from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters, and if requested to do so, the council shall allow him extra help for the purpose. He shall attach to each petition a certificate showing the results of each examination. If by the City Clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of such certificate by obtaining additional signatures. The City Clerk shall within ten (10) days after such amendment is filed, in case one is filed with him, make examination of the said amended petition and if his certificate shall show same to be insufficient, shall be returned to the person filing same and shall not be subject to amendment.

If the petition be found sufficient, the City Clerk shall submit the same to the Council without delay and the Council in the event the Mayor or Councilman named in said petition fails to resign, shall order and fix a date for holding the said election not less than forty (40) nor more than fifty (50) days from the date of the City Clerk's certificate; provided that if an election is to be held within the City for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the Mayor or Councilman in question resigned, no election shall be necessary and the vacancy shall be filled by the Council as in other cases of vacancies unless the number of vacancies shall require an election as in this charter otherwise provided.
(Amended 11-12-68)

Section 34. DISTRICT JUDGE MAY ORDER ELECTION

Should the Council fail or refuse to order an election as herein provided, when all requirements for such election have been complied with by the petitioning citizens in conformity with this Charter, then any one of the District Judges of any County in which the City of Gladewater or any portion thereof is located, upon proper application being made therefor, may order such election and enforce the carrying into effect of the provisions of this article of the Charter.

ARTICLE IV. POWERS VESTED IN THE COUNCIL

Section

- 35. Powers of the Council
- 36. Removal of Appointive Officials
- 37. Council Not To Interfere with City Manager's Appointments
- 38. Creation of New Departments or Offices
- 39. City Clerk
- 40. City Treasurer
- 41. City Attorney
- 42. City Judge
- 43. Independent Annual Audit
- 44. Council To Be Judge of Qualifications of Its Members
- 45. Investigation by the Council

Section 35. POWERS OF THE COUNCIL

All powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the special and general powers granted or delegated to the City by the Constitution, statutes, or this Charter, the Council shall have power to:

(a) Appoint the City Manager, City Treasurer, Clerk/Secretary, City Attorney and City Judge, provided no councilman shall receive any such appointment during or within one year of the expiration of the term for which he shall have been elected. (Amended 8-10-85)

(b) Establish other administrative departments and distribute the work of divisions. (b did not change)

(c) Adopt the budget of the City and authorize disbursement of municipal funds. (Amended 8-10-85)

(d) Authorize by ordinance the issuance of bonds or warrants;

(e) Inquired into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;

(f) Appoint the members of the zoning board of adjustment the board of equalization, city plan commission and all other boards and commissions serving the City;

(g) Adopt and modify the official map of the City;

(h) Approve plats;

(i) Summons and compel the attendance of witnesses and the production of books and papers before it whenever it may deem necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it and for failure to appear before it in response to summons issued by it with the same fines and penalties as the County Judge may punish for contempt before the County Court. All processes shall be signed by the Mayor and attested by the City Clerk and shall be served by the Chief of Police or any other police officer of the City. The Mayor City Attorney, City Treasurer, City Judge, City Clerk or any member of the Council shall have authority to administer oaths in any matters pertaining to municipal affairs;

(j) Open, widen, extend, or straighten public streets, thoroughfares and alleys;

(k) Define and prohibit nuisances within the City and 5,000 feet beyond;

(l) Provide, by ordinances, for the exercise by this City of any and all powers of local self-government not made self-enacting by this Charter or by statute;

(m) Provide by ordinance for the exercise of the police powers of the City;

(n) Prevent the construction and use of housing below standards fixed by the Council;

(o) Adopt, modify and carry out plans proposed by the City Plan Commission for the replanning, improvement and redevelopment of neighborhoods;

(p) Provide for an independent audit;

(q) Pass all ordinances deemed by it to be necessary or proper for the government of the City;

(r) License, regulate or prohibit the erection of signs and billboards;

(s) Require the installation of sewer lines, laterals and sewer facilities on private property and to fix a lien on the property if the owner fails to comply with the order of the Council and the labor and materials are thereafter furnished by the City.

Section 36. REMOVAL OF APPOINTIVE OFFICIALS

The Council may, upon the affirmative vote of four (4) members remove its appointive officers or member of any board without notice.

Section 37. COUNCIL NOT TO INTERFERE WITH CITY MANAGER'S APPOINTMENTS

Neither the City Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager or by any of his subordinates. However, the Council may consult and advise with the city manager, make inquiry regarding the appointments or removals and may express their opinion in regard thereto. In regard to administrative and executive duties under the city manager, the Council and its members shall deal solely through the city manager and neither the Council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty, after public hearing, and thereby create a vacancy in the place held by such member.

Section 38. CREATION OF NEW DEPARTMENTS OR OFFICES

The Council, by ordinance, may create, change or abolish offices, departments and agencies other than the offices, departments and agencies established by this charter. The Council, by ordinance, may assign additional functions or duties to its officers, departments or agencies established by this charter.

Section 39. CITY CLERK

The Council shall elect an officer of the City having the title of City Clerk, who shall give notice of its meetings, shall keep the journal and minute book of its proceedings, shall authenticate by his signature and record in full, in a book kept for the purpose, all ordinances and resolutions and shall perform all such other duties as shall be required by this charter or by ordinance.

Section 40. CITY TREASURER

There shall be an officer of the City of Gladewater known as the City Treasurer appointed by the Council who shall have the custody of all public moneys, funds, notes, bonds and other securities belonging to the City. The Treasurer shall give such bond as the Council may require conditioned upon the faithful discharge of his duties and in addition to such bond the City may require the Treasurer to hypothecate securities in such amount as it shall prescribe. He shall make payments out of City funds upon orders signed by the City Officers as herein provided. He shall render a full and correct statement to the City Manager and the Council of his receipts and payments on or before the 10th day of each month and at such other times as the City Manager or council may require, such statements to be made in such form as the City Manager may prescribe. The Treasurer shall perform such other acts and duties and receive such compensation as the Council may prescribe. The cost of any Corporate surety bond required by the Council may be paid by the City. In the discretion of the Council the office and duties of City Clerk and City Treasurer may be combined and discharged by the same person.

Section 41. CITY ATTORNEY

In its discretion the Council may appoint a City Attorney who shall hold office at the pleasure of the Council. His salary shall be fixed by the Council.

The City attorney shall be a regularly licensed attorney at law licensed to practice in the State of Texas.

The City attorney shall be the chief legal advisor of the Council, of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the City in all legal proceedings except as otherwise provided in this Charter. It shall be his duty to perform all services incident to his position as may be required by Statutes, by this Charter or by Ordinance.

(Amended 8-10-85)

Section 42. CITY JUDGE

There shall be a magistrate of the Municipal Court known as the City Judge who shall be appointed by the Council to serve for a term of one year. He may be removed by the Council at any time for incompetency, misconduct, malfeasance, or disability. He shall receive such salary as may be fixed by the Council from time to time. The Mayor shall act in the place of the City Judge in the event of a vacancy until a City Judge is appointed by the Council. The Mayor, while acting as City Judge, shall receive no compensation. All costs and fines imposed by the Municipal Court or by any court in cases appealed from judgement of the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.

(Amended 8-10-85)

Section 43. INDEPENDENT ANNUAL AUDIT

Prior to the end of each fiscal year, the Council shall designate a certified public accountant, who, as of the end of the fiscal year, shall make an independent audit of accounts, and other financial transactions of the City Manager. Such accountant shall have no personal interest direct or indirect in the fiscal affairs of the city government or any of its officers. He shall not maintain any accounts or records of the city business, but within specifications approved by the Council, shall post audit the books and documents kept by or for any office, department, or agency of the city government.

A copy of such audit shall be kept in the office of the City Clerk subject to inspection by any citizen and officer during regular office hours.

Section 44. COUNCIL TO BE JUDGE OF QUALIFICATIONS OF ITS MEMBERS

The Council shall be the judge of the election and qualifications of its members as set forth in this charter and for such purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the Courts.

Section 45. INVESTIGATION BY THE COUNCIL

The Council shall have power to inquire into the conduct of any office, department, agency or officer of the City and to make investigations as to municipal affairs, and for such purposes may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers, and other evidence as ordered under the provisions of this section of this Charter shall constitute a misdemeanor, and shall be punishable by fine not exceeding one hundred dollars (\$100.00).

ARTICLE V. CITY MANAGER**Section**

- 46. Qualifications
- 47. Term and Salary
- 48. Powers and Duties of City Manager
- 49. Absence of City Manager
- 50. Bonds and Oath

Section 46. QUALIFICATIONS

The City Manager shall be chosen by the Council, on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office, as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state but during his tenure of office he shall reside within the city.

Section 47. TERM AND SALARY

The City Manager's salary shall be fixed by the Council but he shall not be appointed for a definite time and may be removed at the will and pleasure of the Council by a majority vote of the whole council. The action of the City Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council.

Section 48. POWERS AND DUTIES OF CITY MANAGER

The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. He shall be responsible to the Council for the proper administration of the affairs of the City under his supervision and to that end, he shall have power to:

- (a) Appoint and remove all the heads of each department except the City Treasurer, City Attorney, City Judge and City Clerk.
- (b) Appoint and, when necessary for the good of the city, remove all other employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.
- (c) Prepare the annual budget, present it to the Council and be responsible for its administration after adoption.
- (d) Prepare and submit to the Council, at the end of the fiscal year, a complete report of the finances, and administrative activities of the city for the preceding year.
- (e) Keep the Council advised of the financial condition and future needs of the city and make such recommendations to the Council as may seem to him desirable.
- (f) May perform the duties of Assessor and Collector of Taxes, Finance Officer, Superintendent of the Water and Sewer Departments.
- (g) Perform such other duties as may be prescribed by this charter or required of him by the Council not inconsistent with this Charter or provisions of state law.

Section 49. ABSENCE OF CITY MANAGER

The Council may by resolution appoint any qualified person to perform the duties of City Manager in the event of his disability.

Section 50. BONDS AND OATH

The City Manager and such officers and employees of the City Government as the Council may require, shall give bond in such amount and surety as may be approved by the Council. The premiums of such bonds may be paid by the City of Gladewater. Every officer and department head of the City shall take oath of office now prescribed by the Constitution and laws of Texas as prescribed for county officials.

ARTICLE VI. DEPARTMENTS OF CITY GOVERNMENT**Section**

- 51. Designation
- 52. Directors of Departments
- 53. City Manager Acting as Director
- 54. Department of Finance

Section 51. DESIGNATION

There shall be the following departments:

- (1) Police and Fire
- (2) Public Works, Water and Sewer
- (3) Finance and Taxation
- (4) Health
- (5) And such other departments as may be established by ordinance

Section 52. DIRECTORS OF DEPARTMENTS

At the head of each department there shall be a director who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager. The City manager may serve as head of one or more departments. Two or more departments may be headed by the same individual and the director of any department may also serve as chief of divisions into which a department may be divided for administrative convenience.

Section 53. CITY MANAGER ACTING AS DIRECTOR

The City Manager shall advise the Council in writing as to the departments he heads as Director.

Section 54. DEPARTMENT OF FINANCE

There is hereby established the Finance Department. The City Manager shall be the Director of the Finance Department. The Department will have custody of all city funds and monies, certify to the correctness of all contracts and orders, verify all claims to the Council by warrants drawn on the City, which shall be signed by the City Manager and countersigned by the City Clerk, keep a set of accounts adequate to reflect the financial status of all departments and offices daily, prepare for the Council a monthly statement showing the financial condition of each department, and City agency in relation to the current budget, and perform such other duties as the Council may require by ordinance.

ARTICLE VII. BUDGET

Section

- 55. Fiscal Year
- 56. Preparation and Submission of Budget
- 57. Budget Form
- 58. Budget a Public Record
- 59. Public Hearing on Budget
- 60. Hearing and Adoption of Budget
- 61. Budget Establishes Appropriations and Amount to be Raised by Taxation
- 62. Amendment and Supplemental Budgets
- 63. Defect Shall Not Invalidate Tax Levy

Section 55. FISCAL YEAR

The Fiscal year of the City Government shall begin on the first day of October and shall end on the last day of September of each succeeding year. The fiscal year shall constitute the budget and the accounting year.

(Amended 8-10-85)

Section 56. PREPARATION AND SUBMISSION OF BUDGET

Prior to the first day of August in each year, the City Manager shall prepare, file with the City Clerk, and furnish to each member of the Council a carefully itemized budget, outlining anticipated receipts and proposed expenditures of the City showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget

for the then current fiscal year, and stating the actual receipts and expenditures of the current year. The proposed budget shall also contain a complete detailed statement of the assets, obligations and liabilities of the City and of each of the funds administered by it and an estimate of the rate of tax required for the then current calendar year.

(Amended 8-10-85)

Section 57. BUDGET FORM

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

The City Manager shall at the same time submit a budget message explaining the need for the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

Each employee, officer, board and department shall furnish the City Manager such information as may be required by him for the proper preparation of each budget.

Section 58. BUDGET A PUBLIC RECORD

The budget and budget message and all supporting schedules shall be a public record in the office of the City Clerk open to public inspection by anyone.

Section 59. PUBLIC HEARING ON BUDGET

At the Council meeting at which time the budget is submitted, the Council shall name the date and place of a public hearing and shall cause to be published in the official newspaper of the City the time and place, which will not be less than ten (10) days nor more than thirty (30) days after date of notice. At this hearings interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

(Amended 8-10-85)

Section 60. HEARING AND ADOPTION OF BUDGET

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall at least ten (10) days prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of all members of the Council. Should the Council take no final action on or prior to such day the budget as submitted by the City Manager shall be deemed to have been finally adopted by the Council.

(Amended 8-10-85)

Section 61. BUDGET ESTABLISHES APPROPRIATIONS AND AMOUNT TO BE RAISED BY TAXATION

From the effective date of the Budget the amount stated therein as to the amount to be raised by taxation shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year and the several amounts stated therein as proposed expenditures shall thereby be and become appropriated to the several objects and purposes therein stated but unused appropriations for any item may be transferred and used for any other item required for the accomplishment of the same general purpose.

When recommended by the City Manager and in the discretion of Council the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.

Section 62. AMENDMENT AND SUPPLEMENTAL BUDGETS

In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget may from time to time be authorized by the affirmative vote of the Council as amendments or supplements to the original budget.

Such supplement and amendment shall be filed with the original budget.

Section 63. DEFECT SHALL NOT INVALIDATE TAX LEVY

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

ARTICLE VIII. ASSESSMENT AND COLLECTION OF TAXES

Section

- 64. Power to Tax
- 65. Taxation
- 66. Board of Equalization

Section 64. POWER TO TAX

For any and all municipal purposes the City Council shall have the power to annually levy, assess and collect taxes on property of every character which is subject to taxation under the Constitution and laws of this State to the maximum now and hereafter permitted to cities of over 5,000 population by the Constitution and laws of this State. In addition, the City shall have the following powers:

(1) To levy and collect a franchise tax against any public service corporation operating within the City.

(2) To assess and collect annually such occupation taxes and licenses as may be authorized by the Laws of the State of Texas.
(Amended 8-10-85)

Section 65. TAXATION

The budget as adopted by the Council shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand.
(Amended 8-10-85)

Section 66. BOARD OF EQUALIZATION

The Board of Equalization shall be composed of three (3) members who shall be qualified resident taxpaying voters of the City of Gladewater. The members of this board shall be appointed by the Mayor, subject to the approval of the Council, at the first regular February meeting. The Board of Equalization, for the year for which it is appointed, shall examine all tax assessments and make equitable adjustments thereof. It shall complete its work not later than March 15. (This section has been changed by law)

ARTICLE IX. ISSUANCE AND SALE OF BONDS**Section**

- 67. General Obligation Bonds
- 68. Revenue Bonds
- 69. Sinking fund
- 70. Execution of Bonds
- 71. Bonds Transmitted to Comptroller
- 72. Bond Register
- 73. Misapplication of Bond funds

Section 67. GENERAL OBLIGATION BONDS

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for the acquisition of property for permanent public improvements or for any other public purpose not now or hereafter prohibited by the constitution and laws of the State of Texas. Except for the refunding of bonds previously issued proposition to borrow money and to issue such bonds shall first be approved by a majority of the qualified property taxpaying voters voting at an election called for the purpose of authorizing the issuance of such indebtedness. The ordinance calling such election and the manner of conducting the election shall conform in all respects to the general laws of the State of Texas.

Section 68. REVENUE BONDS

The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self liquidating municipal function not now or hereafter prohibited by any general laws of the State and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties or interest therein, acquired and the income therefrom, and shall never be a debt of the City. All revenue bonds issued by the City shall first be authorized by a majority of the qualified electors voting at an election held for such purpose. The Council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

Section 69. SINKING FUND

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested as provided by general law.

Section 70. EXECUTION OF BONDS

All bonds, warrants, and certificates of indebtedness shall be signed by the Mayor countersigned by the City Clerk and sealed with the seal of the City in the manner provided by general law, and shall be payable at such times and place or places as may be determined by the City Council.
(Amended 11-12-68)

Section 71. BONDS TRANSMITTED TO ATTORNEY GENERAL

It shall be the duty of the Mayor, when such bonds are issued, to forward the same to the Attorney General of the State of Texas for approval and for registration by the Comptroller of Public Accounts.

Section 72. BOND REGISTER

The Council shall keep, or cause to be kept, for and on behalf of the City a complete bond registry and books, showing all bonds, warrants and certificates of indebtedness issued, the date and amount thereof, the rate of interest, maturity etc., of all bonds or other indebtedness surrendered and all other transactions of the Council having reference to the refunding of the indebtedness of said City. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry. The books shall be safely kept among the records of the City.

Section 73. MISAPPLICATION OF BOND FUNDS

Any officer of the City who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose, except that for which the fund is created or is herein otherwise authorized, shall be deemed guilty of a misapplication of public funds and be subject to prosecution as provided under the laws of the State for the diversion and conversion of funds belonging to any of the municipalities of the State.

ARTICLE X. ORDINANCES**Section**

- 74. Continuance of Ordinances
- 75. Publication
- 76. Style of Ordinances
- 77. Printed Ordinance Admitted in Court
- 78. Approval of Mayor Not Necessary

Section 74. CONTINUANCE OF ORDINANCES

All ordinances heretofore adopted by any governing body of the City of Gladewater during the period of its incorporation and in effect at the time this Charter becomes effective shall continue in full force and effect insofar as not inconsistent with this Charter.

Section 75. PUBLICATION

Every ordinance passed by the Council prescribing penalties for the violation thereof may provide for punishment by fine not to exceed \$200.00 for any violation. A full text of all penal ordinances may be published at least twice in the official newspaper of the City, or in lieu thereof, a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof, may be published. All other ordinances, except those ordinances specifically required by the provisions of this Charter to be published are not required to be published in either the official newspaper of the city or in any other publication, and such ordinances shall become effective as the date stated therein, and in the event no particular date is stated said ordinances shall become effective from and after the passage and adoption by the Council.

Section 76. STYLE OF ORDINANCES

The style of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADEWATER," but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the Council.

Section 77. PRINTED ORDINANCES ADMITTED IN COURT

All ordinances of the City of Gladewater when printed and published and bearing on the Title page thereof "Ordained and Published by the City Council of the City of Gladewater" or words of like import shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

The Council shall have power to cause the ordinances of the City of Gladewater to be printed in code form and shall have the same arranged as often as the Council may deem necessary and advisable.

Section 78. APPROVAL OF MAYOR NOT NECESSARY

The final passage of an ordinance by the Council and the publication of same when so required shall be all that is necessary to make such ordinance valid and effective. The approval or signature of the Mayor shall not be necessary.

ARTICLE XI. INITIATIVE AND REFERENDUM OF ORDINANCES**Section**

- 79. Petition
- 80. When Petition Insufficient
- 81. Council to Adopt or Submit Proposal to Election
- 82. Effect of Referendum Petition
- 83. Publication of Proposed Ordinances
- 84. Results of Election

Section 79. PETITION

If any proposed ordinance, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, or a request for referendum within twenty days after the passage of any ordinance, except an ordinance appropriating money, issuing bonds, or authorizing the levying of taxes, be submitted to the City Clerk with a petition thereon signed by ten per cent of the qualified voters of the City of Gladewater, stating the residence of each signing, and bearing the oath of one of the signers that each signature thereon is the genuine signature of each person whose name purports to be subscribed thereon, the City Clerk shall, with such assistance as the City Manager may assign him, forthwith check the petition with the list of qualified voters of the City of Gladewater. (Amended 11-12-68)

Within twenty days after the filing of such petition in his office, the City Clerk shall attach thereto his certificate showing the results of his examination.

Section 80. WHEN PETITION INSUFFICIENT

The person who filed any insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten days after such notice or may file a new initiative petition at any time.

Section 81. COUNCIL TO ADOPT OR SUBMIT PROPOSAL TO ELECTION

Within twenty days after the City Clerk finds any petition proposing an ordinance sufficient, the Council shall either pass the ordinance as submitted or submit the proposed ordinance to a vote of the people.

Section 82. EFFECT OF REFERENDUM PETITION

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect until and unless approved by the electors.

Section 83. PUBLICATION OF PROPOSED ORDINANCES

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the City of Gladewater, the City Clerk shall cause the ordinance or proposition to be printed and he shall send a printed copy thereof to each voter at least ten days prior to the election. However, the council may order such ordinance or proposition to be printed in a newspaper published in the City of Gladewater instead of sending such copies to the voters.

Section 84. RESULTS OF ELECTION

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City of Gladewater. A referendum on an adopted ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed a repeal of such ordinance and it shall be without further force and effect.

ARTICLE XII. UTILITIES

Section

- 85. City May Own and Acquire
- 86. Franchises
- 87. Franchise Tax
- 88. Right to Regulate Public Utilities
- 89. Transportation
- 90. No Free Utilities

Section 85. CITY MAY OWN AND ACQUIRE

The City of Gladewater shall have the power to own and operate whatever public utilities the Council may deem wise and expedient and to license regulate, fix rates, control and supervise public utilities of all kinds.

Section 86. FRANCHISES

Franchises heretofore granted by the City of Gladewater shall not be affected by the adoption of this Charter. The Council, by ordinances, may grant permission to any person, or association of persons, to construct and operate a public utility within its corporate limits for a period not to exceed twenty (20) years, subject to such rules and regulations as may be prescribed by the Council.

Section 87. FRANCHISE TAX

Each public utility using the public ways within the City shall be required to reasonably compensate the City for the use thereof as the Council shall in its discretion determine by ordinance or by contract with any such utility.

Section 88. RIGHT TO REGULATE PUBLIC UTILITIES

All grants, renewals, extension and amendments shall be subject to the right of the City of Gladewater to repeal the same for mis-use or non-use, or failure otherwise to comply with the terms prescribed. The City may impose such regulations as shall safeguard all property rights of other resident persons and may be conducive to the safety, welfare, and accommodation of the public. The City shall have the power to regulate charges made by public utilities on services to residents of the City. The City shall also have the power to impose such regulations upon all transportation agencies operating within the City as it may find to be in the interest of public safety and convenience.

Section 89. TRANSPORTATION

The securing of adequate transportation facilities within the City and to and from the City and a transportation service to meet the public convenience of residents of this city is declared to be a public purpose. To that end the Council may grant franchises, and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenue and bonds and use public funds for such purpose.

Section 90. NO FREE UTILITIES

Free utility service shall not be granted by the City of Gladewater.

ARTICLE XIII. GENERAL PROVISIONS

Section

- 91. Property Not Subject to Execution
- 92. Not Subject to Garnishment
- 93. Assignment of Wages
- 94. Claims Against the City
- 95. Not Required to Give Bond
- 96. Disbursement of Funds
- 97. Continuation of Contracts
- 98. Pending Actions and Proceedings
- 99. When General Law Applicable
- 100. Separability Clause
- 101. Sale of City Real Property
- 102. Temporary Borrowing
- 103. Submission of Charter to Electors
- 104. Form of Ballot

Section 91. PROPERTY NOT SUBJECT TO EXECUTION

No property, owned or held by the City of Gladewater shall be subject to any execution of any kind or nature.

Section 92. NOT SUBJECT TO GARNISHMENT

No fund of the City or within the custody of the City or any of its officials in any official capacity shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

Section 93. ASSIGNMENT OF WAGES

No assignment of wages or other compensation earned, or to be earned, by any employee of the City shall be valid and the City shall never be required to recognize any such assignment or to answer in any proceedings thereon.

Section 94. CLAIMS AGAINST THE CITY

The City of Gladewater shall never be liable for any personal injury, whether resulting in death or not unless the person injured or someone in his behalf, or in the event the injury results in death the person or persons who may have cause of action under the law by reason of such death injury, shall file a notice in writing with the City Manager or City Clerk within thirty (30) days after the same

has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The City of Gladewater shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim in writing with the City Manager or the City Clerk within thirty (30) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained. The City of Gladewater shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his behalf shall file a claim in writing with the City Manager or City Clerk within thirty (30) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage has occurred, and the amount of damage claimed. The City of Gladewater shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds, or public work of the City of Gladewater unless the specific defect causing the damage or injury shall have been actually known to the City Manager at least twenty-four (24) hours prior to the occurrence of the injury or damage or unless the attention of the City Manager shall have been called thereto by a notice in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the City Manager of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the City itself, through its agents, servants, or employees, or acts of third parties.

Section 95. NOT REQUIRED TO GIVE BOND

It shall not be necessary in any action, suit, or proceeding in which the City of Gladewater is party, for any bond, undertaking or security to be executed on behalf of the City, but all such actions, suits, appeals, or proceedings shall be conducted in the same manner as if bonds, undertakings or security had been given, and the City shall be liable as if such obligation had been duly given and executed.

Section 96. DISBURSEMENT OF FUNDS

All checks, vouchers, warrants or orders drawn on the City shall be signed by the City Manager and the City Clerk and are to be countersigned by either the Mayor or the Mayor-pro-tem if the amount exceeds \$2,000.00
(Amended 8-10-85)

Section 97. CONTINUATION OF CONTRACTS

All contracts entered into by the City, or for its benefit prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Any franchise heretofore granted by the City of Gladewater which has not expired by its own terms prior to the adoption of this Charter shall not be deemed to have been modified, canceled, extended or expanded in any manner by the adoption of this Charter.

Section 98. PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, civil, or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter, or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this Charter be assigned or transferred to another office, department, or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 99. WHEN GENERAL LAW APPLICABLE

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

Section 100. SEPARABILITY CLAUSE

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

Section 101. SALE OF CITY REAL PROPERTY

The said Council may make sale of its real property by passing a resolution authorizing sale of same providing, however, competitive bidding shall be requested and at least three bids are submitted, and said resolution providing for such sale shall be duly published in a local newspaper for three consecutive weeks before property is finally sold. Council may reject any or all bids after publication.

Section 102. TEMPORARY BORROWING

The Council, by resolution, may authorize the City Manager to borrow money on the notes of the City of Gladewater in amounts not greater than necessary to supplement the revenues of the City in paying current expenses. All notes shall become due not later than September 30 of the fiscal year in which authorized. The Council shall have no power to authorize the City Manager to borrow money on the notes of the City so long as any of the City's notes authorized in a preceding fiscal year remain unpaid.

Section 103. SUBMISSION OF CHARTER TO ELECTORS

The Charter Commission in preparing this charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that the said charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Gladewater, Texas, at an election to be held for that purpose on the 18th day of October, A.D., 1955. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this charter, it shall become the charter of the City of Gladewater and after the returns have been canvassed, the same shall be declared adopted.

An official copy of the charter shall be filed with the records of the City and the mayor shall as soon as practicable certify to the Secretary of State an authenticated copy under the seal of the City, showing the approval by the qualified voters of such charter.

In not less than thirty (30) days prior to such election the City Council shall cause the City Clerk to mail a copy of this charter to each qualified voter of the City of Gladewater, Texas, as appears from the tax collector's roll for the year ending January 31st preceding said election.

Section 104. FORM OF BALLOT

It is hereby prescribed that the ballot proposition for use in the election for the adoption of this Charter for the City of Gladewater shall be as follows, to-wit:

FOR ADOPTION OF HOME RULE CHARTER

DIRECTIONS: To vote for the adoption of this Charter, press the lever downward under the word "YES."

To vote against the adoption of this Charter, press downward under the word "NO."

CHARTER OF THE CITY OF GLADEWATER

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- 10.17 Ordinances which amend or supplement code
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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Gladewater shall be designated as the Code of Gladewater and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPAL CORPORATION, MUNICIPALITY, or TOWN. The City of Gladewater, Texas.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Gregg/Upshur County, Texas.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. 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**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of Texas.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) **AND** or **OR.** Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED; PUBLIC UTILITY ORDINANCES.

(A) All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

(B) No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service, or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of § 10.16(B), excepting as this code may contain provision for such matters, in which case this code shall be considered as amending such ordinances in respect of such provisions only. ('60 Code, § 12-5-2)

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided. ('60 Code, § 12-5-3)

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. *Example:* (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: Tex. Rev. Civ. Stat., Art. 6252-17a (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see Tex. Rev. Civ. Stat. Art. 6252-17a

(C) If a section of this code is derived from the previous code of ordinances of the city published in 1960 and subsequently amended, the 1960 code section number shall be indicated in the history by “(‘60 Code, § ____).”

§ 10.99 GENERAL PENALTY.

Whenever in this code or in any ordinance of the city an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or 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, or said penalty is specified at an amount below the amount specified in this section,

the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding \$2,000 in all cases arising under ordinances governing fire safety, zoning, and public health and sanitation, including the dumping of trash, refuse, waste, or litter, and not exceeding \$500 in all other cases; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

(Ord. 87-13, passed 10-15-87)

Statutory reference:

General enforcement authority of municipalities, see Tex. Loc. Gov't Code, § 54.001

Civil penalties for ordinance violations, see Tex. Loc. Gov't Code, § 54.017

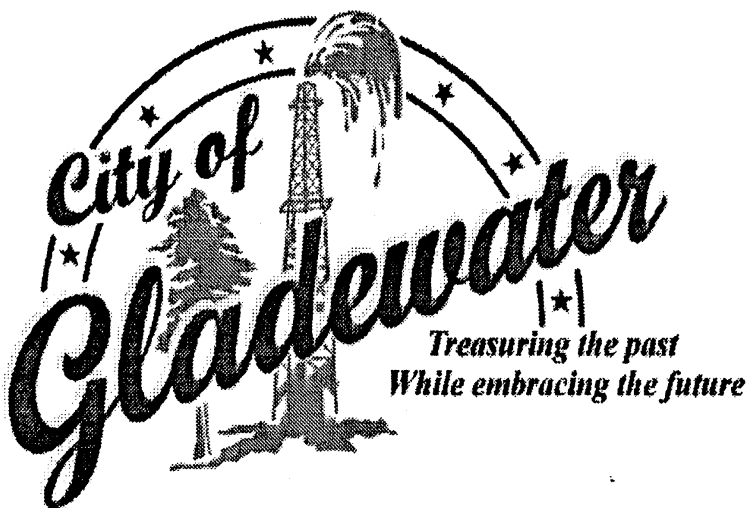
CHAPTER 11: CITY STANDARDS

Section

- 11.01 City logo
- 11.02 City government

§ 11.01 CITY LOGO.

(A) The city hereby ratifies the adoption of the logo identified and depicted below as the official City logo (the “City Logo”). The city ratifies any and all of its prior uses of the City Logo by any city personnel or employees in futherance of official business of the city.



(B) No person may use, in any manner or form, the City Logo, or any mark confusingly similar thereto, for any purpose without prior approval of the City Council, including but not limited to, for the purpose of indicating sponsorship by, affiliation with or the approval of the city.

(C) Any violation of this section may be enjoined by a suit filed in the name of the city in a court of competent jurisdiction. In addition, any person, firm, corporation or company violating any provision of this section shall upon commission be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed \$500 for each offense, with each individual unauthorized use or publication constituting a separate violation. Furthermore, each day that such violation continues shall constitute a separate violation.

(D) This section shall be and is hereby declared to be cumulative of all other sections of the city, and this section shall not operate to repeal or affect any of such other sections except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this section, in which event such conflicting provisions, if any, in such other section or sections are hereby repealed.

(Ord. 01-04, passed 3-15-01)

§ 11.02 CITY GOVERNMENT.

The City of Gladewater believes in an open, transparent, and democratic local government. The rules established below are intended to establish a uniform and orderly process for citizens to be involved in their government, while encouraging and inviting their participation. They are intended to be simple and reasonable, allowing for common sense and good governance. They are not intended to restrict debate, dissent, open government, or the legislative process.

(A) The City Manager, working in conjunction with the Mayor and City Secretary, shall set the City Council agenda. Together they shall use their best judgment to determine which items of city business are to come before the City Council.

(B) The Mayor and/or any member of the City Council shall have the authority to have an item(s), whether for discussion or action, be placed on the agenda of a City Council meeting. This may be done by notifying the City Manager in writing within a reasonable time-frame before the meeting in which the item is to be brought before the City Council.

(C) Citizens desiring to have an item brought before the City Council shall notify the City Manager in writing no less than seven working days in advance of the City Council meeting in which they want the item brought before the City Council. The City Manager, after consultation with the requestor, shall decide if the matter is to be placed on the City Council's agenda, and whether it should be a discussion item or action item.

(D) A citizen may bring no more than one item before the City Council per month.

(E) If a citizen requests an item to be placed on the agenda, and then it is voted on and defeated by majority vote of the City Council, the requestor may not bring the same item back before the City Council for a period of six months.

(F) Groups of people wishing to have an issue placed on the City Council's agenda are encouraged to utilize a single spokesperson when representing their interests before the City Council.

(G) When a citizen is addressing the City Council he/she is encouraged to recognize and utilize proper decorum. This includes refraining from personal attacks, no use of offensive language, and stating his/her case expeditiously. The presiding officer of the meeting may reasonably limit or expand the scope of the discussion and/or the time spent discussing an item.

(H) Regarding citizens commenting on agenda items which they did not request for placement on the agenda, the presiding officer of the City Council meeting may, at his or her own discretion, recognize a person and/or persons in attendance at the City Council meeting and allow such person(s) to speak on an item(s) before the City Council.

(I) Citizens attending City Council meetings wishing to address the City Council on non-agenda items shall be allowed to do so through the following process.

(1) They shall complete a speakers form provided by the City Secretary and provide it to the City Secretary in advance of the Call to Order of the City Council meeting.

(2) They must first be recognized by the presiding officer of the meeting.

(3) They shall identify themselves by name and home address for the record.

(4) Their comments shall be made from the podium, and shall be limited to three minutes.

(5) A maximum of seven public speakers or groups will be permitted per City Council meeting.

(6) Groups of people wishing to address a single issue are encouraged to utilize a single spokesperson to represent their interests.

(7) In compliance with the Texas Open Meetings Act, the City Council is not to respond to questions and issues raised which are not listed on the agenda of the City Council meeting.
(Ord. 06-13, passed 11-16-06)

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- 31. POLICE DEPARTMENT**
- 32. PERSONNEL POLICIES AND PROCEDURES**
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- 35. EMERGENCY MANAGEMENT**
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Charter-reference:

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Cross-reference:

The Board of Adjustment, see §§ 154.100 - 154.105

The Board of Equalization, see Charter, Article VIII, § 66; and §§ 36.01 - 36.07

The Cemetery Board, see § 96.02

The Construction Board of Appeals, see § 151.25

The Library Board, see § 95.03

BOARD RECRUITMENT AND APPOINTMENT POLICY

§ 30.01 PURPOSE.

(A) The City of Gladewater wishes to encourage community involvement by engaging citizens of diverse backgrounds, skill sets and innovative ideals to serve on city boards. To accomplish the goal of greater participation in city government, the city will endeavor to actively recruit interested individuals through a variety of public media resources.

(B) Each board is structured by ordinance as to the purpose, number of members, terms, requirements and meeting frequency.

(C) City appointed boards consists of: Airport, Cemetery, GEDCO, Lake, Library, Main Street, Planning and Zoning Commission and Zoning Board of Adjustments.
(Ord. O-13-06, passed 8-15-13)

§ 30.02 ELIGIBILITY REQUIREMENTS.

The following individuals are eligible to serve City of Gladewater boards and commissions;

(A) All ad-valorem tax-paying residents, business owners, renters and/or lessees of property within the corporate city limits of Gladewater.

(B) Any individuals possessing specific knowledge, skill sets or expertise that has demonstrated interest in the betterment of Gladewater.
(Ord. O-13-06, passed 8-15-13)

§ 30.03 RECRUITMENT PROCESS.

(A) All persons interested in serving on a city appointed board must do so by submitting an application form provided by the City Secretary.

(B) A recruitment notice will be published in the Gladewater Mirror and Longview News Journal twice each year with information on the various boards and the application process.

(C) A permanent notice will be posted on the City of Gladewater website along with the application form.

(D) City officials are to improve public awareness and encourage public service by speaking at civic organizations regarding the various city boards and their functions.
(Ord. O-13-06, passed 8-15-13)

§ 30.04 REVIEW AND APPOINTMENT PROCESS.

(A) City Secretary to receive and review applications for completeness and eligibility. Once eligibility is determined, applications are forwarded to each board for consideration.

(B) Each board will give consideration to the pool of applicants and submit a written nomination to the City Secretary.

(C) The City Secretary will place board nominations on the November City Council agenda for consideration. The entire pool of applicants will be forwarded to the City Council along with the nomination made by each board.

(D) The City Council may appoint any of its members to serve as an ex-officio member of any board.

(Ord. O-13-06, passed 8-15-13)

LAKE BOARD

§ 30.10 CREATED; ORGANIZATION.

There is hereby created a Lake Board, composed of seven members and one alternate member, each of whom shall meet eligibility requirements provided in § 30.02 of this chapter. Members shall serve without pay.

('60 Code, § 2-10-1) (Ord. 1100, passed 6-16-77; Am. Ord. O-13-06, passed 8-15-13; Am. Ord. O-17-28, passed 11-16-17)

§ 30.11 APPOINTMENT AND TERMS.

(A) The members of the Lake Board shall be nominated by the Board and approved by a majority of the Council before becoming a member thereof. The term of appointment shall be two years, however members shall serve until their successor is appointed. Three members shall be appointed in November of even-numbered years and four members appointed in November of odd-numbered years.

(B) All vacancies occurring on the Board shall be filled by nomination of the Board and approved by a majority of the Council and shall be for the remainder of the term of the vacating member. Any member of the Lake Board may be removed from office at any time by a majority vote of the Council without any reason given therefor.

(C) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Gov't Code § 551.005.

('60 Code, § 2-10-2) (Ord. 1100, passed 6-16-77; Am. Ord. O-13-06, passed 8-15-13)

§ 30.12 PURPOSE.

The purpose of said Board is to act in an advisory capacity only concerning recreational activities at Lake Gladewater, making recommendations to the City Council on maintenance, improvements, and control of said activities.

('60 Code, § 2-10-3) (Ord. 1100, passed 6-16-77; Am. Ord. O-13-06, passed 8-15-13)

Cross-reference:

Parks and recreation; Lake Gladewater, see Chapter 93

§ 30.13 OFFICERS AND DUTIES.

In December of each year, the Lake Board shall elect one of its members as chairman, one as vice-chairman and one as secretary for a term of one-year.

(A) The chairman, or in his absence, the vice-chairman, shall preside at all meetings, shall decide all points of order and procedure.

(B) The secretary shall record all minutes of said Board meetings and promptly render to the City Secretary who shall keep a permanent record of the proceedings.

('60 Code, § 2-10-1) (Ord. 1100, passed 6-16-77; Am. Ord. O-13-06, passed 8-15-13)

§ 30.14 MEETINGS.

(A) A majority of the Lake Board (four) shall constitute a quorum. All actions taken by the Lake Board shall be upon a majority vote of those present at any meeting.

(B) Regular meetings shall be held bi-monthly on the first Monday of the month at 6:00 p.m. at the Lake Gladewater Office. All meetings shall be held in accordance with the Open Meetings Act.

('60 Code, § 2-10-5) (Ord. 1100, passed 6-16-77; Am. Ord. 06-12, passed 11-16-06; Am. Ord. O-13-06, passed 8-15-13)

§ 30.15 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Lake Board, singly or collectively, shall render the city liable to respond in damages or make indemnity or compensation of any character.

('60 Code, § 2-10-6) (Ord. 1100, passed 6-16-77; Am. Ord. O-13-06, passed 8-15-13)

BALL PARK ADVISORY BOARD**§ 30.20 CREATED; ORGANIZATION.**

There is hereby created a Ball Park Advisory Board composed of five members, each of whom shall meet the eligibility requirements provided in § 30.02 of this chapter. One member shall be a representative from the baseball association, one member shall be a representative from the softball association, and three members shall be citizens at large. One staff member shall serve as an ex-officio member. Members shall serve without pay.

(Ord. O-14-21, passed 12-18-14)

§ 30.21 APPOINTMENT AND TERMS.

(A) Ball Park Advisory Board members shall be appointed for two-year terms, and shall serve until their successors are appointed. Initial appointments shall be made for staggered terms. Two members shall be appointed in November of even-numbered years and three members shall be appointed in November of odd-numbered years. Members shall be nominated by the Board and approved by a majority of the City Council.

(B) All vacancies occurring on the Board shall be filled by nomination of the Board and approved by a majority of the Council and shall be for the remainder of the term of the vacating member. Any member of the Ball Park Advisory Board may be removed from office at any time by a majority vote of the Council without any reason given therefor.

(C) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Government Code § 551.005.

(Ord. O-14-21, passed 12-18-14)

§ 30.22 PURPOSE.

(A) The Ball Park Advisory Board shall be responsible for advising and making recommendations to the City Council on all matters relating to the establishment, maintenance, and operation of City ballparks and recreation programs for the City of Gladewater and its inhabitants, and to carry out other duties as may be assigned by the City Council.

(B) The Ball Park Advisory Board shall recommend to the City Council rules for the use of ballparks, the rental of said parks, the maintenance and upkeep, public grounds and the partnership of the associations with the City for youth sports within the community.

(Ord. O-14-21, passed 12-18-14)

§ 30.23 OFFICERS AND DUTIES.

In December of each year, the Ball Park Advisory Board shall elect one of its members as chairman, one as vice-chairman and one as secretary for a term of one-year.

(A) The chairman, or in his absence, the vice-chairman, shall preside at all meetings, shall decide all points of order and procedure.

(B) The secretary shall record all minutes of said Board meetings and promptly render to the City Secretary who shall keep a permanent record of the proceedings.
(Ord. O-14-21, passed 12-18-14)

§ 30.24 MEETINGS.

(A) A majority of the Ball Park Advisory Board shall constitute a quorum. All actions taken by the Ball Park Advisory Board shall be upon a majority vote of those present at any meeting.

(B) Regular meetings shall be held as needed. Additional time may be required for outside meetings to visit sites and to read relevant reports and documentation. Meetings shall be held in compliance with the Open Meetings Act and members must comply with attendance requirements set forth by the City Council.
(Ord. O-14-21, passed 12-18-14)

§ 30.25 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Ball Parks Advisory Board, singly or collectively, shall render the City liable to respond in damages or make indemnity or compensation of any character.
(Ord. O-14-21, passed 12-18-14)

BEAUTIFICATION ADVISORY BOARD

§ 30.30 CREATED; ORGANIZATION.

There is hereby created a Beautification Advisory Board composed of seven members, each of whom shall meet the eligibility requirements provided in § 30.02 of this chapter. Members shall serve without pay.
(Ord. O-15-01, passed 1-15-15)

§ 30.31 APPOINTMENT AND TERMS.

(A) Beautification Advisory Board members shall be appointed for two-year terms, and shall serve until their successors are appointed. Initial appointments shall be made for staggered terms. Three members shall be appointed in November of even-numbered years and four members shall be appointed in November of odd-numbered years. Members shall be nominated by the Board and approved by a majority of the City Council. The Code Enforcement Officer shall serve as an ex-officio member of the Board.

(B) All vacancies occurring on the Board shall be filled by nomination of the Board and approved by a majority of the Council and shall be for the remainder of the term of the vacating member. Any member of the Beautification Advisory Board may be removed from office at any time by a majority vote of the Council without any reason given therefor.

(C) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Government Code § 551.005.
(Ord. O-15-01, passed 1-15-15)

§ 30.32 PURPOSE.

(A) The Beautification Advisory Board shall stimulate civic pride and promote community involvement in order to enhance the aesthetic appearance of the City.

(B) The Beautification Advisory Board shall assist the Code Enforcement Division by identifying properties in substandard, littered, overgrown, and/or deplorable condition.

(C) The Beautification Advisory Board shall review existing codes and ordinances and make recommendations to the City Council to enhance and improve beautification efforts.
(Ord. O-15-01, passed 1-15-15)

§ 30.33 OFFICERS.

In December of each year, the Beautification Advisory Board shall elect one of its members as chairman, one as vice-chairman and one as secretary for a term of one-year.

(A) The chairman, or in his absence, the vice-chairman, shall preside at all meetings, shall decide all points of order and procedure.

(B) The secretary shall record all minutes of said Board meetings and promptly render to the City Secretary who shall keep a permanent record of the proceedings.
(Ord. O-15-01, passed 1-15-15)

§ 30.34 DUTIES.

(A) Each Beautification Advisory Board member shall identify one property in substandard, littered, overgrown or deplorable condition, including supporting photographs at each monthly meeting.

(B) Upon recommendation from the Board, staff will send a certified letter to the owner of each identified property. The property owner will be given 30 days in which to rectify or abate the identified nuisance or condition.

(C) If the property owner fails to abate the nuisance or condition within the specified time, the case will be submitted to the Code Enforcement Officer for citation and fine through the Municipal Court.

(D) Monthly activity reports shall be submitted to the City Council.
(Ord. O-15-01, passed 1-15-15)

§ 30.35 MEETINGS.

(A) A majority of the Beautification Advisory Board shall constitute a quorum. All actions taken by the Beautification Advisory Board shall be upon a majority vote of those present at any meeting.

(B) Regular meetings shall be held on the second Monday of each month at 4:30 p.m. at Gladewater City Hall. Meetings shall be held in compliance with the Open Meetings Act and members must comply with attendance requirements set forth by the City Council.
(Ord. O-15-01, passed 1-15-15; Ord. O-15-18, passed 10-15-15)

§ 30.36 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Beautification Advisory Board, singly or collectively, shall render the City liable to respond in damages or make indemnity or compensation of any character.
(Ord. O-15-01, passed 1-15-15)

PLANNING AND ZONING COMMISSION**§ 30.40 CREATED; ORGANIZATION.**

There is hereby created a Planning and Zoning Commission for the city composed of seven members, each of whom shall meet eligibility requirements provided in § 30.02 of this chapter. Members shall serve without pay. ('60 Code, § 2-1-1) (Ord. 1090, passed 10-14-76; Am. Ord. 06-14, passed 12-21-06; Am. Ord. O-13-06, passed 8-15-13)

§ 30.41 APPOINTMENT AND TERMS.

(A) The members of the Planning and Zoning Commission shall be nominated by the Commission and approved by a majority of the Council before becoming a member thereof. The term of appointment shall be two years, however members shall serve until their successor is appointed. Three members shall be appointed in November of even-numbered years and four members appointed in November of odd-numbered years. Any member of the Planning and Zoning Commission may be removed from office at any time by a majority vote of the Council without any reason given therefor.

(B) All vacancies occurring on the Commission shall be filled by nomination of the Commission with the approval of a majority of the Council and shall be for the remainder of the term of the vacating member.

(C) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Gov't Code § 551.005.
(‘60 Code, § 2-1-2) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

§ 30.42 PURPOSE.

The purpose of said Commission is to act in an advisory capacity to the City Council as to regulate the platting and recording of subdivisions or additions situated within the corporate limits, or within one mile of such city, the same being Tex. Loc. Gov't Code §§ 212.001 et seq., as amended. Said statute is hereby adopted for and on behalf of the city and the city, acting through its duly authorized officials, shall have all the rights, powers, privileges, and authority authorized and granted by and through said statutes. The Commission is also an agency invested by law with the duty of hearing applications for zoning changes and of making recommendations thereon to the City Council.

(‘60 Code, § 2-1-3) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

Cross-reference:

Zoning Code, see Chapter 154

§ 30.43 OFFICERS AND THEIR DUTIES.

(A) In December of each year, the Planning and Zoning Commission shall elect one of its members as chairman and one as vice-chairman to serve a one-year term. The Building Inspector of the city shall be an ex-officio member of the Planning and Zoning Commission.

(B) The chairman, or in his absence the vice-chairman, shall preside at all the meetings, shall decide all points of order or procedure and shall sign all approved subdivision plats and zoning changes on behalf of the Planning and Zoning Commission.

(C) The City Secretary shall perform such duties as are necessary to prepare accurate and complete minutes of the Commission's actions, prepare the agenda for the meeting, attend to the correspondence of the Commission and shall post notices of all public hearings and meetings of the Planning and Zoning Commission. The City Secretary shall have full care, custody, and control of the minutes and other official records.

('60 Code, § 2-1-4) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

§ 30.44 MEETINGS.

(A) A majority of the Planning and Zoning Commission (four) shall constitute a quorum. All actions taken by the Planning and Zoning Commission shall be upon a majority vote of those present at any meeting.

(B) Regular meetings shall be held as needed on the second Thursday of the month at 5:30 p.m. at City Hall. All meetings shall be held in accordance with the Open Meetings Act.

('60 Code, § 2-1-5) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

§ 30.45 REQUIRED REPORTS.

The Planning and Zoning Commission shall make preliminary and final reports and recommendations to the City Council and hold public hearings on all subdivision platting and rezoning changes. The City Council shall not hold its public hearings or take any action until it has received the final report from the Planning and Zoning Commission on all subdivision plattings and rezoning changes.

('60 Code, § 2-1-6) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

§ 30.46 RESPONSIBILITY OF DEPARTMENT HEADS.

Department heads and officials of the city shall be available to the Commission for advice and consultation and they shall cooperate with and render such services for this as shall come within the scope of the duties of such department heads and officials.

('60 Code, § 2-1-7) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

§ 30.47 POWERS AND DUTIES.

The Planning and Zoning Commission shall have the power to and it shall be its duty to do the following:

(A) To diligently advise the City Council on those matters falling within its charged responsibilities in a manner reflecting its concern for the overall development and environment of the city as a setting for human activities.

(B) To hold public hearings on all subdivision platting and zoning changes.

(C) To investigate, consider, and report to the Council upon the layout or platting of any new subdivision of the city or of property situated within one mile of the city limits and to recommend the approval or rejection of all plans, plats, or replats of additions within the city limits or within one mile of the same.

(D) To make studies and project plans for the improvement of the city, with a view for future development and extensions and to recommend to the Council all matters for the development and advancement of the city's facilities, and particularly, shall pass upon the application for plats requested under Tex. Loc. Gov't Code §§ 212.001 et seq.

(E) To make any recommendation that seems expedient with reference to future zoning plans or laws and with reference to the use of the present zoning of the city.
(‘60 Code, § 2-1-8) (Ord. 1090, passed 10-14-76; Am. Ord. 04-11, passed 10-14-04; Am. Ord. O-13-06, passed 8-15-13)

§ 30.48 NOTICE OF HEARINGS.

The Planning and Zoning Commission shall hold a public hearing on all appeals made to it and written notice of such public hearing shall be sent to the applicant and others who are owners of real property lying within 200 feet of the property on which the appeal is made. Such notice will be given not less than ten days before the date set for the hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the United States post office. Notice shall also be given by publishing the same in the newspaper of the city at least ten days prior to the date set for the hearing, which notice shall state the time and place of such hearings.

(‘60 Code, § 2-1-9) (Ord. 1090, passed 10-14-76; Am. Ord. O-13-06, passed 8-15-13)

§ 30.49 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Planning and Zoning Commission, singly or collectively, shall render the city liable to respond in damages or make indemnity or compensation of any character. (Ord. O-13-06, passed 8-15-13)

AIRPORT BOARD**§ 30.60 CREATED; ORGANIZATION.**

(A) There is hereby created the Gladewater Municipal Airport Advisory Board, herein referred to as the “Airport Board,” to be composed of seven members, each of whom shall meet eligibility requirements provided in § 30.02 of this chapter. Members shall serve without pay.

(B) Airport Board members shall be appointed for two-year terms, and shall serve until their successors are appointed. Members of the Airport Board shall be nominated by the Board and approved by a majority of the Council before becoming a member thereof. Four members shall be appointed in odd-numbered years and three members shall be appointed in even-numbered years. Appointments shall be made at the City Council’s regular meeting in November of each year. Any member of the Airport Board may be removed from office at any time by a majority vote of the Council without any reason given therefor.

(C) No person having any financial interest in any commercial carrier by air, or in any concession, right, or privilege to conduct any business or render any service for compensation upon the premises of the Gladewater Municipal Airport shall be eligible for membership on Airport Board.

(D) All vacancies occurring on the Board shall be filled by a nomination from the Board and appointment by a majority of the Council and shall be for the remainder of the term of the vacating member.

(E) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Gov’t Code § 551.005.
(Ord. 86-10, passed 9-11-86; Am. Ord. O-13-06, passed 8-15-13)

§ 30.61 OFFICERS.

In December of each year the Airport Board shall select from among its members a chairman, vice-chairman and secretary to serve a one-year term. The secretary, who may, but need not be a member

of the Airport Board, shall record all minutes of said Board meetings and promptly render to the City Secretary who shall keep a permanent record of the proceedings.
(Ord. 86-10, passed 9-11-86; Am. Ord. O-13-06, passed 8-15-13)

§ 30.62 FUNCTIONS.

(A) The Airport Board shall operate in an advisory capacity to the City Council in respect to ground leases, construction, expansion, improvements, future plans and maintenance and operation of the airport.

(B) The Airport Board shall review and make recommendations to the City Council regarding design of all hangars and buildings to be erected on the airport before a building permit will be issued.

(C) The Airport Board shall call the Airport Manager's attention to any failure by a lessee to carry out codes or policies involving the airport adopted by the City Council. The Airport Manager shall be the City Manager or his designee.

(D) The Airport Board shall, acting in an advisory capacity only, work toward the general improvement of the airport and the advancement of the city as an air transportation center.
(Ord. 86-10, passed 9-11-86; Am. Ord. O-13-06, passed 8-15-13)

§ 30.63 [RESERVED]

§ 30.64 [RESERVED]

§ 30.65 MEETINGS; QUORUM.

(A) A majority of the Airport Board (four) shall constitute a quorum. All actions taken by the Airport Board shall be upon a majority vote of those present at any meeting.

(B) Regular meetings shall be held on the first Tuesday of each month at 7:00 p.m. at the Airport Terminal. All meetings will be conducted in accordance with the Texas Open Meetings Act.
(Ord. 86-10, passed 9-11-86; Am. Ord. O-13-06, passed 8-15-13)

§ 30.66 MUNICIPAL AIRPORT FUND.

There hereby exists, in and for the city, the Municipal Airport Fund. All fees, charges, rents and money derived from the operation of the Gladewater Municipal Airport shall be deposited in said fund.

The monies deposited into said Gladewater Municipal Airport Fund shall be used solely for the development, operation, and maintenance, and other costs that may arise on the Gladewater Municipal Airport.

(Ord. 86-10, passed 9-11-86; Am. Ord. O-13-06, passed 8-15-13)

§ 30.67 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Airport Board, singly or collectively, shall render the city liable to respond in damages or make indemnity or compensation of any character.

(Ord. 86-10, passed 9-11-86; Am. Ord. O-13-06, passed 8-15-13)

MAIN STREET BOARD

§ 30.75 CREATED; ORGANIZATION.

(A) There is hereby created a Main Street Advisory Board for the city, composed of nine members, each of whom shall meet eligibility requirements provided in § 30.02 of this chapter, who shall serve without pay.

(B) Main Street Board members shall be appointed for three-year terms, and shall serve until their successors are appointed. Members shall be nominated by the Board, and approved by a majority of the Council before becoming a member thereof. Appointments shall be made at the City Council's regular meeting in November of each year. Three members shall be appointed in even-numbered years and three members shall be appointed in every other odd-numbered year. Any member of the Main Street Board may be removed from office at any time by a majority vote of the Council without any reason given therefor.

(C) All vacancies occurring on the Board shall be filled by a nomination from the Board, with the approval of a majority of the Council and shall be for the remainder of the term of the vacating member.

(D) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Gov't Code § 551.005.

(Ord. 99-05, passed 2-18-99; Am. Ord. 02-18, passed 12-19-02; Am. Ord. O-13-06, passed 8-15-13)

§ 30.76 PURPOSE.

To act in an advisory capacity to the City Council and with the Main Street Director to promote, revitalize and beautify the downtown business district of Gladewater; to assist in the preservation of

buildings, sites, works of art, documents, papers, pictures, records and writings of historical, traditional or cultural value; to perpetuate those customs of the people and traditions and folklore which seem to beautify and enrich the community life of Gladewater, to discover and work toward the development of areas of natural beauty and charm as well as those places of special natural history interest with the city of Gladewater, and its environs; to disseminate knowledge, promote interest, encourage study and research and to and in an advisory capacity to interested groups of persons and organizations regarding those things already enumerated; and to cooperate with other persons, groups and agencies in effecting these objectives.

(Ord. 02-17, passed 12-19-02; Am. Ord. O-13-06, passed 8-15-13)

§ 30.77 MEETINGS.

(A) Regular meetings of the Main Street Board shall be held on the first Tuesday of each month at 5:15 p.m. at Gladewater Chamber of Commerce. Meetings shall be held in compliance with the Open Meetings Act and members must comply with attendance requirements set forth by the City Council.

(B) A majority of the Main Street Board (five) shall constitute a quorum. All actions taken by the Main Street Board shall be upon a majority vote of those present at any meeting.

(Ord. O-13-06, passed 8-15-13; Am. Ord. O-17-03, passed 2-16-17)

§ 30.78 OFFICERS.

(A) In December of each year, the Main Street Board shall select from among its members a chairman, vice-chairman to serve a one year term.

(B) The Main Street Director shall record all minutes of said Board meeting and promptly render to the City Secretary who shall keep a permanent record of the proceedings.

(Ord. 02-17, passed 12-19-02; Am. Ord. O-13-06, passed 8-15-13)

§ 30.79 OTHER COMMITTEES.

(A) The Main Street Board may appoint such committees to perform such duties and functions, as the Board may deem appropriate.

(B) Each member of every committee shall continue in office at the pleasure of the Main Street Board.

(C) One member of each committee shall be appointed Chair, either directly by the Main Street Board, or in such other manner as the Main Street Board may prescribe.

(D) A majority of the whole committee shall constitute a quorum. Members of committees may not vote by proxy.

(Ord. 02-17, passed 12-19-02; Am. Ord. O-13-06, passed 8-15-13)

§ 30.80 [RESERVED]

§ 30.81 CONTRACTS, CHECKS, DEPOSITS AND GIFTS.

(A) *Contracts.* The Main Street Board may recommend projects or contracts for projects consistent with the general or special purposes of the Main Street Program for presentation to and consideration by the Gladewater City Council. Neither the Main Street Board nor any officer or agent thereof shall be authorized to enter into contracts on behalf of the City of Gladewater. Such contracts may only be authorized by the Gladewater City Council.

(B) *Checks.* All checks, drafts or orders for payment of money from funds provided by the City of Gladewater shall be signed in accordance with the policies and procedures established by the Gladewater City Council. No indebtedness shall be incurred without the prior approval of the Gladewater City Council.

(C) *Deposits and Gifts.* The Main Street Board may accept contributions, gifts, bequests, or devises for the general purpose or for any special purpose of the Gladewater Main Street Program. Funds so received must be rendered to City Treasurer for deposit into account designated for the Gladewater Main Street Program.

(D) The Main Street Board may make recommendation to the City Manager for expenditure of such budgeted or donated funds as it determines to be consistent with the goals and purposes of the Main Street Program, except that any contributions, gifts, bequests or devises made for a specific purpose consistent with the goals and purposes of the Main Street Program shall be used only for such specific purpose.

(Ord. 02-17, passed 12-19-02; Am. Ord. O-13-06, passed 8-15-13)

§ 30.82 [RESERVED]

§ 30.83 [RESERVED]

§ 30.84 [RESERVED]

§ 30.85 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Main Street Board, singly or collectively, shall render the city liable to respond in damages or make indemnity or compensation of any character.
(Ord. 99-05, passed 2-18-99; Am. Ord. O-13-06, passed 8-15-13)

CHAPTER 31: POLICE DEPARTMENT

Section

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GENERAL PROVISIONS

§ 31.01 DEPARTMENT CREATED.

There is hereby created a Police Department which shall consist of the Chief of Police and such other personnel as may be provided by the City Manager.
(‘60 Code, § 1-1-1)

§ 31.02 DUTIES.

It shall be the duty of the members of the Police Department to see to the enforcement of all of the laws of the city and all statutes applicable therein; and to preserve order and prevent infractions of the law, and arrest violators thereof.

('60 Code, § 1-1-2)

§ 31.03 RULES AND REGULATIONS.

The Chief of Police may make or prescribe rules and regulations as he may deem advisable; such rules, when approved by the City Manager, shall be binding on all the members. The rules and regulations may cover the conduct of the members, uniforms, and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the Department.

('60 Code, § 1-1-4)

§ 31.04 WITNESS FEE.

Every member of the Police Department shall appear as a witness whenever necessary in a prosecution for a violation of any of the laws of the city or of any state or federal law. No member shall retain any witness fee for service as witness in any action or suit to which the city is a party; and fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Treasurer.

('60 Code, § 1-1-3)

§ 31.05 REWARDS.

The Chief of Police, for meritorious service rendered by any member of the Police Force in the due discharge of his duty, may permit such member to retain for his own benefit, so far as he may be permitted by law, any reward or present tendered him. It shall be cause for removal for any member of the Force to receive any reward or present without notice thereof to the Chief of Police and without his permission.

('60 Code, § 1-1-6)

POLICE RESERVE UNIT

§ 31.20 ESTABLISHMENT.

The Police Reserve is hereby established to be known as the Police Reserve Unit of the City Police Department.

('60 Code, § 1-6-1) (Ord. 1032, passed 11-24-70)

§ 31.21 SUPERVISION.

The Unit shall be under the command of the Chief of Police of Gladewater, Texas, supervised by the City Manager with organizational structure and policies to be determined by the City Council, subject to all of the provisions of the City Charter, ordinances of the city, and of this chapter.

('60 Code, § 1-6-2) (Ord. 1032, passed 11-24-70)

§ 31.22 RULES AND REGULATIONS.

The Chief of Police may, by order, establish rules and regulations to govern the Police Reserve Unit, to fix specific duties of its members, to appoint the Captain and other officers for this Unit, and to provide for the maintenance of discipline. He may change such orders from time to time, and he may command members of the Police Reserve Unit to obey the instructions of regular police officers in carrying out their orders.

('60 Code, § 1-6-3) (Ord. 1032, passed 11-24-70)

§ 31.23 PERSONNEL.

The Police Reserve Unit shall be composed of personnel who have volunteered to join the organization and whose applications for membership have been accepted and who have complied with all the rules, regulations, and orders provided for the conduct and control of the members thereof.

('60 Code, § 1-6-4) (Ord. 1032, passed 11-24-70)

§ 31.24 APPLICATION.

Application for membership in the Police Reserve shall be filed with the Police Department. Such application shall be on a form prescribed by the Chief of Police and approved by the City Council, and shall state the residence of the applicant.

('60 Code, § 1-6-5) (Ord. 1032, passed 11-24-70)

DEPLOYMENT OF TIRE DEFLATION DEVICES (SPIKE SYSTEMS)**§ 31.35 GENERAL GUIDELINES.**

(A) The use of tire deflation devices (spike systems) will be governed by sound professional guidelines outlined in this procedure.

(B) The safety of all officers, citizens, and violators should be considered before a tire deflation device is deployed.

(C) Whenever possible, a supervisor's permission should be obtained prior to deploying the tire deflation device.

(Ord. 02-05, passed 4-15-02)

§ 31.36 CRITERIA FOR USE.

The following criteria shall be met prior to use of tire deflation devices:

(A) There is reasonable cause to believe the suspect has committed a felony or another agency requests deployment.

(B) The officer attempting to arrest the suspect has given notice of commands to stop by both overhead flashing lights and siren, and the suspect ignores those commands in an effort to avoid arrest.

(C) Pursuing officers will communicate to the deploying unit all necessary information to identify the target vehicle.

(1) If pursuing units are from another agency, communications should be made with the pursuit units and obtain the location, speed and target vehicle information.

(2) The pursuing units should be advised when and where the tire deflation device is deployed.

(D) The deploying officer will be trained in spike system deployment and will consider the following:

(1) The location of deployment, making use of natural barriers, such as overpass pylons, guard rails, bridges and shrubbery, that may offer a degree of protection and concealment;

(2) In areas where no natural barriers exist, patrol vehicles may offer some protection. In such cases, the vehicle's wheels should be turned to offer additional protection in case the vehicle is struck;

(3) Traffic conditions;

(4) Roadway configurations (curves, steep embankments, etc.) should be avoided; and

(5) An adequate sight distance exists so that the pursuit unit and other traffic may be seen as it approaches.

(E) The deploying unit shall be in position to allow sufficient time for proper deployment and will advise pursuing unit(s) of the deployment. The pursuing unit(s) will slow sufficiently prior to reaching the deployment location to allow the deploying officer time to retrieve the spike system before passing through.

(F) The tire deflation device will not be deployed to stop motorcycles, mopeds or similar vehicles, unless the use of deadly force can be legally justified.

(G) The tire deflation device will not be deployed to stop the following vehicles, unless the continued movements of the pursued vehicle would result in an unusual hazard to others:

(1) Any vehicle transporting hazardous materials,

(2) Any passenger bus transporting passengers,

(3) Any school bus transporting students, and

(4) Any vehicle that would pose an unusual hazard to innocent parties.

(Ord. 02-05, passed 4-15-02)

§ 31.37 PROCEDURES FOLLOWING DEPLOYMENT.

(A) After use, the deploying officer will inspect the spike system for damage and will replace any missing spikes.

(B) The officer who deployed the tire deflation device will initiate a report/supplement, and state the following:

(1) Location, time, date, weather conditions, traffic and roadway conditions where the device was used; and

(2) Results of action, such as successful deflation of the suspect's vehicle, and if the action resulted in property damage or injury to the suspect or other persons.

(Ord. 02-05, passed 4-15-02)

CHAPTER 32: PERSONNEL POLICIES AND PROCEDURES

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GENERAL PROVISIONS**§ 32.001 ORGANIZATION DESCRIPTION.**

(A) The city operates as a home rule city that has adopted the Council-Manager form of government under the laws of the State of Texas. The city is governed by the City Council, which is composed of six Council members and a Mayor elected at large for staggered two-year terms. The Mayor is the presiding officer of the City Council. The City Council enacts local legislation, adopts budgets and determines policies.

(B) By virtue of the City Charter, the City Council appoints the City Manager, City Secretary, Municipal Judge and City Attorney. The City Manager appoints and may suspend or remove all or any of the employees of the city with the exception of the City Secretary, Municipal Judge and City Attorney.

(C) The City Charter delegates to the City Manager duties and powers necessary for the efficient day-to-day administration of the city's affairs.

(1) The City Manager is the city's chief executive and administrator.

(2) With the exception of matters of appointment reserved to the City Council by the charter, the City Manager shall determine the major policies and retain the authority and responsibility for the conduct and administration of all functions of the City, its divisions, departments, officers and agencies.

(3) The city provides services to the public which include roads and streets; police and fire protection; building inspection; water supply, sewage treatment; city parks and cemetery; animal control; municipal airport; public library; performing judicial functions in the municipal court; assessing and collecting municipal fees for utility and other city services; and other services authorized by the City Council. In addition, city employees are involved in economic development and other promotional events.

(D) We hope that you, as an employee, will learn as much as you can about all of these services and activities so that you can coordinate your work effectively with that of other city employees, thereby improving service to the citizens of Gladewater.

(Ord. O-10-04, passed 4-15-10)

§ 32.002 CUSTOMER RELATIONS.

(A) Every employee represents the city to our citizens and the public. The way we do our jobs presents an image of our entire city government. Citizens judge all of us by how they are treated with each employee contact. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to customers.

(B) Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of the city. (Ord. O-10-04, passed 4-15-10)

§ 32.003 NATURE OF EMPLOYMENT.

(A) This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the city.

(B) However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor the city is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time.

(C) In order to retain necessary flexibility in the administration of policies and procedures, the city reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook, except for its policy of employment-at-will. (Ord. O-10-04, passed 4-15-10)

§ 32.004 EMPLOYEE RELATIONS.

(A) The City believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and other municipalities of comparable size to the city. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

(B) Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the city amply demonstrates its commitment to employees by responding effectively to employee concerns.

(C) In an effort to protect and maintain direct employer/employee communications, we will resist organization, within applicable legal limits, and protect the right of employees to speak for themselves. (Ord. O-10-04, passed 4-15-10)

§ 32.005 EQUAL EMPLOYMENT OPPORTUNITY.

(A) In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the city will be based on merit, qualifications, and abilities. The city does not

discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, or any other characteristic protected by law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

(B) Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. (Ord. O-10-04, passed 4-15-10)

§ 32.006 BUSINESS ETHICS AND CONDUCT.

(A) The successful business operation and reputation of the city is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

(B) The continued success of the city is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to the citizens of the city to act in a way that will merit the continued trust and confidence of the public.

(C) The city will comply with all applicable laws and regulations and expects its appointed officials, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

(D) In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the City Manager for advice and consultation.

(E) Compliance with this policy of business ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment. (Ord. O-10-04, passed 4-15-10)

§ 32.007 PERSONAL RELATIONSHIPS IN THE WORKPLACE.

(A) The employment of relatives or individuals involved in a dating relationship in an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims

of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

(B) Therefore, hiring of relatives is strictly prohibited without the written consent of the City Manager. For purposes of this policy, a relative is any person who is related within the second degree of affinity (marriage) or third degree of consanguinity (blood) to the Mayor or any member of the City Council or any paid employee of the city, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

(C) A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual “romantic” or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

(D) *Affinity (marriage).*

(1) *First degree.* Wife, husband, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law.

(2) *Second degree.* Grandfather-in-law, grandmother-in-law, grandson-in-law, granddaughter-in-law, uncle-in-law, aunt-in-law, nephew-in-law, niece-in-law, first cousin-in-law.

(E) *Consanguinity (blood relative).*

(1) *First degree.* Father, mother, son, daughter, brother, or sister.

(2) *Second degree.* Grandfather, grandmother, grandson, granddaughter, uncle (mother or father’s brother), aunt (mother or father’s sister), nephew (brother or sister’s son), or niece (brother or sister’s daughter).

(3) *Third degree.* Great grandfather, great grandmother, great uncle, great aunt, great nephew, great niece, or first cousin (your uncle or aunt’s son or daughter).

(F) Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. The city also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

(G) If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the

supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

(H) In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.
(Ord. O-10-04, passed 4-15-10)

§ 32.008 EMPLOYEE MEDICAL EXAMINATIONS.

(A) To help ensure that employees are able to perform their duties safely, medical examinations may be required.

(B) After an offer has been made to an applicant entering a designated job category, a medical examination will be performed at the city's expense by a health professional of the city's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

(C) Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.
(Ord. O-10-04, passed 4-15-10)

§ 32.009 IMMIGRATION LAW COMPLIANCE.

(A) The city is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

(B) In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the city within the past three years, or if their previous I-9 is no longer retained or valid.

(C) Employees may raise questions or complaints about immigration law compliance without fear of reprisal.
(Ord. O-10-04, passed 4-15-10)

§ 32.010 CONFLICTS OF INTEREST.

(A) Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the city wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the City Secretary for more information or questions about conflicts of interest.

(B) An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the city's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

(C) No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the City Secretary as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

(D) Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the city does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the city.

(Ord. O-10-04, passed 4-15-10)

§ 32.011 OUTSIDE EMPLOYMENT.

(A) An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the city. All employees will be judged by the same performance standards and will be subject to the city's scheduling demands, regardless of any existing outside work requirements.

(B) If the city determines that an employee's outside work interferes with performance or the ability to meet the requirements of the city as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the city.

(C) Outside employment will present a conflict of interest if it has an adverse impact on the city.
(Ord. O-10-04, passed 4-15-10)

EMPLOYMENT PROCESS**§ 32.020 EMPLOYMENT CATEGORIES.**

(A) It is the intent of the city to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

(1) These classifications do not guarantee employment for any specified period of time.

(2) Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the city.

(B) Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws.

(1) ***NONEXEMPT*** employees are entitled to overtime pay under the specific provisions of federal and state laws.

(2) ***EXEMPT*** employees are excluded from specific provisions of federal and state wage and hour laws.

(3) An employee's exempt or nonexempt classification may be changed only upon written notification by the City Manager.

(C) In addition to the above categories, each employee will belong to one other employment category:

(1) ***REGULAR FULL-TIME*** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work the city's full-time schedule. Generally, they are eligible for the city's benefit package, subject to the terms, conditions, and limitations of each benefit program.

(2) ***PART-TIME*** employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 35 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the city's other benefit programs.

(3) ***INTRODUCTORY*** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the city is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

(4) ***TEMPORARY*** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project.

(a) Employment assignments in this category are of a limited duration.

(b) Employment beyond any initially stated period does not in any way imply a change in employment status.

(c) Temporary employees retain that status unless and until notified of a change.

(d) While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the city's other benefit programs.

(Ord. O-10-04, passed 4-15-10)

§ 32.021 EMPLOYMENT REFERENCE CHECKS.

(A) To ensure that individuals who join the city are well qualified and have a strong potential to be productive and successful, it is the policy of the city to check the employment references of all applicants.

(B) The City Secretary will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, position(s) held, and whether the employee is eligible for rehire.

(Ord. O-10-04, passed 4-15-10)

§ 32.022 PERSONNEL DATA CHANGES.

(A) It is the responsibility of each employee to promptly notify the city of any changes in personnel data.

(B) Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

(C) If any personnel data has changed, notify the City Secretary.

(Ord. O-10-04, passed 4-15-10)

§ 32.023 INTRODUCTORY PERIOD.

(A) The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations.

(1) The city uses this period to evaluate employee capabilities, work habits, and overall performance.

(2) Either the employee or the city may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

(B) All new and rehired employees work on an introductory basis for the first six months after their date of hire.

(1) Employees who are promoted or transferred within the city must complete a secondary introductory period of the same length with each reassignment to a new position. The secondary introductory period may be waived at the request of the department head, with written approval from the City Manager, if the new position is essentially similar in job functions to the original position.

(2) Any significant absence will automatically extend an introductory period by the length of the absence.

(3) If the department head determines that the designated introductory period does not allow sufficient time for specialized training, or to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

(C) In cases of promotions or transfers within the city, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the city's needs.

(D) Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

(E) During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security.

(F) After becoming regular employees, they may also be eligible for other city-provided benefits, subject to the terms and conditions of each benefits program.

(1) Employees should read the information for each specific benefits program for the details on eligibility requirements.

(2) Benefits eligibility and employment status are not changed during the secondary introductory period that results from a promotion or transfer within the city.

(Ord. O-10-04, passed 4-15-10)

§ 32.024 EMPLOYMENT APPLICATIONS.

(A) The city relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

(B) Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

(Ord. O-10-04, passed 4-15-10)

§ 32.025 PERFORMANCE EVALUATION.

(A) Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

(B) Formal performance evaluations are conducted at the end of an employee's initial six-month period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position.

(C) Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

(D) Subsequent performance evaluations are scheduled at the first anniversary of the employee's original date of hire, and in June of each year thereafter.

(E) Merit-based pay adjustments are awarded by the city in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process.

(Ord. O-10-04, passed 4-15-10)

§ 32.026 JOB DESCRIPTIONS.

(A) The city makes every effort to create and maintain accurate job descriptions for all positions within the city. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required).

(B) The city maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

(C) The City Manager, together with the appropriate department head prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done. Copies of approved job descriptions may be obtained from the City Secretary.

(D) Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the City Secretary if you have any questions or concerns about your job description.
(Ord. O-10-04, passed 4-15-10)

§ 32.027 SALARY ADMINISTRATION.

(A) The salary administration program at the city was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to equal employment opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the city is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other cities our size.

(B) Compensation for every position is determined by several factors, including job analysis and evaluation, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. The city periodically reviews its salary administration program and restructures it as necessary. Merit-based pay adjustments may be awarded in conjunction with superior employee performance documented by the performance evaluation process.

(C) Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The City Secretary is also available to answer specific questions about the salary administration program.
(Ord. O-10-04, passed 4-15-10)

BENEFITS; HOLIDAYS; LEAVE; PAID TIME OFF (PTO)**§ 32.040 EMPLOYEE BENEFITS.**

(A) Eligible employees at the city are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

(B) Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

(C) The following benefit programs are available to eligible employees:

- (1) TMRS retirement plan;
- (2) Major medical insurance;
- (3) Prescription drug plan;
- (4) Life insurance;
- (5) Cafeteria plan;
- (6) 457 deferred compensation plan;
- (7) Dental insurance;
- (8) Holidays;
- (9) Jury duty leave;
- (10) Military leave;
- (11) Paid time off (PTO);
- (12) Personal days;
- (13) Supplemental insurance options; and
- (14) Bereavement leave.

(D) Some benefit programs require contributions from the employee, but most are fully paid by the city.

(Ord. O-10-04, passed 4-15-10)

§ 32.041 HOLIDAYS.

(A) The following shall be designated as official holidays with pay for all full-time employees occupying permanent positions;

- (1) New Year's Day (January 1);
- (2) Martin Luther King, Jr. Day (third Monday in January);
- (3) Good Friday (Friday before Easter);
- (4) Memorial Day (last Monday in May);
- (5) Independence Day (July 4);
- (6) Labor Day (first Monday in September);
- (7) Thanksgiving (fourth Thursday in November);
- (8) Day after Thanksgiving;
- (9) Christmas Eve (December 24); and
- (10) Christmas (December 25).

(B) Gladewater will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification.

(1) Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

- (2) Eligible employee classification(s):
 - (a) Regular full-time employees.
 - (b) Introductory employees.

(C) A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

(D) If a recognized holiday falls during an eligible employee's paid absence (such as PTO or compensatory time off), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

(E) Employees absent without authorized leave on the day immediately preceding or following the holiday shall lose pay for the holiday as well as the working day absent.

(F) When eligible nonexempt emergency services employees work on a recognized holiday, they will receive their regular pay for hours worked in addition to a maximum of eight hours of holiday pay, calculated at one and one-half times their straight-time rate for the hours worked on the holiday.

(G) If a recognized holiday falls on a scheduled day off for nonexempt emergency services employees they shall receive the same holiday pay as those eligible nonexempt emergency services employees who work the holiday in lieu of receiving a replacement day off at a later date.

(H) Employees that hold an administrative position with regular Monday through Friday schedules are not eligible for additional half-time holiday compensation.

(I) Paid time off or holidays will not be counted as hours worked for the purposes of determining overtime.

(J) An employee whose services are terminating loses the holiday if it follows the last day of actual duty status.

(K) *Floating holidays.* In addition to the recognized holidays previously listed, eligible employees will receive two floating holidays in each calendar year.

(1) To be eligible, employees must complete six months of service in an eligible employment classification prior to March 1st.

(a) Employees who complete their introductory period after March 1st and before August 1st shall receive one floating holiday for that calendar year.

(b) Employees who complete their introductory period after August 1st are not eligible for floating holidays in that calendar year.

(2) Employees will receive one additional floating holiday on January 1st following each five-year increment of continuous employment.

(3) These holidays must be scheduled with the prior approval of the employee's supervisor.

(4) Floating holidays will not carry forward into the next calendar year, nor will they be paid upon termination of service.

(Ord. O-10-04, passed 4-15-10)

§ 32.042 WORKERS' COMPENSATION INSURANCE.

(A) The city provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

(B) Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

(C) Neither the city nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the city.

(D) Many workers' compensation injuries will meet the "serious health condition" requirement of FMLA, therefore a potential overlap between workers' compensation laws and FMLA may exist, and FMLA leave may run concurrently with a workers' compensation absence.

(E) When an on-the-job injury meets the definition of a "serious health condition", and the injured employee is receiving workers' compensation benefits, the absence will count against that employee's twelve-week FMLA entitlement beginning the first day of absence from the job.

(Ord. O-10-04, passed 4-15-10)

§ 32.043 BEREAVEMENT LEAVE.

(A) Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

(B) Up to three days of paid bereavement leave will be provided to eligible employees in the following classification(s):

(1) Regular full-time employees.

(2) Introductory employees.

(C) Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

(D) Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

(E) The city defines *IMMEDIATE FAMILY* as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

(Ord. O-10-04, passed 4-15-10)

§ 32.044 JURY DUTY.

(A) Employees must provide their supervisor with a copy of their summons for jury duty immediately upon receipt.

(B) The city shall grant jury duty leave for an employee summoned to serve on any grand, petit, or municipal court jury. The city shall not dismiss an employee from employment because of the nature or length of the employee's jury service. When an employee is on jury leave, he or she shall continue to receive his or her regular rate of pay in addition to any per diem received by the employee from the state or the court for jury service. The time spent on jury duty that coincides with the employee's regular work time is counted as straight time for overtime calculation purposes.

(C) If an employee is chosen as a juror, they must notify their supervisor immediately and fulfill the citizenship obligation. If the employee is not selected as a juror, the employee is required to report back to work immediately upon being released from service.

(D) All employees must provide proof of attendance from the presiding court to their supervisor upon their return to work. Proof of attendance must be attached to the employee's time sheet.

(Ord. O-10-04, passed 4-15-10; Am. Ord. O-12-25, passed 12-20-12)

§ 32.045 BENEFITS CONTINUATION (COBRA).

(A) The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Gladewater's health plan when a "qualifying event" would normally result in the loss of eligibility.

(B) Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

(C) Under COBRA, the employee or beneficiary pays the full cost of coverage at the city's group rates plus an administration fee.

(D) The city, through its insurance carrier, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the city's health insurance plan. The notice contains important information about the employee's rights and obligations.

(Ord. O-10-04, passed 4-15-10)

§ 32.046 PAID TIME OFF (PTO).

(A) Paid time off (PTO) is an all purpose time-off policy for eligible employees to use for vacation, illness or injury, and personal business. It combines traditional vacation and sick leave plans into one flexible, paid time-off policy. Employees in the following employment classification(s) are eligible to earn PTO as described in this policy:

- (1) Regular full-time employees; and
- (2) Introductory employees.

(B) Once employees enter an eligible employment classification, they begin to earn PTO according to the schedule below. However, before PTO can be used, a waiting period of six months must be completed.

(C) Employees are entitled to earn up to 18 PTO days each calendar year, a pro-ration of which will be awarded on the last payday of each month. During the initial six-month probationary period, employees will accrue .5 (one-half) PTO days per month. After satisfactory completion of the six-month

probationary period, employees will accrue 1.5 PTO days per month. A PTO day is equal to the number of hours worked in a normal shift for your position, i.e. eight hours, 12 hours or 24 hours. If an employee is transferred or promoted to a position that results in a change in the number of hours worked in a normal shift, accrued PTO hours will be converted to equal the same number of PTO days for the regular shift of the new position.

(D) PTO can be used in minimum increments of one full shift and must be requested in advance according to each department's policy.

(1) Approval will be granted by the department head based on the business needs and staffing requirements of the department.

(2) EXCEPTION: Where staffing requirements of the department will be better served, the department head may permit one-half shift PTO increments. This provision is to be used at the department head's discretion for the benefit of the department and staff on duty and not for the benefit of the absent employee and in no way establishes use of partial PTO days as standard procedure.

(E) Employees who have an unexpected need to be absent from work due to illness or other unforeseen circumstances should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of unexpected absence. More than three unexpected absences within a six-month period are considered excessive and disruptive to the staffing requirements of the city and will be subject to disciplinary action. In the event an unexpected absence due to illness or other unforeseen condition necessitates absence for more than one consecutive shift, the entire absence will be counted as one unexpected absence.

(F) In the event an employee becomes ill, or an unforeseen emergency or situation of extreme urgency occurs after the employee has started their shift, the employee will be paid for the hours worked, rounded to the nearest quarter hour and the hours remaining in their regular shift will be charged against the employee's accumulated PTO hours. The employee's direct supervisor or department head will determine if the employee's illness, emergency, or unforeseen situation warrants the employee's eligibility for accessing partial shift PTO hours. Employees who have not completed their probationary period, employees who do not have a sufficient amount of PTO hours accumulated and those employees deemed ineligible by their direct supervisor or department head for partial shift PTO hours will not be paid for the hours missed.

(G) PTO is paid at the employee's base pay rate at the time of absence.

(H) In the event that available PTO is not used by the end of the calendar year, employees may carry unused time forward to the next calendar year, not to exceed 18 PTO days. If the total amount of unused PTO reaches a "cap" equal to two times the annual PTO amount, further accrual will stop. When the employee uses PTO and brings the available amount below the cap, accrual will resume. (Cap for eight-hour shifts is 288 hours, cap for 12-hour shifts is 432 hours and cap for 24-hour shifts is 864 hours.)

(I) Upon termination of employment, employees will be paid for unused PTO that has been earned through the last accrual date provided the employee terminated in good standing. An employee may terminate in good standing by submitting written notice of resignation to his or her department head at least two weeks prior to departure. However, if the employee does not resign in good standing, or if the city, in its sole discretion, terminates employment for cause, unused PTO will be forfeited.

(J) *Donation of paid time off (PTO) hours.*

(1) An employee may donate PTO hours if the donating employee meets all of the following conditions:

(a) The employee voluntarily elects to donate PTO leave and does so with the understanding that donated leave will not be returned;

(b) The employee donates a minimum amount of one full shift;

(c) The employee retains a leave balance from accrued PTO of at least ten shifts;

(d) Employees may not donate personal holidays.

(2) An employee may receive donated leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive the donated leave meets the following conditions:

(a) The employee has a serious illness or injury; and

(b) The employee has used all accrued PTO leave.

(Ord. O-10-04, passed 4-15-10; Am. Ord. O-12-25, passed 12-20-12; Am. Ord. O-17-19, passed 8-17-17)

§ 32.047 HEALTH INSURANCE.

(A) Gladewater's health insurance plan provides employees and their dependents access to medical insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

(1) Regular full-time employees; and

(2) Introductory employees become eligible after three months of employment.

(B) Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the city and the insurance carrier.

(C) A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) Policy for more information.

(D) Details of the health insurance plan are described in the summary plan description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the City Secretary for more information about health insurance benefits.
(Ord. O-10-04, passed 4-15-10)

§ 32.048 LIFE INSURANCE.

(A) Life insurance offers you and your family important financial protection. The city provides a basic life insurance plan for eligible employees. Additional supplemental and/or dependent life insurance coverage may also be purchased.

(B) Accidental death and dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

(C) Employees in the following employment classifications are eligible to participate in the life insurance plan:

(1) Regular full-time employees; and

(2) Introductory employees.

(D) Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the city and the insurance carrier.

(E) Details of the basic life insurance plan including benefit amounts are described in the summary plan description provided to eligible employees. Contact the City Secretary for more information about life insurance benefits.
(Ord. O-10-04, passed 4-15-10)

COMPENSATION AND TERMINATION

§ 32.060 TIMEKEEPING.

(A) Accurately recording time worked is the responsibility of every nonexempt employee.

(1) Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits.

(2) Time worked is all the time actually spent on the job performing assigned duties.

(B) Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period.

(1) They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

(2) Overtime work must always be approved before it is performed.

(C) Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

(D) It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded.

(1) The supervisor will review and then initial the time record before submitting it for payroll processing.

(2) In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.
(Ord. O-10-04, passed 4-15-10)

§ 32.061 PAYDAYS.

(A) All employees are paid biweekly on every other Thursday.

(1) Each paycheck will include earnings for all work performed through the end of the previous payroll period.

(2) The payroll period is defined as 14 consecutive days beginning on Sunday and ending on Saturday at the designated time for shift change.

(B) A 28-day work period is established for law enforcement and fire protection personnel according to the provisions of the Fair Labor Standards Act 553.230 Section 7(k). This law establishes the maximum number of hours that law enforcement and fire protection personnel can work during a 28-day work period before overtime compensation is due. This 28-day work period has no relevance to the designated paydays or payroll period as previously defined.

(C) In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the holiday.

(Ord. O-10-04, passed 4-15-10; Am. Ord. O-12-25, passed 12-20-12)

§ 32.062 EMPLOYMENT TERMINATION.

(A) Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated.

(1) *Resignation.* Voluntary employment termination initiated by an employee.

(2) *Discharge.* Involuntary employment termination initiated by the organization.

(3) *Layoff.* Involuntary employment termination initiated by the organization for non-disciplinary reasons.

(4) *Retirement.* Voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

(B) Resignation is a voluntary act initiated by the employee to terminate employment with the city, an employee may terminate in good standing by submitting written notice of resignation to his or her department head at least two weeks prior to departure. Where the best interest of the city and employee may be served, the department head may ask for the resignation of the employee.

(C) Any of the following are declared to be causes from prompt dismissal, though dismissal action may be based on causes other than those enumerated.

(1) The employee is incompetent or inefficient in his or her performance of duty.

(2) The employee has been discourteous, offensive or abusive either by attitude, language or conduct, to the public or fellow employees while said employee is in the line of duty.

(3) The employee has been convicted of a felony or any crime involving moral turpitude.

(4) The employee is guilty of misappropriation, theft or conversion of city property whether on or off duty.

(5) The employee has hindered the regular operation of the department because of habitual tardiness or excessive absenteeism.

(6) The employee is guilty of use of intoxicants or possession of drugs other than those lawfully prescribed to him or her, or using any legal drug that impairs the employee's ability to perform the essential functions of their job.

(7) The employee has solicited or taken for personal use a fee, gift or other valuable thing in the course of his or her employment, or in connection with it, when such fee, gift or other valuable thing is given him or her by any person in the hope or expectation of receiving a favor or better treatment than accorded other persons.

(8) The employee through negligence or willful conduct has caused damage to city property or waste of city supplies.

(9) The employee fails to maintain or achieve required job standards such as certification, licensing, and the like, or fails to maintain an acceptable driving record in positions requiring operation of vehicles and equipment.

(10) The employee has failed to obey an order from the City Manager or his or her division head, department head or supervisor to terminate or desist from outside employment, public office or

enterprise that has been determined to be incompatible with city employment or that conflicts or interferes in any way with his or her regular city work.

(11) The employee engages in unlawful work stoppages.

(12) The employee has been guilty of any act or conduct showing a lack of good moral character or any other conduct unbecoming an employee, on or off duty.

(13) The employee has violated any charter, personnel or departmental rule, regulation or special order, or has failed to obey an lawful and reasonable direction given him or her by his or her supervisor or department head, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the city or to result in loss, inconvenience or injury to the city or the public.

(14) The employee has been guilty of any other acts or conduct of equal gravity to the reasons enumerated in this section.

(D) The city will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the city, or return of the city-owned property. Suggestions, complaints, and questions can also be voiced.

(E) Employee benefits will be affected by employment termination in the following manner.

(1) All accrued, vested benefits that are due and payable at termination will be paid.

(2) Some benefits may be continued at the employee's expense if the employee so chooses.

(3) The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

(Ord. O-10-04, passed 4-15-10; Am. Ord. O-12-25, passed 12-20-12)

§ 32.063 PAY ADVANCES.

The city does not provide pay advances on unearned wages to employees under any circumstances, nor does the city release pay checks in advance of the established pay date.

(Ord. O-10-04, passed 4-15-10)

§ 32.064 ADMINISTRATIVE PAY CORRECTIONS.

(A) The city takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

(B) In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the department head so that corrections can be made as quickly as possible.

(Ord. O-10-04, passed 4-15-10)

§ 32.065 PAY DEDUCTIONS AND SETOFFS.

(A) The law requires that the city make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes, the city also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The city matches the amount of Social Security taxes paid by each employee.

(B) The city offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paycheck to cover the costs of participation in these programs.

(C) Other deductions may be made to pay certain court ordered debts and obligations, such as child or spousal support, student loan obligations, bankruptcy or other lawful wage garnishment.

(D) If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor can assist in having your questions answered.

(Ord. O-10-04, passed 4-15-10)

SAFETY; SCHEDULES; PROHIBITIONS; RESTRICTIONS

§ 32.070 SAFETY.

(A) To assist in providing a safe and healthful work environment for employees, customers, and visitors, the city has established a workplace safety program. This program is a top priority for the city. Its success depends on the alertness and personal commitment of all.

(B) The city provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

(C) Some of the best safety improvement ideas come from employees.

(1) Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor.

(2) Reports and concerns about workplace safety issues may be made anonymously if the employee wishes.

(3) All reports can be made without fear of reprisal.

(D) Each employee is expected to obey safety rules and to exercise caution in all work activities.

(1) Employees must immediately report any unsafe condition to the appropriate supervisor.

(2) Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

(E) In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

(F) The city requires immediate post-accident drug and alcohol screening for employees whose actions result in injury to himself or another individual, or results in damage to property.
(Ord. O-10-04, passed 4-15-10)

§ 32.071 WORK SCHEDULES.

(A) Work schedules for employees vary throughout our city.

(1) Supervisors will advise employees of their individual work schedules.

(2) Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

(B) The hours during which city offices and departments shall be open for business shall be determined by the City Manager.

(C) In the event of emergency or civil disorder all employees are subject to recall and if so called must report.
(Ord. O-10-04, passed 4-15-10)

§ 32.072 USE OF PHONE AND MAIL SYSTEMS.

(A) Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls, keeping them brief and infrequent.

(B) To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

(C) The use of the city-paid postage or office supplies for personal correspondence is strictly prohibited.

(D) As deemed necessary by the City Manager for efficient operation of the city, cellular, digital or wireless telephones may be provided at the expense of the city to some department heads.
(Ord. O-10-04, passed 4-15-10)

§ 32.073 SMOKING.

(A) In keeping with the city's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace.

(B) This policy applies equally to all employees, customers, and visitors.
(Ord. O-10-04, passed 4-15-10)

§ 32.074 MEAL PERIODS.

(A) Supervisors will schedule meal periods to accommodate operating requirements, which may change from time to time due to staffing needs or other circumstances. Employees should be mindful of the importance of punctuality regarding the meal period schedule.

(B) Employees are not compensated for meal periods with the exception of those emergency services personnel who may be called to duty during the meal period. Firefighters and law enforcement personnel are not completely relieved of duty and restrictions during this period, therefore they will be compensated for meal periods.
(Ord. O-10-04, passed 4-15-10)

§ 32.075 OVERTIME.

(A) On occasion it may be necessary for employees to work overtime.

(1) Overtime will be worked only with specific authorization of the department head.

(2) In lieu of paying overtime, the department head may elect to grant compensatory time-off to the employee.

(3) Employees requested to work overtime shall be briefed by the department head that either overtime pay or compensatory time off be taken, not both.

(B) Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions.

(1) Overtime pay is based on actual hours worked.

(2) A 28-day work period is established for law enforcement and fire protection personnel according to the provisions of the Fair Labor Standards Act 553.230 Section 7(k). This law establishes the maximum number of hours that law enforcement and fire protection personnel can work during a 28-day work period before overtime compensation is due.

(3) Overtime pay is based on actual hours worked. Time off on PTO, or any other leave of absence will not be considered hours worked for purposes of performing overtime calculations.

(C) The city has established separate pay policies for each department regarding overtime and compensatory time calculations and limitations. Contact your department head for a copy of the pay policy that applies to your position.

(Ord. O-10-04, passed 4-15-10)

§ 32.076 USE OF EQUIPMENT AND VEHICLES.

(A) Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

(B) Notify your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Your supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

(C) Any accident involving city equipment must be reported immediately. The operator of city-owned equipment shall take the following actions when involved in an accident:

(1) Stop immediately;

(2) Notify police immediately through radio dispatch or telephone;

(3) Make no admission of fault or negligence to anyone. Be courteous but do not discuss the accident except with the police. Do not sign any statements or releases for anyone;

(4) Notify your immediate supervisor or department head and file an accident report immediately upon return to your department; and

(5) Submit to a post-accident drug/alcohol screening.

(D) After an employee reports an accident, it shall be the direct responsibility of the supervisor or department head to see that an accident report is immediately prepared concerning the accident including all pertinent information. All accident reports shall be transmitted to the City Manager not later than 24 hours after the occurrence.

(E) *Driving record.* Every city employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record. The city will check a prospective employee's driving record if the applicant's employment will be in a capacity which requires operating a vehicle or piece of equipment. Therefore, any offer of employment will be contingent upon verification that the prospective employee has maintained a safe driving record.

(F) Department heads will periodically check the driving records of all city employees in their department who drive city vehicles or who are required to drive their personal vehicles to conduct city business and report findings to the City Secretary. Employees must promptly report any conviction of a traffic law violation to the City Secretary's office that results in the suspension of the employee's driver's license.

(G) The city will use the following point system to determine an employee's eligibility to remain as an insured driver on the city's insurance policy.

(1) Moving traffic violation -1 point.

(2) Chargeable (at fault) accident - 3 points.

(3) DWI / DUI - 5 points.

(H) If an employee accumulates a total of five points in a two-year period the city will drop the employee from its liability insurance policy. If the city drops an employee from the insurance policy, the employee will not be allowed to operate city vehicles, equipment or machinery on a public roadway. In addition, the accumulation of five or more points over a two-year period may result in disciplinary action up to and including termination.

(Ord. O-10-04, passed 4-15-10)

§ 32.077 EMERGENCY CLOSINGS.

(A) At times, emergencies such as severe weather, fires, power failures, civil disorders, or other unforeseen circumstances, can disrupt city operations.

(B) Employees are encouraged to make every attempt to come to work and as a minimum, shall contact their supervisor when road or driving conditions do not permit their attendance.

(1) The division head of each employee shall be responsible for determining whether the conditions cited by the employee justifies an absence.

(2) Notice of approval or disapproval shall be noted on the employee's attendance record.

(C) City Hall will be staffed during these periods and all department heads are expected to be present. Additionally, all branches of the Emergency Services Division will be staffed.

(D) In extreme cases, these circumstances may require the closing of a work facility.

(1) Every attempt will be made to notify employees if conditions are such that no attempt should be made at coming to work.

(2) Supervisors are encouraged to keep up-to-date contact information, i.e. phone number and physical address, should emergency notification be necessary.

(3) Employees are expected to report to work as soon as possible when conditions improve.

(E) When operations are officially closed due to emergency conditions, the time off from scheduled work will be unpaid. However, with supervisory approval, employees may use available paid leave time, such as unused PTO benefits or compensatory time.

(Ord. O-10-04, passed 4-15-10)

§ 32.078 BUSINESS TRAVEL EXPENSES.

(A) The city will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department head.

(B) When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the city. Employees are expected to exercise prudent and ethical judgement while traveling on city business and limit expenses to reasonable amounts.

(C) Non-exempt employees required to travel on city business will be paid their regular rate of pay for actual attendance at the business function for which travel is required.

(1) If traveling to and from the business function requires a longer amount of time than the employee's regular shift, then the excess travel time will be paid at the then current minim wage rate.

(2) Employees will not be paid for time not actually spent in attendance at the business function (e.g. meal time, lodging time, and the like).

(D) Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the city may not be used for personal use without prior approval.

(E) Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

(F) With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives.

(1) Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved.

(2) Additional expenses arising from such nonbusiness travel are the responsibility of the employee.

(G) When travel is completed, employees should submit completed travel expense reports within two working days of their return.

(1) Reports should be accompanied by itemized receipts for all individual expenses, at which time any overage of travel advance funds should be returned.

(2) If employee's personal vehicle is used for travel, the city will pay mileage pursuant to the current rate published by the Internal Revenue Service.

(H) Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

(I) Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

(Ord. O-10-04, passed 4-15-10)

§ 32.079 COMPUTER AND E-MAIL USAGE.

(A) Computers, computer files, the email system, and software furnished to employees are the city property intended for business use.

(1) Employees should not use a password, access a file, or retrieve any stored communication without authorization.

(2) To ensure compliance with this policy, computer and email usage may be monitored.

(B) The city strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the city prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale.

(1) For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed.

(2) Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

(C) Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other nonbusiness matters.

(D) Employees should notify their immediate supervisor, the department head or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

(Ord. O-10-04, passed 4-15-10)

§ 32.080 INTERNET USAGE.

Internet access to global electronic information resources on the World Wide Web is provided by the city to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive internet usage.

(A) All internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the city and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

(B) The equipment, services, and technology provided to access the internet remain at all times the property of the city. As such, the city reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

(C) Data that is composed, transmitted, accessed, or received via the internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

(D) The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the internet is expressly prohibited.

(1) As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the internet.

(2) Employees are also responsible for ensuring that the person sending any material over the internet has the appropriate distribution rights.

(E) Internet users should take the necessary anti-virus precautions before downloading or copying any file from the internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

(F) Abuse of the internet access provided by the city in violation of law or the city policies will result in disciplinary action, up to and including termination of employment.

(1) Employees may also be held personally liable for any violations of this policy.

(2) The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- (a) Sending or posting discriminatory, harassing, or threatening messages or images;
- (b) Using the organization's time and resources for personal gain;
- (c) Stealing, using, or disclosing someone else's code or password without authorization;
- (d) Copying, pirating, or downloading software and electronic files without permission;

- (e) Sending or posting confidential material, trade secrets, or proprietary information outside of the organization;
 - (f) Violating copyright law;
 - (g) Failing to observe licensing agreements;
 - (h) Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services and transmissions;
 - (i) Sending or posting messages or material that could damage the organization's image or reputation;
 - (j) Participating in the viewing or exchange of pornography or obscene materials;
 - (k) Sending or posting messages that defame or slander other individuals;
 - (l) Attempting to break into the computer system of another organization or person;
 - (m) Refusing to cooperate with a security investigation;
 - (n) Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities ;
 - (o) Sending anonymous email messages; and
 - (p) Engaging in any other illegal activities.
- (Ord. O-10-04, passed 4-15-10)

§ 32.081 WORKPLACE MONITORING.

- (A) Workplace monitoring may be conducted by the city to ensure quality control, employee safety, security, and customer satisfaction.
 - (B) Computers furnished to employees are the property of the city and for business use only.
 - (1) As such, computer usage and files may be monitored or accessed.
 - (2) Employees should expect no right of privacy in emails, computers, and the like.
 - (C) Because the city is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.
- (Ord. O-10-04, passed 4-15-10)

§ 32.082 WORKPLACE VIOLENCE PREVENTION.

The city is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the city has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

(A) All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times.

(1) Employees are expected to refrain from fighting, “horseplay,” or other conduct that may be dangerous to others.

(2) Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on city premises, excepting those employees who are licensed peace officers.

(B) Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual’s sex, race, age, or any characteristic protected by federal, state, or local law.

(C) All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management.

(1) This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public.

(2) When reporting a threat of violence, you should be as specific and detailed as possible.

(D) All suspicious individuals or activities should also be reported as soon as possible to a supervisor.

(1) Do not place yourself in peril.

(2) If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

(3) The city will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities.

(4) The identity of the individual making a report will be protected as much as is practical.

(5) In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

(E) Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

(F) The city encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the immediate supervisor before the situation escalates into potential violence.

(Ord. O-10-04, passed 4-15-10)

§ 32.083 SOCIAL MEDIA POLICY.

(A) *Purpose.* To convey information from the city to its citizens, to facilitate a sense of community and for residents and businesses to communicate with and obtain information about the City of Gladewater online. The City of Gladewater encourages the use of social media to reach a broader audience and to encourage citizen participation. The city website will remain the primary avenue for release of information.

(B) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOG. A web site that contains an online personal journal with reflections, comments, and often hyperlinks provided by the writer.

COMMENT. A response to a city article or social media content submitted by any person or entity.

LINK. Short for **HYPERLINK** which connects a hypertext file to another location or file; typically activated by clicking on a highlighted word or icon at a particular location on the screen.

POST. To display (an announcement) in a place of public view in writing on a social media site.

PUBLIC INFORMATION. Any information collected, assembled, or maintained by the city in the transaction of official business. (See Tex. Gov't Code, Chapter 552).

SOCIAL MEDIA. Information content that is intended to facilitate communications, influence interaction with peers and with public audiences, typically via the Internet and mobile communications networks. Types of social media include but are not limited to, instant messaging, blogging, microblogging, picture and video sharing, and wall postings.

SOCIAL NETWORKING. The practice of engaging business and/or social contacts by making connections via interactive web-based applications.

(C) *Policy guidelines.*

(1) The city has an overriding interest and expectation in deciding who may “speak” and what is “spoken” on behalf of the city on social media sites. The City Manager will have the sole discretion to approve what social media outlets may be suitable for use by the city and its departments. Each department that maintains a separate media site shall provide the City Manager with site log-ins and passwords.

(2) All official city presences on social media sites or services are considered an extension of the city's computer information network and are governed by and subject to the city's computer, email and internet usage policies contained in the city's Personnel Policy Handbook.

(3) *Respect copyrights and fair use.* All postings must comply with applicable federal, state and local laws, and regulations and retention schedules according to the Tex. Loc. Gov’t Code, Chapters 201 through 205. Records required to be maintained pursuant to The Texas State Library and Archives Commission records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the usual or approved city platforms and tools.

(4) Information collected at this site becomes public record that may be subject to inspection and copying by members of the public, unless an exemption in law exists according to the Texas Public Information Act.

(5) When possible, links to more information should direct users back to the city's official website for more information, forms, documents, or online services necessary to conduct business with the city.

(6) The city reserves the right to remove any content that is not within these guidelines, while retaining said content for the appropriate records retention according to state law.

(7) Each social media site shall include a statement which identifies the purpose and topic of the site and discussion not related to the purpose shall not be posted.

(8) *Content specifically prohibited:*

- (a) Profane language or content.
- (b) Any type of political activity.
- (c) Solicitations of commerce.

(d) Conduct or encouragement of illegal, improper, or illicit purposes through visual, textual, or auditory posting including but not limited to sexual content or links to sexual content.

(e) Content that is confidential according to the Texas Public Information Act.

(f) Content that promotes, foster, or perpetuates discrimination on the basis of race, creed, religion, gender, marital status, national origin, physical or mental disability, or sexual orientation.

(g) Information or references to the personal addresses, personal telephone numbers, personal e-mail addresses, family members, or other personal information of city officials or city employees;

(h) Commercial promotions or spam.

(i) Information that may tend to compromise the safety or security of the public or public systems.

(j) Links to websites or “pages” of outside vendors that are not related to the purpose of the media site.

(9) Posts on city social media sites by employees must remain professional in tone and be in good taste. Each city employee is responsible for content they post on social media sites.

(10) Content specifically to be included:

(a) Indication that the media site is maintained by the city.

(b) Contact information for the specific department that created the page, including address and phone number.

(c) Departmental media sites must clearly identify the department as a unit of the City of Gladewater.

(d) A link to the official city website.

(11) Employees representing the city via social media must conduct themselves at all times as a representative of the city and in accordance with the city's Personnel Policy Manual. Employees who fail to conduct themselves in an appropriate manner shall be subject to disciplinary procedures up to and including termination of employment. Employees using social media sites, whether as an administrator or as a responder to a posting, will follow these guiding principles:

(a) Maintain transparency by using your real name and job title, and by being clear about your role in regards to the subject.

(b) Write and post about your area of expertise, especially as related to the city and your assignments. When writing about a topic for which you are not the city's expert, make this clear to readers.

(c) Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.

(d) Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions, keep it appropriate and polite - a city employee is to never be involved in an argument with a citizen on a city maintained social media site.

(e) Post meaningful, respectful comments that are on topic.

(f) Understand that postings are widely accessible, not retractable, and will be around for a long time, so consider content carefully.

(g) Ensure your comments do not violate the city's privacy, confidentiality, and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation, or any parties with whom the city may be in litigation without the appropriate approval.

(h) Ensure you have the legal right to publish others' material, including photos and articles pulled from other sites. Do not publish photos taken while on the scene of any incident. Respect brand, trademark, copyright, fair use, disclosure of processes and methodologies, confidentiality, and financial disclosure laws. Even when using material from copyright-free sources, include appropriate attributions.

(i) Make it clear that you are speaking for yourself and not on behalf of the city, unless that is part of your duties with the city. Remember that your postings are ultimately your responsibility.

(12) Content will be monitored to ensure adherence to the social media policy.

(D) *Employees' social media.* While the City of Gladewater encourages its officials and employees to enjoy and make good use of their off-duty time, certain activities on the part of its officials and employees may become a problem if they have the effect of impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment for any official or employee; disrupting the smooth and orderly flow of work within the city; or harming the goodwill and reputation of the City of Gladewater among its citizens or in the community at large. In the area of social media (print, broadcast, digital, and online), officials and employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above. For this reason, the City of Gladewater reminds its officials and employees that the following guidelines apply in their use of social media, both on and off duty:

(1) If an official or employee publishes any personal information about themselves, another official or employee of the City of Gladewater, a citizen, or a vendor in any public medium (print, broadcast, digital, or online) that:

(a) Has the potential or effect of involving the official or employee, their co-workers, or the City of Gladewater in any kind of dispute or conflict with other officials or employees or third parties;

(b) Interferes with the work of any official or employee;

(c) Creates a harassing, demeaning, or hostile working environment for any official or employee;

(d) Disrupts the smooth and orderly flow of work within the city, or the delivery of services to the city's citizens;

(e) Harms the goodwill and reputation of the City of Gladewater among its citizens or in the community at large;

(f) Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information; or

(g) Reveals private information.

(h) The official(s) or employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and including termination of employment, depending upon the circumstances.

(2) No official or employee of the City of Gladewater may use city equipment or facilities for furtherance of non-work-related activities or relationships without the express advance permission of the City Manager.

(3) Officials or employees who conduct themselves in such a way that their actions and relationships with each other could become the object of gossip among others in the city, or cause unfavorable publicity for the City of Gladewater in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance from the City Manager to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

(4) Should you decide to create a personal blog or participate in social media, be sure to provide a clear disclaimer that the views expressed in the blog/media site are the author's alone, and do not represent the views of the City of Gladewater.

(5) All information published on any official or employee blog/media site should comply with the City of Gladewater's privacy and/or data policies. This also applies to comments posted on other social networking sites, blogs, and forums. All employees and/or potential employees shall make available access to publicly posted material if requested by his/her supervisor at any time.

(6) Be respectful to the City of Gladewater's, co-workers, citizens, vendors, and partners, and be mindful of your physical safety when posting information about yourself or others on any forum. Describing intimate details of your personal and social life, or providing information about your detailed comings and goings might be interpreted as an invitation for further communication or even stalking and harassment that could prove dangerous to your physical safety.

(7) Social media activities should be limited as time spent on the telephone or internet as it is when conducting personal business and it should never interfere with work commitments.

(8) Your online presence can reflect on the City of Gladewater. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of the City of Gladewater.

(9) Do not discuss city citizens, vendors, issues, or business without express consent.

(10) Do not ignore copyright laws or cite and/or reference sources inaccurately. Remember that the prohibition against plagiarism applies online.

(11) Do not use any City of Gladewater logos or trademarks without written consent. The absence of explicit reference to a particular site does not limit the extent of the application of this policy. If no policy or guideline exists, the City of Gladewater's officials or employees should use their professional judgment and follow the most prudent course of action. If you are uncertain, consult your supervisor or manager before proceeding.

(12) Do not disclose confidential or proprietary information.

(13) If an employee has any doubt about posted subject matter, they should not post it.

(E) *Discipline.*

(1) Employees found in violation of any provision of this policy may be subject to disciplinary action, up to and including termination of employment. Where laws are violated, the city may pursue criminal or civil action against the employee.

(2) The policies and guidelines outlined herein also apply to employees posting city-related information on personal (non-city) social media sites.

(3) All department heads are responsible for their subordinates' compliance with the provisions of this policy and for investigating non-compliance.

(Ord. O-12-18, passed 8-16-12; Am. Ord. O-12-25, passed 12-20-12)

LEAVES OF ABSENCE

§ 32.085 FAMILY MEDICAL LEAVE.

(A) In compliance with the Family Medical Leave Act (FMLA) of 1993, the city provides leaves of absence without pay to eligible employees who are temporarily unable to work due to:

- (1) a serious health condition or disability of the employee or immediate family member (spouse, child, or parent); or
- (2) The birth or placement of a child for adoption or foster care.

(B) For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

(C) Eligibility requirements.

(1) Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

(2) The 12-month period during which an eligible employee may take up to 12 weeks of unpaid leave will be calculated using the eligible employee's service anniversary date.

(3) Eligible employees should make requests for medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

(4) A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the city. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

(5) Employees will be required to first use any accrued paid leave time before taking unpaid medical leave. After exhausting paid FMLA leave, non-paid FMLA leave will continue until the conclusion of the protected 12-week time limit.

(C) Subject to the terms, conditions, and limitations of the applicable plans, the city will continue to provide health insurance benefits for the full period of the approved medical leave.

(D) Employees may not earn additional paid time off while on FMLA.

(E) So that an employee's return to work can be properly scheduled, an employee on family medical leave is requested to provide the city with at least two weeks advance notice of the date the employee intends to return to work. When a family medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

(F) If an employee fails to return to work on the agreed upon return date, the city will assume that the employee has resigned.

(G) *Military FMLA leave*. "Qualifying exigency" leave for families of active duty members of the Armed Forces.

(1) Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the Armed Forces may use their 12-week leave entitlement to address certain qualifying exigencies.

(2) Qualifying exigencies may include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefing.

(3) Eligible employees may take FMLA military leave for either (or both) of the following reasons:

(a) A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces. Leave duration: up to 12 work weeks of leave during any 12-month period; or

(b) To care for a covered family member ("next of kin") who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness

may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Leave duration: up to 26 work weeks of leave during a single 12-month period. (Leave may not exceed 26 weeks in a single 12-month period when it is combined with other FMLA-qualifying leave).

(4) The entitlement to take military caregiver leave for the care of veterans extends only to family members of veterans when the veteran was a member of the Armed Forces at some point in the five years preceding the date on which the veteran undergoes the medical treatment or receives the therapy that necessitates the leave.

(Ord. O-10-04, passed 4-15-10)

§ 32.086 MILITARY LEAVE.

(A) A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

(B) The leave will be unpaid. However, employees may use any available paid time off for the absence.

(C) Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

(D) Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

(E) Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

(F) Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

(G) Contact the City Secretary for more information or questions about military leave.

(Ord. O-10-04, passed 4-15-10)

§ 32.087 PREGNANCY-RELATED ABSENCES.

(A) The city will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this handbook and all applicable federal and state laws.

(B) Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

(Ord. O-10-04, passed 4-15-10)

§ 32.088 MODIFIED DUTY ASSIGNMENTS.

(A) The purpose of this policy is to provide a process by which an employee injured on the job may receive temporary modified duty assignments that can be performed within the limitations of the employee's medical condition. Modified duty assignments will be considered for the following employees:

(1) Regular full-time employees; and

(2) Introductory employees.

(B) An injured employee desiring a modified duty assignment may submit a written request to his or her department head.

(1) Modified duty assignments are not guaranteed, but may be granted by the department head, subject to approval of the City Manager, when there is a modified duty assignment available and the employee is qualified to perform the available modified duty assignment.

(2) Modified duty assignments will not be appropriate for all employees who have suffered a job related injury, but such assignments will be made on a case by case basis.

(C) An employee, who is released by the attending workers' compensation physician to return to work in less than full duty capacity, may be permitted to work in a position or department other than the department in which the employee regularly works. Assignments shall be in accordance with the employee's limitations and the needs of city services.

(D) If a modified duty assignment is requested in writing by the injured employee:

(1) The department head shall submit in writing a notice to the City Manager. The notice shall state whether or not a modified duty assignment exists within his department and list detailed functions of the modified duty assignment, including work hours, rate of pay and estimated length of assignment;

(2) The City Manager shall receive authorization from the attending physician that the injured employee's physical limitations would not prevent him or her from performing the proposed modified duty job functions, nor hinder or prolong the employee's recuperation; and

(3) The City Manager shall submit written approval/denial based on the foregoing information to the injured employee, the department head and the City Secretary.

(E) As a condition of a modified duty work assignment the employee must:

(1) Adhere to prescribed treatment and make reasonable efforts toward rehabilitation;

(2) Fully perform the modified duties assigned;

(3) Present to the City Secretary and the employee's department head monthly progress reports, or after each doctor visit, whichever is more frequent. The progress report shall state the expected date the employee is able to return to full duty status as well as any physical limitations that may impact the employee's ability to perform the modified duty assignment;

(4) Accept progressively more demanding assignments as the employee's condition improves; and

(5) Make visible progress in returning to full performance capacity.

(F) The city may terminate an employee's modified duty assignment if:

(1) The employee fails to keep medical appointments, fails to maintain required communications, and/or fails to follow guidelines established by the city;

(2) The employee is found to be volunteering or working secondary employment or attending school or training without notification to, and approval in writing from the City Manager;

(3) The employee fails to comply with, disregards or violates the treating physician's instructions and/or is found to be performing beyond the modified duty restrictions;

(4) The work assignment is completed and no work assignment exists within the city which suits the employee's abilities and meets the limitations documented by the treating physician;

(5) The employee is unable to perform the essential functions of the position or performs unsatisfactorily in the modified position; or

(6) The employee's physician fails to release the employee as capable of performing the modified assignment upon examination.

(G) A modified duty work assignment will expire 120 days from the date of the treating physician's first release to modified duty or upon full release by the attending physician, whichever is sooner.

(H) The City Manager may authorize one 30-day extension of the modified duty work assignment under exceptional circumstances, and in cases where a full-duty work release is anticipated.

(I) The employee's workers' compensation benefits may be paid at a reduced amount during the modified duty assignment.

(Ord. O-10-04, passed 4-15-10)

EMPLOYEE CONDUCT AND WORK RULES

§ 32.090 EMPLOYEE CONDUCT AND WORK RULES.

(A) To ensure orderly operations and provide the best possible work environment, the city expects employees to follow rules of conduct that will protect the interests and safety of all employees and the city.

(B) It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- (1) Theft or inappropriate removal or possession of property;
- (2) Falsification of timekeeping records;
- (3) Working under the influence of alcohol or illegal drugs;
- (4) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- (5) Fighting or threatening violence in the workplace;
- (6) Boisterous or disruptive activity in the workplace;
- (7) Negligence or improper conduct leading to damage of City-owned property;
- (8) Insubordination or other disrespectful conduct;
- (9) Violation of safety or health rules;

- (10) Smoking in prohibited areas;
- (11) Sexual or other unlawful or unwelcome harassment;
- (12) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
- (13) Excessive absenteeism or any absence without notice;
- (14) Unauthorized absence from work station during the workday;
- (15) Unauthorized use of telephones, mail system, or other City-owned equipment;
- (16) Unauthorized disclosure of confidential information;
- (17) Violation of personnel policies; and
- (18) Unsatisfactory performance or conduct.

(C) Employment with the city is at the mutual consent of the city and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. (Ord. O-10-04, passed 4-15-10)

§ 32.091 DRUG AND ALCOHOL USE.

(A) It is the city's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

(B) (1) While on the city premises and while conducting business-related activities off the city premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.

(2) The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

(C) Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. (Ord. O-10-04, passed 4-15-10; Am. Ord. O-12-25, passed 12-20-12)

§ 32.092 SEXUAL AND OTHER UNLAWFUL HARASSMENT.

(A) The city is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated.

(B) **SEXUAL HARASSMENT** is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

(C) The following is a partial list of sexual harassment examples:

- (1) Unwanted sexual advances;
- (2) Offering employment benefits in exchange for sexual favors;
- (3) Making or threatening reprisals after a negative response to sexual advances;
- (4) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters;
- (5) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes;
- (6) Verbal sexual advances or propositions;
- (7) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations; and
- (8) Physical conduct that includes touching, assaulting, or impeding or blocking movements.

(D) Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - (2) Submission or rejection of the conduct is used as a basis for making employment decisions;
- or

(3) The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

(E) If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor.

(1) If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the City Manager or any other member of management.

(2) You can raise concerns and make reports without fear of reprisal or retaliation.

(F) All allegations of sexual harassment will be quickly and discreetly investigated.

(1) To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.

(2) When the investigation is completed, you will be informed of the outcome of the investigation.

(3) The City Manager is authorized to take any action necessary within the limits of the law.

(4) Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the City Manager or any member of management so it can be investigated in a timely and confidential manner.

(5) Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

(Ord. O-10-04, passed 4-15-10)

§ 32.093 ATTENDANCE AND PUNCTUALITY.

(A) To maintain a safe and productive work environment, the city expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the city. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

(B) More than three unexpected absences within a six-month period is considered excessive and is disruptive to the staffing requirements of the city. In the event an unexpected absence due to illness or other unforeseen condition necessitates absence for more than one consecutive shift, the absence will be counted as one unexpected absence.

(C) Poor attendance and excessive tardiness may lead to disciplinary action, up to and including termination of employment.

(Ord. O-10-04, passed 4-15-10)

§ 32.094 PERSONAL APPEARANCE.

(A) Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the city presents to customers and visitors.

(B) During business hours or when representing the city, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

(C) Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

(D) Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- (1) Canvas or athletic type shoes are not appropriate professional attire;
- (2) Tank tops, tube or halter tops, or shorts may not be worn under any circumstances;
- (3) Mustaches and beards must be clean, well trimmed, and neat;
- (4) Hairstyles are expected to be in good taste. Unnaturally colored hair and extreme hairstyles, do not present an appropriate professional appearance;
- (5) Offensive body odor and poor personal hygiene is not professionally acceptable;
- (6) Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances;
- (7) Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, is not professionally appropriate and must not be worn during business hours;

(8) Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during business hours; and

(9) Visible tattoos and similar body art must be covered during business hours unless the department head has determined, on a case by case basis, that the tattoo is not offensive or inappropriate and does not portray an unprofessional image to customers or the general public.
(Ord. O-10-04, passed 4-15-10; Am. Ord. O-16-10, passed 7-21-16)

§ 32.095 RETURN OF PROPERTY.

(A) Employees are responsible for all the city property, materials, or written information issued to them or in their possession or control.

(B) All the city property must be returned by employees on or before their last day of work.

(1) Where permitted by applicable laws, the city may withhold from the employee's check or final paycheck the cost of any items that are not returned when required.

(2) The City may also take all action deemed appropriate to recover or protect its property.
(Ord. O-10-04, passed 4-15-10)

§ 32.096 SECURITY INSPECTIONS.

(A) The city wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials.

(1) To this end, the city prohibits the possession, transfer, sale, or use of such materials on its premises.

(2) The city requires the cooperation of all employees in administering this policy.

(B) Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the city. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the city at any time, either with or without prior notice.

(Ord. O-10-04, passed 4-15-10)

§ 32.097 PROGRESSIVE DISCIPLINE.

(A) The purpose of this policy is to state the city's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

(B) The city's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

(C) Although employment with the city is based on mutual consent and both the employee and the city have the right to terminate employment at will, with or without cause or advance notice, the city may use progressive discipline at its discretion.

(D) (1) Disciplinary action may consist any of the following:

- (a) Verbal warning;
- (b) Written warning;
- (c) Suspension with or without pay;
- (d) Decision-making leave (DML); or

(d) Termination of employment based on the severity of the problem and number of occurrences.

(2) These methods of discipline are not intended to represent progressive steps of discipline, but rather options to be used at the city's discretion.

(E) Decision-making leave (DML) is appropriate for offenses of a serious nature and/or in circumstances where previous attempts have not corrected an employee problem.

(1) The immediate supervisor, with advice and counsel of intervening levels of supervision, assembles all documents and records leading to and supporting the application of DML.

(2) A discussion with the employee is conducted by the appropriate supervisor(s).

(3) The employee's overall work record, work performance, attendance, and conduct problems are reviewed.

(4) This discussion is followed by the employee being placed on a one-day decision-making leave (DML) with pay the following workday (shift), in order for the employee to decide whether he or she wishes to continue his or her employment with the city. The supervisor(s) prepares a letter that outlines:

- (a) Cause for the action;

- (b) Rules, policies, or procedures violated;
- (c) Previous related disciplinary action, if any; and
- (d) Date the DML is to be taken.

(5) Process.

(a) One copy of the letter is signed by the employee, with another copy placed in the employees official personnel file.

(b) The employee reports his or her decision the next workday (shift) after the DML. This will be in the form of resignation or the workings of a performance improvement plan. If the employee decides to continue working for the city, the employee and his or her supervisors) will discuss the employee's plans to make needed performance improvements. The employee may be placed on 12 months probation, during which time if he or she does not live up to this recommitment and meet all job requirements, termination may result. The employee is given a letter signed by the supervisor(s) and the employee summarizing the DML discussion and the employees decision.

(c) The original copy of the letter is given to the employee, and a copy is placed in the employees personnel file.

(F) Frequent follow-ups are essential for positive discipline following a DML. The employee's supervisor(s) shall provide timely feedback to employees at the suggested intervals of one month following DML, six months following DML, and 12 months following DML. At any time following DML the employee may be terminated if performance remains unsatisfactory.

(Ord. O-10-04, passed 4-15-10)

§ 32.098 PROBLEM RESOLUTION.

(A) If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution and grievance procedures. No employee will be penalized, formally or informally, for voicing a complaint with city in a reasonable, business-like manner, or for using the problem resolution and grievance procedures.

(B) The City encourages all employees and requires all supervisors to become familiar with the problem resolution and grievance procedures.

(C) (1) If an employee has a grievance, he or she should take the following steps.

(a) After an employee has discussed the grievance with his or her supervisor and a satisfactory solution was not reached, an appeal may be made in writing within ten calendar days to the department head.

(b) If a solution can not be reached at the department head level, an appeal may be made in writing within ten calendar days to the City Manager.

(2) For disciplinary action grievances:

(a) An employee who, after discussing disciplinary procedure with his or her immediate supervisor and not being satisfied with the answer may file a written appeal within ten calendar days to the department head.

(b) If the employee is not satisfied with the department head's answer, then a written appeal may be filed within ten calendar days with the City Manager.

(D) The City Manager reviews and gives just consideration to the problem and informs the employee, in writing, of a decision within seven calendar days, and forwards a copy of the written response to City Secretary for the employee's file. The City Manager has full and final authority to make any adjustment deemed appropriate.

(E) Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.
(Ord. O-10-04, passed 4-15-10)

§ 32.099 WORKPLACE ETIQUETTE.

(A) The city strives to maintain a positive work environment where employees treat each other with respect and courtesy.

(1) Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others.

(2) Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention.

(3) In most cases, common sense will dictate an appropriate resolution, the city encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

(B) The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work

environment. Please contact the department head if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- (1) Return copy machine and printer settings to their default settings after changing them.
 - (2) Replace paper in the copy machine and printer paper trays when they are empty.
 - (3) Be careful not to take or discard others' print jobs or faxes when collecting your own.
 - (4) Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
 - (5) Try to minimize unscheduled interruptions of other employees while they are working.
 - (6) Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
 - (7) Refrain from using inappropriate language (swearing) that others may overhear.
 - (8) Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
 - (9) Clean up after yourself and do not leave behind waste or discarded papers.
- (Ord. O-10-04, passed 4-15-10)

CHAPTER 33: FINANCE AND REVENUE

Section

- 33.01 Official depository; authority to sign checks
- 33.02 Charge for arrest warrant; disposition
- 33.03 Municipal Court Building Fund
- 33.04 Municipal Court Technology Fund
- 33.05 Processing or handling fee

§ 33.01 OFFICIAL DEPOSITORY; AUTHORITY TO SIGN CHECKS.

(A) The First Service Bank of Gladewater is hereby designated as the official depository of the City of Gladewater.

(B) That the City Manager and the City Secretary are authorized to sign checks and draw funds from certain accounts and the Mayor and all Council members are authorized to countersign all checks above \$2,000 from those accounts.

(Ord. 82-9, passed 4-8-82)

§ 33.02 CHARGE FOR ARREST WARRANT; DISPOSITION.

(A) A special expense, not to exceed \$25 shall be due and payable to the city for the issuance and service of a warrant of arrest for an offense under Tex. Penal Code § 38.11, or Tex. Transp. Code §§ 541.001 et seq.; and the special expenses described in Article 17.04 dealing with the requisite of a personal bond, after due notice, not to exceed \$25 shall be due and payable to the City of Gladewater.

(B) The Municipal Court shall collect a special expense for services performed in cases in which the laws of their state require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense. Such actions, are limited to compliance with the provisions of Subsection (a), Section 143A, Uniform Act regulating traffic on highways (Tex. Rev. Civ. Stat., Art. 6701d), such special expense shall not exceed the actual expenses incurred for the services or \$10, whichever is less.

(C) All funds collected for the issuance and service of warrants, and service performed where the case be dismissed shall be paid into the general fund of the City of Gladewater, Texas.

(Ord. 87-14, passed 10-15-87)

§ 33.03 MUNICIPAL COURT BUILDING FUND.

(A) Pursuant to Senate Bill 349 of the 95th Legislature of the State of Texas amending Tex. Code Crim. Proc. Article 102.017, there is hereby established the “Municipal Court Building Security Fund.”

(B) The Judge and any Associate Judge of the Municipal Court of the city, upon the conviction of any person for a misdemeanor offense in Municipal Court, is authorized to collect (in addition to any and all other fines, court costs, and fees) a \$3 security fee as a cost of Court from the defendant.

(C) For the purposes of this section, a person is considered to be convicted if:

- (1) A sentence is imposed on the person;
- (2) The person receives community supervision, including deferred adjudication; or,
- (3) The Court defers final disposition of the person’s case.

(D) The Clerk of the Municipal Court shall collect the fee and remit it to the financial officer of the city.

(Ord. 95-13, passed 8-17-95)

§ 33.04 MUNICIPAL COURT TECHNOLOGY FUND.

(A) *Created.*

(1) There is hereby created and established a “Municipal Court Technology Fund,” here-in-now known as the Fund, pursuant to Article 102.0172 of the Code of Criminal Procedure.

(2) The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

(B) *Fee assessment and collection.*

(1) The fee shall be in the amount of \$4.

(2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:

(a) A sentence is imposed on the person;

(b) The person is placed on community supervision, including deferred adjudication community supervision; or

(c) The court defers final disposition of the person's case.

(3) The fee shall be collected on conviction for an offense committed on or after the adoption of this section.

(4) The clerk of the court shall collect the fee and pay the fee to the Finance Director of the City of Gladewater, who shall deposit the fee into the Municipal Court Technology Fund.

(C) *Designated use and administration.*

(1) The Fund shall be used only to finance the purchase of, or to maintain technological enhancements for the Municipal Court of the City of Gladewater, Texas, including:

- (a) Computer systems;
- (b) Computer networks;
- (c) Computer hardware;
- (d) Computer software;
- (e) Imaging systems;
- (f) Electronics kiosks;
- (g) Electronic ticket writers; or
- (h) Docket management systems.

(2) The Fund shall be administered by or under the direction of the City Council of the City of Gladewater, Texas.

(Ord. 03-20, passed 11-20-03)

§ 33.05 PROCESSING OR HANDLING FEE.

(A) A processing or handling fee of 3% is hereby established to be charged by the city at the point of sale for processing or handling each time a credit card is used to pay a utility bill. For the purposes of this section, a utility bill includes those charges commonly found on a city utility bill, including but not limited to charges associated with water, sewer, trash, storm drainage and optional donations. A processing or handling fee of 5% is hereby established to be charged by the city at the point of sale for processing or handling each time a credit card is used to pay all other municipal fees, fines, court costs or other charges. The City Council funds that said amounts are reasonably related to the expense incurred by the city in processing or handling the credit card payment.

(B) A service charge in an amount equivalent to that charged for the collection of a check drawn on an account with insufficient funds is hereby established to be charged by the city if, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn. (Ord. O-12-17, passed 8-16-12)

CHAPTER 34: RECORDS MANAGEMENT

Section

- 34.01 Definitions
- 34.02 City records declared public property
- 34.03 Policy
- 34.04 Designation of Records Management Officer; duties
- 34.05 Establishment of Records Management Committee; duties
- 34.06 Development of records management plan; approval and authority of plan
- 34.07 Duties of department heads
- 34.08 Designation of records liaison officers; duties and responsibilities
- 34.09 Records control schedules to be developed; approval; filing with state
- 34.10 Implementation of records control schedules; destruction
- 34.11 Destruction of unscheduled records
- 34.12 Records center
- 34.13 Micrographics

Statutory reference:

Texas Local Government Records Act, see Tex. Loc. Gov't Code §§ 201.001 et seq.

§ 34.01 DEFINITIONS.

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

CITY 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 it is open or restricted under the laws of the state, created or received by 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 of Gladewater and shall be created, maintained, and disposed of in accordance with the provisions of this chapter or procedures authorized by it and in no other manner.

DEPARTMENT HEAD. The officer who by ordinance, order, or administrative policy is in charge of an office of the city that creates or receives records.

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

PERMANENT RECORD. Any record of the City of Gladewater for which the retention period on a records control schedule is given as permanent.

RECORDS CONTROL SCHEDULE. A document prepared by or under the authority of the Records Management Officer listing the records maintained by the City of Gladewater, their retention periods, and other records disposition information that the records management program may require.

RECORDS LIAISON OFFICERS. The persons designated under § 34.08(A) of this chapter.

RECORDS MANAGEMENT. 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 development of 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 micrographics and electronic and other records storage systems.

RECORDS MANAGEMENT COMMITTEE. The committee established in § 34.05 of this chapter.

RECORDS MANAGEMENT OFFICER. The person designated in § 34.04 of this chapter.

RECORDS MANAGEMENT PLAN. The plan developed under § 34.06 of this chapter.

RETENTION PERIOD. 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.

(Ord. 94-13, passed 11-17-94)

§ 34.02 CITY RECORDS DECLARED PUBLIC PROPERTY.

All city records as defined in § 34.01 of this chapter are hereby declared to be the property of the city. No city 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.

(Ord. 94-13, passed 11-17-94) Penalty, see § 10.99

§ 34.03 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 city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice. (Ord. 94-13, passed 11-17-94)

§ 34.04 DESIGNATION OF RECORDS MANAGEMENT OFFICER; DUTIES.

(A) 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 Texas State Library within 30 days of the initial designation or of taking up the office, as applicable.

(B) In addition to other duties assigned in this chapter, 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 city 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) Provide records management advice and assistance to all city departments by preparation of a manual of procedure and policy and by on-site consultation;

(8) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;

(9) Disseminate to the City Manager and department heads information concerning state laws and administrative rules relating to local government records;

(10) Instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;

(11) Direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this chapter;

(12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the city is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(13) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(14) Report annually to the City Manager 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 (13) of this division; and,

(15) Bring to the attention of the City Manager noncompliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act.

(Ord. 94-13, passed 11-17-94)

§ 34.05 ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES.

A Records Management Committee consisting of the City Manager, City Secretary, Police Chief, Fire Chief, Public Works Director, Building Inspector, and Water Billing Office Manager is hereby established. The Committee shall:

(A) Assist the Records Management Officer in the development of policies and procedures governing the records management program;

(B) Review the performance of the program on a regular basis and propose changes and improvements if needed;

(C) Review and approve records control schedules submitted by the Records Management Officer;

(D) Give final approval to the destruction of records in accordance with approved records control schedules; and,

(E) Actively support and promote the records management program throughout the city.

(Ord. 94-13, passed 11-17-94)

§ 34.06 DEVELOPMENT OF RECORDS MANAGEMENT PLAN; APPROVAL AND AUTHORITY OF PLAN.

(A) The Records Management Officer and the Records Management Committee shall develop a records management plan for the city for submission to the city. 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 city, and to properly preserve those records of the city 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 chapter effectively.

(B) Once approved by the city, 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 chapter 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.

(Ord. 94-13, passed 11-17-94)

§ 34.07 DUTIES OF DEPARTMENT HEADS.

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

(A) 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 chapter;

(B) 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,

(C) Maintain the records in his or her care and carry out their preservation, microfilming, 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 chapter.

(Ord. 94-13, passed 11-17-94)

§ 34.08 DESIGNATION OF RECORDS LIAISON OFFICERS; DUTIES AND RESPONSIBILITIES.

(A) Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

(B) In addition to other duties assigned in this chapter, Records Liaison Officers shall:

(1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules.

(2) In cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their departments.

(3) Disseminate information to department staff concerning the records management program.
(Ord. 94-13, passed 11-17-94)

§ 34.09 RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.

(A) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.

(B) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with 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 members of the Records Management Committee.

(D) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

(Ord. 94-13, passed 11-17-94)

§ 34.10 IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION.

(A) A records control schedule for a department that has been approved and adopted under § 34.09 shall be implemented by department heads and Records Liaison Officers 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 law suit, or the department head requests in writing to the Records Management Committee 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 Records Management Committee.

(Ord. 94-13, passed 11-17-94)

§ 34.11 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 and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

(Ord. 94-13, passed 11-17-94)

§ 34.12 RECORDS CENTER.

A records center, developed pursuant to the plan required by § 34.06, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under § 34.06.

(Ord. 94-13, passed 11-17-94)

§ 34.13 MICROGRAPHICS.

Unless a micrographics program in a department is specifically exempted by order of the city, all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming of city records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming, and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with Commission rules. (Ord. 94-13, passed 11-17-94)

CHAPTER 35: EMERGENCY MANAGEMENT

Section

- 35.01 Emergency Management Director established; appointment of Coordinator
- 35.02 Emergency Management Organization
- 35.03 Powers and duties of the Director
- 35.04 Emergency management plan
- 35.05 Interjurisdictional program
- 35.06 Override
- 35.07 Liability
- 35.08 Expenditure of public funds prohibited
- 35.09 Obstruction of enforcement; display of false identification prohibited
- 35.10 Unauthorized sirens or other warnings unlawful
- 35.11 Limitations

- 35.99 Penalty

§ 35.01 EMERGENCY MANAGEMENT DIRECTOR ESTABLISHED; APPOINTMENT OF COORDINATOR.

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

(A) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.

(B) The Director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this chapter. He or she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

(Ord. 91-3, passed 4-25-91)

§ 35.02 EMERGENCY MANAGEMENT ORGANIZATION.

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.

(Ord. 91-3, passed 4-25-91)

§ 35.03 POWERS AND DUTIES OF THE DIRECTOR.

The duties and responsibilities of the Emergency Management Director shall include the following:

(A) Conduct an on-going survey of actual or potential hazards which threaten life and property within the city and an on-going 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.

(B) 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.

(C) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven 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.

(D) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede promptly filed with the City Secretary.

(E) Direction and control of the operations of the Gladewater Emergency Management organization as well as the training of Emergency Management personnel.

(F) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the city.

(G) Maintenance of liaison with other municipal, county, district, state, regional or federal, Emergency Management organizations.

(H) 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.

(I) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the county-wide coordination of Emergency Management efforts.

(J) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving Emergency Management within the city.

(K) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.

(L) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.

(M) Other requirements as specified in Texas Disaster Act 1975 (Tex. Gov't Code §§ 418.001 et seq.).

(Ord. 91-3, passed 4-25-91)

§ 35.04 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 chapter. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this chapter and have the effect of law during the time of a disaster.

(Ord. 91-3, passed 4-25-91)

§ 35.05 INTERJURISDICTIONAL PROGRAM.

The Mayor is hereby authorized to join with the County Judge of the County of Gregg and the mayors of the other cities in said county in the formation of an Emergency Management Council for the County of Gregg and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Gladewater.

(Ord. 91-3, passed 4-25-91)

§ 35.06 OVERRIDE.

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

(Ord. 91-3, passed 4-25-91)

§ 35.07 LIABILITY.

This chapter 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 said 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 chapter 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 of privilege, or otherwise permits the city to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or manmade 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.

(Ord. 91-3, passed 4-25-91)

§ 35.08 EXPENDITURE OF PUBLIC FUNDS PROHIBITED.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this chapter 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.

(Ord. 91-3, passed 4-25-91) Penalty, see § 35.99

§ 35.09 OBSTRUCTION OF ENFORCEMENT; DISPLAY OF FALSE IDENTIFICATION PROHIBITED.

(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 chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.

(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.
(Ord. 91-3, passed 4-25-91) Penalty, see § 35.99

§ 35.10 UNAUTHORIZED SIRENS OR OTHER WARNINGS UNLAWFUL.

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 chapter and shall be subject to the penalties imposed by this chapter.
(Ord. 91-3, passed 4-25-91) Penalty, see § 35.99

§ 35.11 LIMITATIONS.

This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation.
(Ord. 91-3, passed 4-25-91)

§ 35.99 PENALTY.

Convictions for violations of the provisions of this chapter shall be punishable by fine not to exceed \$500.
(Ord. 91-3, passed 4-25-91)

CHAPTER 36: TAXATION

Section

Tax Assessments; Board of Equalization

- 36.01 Property statement
- 36.02 Assessment list
- 36.03 General rolls
- 36.04 Annual levy
- 36.05 Collection of taxes
- 36.06 Meetings of the Board
- 36.07 Valuations; hearings

Hotel Occupancy Tax

- 36.15 Purpose
- 36.16 Definitions
- 36.17 Levy of tax; rate; exemptions
- 36.18 Collection
- 36.19 Reports
- 36.20 Rules and regulations
- 36.21 Agency for administration

Tax on Leased Motor Vehicles

- 36.25 Continuation of tax on leased motor vehicles
- 36.99 Penalty

TAX ASSESSMENTS; BOARD OF EQUALIZATION

§ 36.01 PROPERTY STATEMENT.

Each person owning property within the limits of the city shall between January 1 and March 1 of each year, render to the Tax Assessor and Collector of the city a full and complete sworn inventory of the property possessed or controlled by him on January 1 of the current year.
(‘60 Code, § 12-2-1)

§ 36.02 ASSESSMENT LIST.

It shall be the duty of the Tax Assessor and Collector on March 1 of each year, or as soon thereafter as is practicable, to ascertain such property in said city, subject to taxation, and make up a list of the assessment of all such property and shall proceed to turn same over to the Board of Equalization for correction and adjustment and said Board of Equalization shall examine said list and appraise the list of property so submitted by the said Tax Assessor and Collector.
(‘60 Code, § 12-2-2)

§ 36.03 GENERAL ROLLS.

The Board of Equalization, after they have finally examined and equalized the value of all property on the Assessor’s books, shall return said lists to the Assessor, who shall make up therefrom his general rolls as required by law. The Tax Assessor and Collector shall have completed his general rolls on or before the last Monday of April of each year and shall submit them to the Board of Equalization. The Board of Equalization shall meet on the last Monday of April of each year and approve the said rolls, if the same be found correct. The action of the Board shall be final and shall not be subject to revision by the City Council or by any other tribunal thereafter.
(‘60 Code, § 12-2-6)

§ 36.04 ANNUAL LEVY.

There shall be levied and collected annually an ad valorem tax on all taxable property in said city, subject to taxation for lawful purposes, at such rates as the Council may fix from time to time and said Council shall immediately after the valuations are fixed and determined each year fix by ordinance the amount of ad valorem taxes due said city for the current year.
(‘60 Code, § 12-2-7) (Ord. passed 3-17-36) Penalty, see § 36.99

§ 36.05 COLLECTION OF TAXES.

When the assessment rolls have been approved and returned to the Assessor and Collector, he shall proceed to collect the taxes therein shown, and that said taxes shall be due and payable on and after May 1 of the current year; providing that all taxes that may be paid during the month of May of the current year shall be subject to a discount of 3%; that taxes paid during the months of June and July of the current year shall be paid at par, and that all persons, firms, and corporations failing or refusing to pay any taxes imposed upon them or it within the heretofore specified time shall pay a penalty of 8% on the amount of said taxes past due and unpaid as of August 1 of the current year; and providing further, that said unpaid taxes shall draw interest at the rate of 0.5% per month from and after August 1 and of such current year until paid.
(‘60 Code, § 12-2-8) (Ord. passed 3-22-49)

§ 36.06 MEETINGS OF THE BOARD.

The Board of Equalization shall convene annually on the first Monday in April of each year to receive all the assessment lists or books of the Assessor for examination, equalization, correction, appraisal and approval; and at all meetings of the Board of Equalization the City Clerk shall act as Secretary of said Board. Before entering into their duties as a Board of Equalization, said Board members shall swear to faithfully and impartially discharge such duties incumbent upon them by law as required by the statutes of the State of Texas.

(‘60 Code, § 12-2-4)

§ 36.07 VALUATIONS; HEARINGS.

Said Board of Equalization shall equalize as nearly as possible the value of all property within the limits of the city. In all cases where the Board of Equalization shall find it their duty to raise the valuation of any property appearing on the list or the books of the Assessor they shall after having fully examined such lists or books, and correcting all errors appearing therein, adjourn to any day not less than ten nor more than 15 days from the date of the adjournment, such day to be fixed by the order of adjournment and shall cause the Secretary of such Board to give notice to the owner of such property of time to which said Board may have adjourned and that such owner may at that time appear and show cause why the valuation of such property should not be raised. The notice shall be served by depositing the same, properly addressed and postpaid, in the post office at Gladewater. The Board of Equalization shall meet at the time specified in said order of adjournment and shall hear all persons the value of whose property has been raised and if said Board is satisfied they have raised the value of such property too high, they shall lower the same to its proper value.

(‘60 Code, § 12-2-5)

HOTEL OCCUPANCY TAX**§ 36.15 PURPOSE.**

Purpose of this subchapter is to raise money to promote visitors, tourism, conventions and convention centers for the City of Gladewater.

(Ord. 85-11, passed 6-6-85)

§ 36.16 DEFINITIONS.

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

CITY SECRETARY. The City Secretary of the City of Gladewater, Texas.

CONSIDERATION. The cost of the room in such hotel and shall not include the costs 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, and shall not include any tax assessed for occupancy thereof by any other governmental agency.

HOTEL. Any building or buildings, trailer, or other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or court, lodging houses, inns, rooming houses, trailer 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.

OCCUPANCY. The use of possession, or the rights to the use or possession of any room or rooms in a hotel for any purpose.

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

PERMANENT RESIDENT. Any occupant who has or shall have the right to occupancy of any room or rooms in a hotel for at least 30 consecutive days during the current calendar year or preceding year.

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

QUARTERLY PERIOD. The regular calendar quarters of the year, the first quarter being composed of the months of January, February and March, the second quarter being the months of April, May and June, and the third quarter being the months of July, August and September, and the fourth quarter being the months of October, November, and December.
(Ord. 85-11, passed 6-6-85)

§ 36.17 LEVY OF TAX; RATE; EXEMPTIONS.

(A) There is hereby levied a tax upon the occupancy of any room or space furnished by any hotel or motel where such cost of occupancy is at a rate of \$2 or more per day; such tax to be equal to 7% of the consideration paid by the occupant of such room or space to such hotel or motel.

(B) No tax shall be imposed hereunder upon a permanent resident.

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

(Ord. 85-11, passed 6-6-85) Penalty, see § 36.99

§ 36.18 COLLECTION.

Every person owning, operating, managing, or controlling any motel or hotel within the city, shall collect the tax imposed in § 36.17 hereof, for the City of Gladewater, Texas.
(Ord. 85-11, passed 6-6-85) Penalty, see § 36.99

§ 36.19 REPORTS.

On the last day of the month following each quarterly period, every person required in § 36.38 hereof to collect the tax imposed herein shall file a report with the City Secretary, 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 Secretary may reasonably require. This requirement may be met by submitting a copy of the State Hotel/Motel Occupancy Tax Quarterly Report and any amendment hereto to the City Secretary. Such person shall pay the tax due on such occupancies at the time of filing such report.
(Ord. 85-11, passed 6-6-85) Penalty, see § 36.99

§ 36.20 RULES AND REGULATIONS.

The City Secretary shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, 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 subchapter and the amount of taxes due under the provisions of this subchapter.
(Ord. 85-11, passed 6-6-85)

§ 36.21 AGENCY FOR ADMINISTRATION.

The City of Gladewater will enter into a contract with an agency outside the City Government to administer the funds made available under this subchapter and to carry out the purpose of this subchapter.
(Ord. 85-11, passed 6-6-85)

TAX ON LEASED MOTOR VEHICLES**§ 36.25 CONTINUATION OF TAX ON LEASED MOTOR VEHICLES.**

The City Council hereby elects and provides for the taxation of leased motor vehicles, as provided for by paragraph F of Senate Bill 248 of the 77th Legislature (Regular Session), codified as Tex. Tax Code § 11.252(F).

(Ord. 01-18, passed 12-20-01) Penalty, see § 36.99

§ 36.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter for which no other penalty is provided shall be subject to the penalty of § 10.99 of this code of ordinances.

(B) If any person shall fail to collect the tax imposed in §§ 36.17 and 36.18, or shall fail to file a report as required in § 36.19, or shall fail to pay to the City Secretary the tax, as imposed in § 36.17, when said report or payment is due, or shall file a false report, then such person shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500. In addition, such a person who fails to remit the tax or violates the reporting provisions imposed by this subchapter within the time required shall forfeit an additional 5% of such tax; provided, however, that the penalty shall never be less than \$1. Delinquent taxes shall draw interest at the rate of 6% per annum beginning 60 days from the due date. (Ord. 85-11, passed 6-6-85)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. WATER AND SEWERS

52. INDUSTRIAL WASTE

53. WATER CONSERVATION

APPENDIX A: WATER SERVICE AREA MAP

**APPENDIX B: SEWER TREATMENT PLANT AND
OUTFALL LOCATION MAP**

CHAPTER 50: SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Receptacles required
- 50.03 Hauling restrictions
- 50.04 Handling requirements; garbage to be drained
- 50.05 Maintenance of premises; tampering with trash prohibited
- 50.06 Protection of refuse; owner's responsibility
- 50.07 Consent of property owners for use of private driveways
- 50.08 Service provided
- 50.09 Location of bins and containers for collection
- 50.10 Hours of operation
- 50.11 Routes of collection
- 50.12 Legal sanitation operation holidays
- 50.13 Disposal site
- 50.14 City to collect payment for services
- 50.15 Schedule of rates

§ 50.01 DEFINITIONS.

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

BAGS. Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of the bag and its contents shall not exceed 35 pounds.

BIN. Metal receptacle designed to be lifted and emptied mechanically for use only at commercial and industrial units, or city exempt locations.

BULKY WASTE. Stoves, refrigerators, water tanks, washing machines, furniture, and other waste materials other than construction debris, dead animals, hazardous waste, or stable matter with weights or volumes greater than those allowed for bins or containers.

BUNDLE. Tree, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding four feet in length and 40 pounds in weight.

CITY. City of Gladewater, Texas

COMMERCIAL AND INDUSTRIAL REFUSE. All bulky waste, construction debris, garbage, rubbish, stable matter generated by a producer at a commercial and industrial unit.

COMMERCIAL AND INDUSTRIAL UNIT. All premises, location, or entities, public or private, requiring refuse collection within the corporate limits of the city, not residential unit.

CONSTRUCTION DEBRIS. Waste building materials resulting from construction, remodeling, repair, or demolition operations.

CONTAINER. A receptacle with a capacity of greater than 20 gallons but less than 50 gallons constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight-fitting lid capable of preventing entrance into the container by vectors. The mouth of the container shall have a diameter greater than or equal to that of the base. The weight of a container and its contents shall not exceed 60 pounds.

CONTRACTOR. The person, corporation, or partnership performing refuse collection and disposal under contract with the city.

DEAD ANIMALS. Animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

DISPOSAL SITE. A refuse depository physically located within reasonable distance to the city, including but not limited to sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals to receive for processing or final disposal of refuse and dead animals.

GARBAGE. Any and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption, every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation) used tin cans and other food containers, and all perishable or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents, except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

HAND LOAD COMMERCIAL. Those businesses not requiring the use of trash bins. Small refuse generating businesses with a trash volume of nine or less than 30 gallon per collection day, no more than five times per week.

HANDICAPPED HOUSEHOLD. A residence where all occupants are physically disabled and incapable as a result of the disability of transporting their refuse to curb side.

HAZARDOUS WASTE. Any chemical compound, mixture, substance or article of waste, in any amount, which is defined, characterized, or designated as hazardous by the U.S. 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.

LANDFILL. The real property site for disposal of refuse collected.

PREMISES. Business houses, offices, theaters, hotels, restaurants, cafes, eating houses, tourist camps, motels, apartments, sanitariums, rooming houses, schools, private residences, vacant lots, and other places within the corporate limits of the city where refuse, either garbage or rubbish accumulates.

PRODUCER. An occupant of a commercial and or industrial unit or a residential unit who generates refuse.

REFUSE. Residential and bulky waste, construction debris, and stable matter generated at a residential unit, unless the context otherwise requires, and commercial and industrial refuse.

RESIDENTIAL REFUSE. All garbage and rubbish generated by a producer at a residential unit.

RESIDENTIAL UNIT. A dwelling within the corporate limits of the city occupied by a person or group of persons comprising not more than four families. A **RESIDENTIAL UNIT** shall be deemed occupied when either water or domestic light and power service are being supplied thereto. A condominium dwelling whether single or multi-level construction, consisting of four or less contiguous or separate single-family dwelling units, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit shall be billed separately as a **RESIDENTIAL UNIT**. Apartment complexes will not be considered a **RESIDENTIAL UNIT**, since it is customary that bins be provided for apartment complex residents.

RUBBISH. All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches, boards, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulpy and other products such as used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.

STABLE MATTER. All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

(Ord. 87-05, passed 3-19-87)

§ 50.02 RECEPTACLES REQUIRED.

Every owner, occupant, tenant, or lessee using or occupying any building, house, or structure shall provide and maintain cans, bags, or receptacles of sufficient number and size to hold the garbage and trash that will normally accumulate on the premises.

(Ord. 87-05, passed 3-19-87) Penalty, see § 10.99

§ 50.03 HAULING RESTRICTIONS.

No one except the duly authorized agents and employees of the city shall empty receptacles or convey or transport garbage or trash on the streets, alleys, and public thoroughfares. All vehicles used for collecting or transporting must be kept tightly closed and all covers thereon securely fastened while being used in transporting. Nothing in this chapter shall be construed to prohibit the owner or occupant of any premises within the city from himself disposing or hauling away any garbage, trash or waste materials from his premises so long as materials are hauled to a lawfully licensed disposal site.

(Ord. 87-05, passed 3-19-87) Penalty, see § 10.99

§ 50.04 HANDLING REQUIREMENTS; GARBAGE TO BE DRAINED.

All garbage or trash that is mixed with water or other liquids shall be drained before being put in the can or receptacle. All animal matter that is subject to decomposition shall be well wrapped in paper or other combustible matter before being deposited in container or receptacle.

(Ord. 87-05, passed 3-19-87) Penalty, see § 10.99

§ 50.05 MAINTENANCE OF PREMISES; TAMPERING WITH TRASH PROHIBITED.

The health laws require that all premises, both vacant and occupied be kept in a clean, sanitary condition at all times. Collection of garbage, trash or rubbish, or tree limbs will not take place where same is not prepared for collection and disposal. The meddling with garbage cans, trash or receptacles or in any way pilfering, scattering contents, junkings in any alley or street is prohibited.

(Ord. 87-05, passed 3-19-87) Penalty, see § 10.99

§ 50.06 PROTECTION OF REFUSE; OWNER'S RESPONSIBILITY.

The contents of all receptacles shall be protected so that the wind cannot blow out and scatter same over the streets, alleys, and premises of the city. The collection, removal, and disposal of all garbage, trash, and rubbish shall be carried on in a systematic manner, keeping the entire city in a clean and sanitary condition. Each owner, occupant or tenant shall keep the area around garbage containers in a clean and sanitary condition at all times.

(Ord. 87-05, passed 3-19-87) Penalty, see § 10.99

§ 50.07 CONSENT OF PROPERTY OWNERS FOR USE OF PRIVATE DRIVEWAYS.

Owners or occupants of private driveways and other private property used by sanitation trucks give implied consent to such use and assume any damage caused by said trucks unless the property owners object to said use.

(Ord. 87-05, passed 3-19-87)

§ 50.08 SERVICE PROVIDED.

(A) The city's authorized contractor shall provide curbside collection service of residential refuse to each residential unit two times per week, and each hand load commercial unit no more than five times per week. The contractor is required to remove no more than nine bags, cans or bundles on the first of the week pick-up day.

(B) The second pick-up day of the week the contractor will be required to pick up all bags, cans or bundles. All refuse should be placed at curbside by 7:30 a.m. on the designated collection day.

(C) The contractor shall provide special consideration for handicapped households.

(D) The contractor shall provide bin collection service and hand load commercial service for the collection of commercial and industrial refuse to commercial and industrial units according to individual agreement.

(E) The contractor shall provide for the special collection from residential units and commercial units of bulky waste, construction debris and stable matter. Also, the contractor may from time to time provide for the special collection of dead animals and hazardous waste at residential units and hand load commercial units at its sole discretion and upon such terms and conditions as may be agreed upon.

(Ord. 87-05, passed 3-19-87)

§ 50.09 LOCATION OF BINS AND CONTAINERS FOR COLLECTION.

(A) Each bag, can, or bundle shall be placed at curbside or other designated area, for collection. **CURBSIDE** refers to that portion of right-of-way adjacent to paved or traveled city streets (including alleys). Bags, cans, or bundles shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, bags, cans, or bundles shall be placed as close as practical to an access point for the collection vehicle. The contractor may decline to collect any bag, can, or bundle not so placed or any residential refuse not in a bag, can, or bundle.

(B) The contractor shall provide bins for commercial and industrial units whenever customers request their use. Each bin shall be placed in an accessible outside location on a hard surface according to individual agreement. Contractor may decline to collect refuse in bins not so placed.

(Ord. 87-05, passed 3-19-87)

§ 50.10 HOURS OF OPERATION.

(A) Collection of residential refuse shall not start before 7:30 a.m. or continue after 6:00 p.m. on the same day. Exceptions to collections hours shall be affected only upon mutual agreement of the city and the contractor, or when the contractor reasonably determines that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances.

(B) Collection of commercial and industrial refuse shall take place according to individual agreement.

(Ord. 87-05, passed 3-19-87)

§ 50.11 ROUTES OF COLLECTION.

(A) Residential unit collection routes shall be established by the contractor. The contractor shall submit a map designating the residential unit collection routes to the city for their approval. The contractor at least once during each calendar year shall publish a list of the residential collection routes in a newspaper published in the city. The contractor may from time to time propose to change routes or days of collection affecting residential units. After approval is granted the contractor shall promptly give written or published notice to the affected residential units.

(B) Commercial and industrial unit collection routes shall be established by the contractor at his sole discretion.

(Ord. 87-05, passed 3-19-87)

§ 50.12 LEGAL SANITATION OPERATION HOLIDAYS.

(A) The following shall be holidays for purposes of refuse collection:

New Years Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

(B) If one of these holidays fall on Saturday, the preceding Friday shall be observed and if they fall on Sunday the following Monday shall be observed.

(C) The contractor may decide to observe any or all of the named holidays by suspension of collection and/or disposal services on the holiday. Such decision in no manner relieves the contractor of his obligation to provide collection service at residential units at least once per week.

(Ord. 87-05, passed 3-19-87)

§ 50.13 DISPOSAL SITE.

All refuse collected for disposal by the contractor shall be hauled to a licensed disposal site.
(Ord. 87-05, passed 3-19-87) Penalty, see § 10.99

§ 50.14 CITY TO COLLECT PAYMENT FOR SERVICES.

The city shall submit statements to and collect from all residential, commercial, and industrial units for services provided by the contractor, including those accounts that are delinquent.
(Ord. 87-05, passed 3-19-87)

§ 50.15 SCHEDULE OF RATES.

(A) *Commercial containerized rates.* That upon the first billing cycle following April 1, 2018, the rates for commercial containerized garbage pick-up service shall be as follows:

<i>Container Size</i>	<i>Service Frequency (Pickups/Week)</i>					
	1	2	3	4	5	Extra P/U
2 Cubic Yards	\$41.51	\$85.25	\$133.67	\$170.55	\$252.09	\$16.54
3 Cubic Yards	59.32	118.62	155.73	202.06	313.26	17.91
4 Cubic Yards	79.71	146.43	202.05	257.67	433.76	19.33
6 Cubic Yards	103.80	192.78	272.49	350.34	543.33	22.05
8 Cubic Yards	135.34	248.38	354.05	457.83	669.15	24.78

(B) *Commercial hand load rates.* Upon the first billing cycle following April 1, 2018, the rates for commercial hand load garbage pick-up service shall be as follows:

<i>Number of 30 Gallon Bags</i>	<i>Service Frequency (Pickups/Week)</i>
	2
1 or 2	\$19.59
3 or 4	21.28
5 or 6	23.00
7 or 8	20.41

(C) *Industrial rates.* Upon the first billing cycle following April 1, 2018, the rates for industrial roll-off service shall be as follows:

<i>Container Size</i>	<i>Monthly Rental</i>	<i>Per Haul</i>
20 Yard Open Top	\$124.15	\$400.03
30 Yard Open Top	124.15	462.11
30 Yard Compactor	Negotiated	509.02
40 Yard Open Top	124.15	524.18

(D) *Residential rates.* Upon the first billing cycle following April 1, 2018, the rates for residential garbage pick-up service will increase seventy-six cents (\$0.76) and shall be thirteen dollars and ninety-three cents (\$13.93) per month.

(E) *Special pick-ups.* The rates for special pick-ups (Section 13.01B of the contract) shall be \$46.44 minimum and an hourly charge of \$46.44.

(F) *Fee adjustments.* Any proposal to adjust fees for the services outlined in divisions (A)–(E) shall be considered annually by the City Council based on the CPI - All Urban Consumers (Water, Sewer and Trash Collection Services), U.S. City Average, as published by the United States Department of Labor, Bureau of Statistics. Any request to raise fees shall be made at least 60 days before the contract anniversary date pursuant to Section 13.02 of the contract.

(Ord. 87-05, passed 3-19-87; Am. Ord. 88-10, passed 12-1-5-88; Am. Ord. 92-10, passed 12-1-92; Am. Ord. 93-14, passed 11-1-93; Am. Ord. 97-10, passed 9-2-97; Am. Ord. 02-04, passed 3-21-02; Am. Ord. 04-03, passed 2-19-04; Am. Ord. 05-02, passed 2-17-05; Am. Ord. 06-03, passed 3-16-06; Am. Ord. 07-07, passed 4-23-07; Am. Ord. 08-03, passed 3-13-08; Am. Ord. 0-09-01, passed 1-15-09; Am. Ord. O-10-01, passed 2-18-10; Am. Ord. O-11-02, passed 3-17-11; Am. Ord. O-12-10, passed 4-19-12; Am. Ord. O-13-03, passed 3-28-13; Am. Ord. O-14-01, passed 2-20-14; Am. Ord. O-16-05, passed 3-17-16; Am. Ord. O-17-07, passed 1-19-17; Am. Ord. O-18-03, passed 2-15-18)

CHAPTER 51: WATER AND SEWERS

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WATER**§ 51.01 CONTROL AND SUPERVISION; SUPERINTENDENT.**

(A) The control, management, and supervision of the waterworks system shall be vested in the City Manager. ('60 Code, § 1-4-1)

(B) The Manager may employ a Superintendent and such other employees as may be necessary to operate said waterworks system. The Manager shall make rules and regulations for the service of water. ('60 Code, § 1-4-2)

§ 51.02 APPLICATION FOR SERVICE.

All applications for service connections shall be made in writing. Where the premises are occupied by a lessee, his application must be accompanied by the written consent of the owner. All applications shall be made on blanks furnished by the city and shall state the purpose for which the water is to be used.

('60 Code, § 1-4-3)

§ 51.03 CONNECTION REQUIREMENTS.

(A) Tapping.

(1) All tapping of mains shall be done under the supervision of the Superintendent after the consumer has made advance payment therefor. The Superintendent shall determine the number and size of all taps and the laying of all water pipes to the property line.

(2) Each premise or dwelling shall have a separate meter, stop cock, and box on the curb line. In no case shall water be distributed except through meters; provided, however, where it shall be impracticable to make individual service connections, the water may be distributed through a single meter. Meter readings shall be the same as for individual meters and one person shall be responsible for payment. Application shall be made the same as for individual service.

('60 Code, § 1-4-5)

(B) *Laying of pipe.* The city shall not lay pipe, except mains and water pipes to the property line. The piping shall be laid by the city and the consumer shall pay the actual cost before the water is turned on. All pipes and drains shall be left exposed until after inspection and a permit has been secured from the Superintendent to cover the connections. ('60 Code, § 1-4-6)

Penalty, see § 10.99

§ 51.04 STOP AND WASTE COCKS REQUIRED.

A consumer shall cause to be installed at his own expense at the terminal of the service line laid by the city a stop and waste cock and a stop box, which shall be under the exclusive control of the city. The Superintendent shall prescribe rules for the installation of all stop and waste cocks and stop boxes shall be flush with the sidewalk.

('60 Code, § 1-4-9) Penalty, see § 10.99

§ 51.05 UNNECESSARY WASTE OF WATER.

All customers shall prevent any unnecessary waste of water and are required to keep their hydrants, faucets, valves, and all water apparatus including stop boxes in a good condition at their own expense. All waterways must be kept closed when not in use. Water shall not be furnished when there are defective or leaky faucets or fixtures and the consumers supply shall be shut off unless repaired. ('60 Code, § 1-4-8) Penalty, see § 10.99

§ 51.06 CONTINUAL FLOW OF WATER; TANK AND BOILER REQUIREMENTS.

(A) No continual flow of water shall be permitted except by meter and upon payment of special rates. Where water is run into tanks they must be watertight and the supply pipes provided with accurate stop cocks. Steam boilers taking water from service pipes and depending on the pressure will be at the risk of the owners. ('60 Code, § 1-4-12)

(B) All boilers for heating water shall be provided with air valves collapsing when the water is drawn. Consumers are warned to open all hot water faucets to allow steam to escape when the water shut off. ('60 Code, § 1-4-13)
Penalty, see § 10.99

§ 51.07 OBSTRUCTING WATERWORKS SYSTEM; FIRE HYDRANTS.

It shall be unlawful for any person to remove, obstruct or in any way injure a fire hydrant, apparatus, fixture, or property of the waterworks system. It shall be unlawful for any person to park automobiles, trucks or other vehicles near fire hydrants. ('60 Code, § 1-4-15) Penalty, see § 10.99

§ 51.08 MISREPRESENTATION OR DIVERSION OF WATER.

It shall be unlawful for any person to permit another the use of water from his premises. ('60 Code, § 1-4-4) Penalty, see § 10.99

§ 51.09 RIGHT OF ENTRY OF SUPERINTENDENT; CITY'S RIGHT TO SHUT OFF SERVICE.

(A) Every consumer shall at all reasonable times permit the Superintendent or any authorized person to enter his premises to examine the manner in which the water is used. Upon the refusal of such person to grant such privilege the water service shall be cut off. ('60 Code, § 1-4-10)

(B) The city reserves the right at any time, without notice, to cut off water in the mains for the purpose of repairs and shall be liable for no damage occasioned by the unavoidable scarcity of water or by any mechanical failure. The city has the right to shut off water for any violation of this chapter. ('60 Code, § 1-4-11)

§ 51.10 PAYMENT PROCEDURES; DISCONTINUING SERVICE.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before the due date set forth on the bill or statement, the city shall add a 10% penalty to the amount past due and unpaid, and if the bill is not paid by 8:00 a.m. on the 21st of the month, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(C) Should any meter fail to register properly and not show correctly the quantity of water actually used since the previous reading, the city in arriving at the quantity used shall average the charge on the basis of any three months' period within the previous year. The city reserves the right to control all meters in order that they may be protected and kept in repair. ('60 Code, § 1-4-14)
(Am. Ord. 05-11, passed 7-21-05; Am. Ord. O-16-22, passed 11-17-16)

§ 51.11 WATER RATES.

(A) The City of Gladewater Water Department is hereby authorized to place in effect the following schedules of rates for water service within the corporate limits of the City of Gladewater, to-wit:

\$24.00 minimum, for first 2,000 gallons;

\$4.50 per thousand gallons for 2,001 to 5,000 gallons
\$5.00 per thousand gallons for 5,001 to 10,000 gallons
\$5.75 per thousand gallons for all over 10,000 gallons

(B) A rate of one-and-one-half ($1\frac{1}{2}$) times the inside water service rate will be charged to those consumers outside the corporate limits of the City of Gladewater, Texas.

('60 Code, § 1-4-1) (Ord. 1098, passed 3-10-77; Am. Ord. 94-10, passed 9-15-94; Am. Ord. 01-16, passed 11-15-01; Am. Ord. 03-02, passed 1-16-03; Am. Ord. 08-10, passed 9-18-08; Am. Ord. O-14-13, passed 9-18-14; Am. Ord. O-17-12, passed 7-20-17)

SEWERS

§ 51.25 CONNECTION TO CITY SYSTEM REQUIRED.

(A) All buildings, structures, or facilities located on any lot, tract, or property which fronts or borders upon Lake Gladewater and which are leased by a private person from the city and which is connected to any potable water supply source, shall be required to be connected to the sanitary sewer system of the City of Gladewater.

(B) It shall be unlawful for any person leasing, enjoying the beneficial use of, or in actual control of any such lot, tract, or property, upon which is located a building, structure, or facility connected to a potable water supply source, to knowingly fail to connect same to the sanitary sewer system of the city; provided, however, in those instances in which the City Manager, or his designee, may determine from an examination of the ground that the slope of the surface makes such connection impossible, such connections shall not be required.

(Ord. 83-05, passed 6-2-83) Penalty, see § 10.99

§ 51.26 SEPTIC TANK SYSTEMS PROHIBITED.

It shall be unlawful for any person who is leasing from the city, enjoying the beneficial use of, or in actual control of any lot, tract, or property owned by the city which fronts or borders upon Lake Gladewater to knowingly utilize, or to knowingly permit, allow, or cause to be utilized, any septic tank system, cesspool, or other sewage treatment or disposal system for the disposal of sewage from any building, structure, or facility of any type, which may be located upon any such lot or property.

(Ord. 83-05, passed 6-2-83) Penalty, see § 10.99

§ 51.27 CONNECTION REQUIREMENTS.

(A) All new consumers requiring sewer service shall pay a tap fee as provided in § 51.48 with all connections to sewer system to be made by the city.

(B) It is understood that no storm water is to be connected to the sanitary sewer system.

(C) If two or more users or buildings use the same connections, each user or building will be charged for the use of said connections at the same rate as if each were connected separately.

('60 Code, § 1-5-1) Penalty, see § 10.99

§ 51.28 COST FOR SERVICE AND SEWER LINES.

(A) No free service shall be allowed, and to the extent that the city or any of its agencies or instrumentalities avail themselves of the services and facilities provided by the systems, they shall pay therefor the same rates and charges hereby prescribed.

(B) The developer shall pay for all sewer lines within the area of the development with construction to be performed or directed by the city.

('60 Code, § 1-5-1) Penalty, see § 10.99

§ 51.29 PAYMENT PROCEDURES; DISCONTINUING SERVICE.

(A) Sewer rates and charges fixed by this chapter shall be due and payable on or before the date set forth on the bill or statement sent by the city. If not paid by the date set forth on the bill or statement, the city shall add a 10% penalty to the amount past due and unpaid.

(B) In the event that any user or customer of the sewer system does not pay matured rates and charges when due, the city may disconnect sewer service in accordance with the procedures set forth in § 51.10.

§ 51.30 SEWER RATES.

(A) The City of Gladewater Water Department is hereby authorized to place in effect the following schedule of rates for sewer service within the corporate limits of the City of Gladewater, to-wit:

\$22.75 minimum for up to 2,000 gallons of water, and \$3.25 for each additional 1,000 gallons.

(B) A rate of one-and-one-half ($1\frac{1}{2}$) times the inside sewer rate will be charged to those consumers outside the corporate limits of the City of Gladewater, Texas.

('60 Code, § 1-5-1) (Am. Ord. 94-11, passed 9-15-94; Am. Ord. 01-13, passed 9-20-01; Am. Ord. 02-12, passed 11-21-02; Am. Ord. 03-04, passed 3-20-03; Am. Ord. 08-11, passed 9-18-08; Am. Ord. O-14-14, passed 9-18-14; Am. Ord. O-17-13, passed 7-20-17)

ADDITIONAL RATES AND CHARGES**§ 51.40 RETURNED CHECK CHARGE.**

On checks returned to the city due to insufficient funds, stop payment, closed account, or any other reason other than documented bank error, there shall be a returned check charge of \$25.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05)

§ 51.41 RECONNECTING DELINQUENT ACCOUNTS AFTER HOURS.

Each time it is necessary to perform non-emergency service or reconnect delinquent accounts after hours or on weekends there shall be an additional charge imposed of \$25 to help defray the cost of overtime.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05)

§ 51.42 TRANSFER OF SERVICE.

When a customer relocates from one address to another, a transfer service fee of \$15 shall be charged.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05)

§ 51.43 WATER METER DEPOSITS.

(A) Water meter deposits for residential customers shall be fixed at \$100. An additional \$100 deposit shall be required of any residential customer after they shall have appeared on the delinquent cut-off list three times within one year.

(B) Water meter deposits for regular commercial accounts shall be fixed at \$100.

(C) Water meter deposits for apartments, hotels, motels, car washes, laundromats and other large consumers shall be fixed at \$100 dollars.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05)

§ 51.44 EXEMPTIONS.

(A) *Good payment history exemption.* Customers with a minimum two-year good payment history shall be exempted from making deposits on second accounts, and the like.

(B) *New customer letter of credit exemptions.* The city will exempt from deposit new customers who bring letters of good credit history from other utility companies. Letters of credit must cover minimum 12-months history.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05)

§ 51.45 TAMPERING, DAMAGING, OR BLOCKING WATER METER.

(A) (1) Tampering with and/or damaging a water meter is defined as the unauthorized act of altering or adjusting the reading on a water meter, any act causing the meter to malfunction, or cease to accurately measure water usage, turning a water meter on after it has been turned off by an authorized city representative, installing piping or hose to bypass the water meter or to allow water service after the water meter was removed by an authorized person, or any other act to provide for or allow water service when such service has otherwise been discontinued.

(2) Tampering with and/or damaging a water meter will result in the meter being locked and/or removed and a \$200 charge to the account will be imposed before service will be restored at that location. Once a meter has been locked and/or removed for tampering, a \$25 reinstallation charge must be paid before a meter will be installed at that location.

(B) Water meters that are intentionally covered or blocked rendering it impossible to take meter readings or work on the meter or service lines, shall be assessed a fee of \$25.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05; Am. Ord. O-13-12, passed 11-21-13)

§ 51.46 WATER AND SEWER TAP CHARGES.

(A) *Water and sewer tap charges.*

<i>Water</i>					<i>Sewer</i>	
City	3/4"	1"	1 1/2"	2 + "	4"	6"
Dirt	\$550	\$650	\$900	\$1,250	\$450	\$450
Asphalt	\$1,050	\$1,150	\$1,400	\$1,750	\$950	\$950

(B) *Water and sewer road bores.*

(1) *Water bores.* Road bores for water taps shall be \$10 per foot for 3/4 inch and one inch taps, and \$15 per foot for two inch taps.

(2) *Sewer bores.* Road bores for sewer taps shall be \$20 per foot.

(C) *Other items.* Any taps that require rental of additional equipment, other than for bores, shall be charged for the rental fees of the equipment.

(D) A rate of one and one-half (1 1/2) times the inside water and sewer tap rates and road bore rates will be charged to those consumers outside the corporate limits of the city.

(Ord. 87-12, passed 10-15-87; Am. Ord. O-09-05, passed 5-21-09; Am. Ord. O-09-07, passed 6-18-09)

§ 51.47 CHARGE ON DELINQUENT ACCOUNTS.

A delinquent service charge of \$15 shall be added to accounts unpaid as of 8:00 a.m. on the 21st of each month.

(Ord. 87-12, passed 10-15-87; Am. Ord. 05-11, passed 7-21-05)

WATER AND SEWER EXTENSIONS

§ 51.60 CONDITIONS FOR EXTENDING MAINS.

Water or sanitary sewer mains may be extended in the streets or alleys in order to permit connections by persons desiring water service and sanitary sewer service under the following conditions:

(A) A charge, to be known as the “pro rata charge” shall be made against each lot or tract of land, and the owner thereof, whose water or sanitary sewer line shall be hereafter connected with any existing water or sewer main in the city. The “pro rata charge” shall be figured at \$1 per front foot of the lot or tract of land to be served for water mains and at \$0.50 per front foot on sanitary sewer mains. Where lots or tracts of land are to be occupied exclusively as dwelling places, and front on one street only, the above rates shall apply. Where residential property is more than 260 feet deep, and fronts on two streets, then pro rata must be paid on both streets. Where land is to be used for business, commercial, or industrial purposes and is deeper than 150 feet, then pro rata must be paid on all abutting streets, less the 150 feet frontage for each corner of the property abutting a street intersection. Should any property be resubdivided so as to require main extensions for service, the terms of this subchapter shall apply.

(B) Property shall be eligible for main extensions under the provisions of this subchapter when the existing main is within 150 feet of the nearest point of the property to be served, exclusive of street and alley intersections, upon payment of the pro rata. When a number of applicants are desirous of an extension, but the nearest applicant’s property is more than 150 feet from the existing main, then the city will extend up to 150 feet per consumer connection to serve the group of applicants upon payment of the pro rata by all applicants in the group. When a single applicant’s property is farther than 150 feet from the existing main, the city will extend the main to serve said property provided the applicant will pay the total amount of pro rata due upon the entire length of the main extension. Said applicant will receive refunds from the city of pro rata paid by new applicants along this particular main extension as new connections are made until he has been refunded all except his pro rata share of the cost of the main extension. Where an extension is requested by an industry or commercial concern using large quantities of water which cannot meet the requirement of one customer per 150 feet of main extension, such extension may be made at the discretion of the city provided 40% of the estimated annual revenue from

such customer will support both interest and principal payments on the total cost of the extension required to serve this property.

(C) Pro rata may be paid by applicants in monthly installments added to their water bill. A mechanic's lien contract may be executed and filed for record providing for monthly payments up to 24 months in duration, with interest figured at 6% per annum on the total amount of pro rata due. ('60 Code, § 7-6-1)

§ 51.61 SUBSTANDARD MAIN REPLACEMENT.

Substandard water or sanitary sewer mains may be replaced at the discretion of the city with standard sized mains without cost to abutting property owners. ('60 Code, § 7-6-2)

§ 51.62 CONDITIONS FOR SUBDIVISION EXTENSIONS.

Where extensions of water and sanitary sewer mains are required to serve property which has been subdivided for development and resale, extensions may be made under the following conditions:

(A) Developers of such property will defray the entire cost of water and sanitary sewer mains constructed within their subdivision.

(B) Developers of such property will defray one-half the entire cost of water and sanitary sewer mains constructed along one or more sides of the subdivision, where said subdivision receive service from only one side of the main extension.

(C) Developers of such property will pay the total pro rata due on existing mains within their subdivisions.

(D) Developers of such property will pay one-half the total pro rata due on existing mains lying along one or more sides of the subdivision, where said subdivision receives service from only one side of the existing main.

(E) The city, at its discretion, will extend trunk mains to serve subdivisions to be known as "off-site" mains, so long as the total construction cost per new customer to be served by such extension does not exceed a total of \$225 for both water and sewer main.

(F) Developers may construct water and sanitary sewer mains in their subdivisions at their cost under private contract, using plans and specifications approved by the city.

(G) All water and sanitary sewer mains become the property of the city upon connection to the existing sewer mains of the city. ('60 Code, § 7-6-3)

§ 51.63 AVAILABILITY OF FUNDS.

In no event shall the city be obligated to proceed under the terms of this subchapter if funds are not available or if, in the opinion of the Council, the extension may not be practical.

('60 Code, § 7-6-4) (Ord. passed 9-10-57)

WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN**§ 51.70 PLANNING AREA DESCRIPTION.**

The City of Gladewater is located in Gregg and Upshur Counties in Northeast Texas. The city's primary source of income is from tourism, local arts and crafts exhibits and festivals. The 1990 census shows the city had a population of 6,027 and the current population is approximately 6,261. The local terrain consists of rolling hills covered by mixed pine and hardwood trees and native grasses. The city's service area is shown in Appendix A, as attached to Ord. 06-01, passed 2-16-06. The service area is approximately 11 square miles.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.71 WATER SYSTEM DESCRIPTION.

(A) The city's potable water source is Lake Gladewater for which the city has legal rights to 2,125 acre-feet of water annually. Raw water is pumped from the lake then treated using chemicals, clarification, filtration, and disinfection. The water treatment facility has a design capacity of 3.0 MGD. It was built in 1953 and rehabilitated in 1976. Design is underway for a treatment plant rehabilitation and expansion to a capacity of 4.0 MGD. This expansion is scheduled to be completed in 2008. The raw water pump station was rehabilitated in 2003. Upon completion of the treatment process, water is pumped into a 1,000,000-gallon ground storage tank located at the treatment facility site. From the ground storage tank, it is boosted into one of two elevated storage tanks which provide a total storage capacity of 550,000 gallons.

(B) Under the current TCEQ guidelines, the minimum required water supply must have the capability to supply 0.6 gpm per connection. This standard requires that the city be able to supply 1,549 gpm or 2.23 MGD, which is 74% of the water treatment plant's capacity. In addition, the city also provides wholesale water to three neighboring districts, Starrville-Friendship Water Supply Corporation, the City of Clarksville City and the City of Warren City. Combined, the contracted amount for these three consumers is approximately 0.66 MGD or an additional 22% of the plant's capacity.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.72 WATER SYSTEM DATA.*(A) Population and customer data.*

- (1) Current population of service area: 6,261.
- (2) Current population served:
 - (a) Water: 6,261.
 - (b) Wastewater: 6,261.
- (3) Population served by water utility for the previous five years:

<i>Year</i>	<i>Population</i>
2000	6,073
2001	6,084
2002	6,164
2003	6,213
2004	6,261

Source: U.S. Census Bureau Population Estimate

- (4) Projected population for service area in the following decades:

<i>Year</i>	<i>Population</i>
2010	6,239
2020	6,402
2030	6,522
2040	6,610
2050	6,686

Source: Texas Water Development Board-Approved Population Projections for Use in 2006 Regional Water Plans

(B) *Active connections.*

(1) Current number of active connections (Multi-family service is counted as residential)

<i>Treated water users:</i>	<i>Metered</i>	<i>Not-metered</i>	<i>Total</i>
<i>Residential</i>	2290	0	2290
<i>Commercial</i>	292	0	292

(2) List the net number of new connections per year for most recent three years:

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
<i>Residential</i>	360	367	509
<i>Commercial</i>	23	12	26
<i>Industrial</i>	0	0	0
<i>Other</i>	0	0	0

(C) *High volume retail customers.* List annual water use for the five highest volume customers (indicate if treated or raw water delivery):

<i>Customer</i>		<i>Use (1000 gal/yr)</i>	<i>Treated/Raw Water</i>
(1)	Texas Die Casting	4,571	Treated
(2)	Meander, Inc. (Truman Smith Children's Center)	4,116	Treated
(3)	Gladewater Nursing Home	2,268	Treated
(4)	Amerra Health Care	1,678	Treated
(5)	Ganga, Inc.	899	Treated

(D) *Wholesale customers data.* List (or attach) the names of all wholesale customers, amount of annual contract, and amount of the annual use for each for the previous year:

<i>Wholesale Customer</i>		<i>Contracted Amount (acre-feet)</i>	<i>Previous Year Amount of Water Delivered (acre-feet)</i>
(1)	Clarksville City	338.8	82.6
(2)	Warren City	238.7	38.4
(3)	Starrville-Friendship W.S.C.	159.1	0.05
Total		736.6	121.1

(E) *Water delivery.* Total amount delivered or sold to wholesale customers for previous year (acre-feet):

(1) Treated: 121.1

(2) Raw: 0

(F) *Water accounting data.*

(1) Amount of treated water produced for previous five years (in 1,000 gal.):

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
<i>January</i>	28,787	34,295	31,307	31,962	27,412
<i>February</i>	28,728	25,596	29,087	27,069	24,928
<i>March</i>	29,320	31,368	31,712	30,067	25,904
<i>April</i>	27,767	32,821	31,085	30,078	26,650
<i>May</i>	34,986	40,978	36,196	31,760	29,426
<i>June</i>	36,747	36,350	36,785	31,163	27,957
<i>July</i>	56,813	48,229	37,296	38,567	35,357
<i>August</i>	63,375	45,067	43,170	38,244	40,143
<i>September</i>	48,112	31,865	34,618	35,290	36,145
<i>October</i>	35,897	39,908	33,029	30,743	29,630
<i>November</i>	27,490	33,500	30,938	27,783	29,725
<i>December</i>	29,132	35,714	30,822	26,966	27,597
Total	447,154	435,691	406,045	379,692	360,874

The figures above were taken from a master meter located at the treatment plant.

(2) Total amount of water diverted at point of diversion(s) for previous five years (in 1,000 gal.) for all water uses:

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
<i>January</i>	29,668	36,069	31,957	33,002	28,259
<i>February</i>	29,549	27,063	29,891	27,917	24,140
<i>March</i>	30,033	31,909	32,584	31,792	26,990
<i>April</i>	28,256	33,914	31,959	31,456	27,857
<i>May</i>	35,421	42,124	38,485	33,907	30,909
<i>June</i>	37,554	37,088	38,144	31,767	28,827
<i>July</i>	59,261	50,018	38,174	39,673	36,017
<i>August</i>	66,066	45,574	46,174	38,859	40,520
<i>September</i>	48,785	32,397	35,862	36,592	37,265
<i>October</i>	36,583	33,425	34,951	31,620	31,540
<i>November</i>	28,987	34,382	31,883	29,003	30,120
<i>December</i>	29,889	36,386	32,490	27,994	28,920
<i>Total</i>	460,052	440,349	422,554	393,582	371,364

The figures above were taken from a master meter located in the raw water supply line.

(3) Amount of water (in 1,000 gallons) delivered (sold) as recorded by the following account types for the past five years:

<i>Year</i>	<i>Residential/Commercial</i>	<i>Wholesale</i>	<i>Total Sold</i>
<i>2000</i>	275,904	42,484	318,388
<i>2001</i>	249,368	40,268	289,636
<i>2002</i>	275,160	36,525	261,685
<i>2003</i>	219,085	37,183	256,268
<i>2004</i>	215,736	38,013	253,749

(4) List previous five years records for water loss (the difference between water treated and water delivered):

<i>Year</i>	<i>Amount (1,000 gal.)</i>	<i>%</i>
2000	128,766	28.8
2001	146,055	33.5
2002	144,360	35.6
2003	123,424	32.5
2004	107,125	29.7

(G) *Projected water demands.* If applicable, attach projected water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirement from such growth.

(H) *Water supply sources.* Current water supply sources and the amounts authorized from each:

<i>Source</i>	<i>Amount Authorized (acre-feet)</i>
<i>Surface Water:</i>	2125
<i>Groundwater.</i>	0
<i>Contracts:</i>	0
<i>Other:</i>	0

(I) *Treatment and distribution system.*

(1) (a) Design daily capacity of system: 3.0 MGD.

(b) The supply system consists of one raw water pump station and one treatment plant.

(2) (a) Storage Capacity: Elevated 0.55 MG, Ground 1.0 MG.

(b) The distribution system has one ground storage tank (1.0 MG) and two elevated storage tanks (1 - 300,000 gallon and 1 - 250,000 gallon).

(3) Filter backwash is not recycled to the head of the plant.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.73 WASTEWATER SYSTEM DATA.

(A) *Wastewater system data.* The design capacity of wastewater treatment plant is 1.4 MGD. Approximately 15,000,000 gallons of treated effluent undergo chlorination/dechlorination each month. Treated effluent is discharged to Section 0505 of the Sabine River Basin above Toledo Bend Reservoir. The City of Gladewater owns and operates the wastewater treatment plant under TPDES permit number WQ0010433002. A map showing the plant and outfall location is attached as Appendix B, as attached to Ord. 06-01, passed 2-16-06.

(B) *Wastewater data for service area.*

(1) Percent of water service area served by wastewater system: 85% +/-

(2) Monthly volume treated for previous three years (in 1,000 gallons):

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
<i>January</i>	26,469	15,988	19,266
<i>February</i>	27,501	19,274	20,356
<i>March</i>	38,701	17,780	12,533
<i>April</i>	32,560	16,653	13,658
<i>May</i>	23,013	17,265	15,788
<i>June</i>	20,612	18,461	15,098
<i>July</i>	21,171	16,245	14,961
<i>August</i>	16,226	16,045	14,644
<i>September</i>	15,266	16,006	15,657
<i>October</i>	19,324	17,030	15,651
<i>November</i>	18,699	19,785	14,852
<i>December</i>	26,623	17,344	14,846
<i>Total</i>	572,450	464,534	207,876

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.74 SPECIFIC, QUANTIFIED FIVE AND TEN-YEAR TARGETS FOR WATER CONSERVATION PLAN.

(A) The City of Gladewater recognizes the importance of developing effective water conservation and emergency water demand management plans. Proper planning will allow all users in the system to conserve water and ensure a supply during shortages due to system constraints or drought. The city is committed to water conservation to avoid waste, reduce costs and conserve water. Toward this end, the city has established the following goals for its water conservation plan.

(1) Reduce per capita consumption through education by presenting non-wasteful uses of water and techniques that can be employed to conserve water. Currently, municipal water use is approximately 158 gallons per day per capita. The city's goals are to reduce the amount consumed by 5 gallons per day per capita in the next five years and to reduce the amount consumed by 10 gallons per day per capita in the next ten years.

(2) Account for a greater percentage of water produced through metering and by other means. The city's goal is to continue its meter replacement program and evaluation of the system to ensure that all services are appropriately metered. The city will also begin documenting and estimating the amount of water for the instances which water is utilized for city purposes but not metered as previously discussed. With these measures instituted, the city's goal is to reduce unaccounted-for water by 4%.

(3) Require its current wholesale customers to adopt and implement a water conservation plan by the year 2007. The city will require a water conservation plan as part of any new customer or renewal of existing customer contract to purchase water from the city. These water conservation plans must be developed in accordance with the TCEQ's guidelines.

(B) These goals have been developed with a positive and proactive mind-set from the City of Gladewater. However, utilizing available data and communication with city officials, these are realistic and obtainable goals. While implementing some of the tools required to achieve these goals and maintaining records to monitor and verify progress will require time, the city is committed to achieving its goals within a five year time period.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.75 METERING DEVICES.

The City of Gladewater uses a meter on their raw water pumping facility to measure the amount of water diverted for treatment. The city will have the meter calibrated to ensure its accuracy.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.76 UNIVERSAL METERING.

(A) The water conservation plan must include a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement.

(B) All customer service connections are currently metered. The city has established a plan to replace broken or otherwise malfunctioning meters. The program is conducted by noting cases where meters need to be replaced as meter reading is conducted.

(C) There are currently several unmetered connections for public use (e.g. City Hall, parks, etc.) These connections will have meters installed as resources are available.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.77 RECORD MANAGEMENT PROGRAM.

The City of Gladewater maintains a database of all water customers. Using this database, city personnel record water sales. City personnel also use this information (by comparison to the amount of water treated) to determine the amount of water loss in the system.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.78 METERING/LEAK-DETECTION AND REPAIR PROGRAM.

(A) Universal metering of all retail and wholesale customers is already in place in Gladewater's water system. The city's current leak detection system consists of three methods of leak detection:

- (1) Leaks reported by citizens;
- (2) Leak detection by city personnel; and
- (3) Continual checking and servicing of production, pumping and storage facilities.

(B) As soon as any problems are found, the city aggressively works to correct them.

(C) The city has established a plan to replace broken or otherwise malfunctioning meters. The program is conducted by noting cases where meters need to be replaced as meter reading is conducted.

(D) In addition, the city can determine the efficiency of the plant by comparing the raw water intake volume versus the plant discharge. The raw water intake structure includes a flow meter on the intake line and the treatment facility has a flow meter on the plant discharge.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.79 UNACCOUNTED-FOR WATER USE.

Several methods are used to find and control unaccounted-for uses of water. City personnel conduct periodic inspections along distribution lines. A periodic review of water produced at the plant versus water sold to customers is also performed to uncover excessive losses. In addition, a program to install water meters on all unmetered connections for public use (e.g. City Hall, parks, etc.) is currently underway.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.80 CONTINUING PUBLIC EDUCATION AND INFORMATION.

The City of Gladewater will begin a program of educating the public with ongoing information about water conservation. The program will use newspaper articles and programming on the local public access cable channel. The city will also provide a copy of this water conservation/drought contingency plan to all wholesale customers.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.81 NON-PROMOTIONAL WATER RATE STRUCTURE.

The City of Gladewater has a rate structure that promotes water conservation. For customers inside the city limits, the cost is \$8.00 for the first 2,000 gallons and \$3.85 per each additional 1,000 gallons. For customers outside the city limits, the cost is \$12.00 for the first 2,000 gallons and \$5.80 per each additional 1,000 gallons.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.82 ENFORCEMENT PROCEDURE AND PLAN ADOPTION.

This water conservation and drought contingency plan has been implemented through the passage of a resolution by the City of Gladewater. A copy of this resolution is included as Appendix C, as attached to Ord. 06-01, passed 2-16-06. This resolution gives the City Manager or his/her designee the authority to begin immediate implementation of drought contingency measures when a trigger condition is reached.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.83 CONTRACT REQUIREMENTS FOR SUCCESSIVE CUSTOMER CONSERVATION.

The City of Gladewater encourages its current wholesale customers to adopt and implement water conservation plans. A policy has been established to require a water conservation plan as part of any new

customer or renewal of existing customer contract to purchase water from the city. These water conservation plans must be developed in accordance with the TCEQ's guidelines.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.84 RECORD MANAGEMENT SYSTEM.

(A) The plan must include a record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes (residential; commercial; public and institutional; and industrial).

(B) The City of Gladewater currently maintains records of water pumped, water sold and water losses. This accounting system will be upgraded to allow for the segregation of water sales and use in categories of residential, commercial, industrial and public/institutional.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.85 DECLARATION OF POLICY, PURPOSE, AND INTENT OF DROUGHT CONTINGENCY PLAN.

(A) In order to conserve the available water supply and/or protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Gladewater hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance.

(B) Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in this Plan.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.86 PUBLIC INVOLVEMENT.

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Gladewater by means of posting the plan for public viewing. Opportunity for public input was provided at the February 2006 city council meeting.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.87 PUBLIC AND WHOLESALE WATER CUSTOMER EDUCATION.

The City of Gladewater will periodically provide the public and wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of newspaper articles, programming on the local public access cable channel and providing a copy of the plan to wholesale water customers.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.88 COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the City of Gladewater is located within the Region D Water Planning Group and the City of Gladewater has provided a copy of this Plan to the Region D Water Planning Group.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.89 AUTHORIZATION.

The City Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.90 APPLICATION.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Gladewater. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.91 DEFINITIONS.

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

AESTHETIC WATER USE. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

COMMERCIAL AND INSTITUTIONAL WATER USE. Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

CONSERVATION. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

CUSTOMER. Any person, company, or organization using water supplied by the City of Gladewater.

DOMESTIC WATER USE. Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

EVEN NUMBER ADDRESS. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

INDUSTRIAL WATER USE. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

LANDSCAPE IRRIGATION USE. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

NON-ESSENTIAL WATER USE. Water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

ODD NUMBERED ADDRESS. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.92 CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

(A) The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on at least a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

(B) The triggering criteria described below are based on the availability of raw water.

(1) Stage 1 Triggers -- MILD Water Shortage Conditions.

(a) *Requirements for initiation.* The City of Gladewater will recognize that a mild water shortage condition exists and customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in § 51.91, when the level of Lake Gladewater (the city’s raw water supply) is four feet above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 1 of the Plan may be rescinded when the triggering event has ceased to exist. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

(2) Stage 2 Triggers -- MODERATE Water Shortage Conditions.

(a) *Requirements for initiation.* The City of Gladewater will recognize that a moderate water shortage condition exists and customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in this Plan when the level of Lake Gladewater (the city’s raw water supply) is three feet above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 2 of the Plan may be rescinded when the triggering event has ceased to exist. Upon termination of Stage 2, Stage 1 becomes operative. The City

of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of Stage 1 of the Plan.

(3) Stage 3 Triggers -- SEVERE Water Shortage Conditions.

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this Plan and the City of Gladewater will recognize that a severe water shortage condition exists when the level of Lake Gladewater (the city's raw water supply) is two feet above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 3 of the Plan may be rescinded when the triggering event has ceased to exist. Upon termination of Stage 3, Stage 2 becomes operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of Stage 3 of the Plan.

(4) Stage 4 Triggers -- EMERGENCY Water Shortage Conditions.

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 4 of this Plan and the City of Gladewater will recognize that an emergency water shortage condition exists when the level of Lake Gladewater (the city's raw water supply) is one foot above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 4 of the Plan may be rescinded when the triggering event has ceased to exist. Upon termination of Stage 4, Stage 3 becomes operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 4.

(5) Stage 5 Triggers -- WATER ALLOCATION.

(a) *Requirements for initiation.* Customers shall be required to comply with the water allocation plan prescribed in this Plan and comply with the requirements and restrictions for Stage 4 of this Plan when:

1. The level of Lake Gladewater (the city's raw water supply) is at the top of the lowest intake pipe.
2. Major water line breaks, or pump or system failures occur which cause unprecedented loss of capability to provide water service; or
3. Natural or man-made contamination of the water supply source occurs.

(b) *Requirements for termination.* Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 5, Stage 4 becomes

operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 5.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.93 DROUGHT RESPONSE STAGES.

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe or emergency water shortage or water allocation condition exists and shall implement the following notification procedures and responses:

(A) Notification.

(1) *Notification of the public.* The City Manager, or his/ her designee, shall notify the public by means of publication in a newspaper of general circulation, public service announcements and/or signs posted in public places.

(2) *Additional notification.* The City Manager, or his/ her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:

- (a) Mayor and members of the City Council;
- (b) Fire Chief;
- (c) City and/or County Emergency Management Coordinator(s) TCEQ;
- (d) Major water users (including all wholesale water users);
- (e) Critical water users, i.e. hospitals; and
- (f) Parks / street superintendents and public facilities managers.

(B) Stage 1 Response -- MILD Water Shortage Conditions. Target: Achieve a voluntary 5% reduction in total water use.

- (1) *Best management practices for supply management.* Reduced flushing of water mains.
- (2) *Voluntary water use restrictions for reducing demand.*

(a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(b) All operations of the City of Gladewater shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(d) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).

(e) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(C) Stage 2 Response -- MODERATE Water Shortage Conditions. Target: Achieve a 10% reduction in total water use.

(1) *Best management practices for supply management.* Reduced irrigation of public landscaped areas.

(2) *Water use restrictions for demand reduction.* Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Gladewater.

(f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gladewater, the facility shall not be subject to these regulations.

(g) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(h) The following uses of water are defined as non-essential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

3. Use of water for dust control;

4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
and

5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(i) The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(j) The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).

(k) The City Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in this Plan.

(l) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(D) Stage 3 Response -- SEVERE Water Shortage Conditions. Target: Achieve a 15% reduction in total water use.

(1) *Best management practices for supply management.* Discontinued irrigation of public landscaped areas.

(2) *Water use restrictions for demand reduction.* All requirements of Stage 2 shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Gladewater.

(c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(d) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).

(e) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(f) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(g) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(E) Stage 4 Response -- EMERGENCY Water Shortage Conditions. Target: Achieve a 20% reduction in total water use.

(1) Whenever emergency water shortage conditions exist, as defined in § 51.91, the City Manager shall:

(a) Assess the severity of the problem and identify the actions needed and time required to solve the problem.

(b) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).

(c) If appropriate, notify city, county, and/or state emergency response officials for assistance.

(d) Undertake necessary actions, including repairs and/or clean-up as needed.

(e) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

(2) *Best management practices for supply management.* Discontinued flushing of water mains.

(3) *Water use restrictions for reducing demand.* All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas is absolutely prohibited.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(c) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 4 of the customer's drought contingency plan).

(d) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and

demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(F) Stage 5 Response -- WATER ALLOCATION. In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water to retail and wholesale customers according to the following water allocation plan:

(1) Single Family Residential Customers.

(a) The allocation to residential water customers residing in a single family dwelling shall be 8,000 gallons per month.

(b) Residential water customers shall pay the following surcharges:

1. \$10.00 for the first 1,000 gallons over allocation.
2. \$15.00 for the second 1,000 gallons over allocation.
3. \$20.00 for the third 1,000 gallons over allocation.
4. \$25.00 for each additional 1,000 gallons over allocation.

(c) Surcharges shall be cumulative.

(2) Master-Metered Multi-Family Residential Customers.

(a) The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Gladewater of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gladewater offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gladewater in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Gladewater of a reduction in the number of persons in a household shall be fined not less than \$100. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

1. \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
2. \$15.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
3. \$20.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
4. \$25.00, thereafter for each additional 1,000 gallons over allocation.

(b) Surcharges shall be cumulative.

(3) Commercial Customers.

(a) A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be 75 % of the customer's average usage for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer whose allocation would be less than 6,000 gallons shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each nonresidential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council. Nonresidential commercial customers shall pay the following surcharges:

1. 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
2. 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
3. 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.
4. 200% of the normal water charge for water usage more than 15% above the monthly allocation.

(b) Surcharges shall be cumulative.

(4) Industrial Customers.

(a) A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council. Industrial customers shall pay the following surcharges:

1. 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.

2. 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.

3. 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.

4. 200% of the normal water charge for water usage more than 15% above the monthly allocation.

(b) Surcharges shall be cumulative.

(5) Wholesale Customers.

(a) In the event that the triggering criteria specified in this Plan for Stage 5 – Water Allocation have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis in accordance with Texas Water Code Section 11.039. A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for wholesale customers, the wholesale customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The wholesale customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the wholesale water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each wholesale customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use, (2) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (3) the customer agrees to transfer part of its allocation to another wholesale customer, or (4) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

(b) During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1. 125% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.
2. 150% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.
3. 175% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.
4. 200% of the normal water charge for water diversions and/or deliveries more than 15% above the monthly allocation.

(c) The above surcharges shall be cumulative.
(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.94 ENFORCEMENT.

(A) No person shall knowingly or intentionally allow the use of water from the City of Gladewater for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.

(B) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$20 and not more than \$2000. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$200, and any other costs incurred by the City of Gladewater in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

(C) Any person, including a person classified as a water customer of the City of Gladewater, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(D) Any police officer or public works employee designated by the City Manager may issue a citation to a person he/she reasonably believes to be in violation of this subchapter. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in example: municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

§ 51.95 VARIANCES.

(A) *Availability of variances.* The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan or to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(B) *Variance process.* Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the City Manager within five days after the Plan, a particular drought response stage, or pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Gladewater City Council and shall include the following:

(1) Name and address of the petitioner(s);

(2) Purpose of water use;

(3) Specific provision(s) of the Plan from which the petitioner is requesting relief;

(4) Detailed statement with supporting data and information as to how the specific provision of the Plan or pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subchapter;

(5) Description of the relief requested;

(6) Period of time for which the variance is sought;

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and

(8) Other pertinent information.

(C) *Variance conditions.*

(1) Variances granted by the Gladewater City Council shall be subject to the following conditions, unless waived or modified by the City Council or its designee:

(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(2) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

CHAPTER 52: INDUSTRIAL WASTE

Section

- 52.01 Definitions
- 52.02 Prohibited wastes
- 52.03 Restricted wastes
- 52.04 Pretreatment and control of industrial wastes
- 52.05 Surcharge for wastes of abnormal strength
- 52.06 Authority to disconnect service
- 52.07 Rate review

§ 52.01 DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (B.O.D.). The quantity of oxygen utilized in the biochemical oxidation of organic matter by standard methods procedure in five days at 20° Centigrade, expressed in parts per million by weight.

CITY. The City of Gladewater, or any authorized person acting in its behalf.

DOMESTIC SEWAGE. Water-borne wastes normally discharged from sanitary conveniences of dwellings, including apartment houses and hotels, office buildings factories and institutions, free from storm surface water and industrial wastes. *Normal domestic sewage* shall mean normal sewage for Gladewater, in which the average concentration of suspended materials and five-day B.O.D. is established at 250 parts per million each, by weight, on the basis of the normal contribution of 0.20 pounds per capita. It is further expressly provided that for the purpose of this chapter, any waste that exceeds the above concentration of suspended materials and/or B.O.D. shall be classified as industrial wastes and made subject to all regulations pertaining thereto, whether or not such waste was partially of domestic origin.

GARBAGE. Solid wastes from the preparation, cooking and disposing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. All water-borne solids, liquids, or gaseous wastes resulting from any industrial, manufacturing, or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

MANAGER. The Manager of the water and sewer systems of the city, or his authorized deputy, agent or representative.

PERSON, ESTABLISHMENT or OWNER. Any individual, firm, company, association, society, corporation, partnership, or group, their agents, servants or employees.

pH. The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration of a solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food, exclusive of egg shells, bones, and the like, that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2-inch in any dimension.

PUBLIC SEWER. A sewer in which all owners abutting properties shall have equal rights, and is controlled by public authority.

SANITARY SEWER. A public sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

SEWAGE TREATMENT PLANT. Any city-owned facility, devices, and structures used for receiving and treating sewage from the city sanitary sewer systems.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sanitary sewage.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

SUSPENDED SOLIDS. Solids that either float on the surface, or are in suspension in water, sewage, or other liquids; and which, in accordance with standard methods, are removable by laboratory filtering.

UNPOLLUTED WATER OR WASTE. Any water or waste containing none of the following: Free or emulsified grease or oil, acid or alkali, phenols, or other substances in suspension, colloidal state, or solution, and noxious or odorous gases. It shall contain not more than ten parts per million each of suspended solids and B.O.D. The color shall not exceed 50 units as defined by the standard platinum-cobalt method of determination.

('60 Code, § 7-8-1)

§ 52.02 PROHIBITED WASTES.

No person shall discharge, or cause to be discharged, into any sanitary sewer any of the following described substances, material, waters or wastes:

(A) Any liquid or vapor having a temperature higher than 150° Fahrenheit (65° Centigrade), or any discharge which causes the temperature of the total treatment plant influent to increase at a rate of 10° Fahrenheit or more per hour or a combined total increase to a plant influent temperature of 110° Fahrenheit.

(B) Any water or wastes which contain wax, grease or oil, plastic, or other substance that will solidify or become discernibly viscous at temperatures between 32° to 150° Fahrenheit.

(C) Flammable or explosive liquid, solids or gas, such as gasoline, kerosene, benzine, naphtha, and the like.

(D) Solid or viscous substances in quantities capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slaps, chemical residues, paint residues or bulk solids.

(E) Any garbage not within definition of *properly shredded garbage* as defined in § 52.01.

(F) Any noxious or malodorous substance and which can form a gas, which either singly or by interaction with other wastes, is capable of causing objectionable odors; or hazard to life; or forms solids in concentration exceeding limits established in § 52.03 of this section; or creates any other condition deleterious to structures or treatment processes; or requires unusual provisions, attention, or expense to handle such materials.

(G) Any hexavalent chromium greater than 0.05 parts per million.

(H) Any trivalent chromium greater than 5.0 parts per million.

(I) Any copper greater than 1.0 part per million.

(J) Any nickel greater than 1.0 part per million.

(K) Any cadmium greater than 0.02 parts per million.

(L) Any zinc greater than 1.0 part per million.

(M) Any phenols greater than 0.005 parts per million.

(N) Any iron greater than 0.3 parts per million.

(O) Any tin greater than 1.0 part per million.

(P) Any barium greater than 1.0 part per million.

(Q) Any lead greater than 0.1 part per million.

(R) Any silver greater than 0.1 part per million.

(S) Any chlorides greater than 250.0 parts per million.

(T) Any radioactivity as radium -226 and strontium -90 greater than 3 u,u,c per liter and 10 u,u,c per liter respectively. In the known absence of strontium -90 and alpha emitters the known concentration shall not be greater than 1,000 u,u,c per liter.

(U) Any cyanide greater than 1.0 part per million, as CN.

(V) Any selenium greater than 0.01 parts per million.

(W) Any arsenic greater than 0.05 parts per million.

(X) Any manganese greater than 0.05 parts per million.

(Y) Any mercury greater than 0.005 parts per million.

(Z) Any boron greater than 1.0 parts per million.

(AA) Any antimony greater than 0.005 parts per million.

(BB) Any beryllium greater than 0.005 parts per million.

(CC) Any bismuth greater than 0.005 parts per million.

(DD) Any cobalt greater than 0.005 parts per million.

(EE) Any molybdenum greater than 0.005 parts per million.

(FF) Any rhenium greater than 0.005 parts per million.

(GG) Any tellurium greater than 0.005 parts per million.

(HH) Any uranyl ion greater than 0.005 parts per million.

('60 Code, § 7-8-2) Penalty, see § 10.99

§ 52.03 RESTRICTED WASTES.

Except in quantities, or concentration, or with provisions as stipulated herein, it shall be unlawful for any person, corporation, or individual, to discharge water or wastes to the sanitary sewer containing:

(A) Free or emulsified oil and grease exceeding on analysis an average of 100 parts per million (833 pounds per million gallons) of either or both or combinations of free or emulsified oil and grease, if, in the opinion of the Manager, it appears probable that such wastes:

(1) Can deposit grease or oil in the sewer lines in such a manner as to clog the sewers.

(2) Can overload skimming and grease handling equipment.

(3) Are not amenable to bacterial action and will, therefore, pass to the receiving waters without being affected by normal sewage treatment processes.

(4) Can have deleterious effects on the treatment process due to the excessive quantities.

(B) Acids or alkalis which attack or corrode sewers or sewage disposal structures or have a pH value lower than 5.5 or higher than 9.5.

(C) Cyanide or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.5 parts per million by weight as CN in the wastes from any outlet into the public sewers.

(D) Materials which exert or cause:

(1) Unusual concentrations of solids or composition; as for example, total suspended solids of greater than 250 parts per million of inert nature (such as Fuller's Earth) and/or total dissolved solids such as sodium chloride, or sodium sulfate;

(2) Excessive discoloration;

(3) Biochemical oxygen demand or on immediate oxygen demand greater than 250 parts per million;

(4) High hydrogen sulfide content; or,

(5) Unusual flow and concentration shall be pretreated to a concentration acceptable to the Gladewater water and sewer system if such wastes can cause damage to collection facilities, impair the processes, incur treatment cost exceeding those of normal sewage, or render the water unfit for stream disposal or industrial use.

('60 Code, § 7-8-2)

§ 52.04 PRETREATMENT AND CONTROL OF INDUSTRIAL WASTES.

(A) Persons or owners discharging industrial wastes which exhibit any of the prohibited wastes as set out in this chapter shall be required to pretreat said wastes or otherwise dispose of such wastes so as to make the remaining waste acceptable to the city prior to admission of said waste into a sanitary sewer.

(B) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment and control facilities shall be submitted for the approval of the city, and no construction of such facilities shall be commenced until approval is obtained in writing. Preliminary treatment and control facilities shall be constructed so as to provide all of the following:

(1) Prevention of prohibited waste from entering a sanitary sewer;

(2) Control of the quantities and rates of discharge of industrial wastes into a sanitary sewer;

and

(3) An accessible entry so that any authorized employee of the city may readily and safely measure the volume and samples of the flow prior to the admission of said industrial wastes into a sanitary sewer.

(C) When preliminary treatment and control facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(D) The Manager and other duly authorized employees of the city acting as his duly authorized agent and bearing proper credentials and identification, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing of sewage and/or industrial wastes.

('60 Code, § 7-8-3) Penalty, see § 10.99

§ 52.05 SURCHARGE FOR WASTES OF ABNORMAL STRENGTH.

(A) The service charge for any person, firm, owner, or corporation discharging industrial wastes into the system is 25% of the total cost of water purchased by the owner for that billing period provided that the city meter is the only source of water used by the owner and provided that the B.O.D. in the wastewater or the suspended materials does not exceed the normal concentration of 250 ppm.

(B) When either the B.O.D. or the suspended solids or both are found to exceed the stated 250 ppm at the point entering the city's system, a surcharge shall be applied to the billing rate by multiplying the normal base rate by the factor obtained from dividing the actual measured B.O.D. by 250 and also by the factor obtained from dividing the actual measured suspended solids by 250, each such factor to be applied individually and only when greater than one. The surcharge will be made for each factor that exceeds one and shall be additive.

(C) The determination of B.O.D. and suspended materials shall be by an independent laboratory selected by the city. The time of selection of the sample shall be at the sole discretion of the city. The applicable surcharge determined by such tests shall be retro-active for two billing periods and shall continue for six billing periods unless subsequent tests determine that the surcharge should be further increased.

(D) When any such tests made at the discretion of the city show that a surcharge shall be applied, continued or increased over the base rates, whichever is applicable, then the owner shall be billed at the rate of \$5 for each test to cover the costs of sampling, mailing and handling, plus the laboratory fees. When a surcharge is in effect, the test will be made at least once each 15 days. When such tests made at the discretion of the city reveal that the surcharge is no longer applicable, then no costs will be made to the owner for such test or tests.

('60 Code, § 7-8-4)

§ 52.06 AUTHORITY TO DISCONNECT SERVICE.

The city shall retain the right to disconnect waste disposal service in the following circumstances:

(A) Where acids or chemicals damaging to sewer lines or treatment processes are released to the sewer causing rapid deterioration of these structures or interfering with proper treatment of sewage, the Manager is authorized immediately to terminate service by such measures as are necessary to protect the facilities.

(B) Where any governmental agency informs the city that the effluent from the treatment plant is no longer of a standard permitted for surface runoff and it is found that the owner is delivering wastewater to the city's system that cannot be sufficiently diluted by mixing with the city's waste or requires treatment that is not provided by the city as normal domestic treatment. In this instance, the city shall immediately supply the owner with the governmental agencies report and provide the owner with all pertinent information. The owner's waste line will then be disconnected when the city is informed that it can no longer continue to release their effluent for surface runoff. The owner's waste treatment service shall remain disconnected until such time that the owner has provided additional pretreatment facilities designed to remove the objectionable cause from owner's industrial wastes.

(C) Where the owner delivers his wastewater at an uncontrolled, variable rate in sufficient quantity that it causes an imbalance in the sewage treating system.

('60 Code, § 7-8-5)

§ 52.07 RATE REVIEW.

The city shall make an annual review of the basic sewer service charge and surcharge rates for the purpose of providing a periodic adjustment of the rates due to the changes in wastewater treatment costs. ('60 Code, § 7-8-6) (Ord. 1041, passed 10-21-71)

CHAPTER 53: WATER CONSERVATION

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GENERAL PROVISIONS**§ 53.01 PLANNING AREA DESCRIPTION.**

The City of Gladewater is located in Gregg and Upshur Counties in Northeast Texas. The city's primary source of income is from tourism, oil field, and industry related. The 2010 census shows the city had a population of 6,441 and the current population is approximately 6,650. The local terrain consists of rolling hills covered by mixed pine and hardwood trees and native grasses. The city's service area is shown in Appendix A. The service area is approximately 11 square miles.
(Ord. O-14-05, passed 5-22-14)

§ 53.02 WATER SYSTEM DESCRIPTION.

(A) The city's potable water source is Lake Gladewater for which the city has legal rights to 2,125 acre-feet of water annually. Raw water is pumped from the lake then treated using chemicals, clarification, filtration, and disinfection. The water treatment facility has a design capacity of 4.0 MGD. It was built in 1953 and rehabilitated in 1976. The plant was again rehabilitated and expanded in 2011. The raw water pump station was rehabilitated in 2003. Upon completion of the water treatment process, water is pumped into a 1,000,000-gallon clear well located at the treatment plant. From the clear well, it is pumped into one of two elevated storage tanks which provide a total storage capacity of 550,000 gallons.

(B) Under the current TCEQ guidelines, the minimum required water supply must have the capacity to supply 0.6 gpm per connection. This standard requires that the City of Gladewater be able to supply 1663 gpm or 2.39 MGD, which is 60% of the Water Plant's capacity. In addition, the city also provides wholesale water to one neighboring district, the City of Warren City. The contract amount for this consumer is approximately 22 MGD or an additional 6% of the plant's capacity.
(Ord. O-14-05, passed 5-22-14)

§ 53.03 WATER SYSTEM DATA.

The Utility Profile for Retail Water Supplier is attached to Ordinance O-14-05, passed May 22, 2014 is adopted by reference and made a part of this chapter as if fully set out herein.
(Ord. O-14-05, passed 5-22-14)

WATER CONSERVATION PLAN**§ 53.10 SPECIFIC, QUALIFIED FIVE AND TEN YEAR TARGETS.**

(A) The City of Gladewater recognizes the importance of developing effective water conservation and emergency water demand management plans. Proper planning will allow all users in the system to conserve water and ensure a supply during shortages due to system constraints or drought. The city is committed to water conservation to avoid waste, reduce costs and conserve water. The city has established the following goals for its water conservation plan.

(1) Reduce per capita consumption through education by presenting non-wasteful uses of water and techniques that can be employed to conserve water. Currently, municipal water use is approximately 145 gallons per day per capita. The city's goals are to reduce the amount consumed by five gallons per day per capita in the next five years and to reduce the amount consumed by ten gallons per day per capita in the next ten years.

(2) Account for a greater percentage of water produced through metering and by other means. The City of Gladewater has replaced all water meters in the system including non-metered city buildings and parks. The city will also be documenting and estimating the amount of water for the instances which water is utilized for city purposes but not metered. With these measures instituted, the city's goal is to reduce unaccounted for water by 5%.

(3) Require its current wholesale customer to adopt and implement a water conservation plan by 2015. The city will require a water conservation plan as part of any new customer or renewal of existing customer contract to purchase water from the city. These water conservation plans must be developed in accordance with TCEQ's guidelines.

(B) These goals have been developed with a positive and proactive mind-set from the City of Gladewater. With a new meter system in place and better record keeping, the city is committed to reducing water loss and practicing water conservation.

(Ord. O-14-05, passed 5-22-14)

§ 53.11 METERING DEVICES.

The City of Gladewater uses a meter on their raw water pumping facility to measure the amount of water diverted for treatment. This meter is calibrated annually to ensure accuracy.

(Ord. O-14-05, passed 5-22-14)

§ 53.12 UNIVERSAL METERING.

All customer service connections are currently metered. The city has replaced all customer meters in 2013-2014. Any public use meters (City Hall, Parks, Public Works, etc.) had meters installed. (Ord. O-14-05, passed 5-22-14)

§ 53.13 RECORD MANAGEMENT PROGRAM.

The City of Gladewater maintains a database of all water customers. Using this database, city personnel record water sales. City personnel also use this information (by comparison to water treated) to determine the amount of water loss in the system. (Ord. O-14-05, passed 5-22-14)

§ 53.14 METERING/LEAK DETECTION AND REPAIR PROGRAM.

(A) Universal metering of all city owned facilities, retail and wholesale customers is already in place in Gladewater's water system. The city's current leak detection system consists of three methods of leak detection.

- (1) Leaks reported by citizens.
- (2) Leak detection by city personnel.
- (3) Continual monitoring and servicing of production, pumping and storage facilities.

(B) When problems are reported, the city works to fix those problems as quickly as possible.

(C) The city has replaced all customer and city owned facility meters with a new AMR system. This will improve overall efficiency of the system.

(D) In addition, the city can determine the efficiency of the treatment plant by comparing the raw water intake volume versus the plant discharge. The raw water intake includes a flow meter on the intake line and the treatment facility has a flow meter on the plant discharge. Both of these meters are calibrated annually.

(Ord. O-14-05, passed 5-22-14)

§ 53.15 UNACCOUNTED FOR WATER USE.

Several methods are used to find and control unaccounted for uses of water. City personnel conduct periodic inspections along distribution lines. A periodic review of water produced at the plant versus water sold to customers is also performed to uncover excessive losses. The city has installed meters on all un-metered connections.

(Ord. O-14-05, passed 5-22-14)

§ 53.16 CONTINUING PUBLIC EDUCATION AND INFORMATION.

The City of Gladewater will begin a program of educating the public with ongoing information about water conservation. The program will use newspaper articles, speaking to civic groups and has conservation brochures for customers at City Hall. The city will provide a copy of this water conservation/drought contingency plan to its wholesale customer.

(Ord. O-14-05, passed 5-22-14)

§ 53.17 NON-PROMOTIONAL WATER RATE STRUCTURE.

The City of Gladewater has a rate structure that promotes water conservation.

(A) For customers inside the city limits, the cost is \$16.00 for the first 2,000 gallons and \$3.25 per each additional 1,000 gallons up to a total of 5,000 gallons. For totals over 5,000 gallons, the rate increases to \$3.50 per each additional 1,000 gallons up to 10,000 gallons and \$4.00 per 1,000 gallons over 10,000 gallons.

(B) For customers outside the city limits, the cost is \$24.00 for the first 2,000 gallons and \$4.87 per each additional 1,000 gallons up to a total of 5,000. For totals over 5,000 gallons, the rate increases to \$5.25 per each additional 1,000 up to 10,000 gallons and \$6.00 per 1,000 gallons over 10,000 gallons.

(Ord. O-14-05, passed 5-22-14)

§ 53.18 ENFORCEMENT PROCEDURE AND PLAN ADOPTION.

This water conservation and drought contingency plan has been implemented through the passage of a resolution by the City of Gladewater. A copy of this Resolution is attached to Ordinance O-14-05, passed May 22, 2014 as Appendix C. This resolution gives the City Manager or his/her designee the authority to begin immediate implementation of drought contingency measures when a trigger condition is reached.

(Ord. O-14-05, passed 5-22-14)

§ 53.19 CONTRACT REQUIREMENTS FOR SUCCESSIVE CUSTOMER CONSERVATION.

The City of Gladewater has encouraged its current wholesale customer to adopt and implement a water conservation plan. A policy has been established to require a water conservation plan as part of any new customer or renewal of existing customer contract to purchase water from the city. These water conservation plans must be developed in accordance with the TCEQ's guidelines.

(Ord. O-14-05, passed 5-22-14)

§ 53.20 RECORD MANAGEMENT SYSTEM.

This plan includes a record management system that records water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes (residential, commercial, public, institutional and industrial).

(Ord. O-14-05, passed 5-22-14)

DROUGHT CONTINGENCY PLAN**§ 53.30 DECLARATION OF POLICY, PURPOSE, AND INTENT.**

(A) In order to conserve the available water supply and/or protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Gladewater hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance.

(B) Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in this Plan.

(Ord. O-14-05, passed 5-22-14)

§ 53.31 PUBLIC INVOLVEMENT.

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of Gladewater by means of posting the plan for public viewing. Opportunity for public input was provided at the April 30, 2009 City Council meeting.

(Ord. O-14-05, passed 5-22-14)

§ 53.32 PUBLIC AND WHOLESALE WATER CUSTOMER EDUCATION.

The City of Gladewater will periodically provide the public and wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of newspaper articles, programming on the local public access cable channel and providing a copy of the plan to wholesale water customers.

(Ord. O-14-05, passed 5-22-14)

§ 53.33 COORDINATION WITH REGIONAL WATER PLANNING GROUP.

The service area of the City of Gladewater is located within the Region D Water Planning Group and the City of Gladewater has provided a copy of this Plan to the Region D Water Planning Group.

(Ord. O-14-05, passed 5-22-14)

§ 53.34 AUTHORIZATION.

The City Manager, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

(Ord. O-14-05, passed 5-22-14)

§ 53.35 APPLICATION.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Gladewater. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. O-14-05, passed 5-22-14)

§ 53.36 DEFINITIONS.

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

AESTHETIC WATER USE. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

COMMERCIAL AND INSTITUTIONAL WATER USE. Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

CONSERVATION. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

CUSTOMER. Any person, company, or organization using water supplied by the City of Gladewater.

DOMESTIC WATER USE. Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

EVEN NUMBER ADDRESS. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

INDUSTRIAL WATER USE. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

LANDSCAPE IRRIGATION USE. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

NON-ESSENTIAL WATER USE. Water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

ODD NUMBERED ADDRESS. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.
(Ord. O-14-05, passed 5-22-14)

§ 53.37 CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

(A) The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on at least a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

(B) The triggering criteria described below are based on the availability of raw water.

(1) *Stage 1 triggers - mild water shortage conditions.*

(a) *Requirements for initiation.* The City of Gladewater will recognize that a mild water shortage condition exists and customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in the definitions section of this Plan, when the level of Lake Gladewater (the city's raw water supply) is four feet above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 1 of the Plan may be rescinded when the triggering event has ceased to exist. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

(2) *Stage 2 triggers - moderate water shortage conditions.*

(a) *Requirements for initiation.* The City of Gladewater will recognize that a moderate water shortage condition exists and customers shall be required to comply with the requirements and restrictions on certain nonessential water uses provided in this Plan when the level of Lake Gladewater (the city's raw water supply) is three feet above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 2 of the Plan may be rescinded when the triggering event has ceased to exist. Upon termination of Stage 2, Stage 1 becomes operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of Stage 1 of the Plan.

(3) *Stage 3 triggers - severe water shortage conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 3 of this Plan and the City of Gladewater will recognize that a severe water shortage condition exists when the level of Lake Gladewater (the city's raw water supply) is two feet above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 3 of the Plan may be rescinded when the triggering event has ceased to exist. Upon termination of Stage 3, Stage 2 becomes operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of Stage 3 of the Plan.

(4) *Stage 4 triggers - emergency water shortage conditions.*

(a) *Requirements for initiation.* Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses for Stage 4 of this Plan and the City of Gladewater will recognize that an emergency water shortage condition exists when the level of Lake Gladewater (the city's raw water supply) is one foot above the top of the lowest intake pipe.

(b) *Requirements for termination.* Stage 4 of the Plan may be rescinded when the triggering event has ceased to exist. Upon termination of Stage 4, Stage 3 becomes operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 4.

(5) *Stage 5 triggers - water allocation.*

(a) *Requirements for initiation.* Customers shall be required to comply with the water allocation plan prescribed in this Plan and comply with the requirements and restrictions for Stage 4 of this Plan when:

1. The level of Lake Gladewater (the city's raw water supply) is at the top of the lowest intake pipe;
2. Major water line breaks, or pump or system failures occur which cause unprecedented loss of capability to provide water service; or
3. Natural or man-made contamination of the water supply source occurs.

(b) *Requirements for termination.* Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage 5, Stage 4 becomes operative. The City of Gladewater will notify its retail and wholesale customers and the media of the termination of Stage 5.

(Ord. O-14-05, passed 5-22-14)

§ 53.38 DROUGHT RESPONSE STAGES.

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe or emergency water shortage or water allocation condition exists and shall implement the following notification procedures and responses:

(A) *Notification.*

(1) *Notification of the public.* The City Manager, or his/her designee, shall notify the public by means of publication in a newspaper of general circulation, public service announcements and/or signs posted in public places.

(2) *Additional notification.* The City Manager, or his/her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:

- (a) Mayor and members of the City Council;
- (b) Fire Chief;
- (c) City and/or County Emergency Management Coordinator(s);
- (d) TCEQ;
- (e) Major water users (including all wholesale water users);
- (f) Critical water users, i.e. hospitals;
- (g) Parks/street superintendents and public facilities managers.

(B) *Stage 1 response - mild water shortage conditions.*

- (1) Target: achieve a voluntary 5% (27,000 GPD) reduction in total water use.
- (2) (a) Best management practices for supply management:
 - (b) Reduced flushing of water mains.

(3) Voluntary water use restrictions for reducing demand.

(a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(b) All operations of the City of Gladewater shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(d) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).

(e) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(C) *Stage 2 response - moderate water shortage conditions.*

(1) Target: achieve a 10% (54,000 GPD) reduction in total water use.

(2) (a) Best management practices for supply management:

(b) Reduced irrigation of public landscaped areas.

(3) Water use restrictions for demand reduction: under threat of penalty for violation, the following water use restrictions shall apply to all persons:

(a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.

(d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Gladewater.

(f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gladewater, the facility shall not be subject to these regulations.

(g) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(h) The following uses of water are defined as non-essential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

3. Use of water for dust control;

4. Flushing gutters or permitting water to run or accumulate in any gutter or street;

and

5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(i) The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(j) The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).

(k) The City Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in this Plan.

(l) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(D) Stage 3 response - severe water shortage conditions.

(1) Target: achieve a 15% (81,000 GPD) reduction in total water use.

(2) (a) Best management practices for supply management:

(b) Discontinued irrigation of public landscaped areas.

(3) Water use restrictions for demand reduction: all requirements of Stage 2 shall remain in effect during Stage 3 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Gladewater.

(c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(d) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).

(e) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(f) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(g) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(E) *Stage 4 response - emergency water shortage conditions.*

(1) Target: achieve a 20% (108,000 GPD) reduction in total water use.

(2) Whenever emergency water shortage conditions exist, as defined in the definitions section of this Plan, the City Manager shall:

(a) Assess the severity of the problem and identify the actions needed and time required to solve the problem.

(b) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).

(c) If appropriate, notify city, county, and/or state emergency response officials for assistance.

(d) Undertake necessary actions, including repairs and/or clean-up as needed.

(e) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

(3) (a) Best management practices for supply management:

(b) Discontinued flushing of water mains

(4) Water use restrictions for reducing demand. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas is absolutely prohibited.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(c) The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 4 of the customer's drought contingency plan).

(d) The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

(F) *Stage 5 response - water allocation.* In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water to retail and wholesale customers according to the following water allocation plan:

(1) *Single family residential customers.*

(a) The allocation to residential water customers residing in a single family dwelling shall be 8,000 gallons per month.

(b) Residential water customers shall pay the following surcharges:

1. \$10.00 for the first 1,000 gallons over allocation.
2. \$15.00 for the second 1,000 gallons over allocation.
3. \$20.00 for the third 1,000 gallons over allocation.
4. \$25.00 for each additional 1,000 gallons over allocation.

(c) Surcharges shall be cumulative.

(2) *Master-metered/multi-family residential customers.* The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies

the City of Gladewater of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer, if, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gladewater offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gladewater in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Gladewater of a reduction in the number of person in a household shall be fined not less than one hundred dollars (\$100.00). Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- (a) \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- (b) \$15.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- (c) \$20.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- (d) \$25.00, thereafter for each additional 1,000 gallons over allocation.
- (e) Surcharges shall be cumulative.

(3) *Commercial customers.* A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be 75% of the customer's average usage for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer whose allocation would be less than 6,000 gallons shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council, nonresidential commercial customers shall pay the following surcharges:

(a) 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.

(b) 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.

(c) 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.

(d) 200% of the normal water charge for water usage more than 15% above the monthly allocation.

(e) Surcharges shall be cumulative.

(4) *Industrial customers.* A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council. Industrial customers shall pay the following surcharges:

(a) 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.

(b) 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.

(c) 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.

(d) 200% of the normal water charge for water usage more than 15% above the monthly allocation.

(e) Surcharges shall be cumulative.

(5) *Wholesale customers.*

(a) In the event that the triggering criteria specified in this Plan for Stage 5 - water allocation have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis in accordance with Tex. Water Code Section 11.039. A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for wholesale customers, the wholesale customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The wholesale customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the wholesale water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each wholesale customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use, (2) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (3) the customer agrees to transfer part of its allocation to another wholesale customer, or (4) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

(b) During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1. 125% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.

2. 150% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.

3. 175% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.

4. 200% of the normal water charge for water diversions and/or deliveries more than 15% above the monthly allocation.

5. The above surcharges shall be cumulative.
(Ord. O-14-05, passed 5-22-14)

§ 53.39 ENFORCEMENT.

(A) No person shall knowingly or intentionally allow the use of water from the City of Gladewater for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.

(B) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$20.00 and not more than \$2000.00. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$200.00, and any other costs incurred by the City of Gladewater in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(C) Any person, including a person classified as a water customer of the City of Gladewater, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(D) Any police officer or public works employee designated by the City Manager may issue a citation to a person he/she reasonably believes to be in violation of this chapter. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation

shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in example: municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

(Ord. O-14-05, passed 5-22-14)

§ 53.40 VARIANCES.

(A) *Availability of variances.* The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan or to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(B) *Variance process.* Persons requesting an exemption from the provisions of this chapter shall file a petition for variance with the City Manager within five days after the Plan, a particular drought response stage, or pro rata allocation has been invoked. All petitions for variances shall be reviewed by the Gladewater City Council and shall include the following:

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision(s) of the Plan from which the petitioner is requesting relief.

(4) Detailed statement with supporting data and information as to how the specific provision of the Plan or pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this chapter.

(5) Description of the relief requested.

(6) Period of time for which the variance is sought.

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

(8) Other pertinent information.

(C) *Variance conditions.*

(1) Variances granted by the Gladewater City Council shall be subject to the following conditions, unless waived or modified by the City Council or its designee:

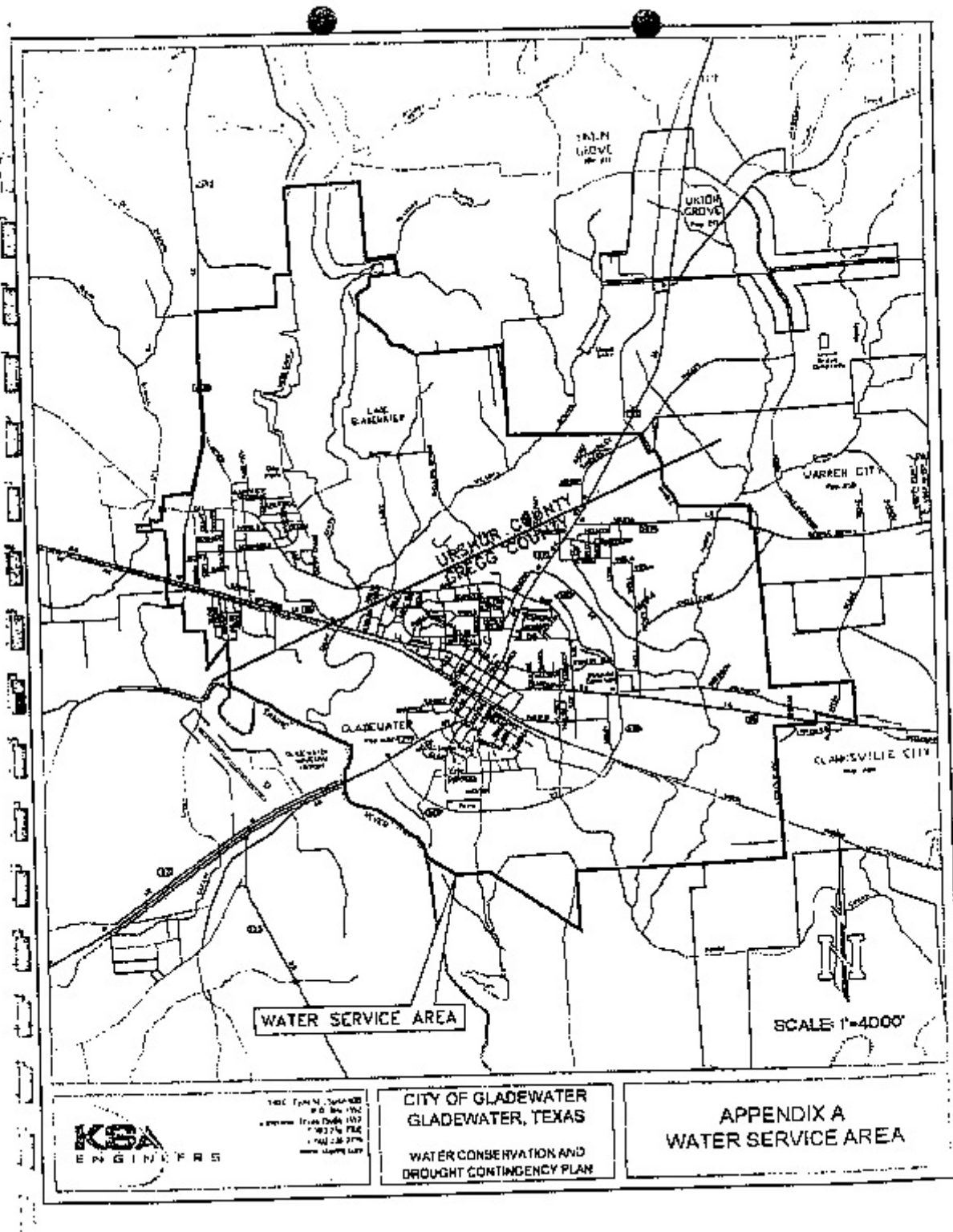
(a) Variances granted shall include a timetable for compliance.

(b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

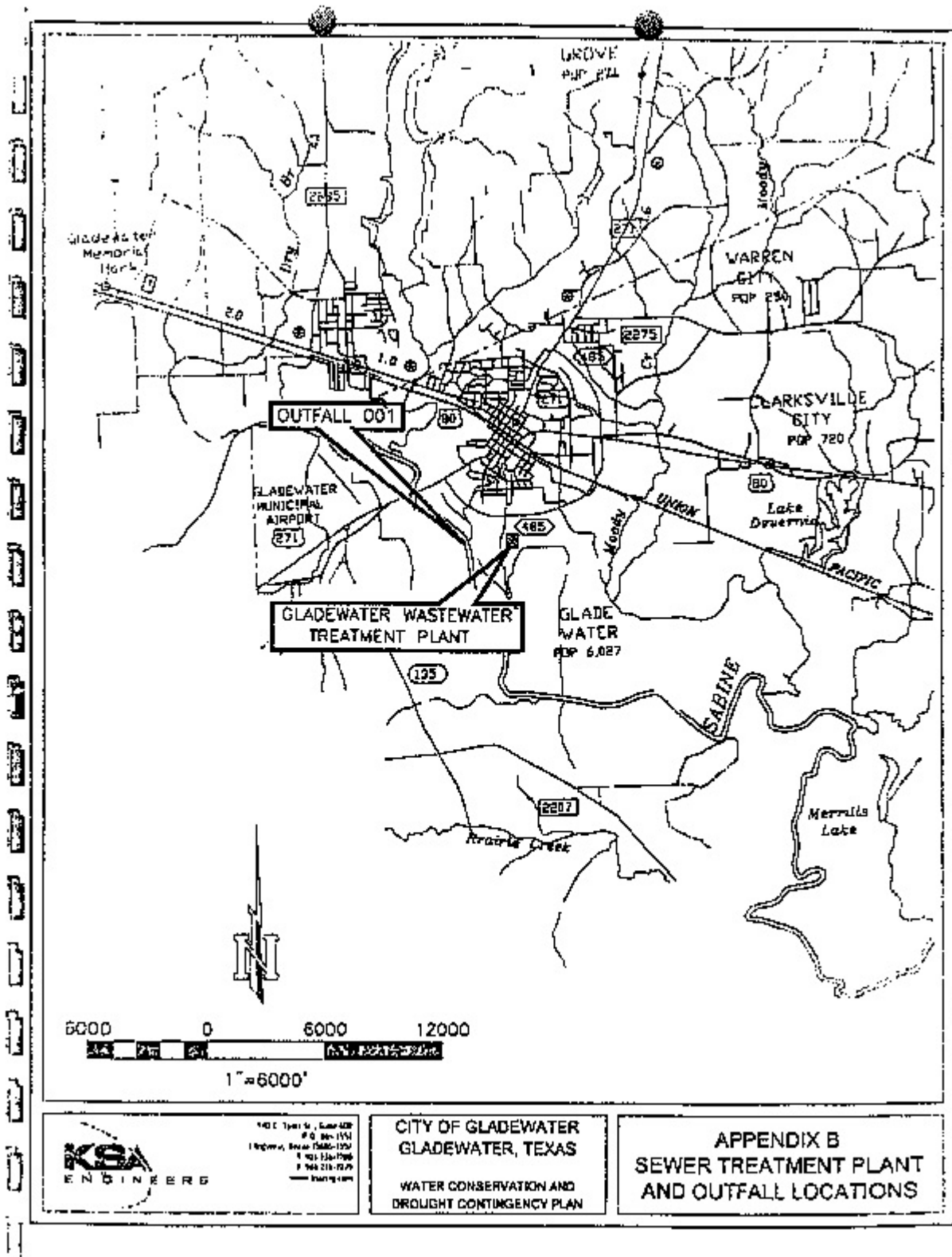
(2) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

(Ord. O-14-05, passed 5-22-14)

APPENDIX A: WATER SERVICE AREA MAP



APPENDIX B: SEWER TREATMENT PLANT AND OUTFALL LOCATION MAP



TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. STOPPING, STANDING, AND PARKING**
- 72. TRAFFIC SCHEDULES**
- 73. PARKING SCHEDULES**

CHAPTER 70: GENERAL PROVISIONS

Section

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Statutory reference:

Rules of the road, see Tex. Transp. Code §§ 541.001 et seq.

Powers of local authorities over traffic, see Tex. Transp. Code § 542.202

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purpose of this Traffic Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department (Fire Patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Mayor.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

MOTOR VEHICLE. Every vehicle, as herein defined, which is self-propelled.

OFFICIAL TRAFFIC SIGNALS. All signals, not inconsistent with this title, placed or erected by authority of the City Council or official having jurisdiction, for the purpose of directing, warning, or regulating traffic.

OFFICIAL TRAFFIC SIGNS. All signs, markings and devices, other than signals, not inconsistent with this title, placed or erected by authority of the City Council or official having jurisdiction for the purpose of guiding, directing, warning, or regulating traffic.

OPERATOR. Any person who is in actual control of a vehicle.

PARKING. The standing of a vehicle, whether occupied or not upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulation.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for the purpose of vehicular travel.

RIGHT-OF-WAY. The privilege of the immediate use of the street or highway.

ROADWAY. That portion of a street or highway between the regularly established curb lines or that part improved and intended to be used for vehicular travel.

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

SIDEWALK. That portion of a street between the curb lines and the adjacent property lines.

STREET or HIGHWAY. Every way set apart for public travel, except foot paths.

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

TRAFFIC CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed.

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

(‘60 Code, § 11-1-1) (Ord. passed 5-23-35)

§ 70.02 OBEDIENCE TO POLICE.

(A) It shall be the duty of the Police Department to enforce the provisions of this title. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this title, provided that in the event of a fire or other emergency or to expediate traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this title. (‘60 Code, § 11-2-1)

(B) It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. (‘60 Code, § 11-2-3) Penalty, see § 70.99

§ 70.03 IMPOUNDING OF VEHICLES BY POLICE.

Any official of the city or any police officer, or any agent of the city or the Police Department is hereby given the authority to tow or cause to be towed to the City Pound or other place designated as a pound any vehicle which is parked in violation of any of the provisions of this Traffic Code.
(‘60 Code, § 11-2-6)

§ 70.04 EMERGENCY REGULATIONS.

The Mayor is hereby empowered to make and enforce regulations necessary to make effective the provisions of this title and to make and enforce temporary regulations to cover emergencies or special conditions.
(‘60 Code, § 11-2-2)

§ 70.05 PUBLIC EMPLOYEES TO OBEY REGULATIONS.

The provisions of this title, shall apply to the operator of any vehicle owned or used by the service of the U.S. Government, this state, county or city and it shall be unlawful for any said operator to violate any of the provisions of this title, except as otherwise specifically permitted.
(‘60 Code, § 11-2-4) Penalty, see § 70.99

§ 70.06 AUTHORIZED EMERGENCY VEHICLE.

The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this title while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.
(‘60 Code, § 11-2-5)

§ 70.07 APPROACH OF AUTHORIZED EMERGENCY VEHICLE.

Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren, or exhaust whistle, the operator of every other vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer.
(‘60 Code, § 11-6-3) Penalty, see § 70.99

§ 70.08 FOLLOWING FIRE APPARATUS; DRIVING OVER FIRE HOSE PROHIBITED.

(A) Upon the sounding of gongs or warning devices used upon fire apparatus, operators shall draw their vehicles as near to the right curb as possible and shall remain standing until such fire apparatus has passed. It shall be unlawful for the operator of any vehicle to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(B) It shall further be unlawful for the operator of a vehicle to drive over any unprotected hose of the Fire Department without the consent of the Fire Chief or the assistant in command.

('60 Code, § 11-6-4) Penalty, see § 70.99

Cross-reference:

Driving over fire equipment or hoses, see § 91.26

§ 70.09 UNNECESSARY NOISE; MUFFLERS REQUIRED.

It shall be unlawful to operate a vehicle which in any manner makes unusually loud and unnecessary noise. No vehicle shall be operated upon any street unless the same is provided with a muffler in efficient and actual working condition and the use of a cut-out is forbidden.

('60 Code, § 11-6-10) Penalty, see § 70.99

§ 70.10 LIGHTS REQUIRED.

All motor vehicles with the exception of motorcycles shall be provided with at least two suitable lights for the front and one for the rear of said vehicle; and such lights shall be lighted during the period of ½-hour after sunset to ½-hour before sunrise.

('60 Code, § 11-2-12) (Ord. passed 5-23-35) Penalty, see § 70.99

§ 70.11 USE OF ENGINE BRAKING DEVICES PROHIBITED.

(A) It shall be unlawful for any driver to activate or use engine braking devices within the city limits except in an emergency situation.

(B) The term ***EMERGENCY SITUATION***, for purposes of this section, shall mean one in which there is imminent danger of collision with persons, property, or animals.

(C) Violation of this section shall constitute a misdemeanor and upon conviction a fine shall be levied not to exceed the maximum allowed by law.

(Ord. 05-01, passed 1-13-05)

TRAFFIC-CONTROL DEVICES**§ 70.20 AUTHORITY TO PLACE SIGNS AND SIGNALS.**

(A) The Council shall by resolution determine and designate the character or type of all official traffic signs and signals. Subject to this selection, the Manager is hereby authorized, and as to those signs and signals required hereunder, it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as practical be uniform as to type and location.

(B) No provisions of this title for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

('60 Code, § 11-3-1)

§ 70.21 OBEDIENCE TO SIGNS AND SIGNALS.

It shall be unlawful for any operator to disobey the instruction of any official traffic sign or signal placed in accordance with the provisions of this Traffic Code, unless otherwise directed by a police officer.

('60 Code, § 11-3-2) Penalty, see § 70.99

§ 70.22 UNAUTHORIZED SIGNS AND SIGNALS; INTERFERENCE UNLAWFUL.

(A) It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same, or cause it to be removed, without notice. ('60 Code, § 11-3-3)

(B) It shall be unlawful for any person to wilfully deface, injure, move, obstruct or interfere with any official traffic sign or signal. ('60 Code, § 11-3-4)

Penalty, see § 70.99

§ 70.23 CROSSWALKS.

The City Manager is hereby authorized to establish and to designate and maintain or cause to be maintained by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

('60 Code, § 11-3-5)

§ 70.24 SAFETY ZONES AND LANES FOR TRAFFIC.

(A) The City Manager is hereby empowered to establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(B) The City Manager is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this title.
(‘60 Code, § 11-3-6) (Ord. passed 5-23-35)

PEDESTRIANS

§ 70.35 RIGHT-OF-WAY OF PEDESTRIANS.

(A) The operator of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals, or at any point where there is a pedestrian tunnel or overhead crossing; provided, however, that after such operator shall have stopped his vehicle or slowed sufficiently, so as to permit such pedestrian to safely pass, he may then cross the marked crosswalk or intersection without waiting for other pedestrians not endangered thereby.

(B) Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle, but the operator of such stopped vehicle shall not impede the progress of vehicles in the rear any longer than is reasonably necessary under the circumstances, safety to be considered.

(C) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to vehicles upon the roadway; provided, that this provision shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.
(‘60 Code, § 11-4-1) Penalty, see § 70.99

§ 70.36 CONTROLLED INTERSECTION.

At intersections where traffic is controlled by traffic-control signals or by police officers, operators of vehicles shall yield the right-of-way to pedestrians crossing or those who have started to cross the roadway on a green or go signal, and in all other cases pedestrians shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a green or go signal.
(‘60 Code, § 11-4-2) Penalty, see § 70.99

§ 70.37 USE OF CROSSWALKS.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(‘60 Code, § 11-4-3)

§ 70.38 SOLICITING RIDES.

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

(‘60 Code, § 11-4-4) (Ord. passed 5-23-35) Penalty, see § 70.99

OPERATION OF VEHICLES**§ 70.50 STOPPING AT INTERSECTION.**

It shall be unlawful for any person operating a vehicle to approach any street intersection without bringing such vehicle to a full stop within a distance of five feet of the line of intersection and before crossing such line of intersection, when and where a stop sign is displayed, which stop sign shall be displayed by being plainly marked or painted and displayed in the street in full view of the operators of vehicles at such street intersections.

(‘60 Code, § 11-6-1) Penalty, see § 70.99

Cross-reference:

Stop intersections, see Traffic Schedule I, Chapter 72

§ 70.51 PASSING ON LEFT SIDE OF TRAFFIC DOME.

It shall be unlawful for any person operating a vehicle at the intersection of two streets or a street and an alley, to pass on the left side of a “traffic dome” whether crossing a street or entering a street or alley, when and where such “traffic dome” is provided and located.

(‘60 Code, § 11-6-2) Penalty, see § 70.99

§ 70.52 DRIVING THROUGH PROCESSIONS.

It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(‘60 Code, § 11-6-5) Penalty, see § 70.99

§ 70.53 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The operator of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

(‘60 Code, § 11-6-6) Penalty, see § 70.99

§ 70.54 DRIVING ON SIDEWALK PROHIBITED.

The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(‘60 Code, § 11-6-7) Penalty, see § 70.99

§ 70.55 MOTOR VEHICLES LEFT UNATTENDED.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor, and when standing upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the street or highway.

(‘60 Code, § 11-6-8) Penalty, see § 70.99

§ 70.56 OBSTRUCTION OF TRAFFIC.

No vehicle shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to the traffic thereon.

(‘60 Code, § 11-6-9) Penalty, see § 70.99

§ 70.57 RECKLESS DRIVING.

(A) Any person who drives any vehicle upon a street carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or without due caution or circumspection and at a speed or in a manner so as to endanger any person or property, shall be guilty of reckless driving. Driving a vehicle with defective brakes shall be construed as reckless driving under the provisions of this section.

(B) Digging out prohibited. Any driver of any motor vehicle who shall willfully cause such vehicle to “dig out” or shall cause any such vehicle to make unnecessary noise by reason of operating such vehicle in such a manner as to cause the wheels thereof to spin or slide on the roadway of any street when accelerating such vehicle or while making any turning movement shall be construed as reckless driving under the provisions of this section.

(‘60 Code, § 11-6-11) (Am. Ord. O-15-08, passed 6-18-15) Penalty, see § 70.99

Cross-reference:

Speed limits, see Traffic Schedule II, Chapter 72

§ 70.58 PROHIBITING U-TURNS.

(A) U-turns are hereby prohibited within the city limits.

(B) Turning from proceeding in one direction or from a parked position to the left to travel in the opposite direction is herein defined as a U-turn within the meaning of this section.

(C) Every person convicted of a violation of this section shall be punished by a fine not to exceed the maximum allowed by law.

(Ord. 05-16, passed 9-15-05)

§ 70.59 FINANCIAL RESPONSIBILITY REQUIRED BY STATE LAW.

(A) *Purpose.* The purpose of this ordinance is to establish guidelines and procedures for Gladewater Police Department officers who encounter individuals operating a motor vehicle without the financial responsibility required by state law, Tex. Transp. Code, Chapter 601.

(B) *Policy.* It is the policy of the Gladewater Police Department to conduct traffic enforcement that will provide maximum protection to all individuals who use the roadways within the city. As part of this strategy, the Gladewater Police Department's goal is to ensure that all vehicles are operated with the financial responsibility required by law. Enforcement action shall be taken when officers encounter individuals who fail to maintain the required financial responsibility unless mitigating circumstances discussed in this policy exist. Any action taken will be applied equitably and without discrimination to any person.

(C) *Financial responsibility definition.* For the purposes of this policy, the term **FINANCIAL RESPONSIBILITY** refers to the financial responsibility on a specific motor vehicle at the level of coverage meeting, or surpassing, state requirements (Tex. Transp. Code §§ 601.051 - 601.124). Financial responsibility is required whether the vehicle is operated on a public roadway or private property. Evidence of this financial responsibility is set forth in Tex. Transp. Code § 601.053.

(D) *Traffic stops.*

(1) As part of a normal traffic stop, officers shall ask the driver for the required proof of financial responsibility on the vehicle.

(2) If the driver is unable to produce the required documentation, the officer shall generally issue a citation for the appropriate offense.

(3) If the officer, either through a driver's license check or through personal contacts, determines that the driver previously has not been convicted for operating the vehicle with no financial responsibility nor received prior verbal warning for failure to maintain financial responsibility, the officer shall give the driver a verbal warning that future operation of vehicle without financial responsibility will result in the impoundment of the driver's vehicle. Notation of this verbal warning shall be made on any citation given to the driver.

(4) If the officer, either through a driver's license check or through personal contacts, determines that the driver has previously been convicted for operating a vehicle with no financial responsibility, or has received prior verbal warnings for failure to maintain financial responsibility, the officer may impound the vehicle. The decision to impound or not to impound rests with the officer.

(E) *Accidents.*

(1) If, during the investigation of a motor vehicle accident on a public roadway, an officer determines that one or more of the involved vehicles was operated without the required financial responsibility, the officer shall impound the vehicle(s). No prior conviction for failure to maintain financial responsibility is necessary in order to tow a vehicle involved in an accident.

(2) Impoundment generally should be restricted to those cases where the driver admits to not having financial responsibility, the officer is able to verify that no coverage exists, or the driver has prior warnings or citations for failure to maintain financial responsibility.

(3) Before impounding a vehicle, when the operator claims to have financial responsibility but fails to show the required proof of coverage, an officer may make reasonable efforts to determine if the vehicle is covered. Steps to verify coverage may include, but are not limited to:

- (a) Contacting the driver's insurance company.
- (b) Contacting the driver's insurance agent.
- (c) Contacting a parent or guardian if dealing with a minor.
- (d) Contacting the lien holder.

(4) If the officer, after making reasonable efforts to verify coverage, is unable to get a definitive answer, and the driver continues to claim that coverage exists, the officer may elect not to impound the vehicle. Officers should note on the accident report under "officer summary" the steps taken to verify coverage.

(5) If the vehicle is impounded, the officer shall issue a citation for the failure to maintain or show proof of financial responsibility, unless the offense is classified as a class B Misdemeanor.

(F) *Impoundment procedures.*

(1) Before impounding a vehicle under this policy, officers should consider the mitigating circumstances surrounding the situation including, but not limited to:

- (a) Time of day.
- (b) Location.
- (c) Ability of operator and occupants to safely leave the location.

- (d) Age of driver and occupants (such as small children, unattended and the elderly).
- (e) Call demand.
- (f) Weather conditions.
- (g) Lighting.
- (h) Traffic volume, conditions, and speed.

(2) An officer impounding a vehicle for failure to maintain or show proof of financial responsibility will make reasonable efforts to provide for the safety of the driver(s) and any occupant(s). Examples of reasonable efforts include, but are not limited to, transportation of the driver(s) and occupant(s) to a safe place or calling a friend or relative for a ride. If there is no reasonable way to avoid placing the driver(s) and occupant(s) in an unsafe situation, the officer may elect not to impound the car.

(3) A vehicle impounded under this policy will be taken to the wrecker company lot.

- (a) Tows will be made by the on-call wrecker from the normal Rotation List.
- (b) A vehicle inventory will be completed on any vehicle that is towed.

(c) The towing officer is to complete the Towed Vehicle Instruction form and provide a copy of the form to the operator of the vehicle.

(4) Private tows are not allowed. A vehicle may not be released at the scene to another operator unless the other operator provides valid proof of financial responsibility for the vehicle in question.

(5) Since state law requires a driver to have proof of financial responsibility when operating a vehicle, no liability for towing charges will be incurred by the City of Gladewater when it is learned later that a driver had insurance and his/her vehicle was towed because they could not produce proof at the scene of impoundment. All towing and storage fees are the sole responsibility of the operator/owner of the vehicle.

(G) Releasing vehicles from impound.

(1) Proof of financial responsibility, in the form of a Financial Responsibility Verification form obtained from the Police Department, will be required by the wrecker company prior to the release of any vehicle being removed from the wrecker lot. In order to obtain a Financial Responsibility Verification form, proof of current financial responsibility must be presented to the Police Department, which shall issue the form upon verification of the policy, and the payment of a \$5 administrative fee.

(2) A vehicle impounded for a violation of this policy will not be released from the wrecker company until the Financial Responsibility Verification form obtained from the Police Department is provided.

(3) To allow for the verification of coverage, releases related to this policy should generally occur during normal business hours (Monday - Friday, 8:00 a.m. - 5:00 p.m.) at the Police Department.

(4) A Police Department employee will take the proof of financial responsibility presented by the person that appears at the Police Department seeking verification to get the vehicle released from impound. The employee will attempt to make contact with the insurance agency/agent listed on the received information and attempt to verify that the proof is legitimate. If the employee is able to verify proof of financial responsibility and upon receipt of the \$5 administrative fee, the employee shall complete and then issue the Financial Responsibility Verification form. The employee shall sign the lower right portion of the form to authenticate the form. A copy of the form will be attached to the original report along with a copy of the proof of financial responsibility.

(a) If the employee is unable to verify proof of financial responsibility from the presented information, the person will be asked to obtain the required information and return to the Police Department at that time for verification.

(b) If for some reason, the employee believes that the proof that has been presented is not legitimate or is fictitious, the employee shall notify his/her supervisor. If the supervisor determines it is necessary, an officer may be called to investigate whether criminal charges may need to be filed. (Ord. 07-05, passed 4-23-07)

§ 70.99 PENALTY.

(A) Whenever in this title an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this title the doing of any act is required and the failure to do any act is declared to be unlawful and no specific penalty is otherwise provided in this code of ordinances, the violation shall be punished by a fine not exceeding \$500, provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense of the laws of the state.

(B) Each day a violation of this Traffic Code or any ordinance continues shall constitute a separate offense.

(Ord. 03-05, passed 3-20-03; Am. Ord. 08-12, passed 10-16-08; Am. Ord. O-12-04, passed 3-15-12)

CHAPTER 71: STOPPING, STANDING, AND PARKING

Section

- 71.01 Stopping prohibited in certain places
- 71.02 Parking in bus stops and taxicab stands
- 71.03 Buses and taxicabs
- 71.04 Parking prohibited in certain places
- 71.05 Parking zones established; installation of signs
- 71.06 Parking of vehicles
- 71.07 Parking vehicle for sale
- 71.08 Parking to display advertising
- 71.09 Loading zones
- 71.10 Parking of commercial motor vehicles unlawful in residential areas
- 71.11 Owner responsible for illegally parked vehicle

§ 71.01 STOPPING PROHIBITED IN CERTAIN PLACES.

(A) It shall be unlawful for the operator of a vehicle to stop, stand, or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal:

- (1) In the center of a street.
- (2) Within an intersection.
- (3) On a crosswalk.
- (4) Upon a bridge, viaduct, or in any subway and the approach thereto.
- (5) Within 25 feet from the intersection of curb lines, or, if none, then within 15 feet of the intersection of property lines at an intersection, except at alleys.
- (6) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of the roadway.
- (7) Within 15 feet of the driveway entrance to any fire station.

(8) Within ten feet of a fire hydrant.

(9) In front of a private driveway.

(10) On a sidewalk.

(11) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(12) At any place where official traffic signs have been erected prohibiting standing and parking.

(13) On the roadway side of any vehicle stopped or parked at the right hand edge or curb of a street.

(B) ***DOUBLE LINE PARKING*** of a vehicle consists and shall consist in turning a vehicle from the traffic on a street and parking beside a vehicle already parked at a sidewalk or curb, without leaving a driver in charge thereof who is capable and has the authority to move it.

('60 Code, § 11-5-1) Penalty, see § 70.99

§ 71.02 PARKING IN BUS STOPS AND TAXICAB STANDS.

It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

('60 Code, § 11-5-2) Penalty, see § 70.99

§ 71.03 BUSES AND TAXICABS.

It shall be unlawful for the operator of any bus or taxicab to stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

('60 Code, § 11-5-3) Penalty, see § 70.99

§ 71.04 PARKING PROHIBITED IN CERTAIN PLACES.

(A) It shall be unlawful for any operator to stop, stand, or park any vehicle upon a street other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width for the free movement of vehicular traffic except on streets on which no parking is allowed as designated by signs and except that an operator may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(B) It shall be unlawful for any operator to park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(‘60 Code, § 11-5-4) (Ord. passed 5-23-35) Penalty, see § 70.99

§ 71.05 PARKING ZONES ESTABLISHED; INSTALLATION OF SIGNS.

(A) *Parking zones.* The City Manager is authorized to have installed the appropriate signs to clearly designate, establish, and regulate parking zones and spaces in accord with the provisions of this title. (‘60 Code, § 11-5-5)

(B) *Installation of signs.*

(1) The City Manager or such employees of the city as he may select, are hereby authorized to install or place parking signs in such parking zones or spaces created by the Council, and in those that may be hereafter created, and such parking signs shall be placed upon the curb or sidewalk, adjacent to the curb in each block and spaces to be designated as hereinafter provided. Each sign shall be so set as to show or display in a clear and concise manner the intentions and regulations as designated in this title.

(2) The City Manager, or employees designated by him shall provide for the installation, regulating, control, and use of the parking signs provided for herein and shall maintain said signs in good workable condition at all times.

(3) If any vehicle shall remain parked in such parking zone and spaces, and in the event, such vehicle shall be considered as parked overtime and beyond the time fixed in such zone and space by the provisions of this chapter, and the parking of a vehicle overtime or beyond the period of time so fixed or hereafter fixed by ordinances in any such part of a street so designated by ordinance shall be unlawful and a violation hereunder and punishable as hereinafter set out.

(‘60 Code, § 11-5-6) Penalty, see § 70.99

§ 71.06 PARKING OF VEHICLES.

(A) Any vehicle parked in any parking space shall be parked parallel with the sidewalk or at angles thereto in accord with lines marked on the street or curb indicating the direction for parking in such place. If the lines be drawn or painted on the street parallel with the sidewalk the vehicle shall be parked within the said lines and parallel with the sidewalk, but should the lines on the streets be drawn or painted at angles to the sidewalk then such vehicles shall park within such lines and at an angle to the sidewalk indicated by such lines.

(B) It shall be unlawful and an offense to park any vehicle across any such line or mark or to park said vehicle in such a way that the same shall not be within the area so designated by such lines or markings.

(‘60 Code, § 11-5-7) (Ord. passed 5-1-56) Penalty, see § 70.99

§ 71.07 PARKING VEHICLE FOR SALE.

It shall be unlawful for any person to park upon a street more than one vehicle displayed for sale.
(‘60 Code, § 11-5-21) Penalty, see § 70.99

§ 71.08 PARKING TO DISPLAY ADVERTISING.

It shall be unlawful for any person to park on any street any vehicle for the primary purpose of displaying advertising.

(‘60 Code, § 11-5-22) (Ord. passed 5-23-35) Penalty, see § 70.99

§ 71.09 LOADING ZONES.

(A) The City Manager is hereby authorized to establish such loading zones as are necessary for the conduct of business and to omit parking from such loading zones, and to properly set signs and mark such zones.

(B) No operator shall stand or park a vehicle in a loading zone for the purpose of loading or unloading passengers for a period in excess of ten minutes.

(C) The use of loading zones for the loading or unloading of merchandise shall be confined to the handling of heavy and bulky materials. All such loading or unloading must be performed in an expeditious manner, and no vehicle may remain in a loading zone for a period of time greater than necessary to expeditiously load or unload the same, nor while the operator is soliciting or engaged otherwise than in the loading or unloading of the vehicles, except that a reasonable time shall be allowed for the producing of a receipt for delivery.

(‘60 Code, § 11-5-23) (Ord. passed 5-1-56) Penalty, see § 70.99

§ 71.10 PARKING OF COMMERCIAL MOTOR VEHICLES UNLAWFUL IN RESIDENTIAL AREAS.

(A) It shall be unlawful for any person to park or allow to be parked any commercial motor vehicle on any property under their control, on any portion of a front yard, side yard, or rear yard including all areas of undeveloped land, or on any street or street right-of-way, in any area or district which is residentially zoned under the comprehensive zoning ordinance or used for residential purposes. Parking does not include the expeditious loading or unloading of passengers, freight, household goods, material or merchandise between the hours of sunrise and sunset.

(B) For the purposes of this section, **COMMERCIAL MOTOR VEHICLE** shall mean any vehicle designated herein, or any motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle requires a commercial driver's license or permit as issued by the State of Texas Department of Public Safety or equivalent licensing agency of any other state. **COMMERCIAL MOTOR VEHICLE** includes the following:

(1) A vehicle having a gross combination weight rating of 26,001 lbs. or more, inclusive of a towed unit(s) with a gross vehicle weight rating of more than 10,000 lbs; or

(2) A vehicle having a gross weight rating of 26,001 lbs. or more; or

(3) A vehicle designed to transport 16 or more passengers, including the driver; or

(4) A vehicle of any size used in the transportation of materials that have been designated as hazardous under 49 U.S.C. 5103, and that is required to be placarded under subpart F of 49 CFR Part 172.

('60 Code, § 11-5-26) (Ord. 1043, passed 11-18-71; Am. Ord. 08-12, passed 10-16-08) Penalty, see § 70.99

§ 71.11 OWNER RESPONSIBLE FOR ILLEGALLY PARKED VEHICLE.

If any vehicle is found upon a street or highway in violation of any provisions of this title regulating the stopping, standing, or parking of vehicles and the identity of the operator cannot be determined, the owner, or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

('60 Code, § 11-5-25) (Ord. passed 5-23-35)

CHAPTER 72: TRAFFIC SCHEDULES

Schedule

- I. Stop and yield intersections
- II. Speed limits
- III. School zones
- IV. One-way streets and dead-end streets
- V. Truck routes

SCHEDULE I. STOP AND YIELD INTERSECTIONS.

(A) *Stop signs.* Pursuant to § 70.20 of this Traffic Code and Tex. Transp. Code § 544.002, the Public Works Director for the City of Gladewater, is hereby directed to install stop signs causing said traffic to come to a complete stop at the following intersections:

<i>Stop Street</i>	<i>Intersection</i>	<i>Traffic Flow</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Rodeo Drive	Rodeo Drive and Hendrix	Four-way	82-12	5-13-82
Woodrow Street	Woodrow Street and Hwy. 80	North and South	84-17	10-11-84
Armstrong Road (Old. Hwy. 80)	Shellcamp Road and Armstrong Road	North and South	85-04	3-14-85
Stuart Street	Stuart Street and Pacific Street	Northbound	86-04	7-10-86
Pacific Street	Pacific Street and Stuart Street	Westbound	86-04	7-10-86
Tenery	Jeanette and Tenery	Four-way	87-06	4-16-87
Canfield Street	Canfield Street with Maple Street and North Martha Drive	All (four-way)	89-06	8-17-89
Rodeo Drive	Rodeo Drive and West Commerce Avenue	East and West	89-06	8-17-89
Rodeo Drive	Gay Avenue and Rodeo Drive	Four-way	96-15	10-17-96
Quitman Street	Quitman Street and Tenery Street	Four-way	00-04	4-20-00

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<i>Stop Street</i>	<i>Intersection</i>	<i>Traffic Flow</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Quitman Street	Quitman Street and Cotton Street	Four-way	00-06	7-20-00
Old Highway 80	Old Highway 80 and Texas Street	East	01-03	2-15-01
Elm Street	Elm Street and Oak Street	North and South	02-07	8-15-02

(B) *Yield signs*. Yield signs shall be installed at the following intersections:

<i>Yield Streets</i>	<i>Intersection</i>	<i>Traffic Flow</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Broadway Street	Broadway Street at Pacific Street	Southbound	86-04	7-10-86

Penalty, see § 70.99

SCHEDULE II. SPEED LIMITS.

It shall be unlawful for any person to operate or drive any motor or other vehicle upon the following portions of streets, highways, avenues, and public places in the city at speeds in excess of those prescribed, which said portions of streets and speed rates allowed therein shall be as follows:

<i>Street</i>	<i>Location</i>	<i>Speed Limit (MPH)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Gay Avenue	Canfield Street to East Lake Drive	30	—	- -
Gay Avenue	East Lake Drive to Chevy Chase	35	—	- -
Gay Avenue	Chevy Chase to Pinecrest	30	1083	5-3-76
Lee Street	From U.S. Highway 271 North to its intersection with U.S. Highway 80	30	03-05	3-20-03
Lee Street	From U.S. Highway 80 to its intersection with Pacific Street	20	03-05	3-20-03
U.S. 80	From the Upshur/Gregg County line to a point 0.475 mile east	45	89-05	7-20-89
U.S. 80	From a point 0.475 mile east of the Gregg county line to a point 0.975 mile east of the Gregg County line	40	89-05	7-20-89
U.S. 80	From a point 0.975 mile east of the Gregg County line to a point 1.375 mile east of the Gregg County line	35	89-05	7-20-89
U.S. 80	From a point 1.375 mile east of the Gregg County line to a point 2.175 mile east of the Gregg County line	45	89-05	7-20-89
U.S. 80	From a point 2.175 mile east of the Gregg County line to a point 3.220 mile east of the Gregg County line	55	89-05	7-20-89
U.S. 80	From a point west of the city limits, east for a distance of .220 miles to a point 121 feet east of North Street.	60	99-06	3-29-99

<i>Street</i>	<i>Location</i>	<i>Speed Limit (MPH)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
U.S. 80	From a point 121 feet east of North Street, east for a distance of .909 miles to the Upshur/Gregg County Line. Except for that portion from a point 500 feet west of Wisner Lane east for a distance of .201 miles to a point 562 feet of Wisner Lane the speed limit shall be 35 m.p.h. when the school speed zone flashing beacons are in operation.	55	99-06	3-29-99
U.S. 80	From the Gregg/Upshur County Line, west for a distance of .909 miles to a point 121 feet east of North Street. Except for that portion from a point 562 feet east of Wisner Lane west for a distance of .201 miles, to a point 500 feet west of Wisner Lane the speed limit shall be 35 m.p.h. when the school speed zone flashing beacons are in operation.	55	99-06	3-29-99
U.S. 80	From a point 121 feet east of North Street, west for a distance of .220 miles, to the west city limits.	60	99-06	3-29-99
U.S. 80	Construction zone, from Loop 485 east to Locker Plant Road, more specifically from reference marker 1.907 to reference marker 2.994, for a distance of .837 miles	45	O-17-08	4-20-17
U.S. 271	From north city limit to a point 0.540 mile south of said north city limit	55	92-04	5-21-92

<i>Street</i>	<i>Location</i>	<i>Speed Limit (MPH)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
U.S. 271	From a point 0.540 mile south of the north city limit to a point 1.080 mile south of the north city limit	50	92-04	5-21-92
U.S. 271	From a point 1.080 mile south of the north city limit to a point 1.660 mile south of the north city limit	40	92-04	5-21-92
U.S. 271	From a point 1.660 mile south of the north city limit to a point 2.160 mile south of the north city limit	30	92-04	5-21-92
U.S. 271	From a point 2.160 mile south of the north city limit to a point 2.380 mile south of the north city limit	40	92-04	5-21-92
U.S. 271	From a point 2.380 mile south of the north city limit to a point 2.760 mile south of the north city limit	50	92-04	5-21-92
U.S. 271	From a point 2.760 mile south of the north city limit to a point 4.480 mile south of the north city limit	55	92-04	5-21-92
Loop 485	From the south U.S. 271 intersection to a point 0.250 mile east of the south U.S. 271 intersection	50	93-06	5-20-93
Loop 485	From a point 0.250 mile east of the south U.S. 271 intersection to a point 1.918 miles east of the south U.S. 271 intersection	55	93-06	5-20-93
Loop 485	From a point 1.918 mile east of the south U.S. 271 intersection to a point 2.318 miles east of the south U.S. 271 intersection	50	93-06	5-20-93

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<i>Street</i>	<i>Location</i>	<i>Speed Limit (MPH)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Loop 485	From a point 2.318 mile east of the south U.S. 271 intersection to a point 2.868 miles east of the south U.S. 271 intersection	55	93-06	5-20-93
Loop 485	From a point 2.868 mile east of the south U.S. 271 intersection to a point 3.118 miles east of the south U.S. 271 intersection said point being the north U.S. 271 intersection	50	93-06	5-20-93
U.S. 271	Traffic traveling both north and south, from the north city limits, south for a distance of 0.596 miles, to the Upshur/Gregg County line	55	96-01	1-18-96
U.S. 80	Traffic traveling both west and east, from the west city limits, east for a distance of 0.941 miles, to the Upshur/Gregg County line	55	96-02	1-18-96
Armstrong Road	From the west side of Moody Creek Bridge to its intersection with Texas Street	40	00-12	10-19-00
U.S. 80 (traffic traveling in an easterly direction)	From the west city limits, east for a distance of 0.370 miles to a point 528 feet west of N. Rodeo Drive	60	01-01	1-18-01

Traffic Schedules

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<i>Street</i>	<i>Location</i>	<i>Speed Limit (MPH)</i>	<i>Ord. No.</i>	<i>Date Passed</i>
U.S. 80 (traffic traveling in an easterly direction)	From a point 0.370 miles east of the west city limits, east for a distance of 0.759 miles to the Upshur/Gregg County line. Except for a portion from 500 feet west of Wiser Drive, east for a distance of 0.201 miles, to a point 562 feet east of Wiser Drive the speed limit shall be 35 m.p.h. when school speed zone flashing beacons are in operation.	50	01-01	1-18-01
U.S. 80 (traffic traveling in an westerly direction)	From the Upshur/Gregg County line, west for a distance of 0.759 miles to a point 528 feet west of N. Rodeo Drive. Except for a portion from 562 feet east of Wiser Drive, west for a distance of 0.201 miles, to a point 500 feet west of Wiser Drive the speed limit shall be 35 m.p.h. when school speed zone flashing beacons are in operation.	50	01-01	1-18-01
U. S. 80 (traffic traveling in an westerly direction)	From a point 0.759 miles west of the Upshur/Gregg County line, west for a distance of 0.370 miles, to a point 1.129 miles west of the Upshur/Gregg County line	60	01-01	1-18-01
Clearview Street	From the east side of North Rodeo Street to its intersection with Fairview Street.	20	08-02	3-13-08

Penalty, see § 70.99

SCHEDULE III. SCHOOL ZONES.

(A) No person shall drive a vehicle at a speed in excess of 20 miles per hour on any portion of the following described streets between the hours designated on any day when public school classes are being conducted.

(B) Any speed in excess of 20 miles per hour at the times specified shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Gay Avenue	U.S. 271 to Canfield Street	7 a.m. to 4 p.m.	—	- -
Wood Street	From a point 110 feet south of Melba Street, northward to a point 147 feet north of Howard Street	7 a.m. to 4 p.m.	83-07	7-14-83
Melba Street	From a point 150 feet west of Mildred Street, eastward to a point 76 feet east of Wood Street	7 a.m. to 4 p.m.	83-07	7-14-83
Virginia Street	From a point 236 feet east of Wood Street, westward to the intersection of Virginia Street and Wood Street	7 a.m. to 4 p.m.	83-07	7-14-83
Howard Street	From a point 69 feet west of Wood Street, west and South to a point 36 feet north of Melba Street	7 a.m. to 4 p.m.	83-07	7-14-83
Woodrow Street	From a point 105 feet south of Melba Street, northward to the intersection of Woodrow Street and Melba Street	7 a.m. to 4 p.m.	83-07	7-14-83

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Mildred Street	From a point 165 feet south of Melba Street, northward to the intersection of Mildred Street and Melba Street	7 a.m. to 4 p.m.	83-07	7-14-83
Gay Avenue	From its intersection with Hendricks Avenue to its intersection with Chevy Chase	7 a.m. to 9 a.m. and 2 p.m. to 4:30 p.m.	89-02	1-19-89
Coach Cooksey Street	From Saunders Street to South Loop 485	7 a.m. to 4 p.m.	O-16-20	10-20-16
Roden Lane	From Saunders Street to South Loop 485	7 a.m. to 4 p.m.	O-16-20	10-20-16
Saunders Street	From Coach Cooksey Street to Roden Lane	7 a.m. to 4 p.m.	O-16-20	10-20-16

Penalty, see § 70.99

SCHEDULE IV. ONE-WAY STREETS AND DEAD-END STREETS.

(A) *Permanent one-way streets.* The following streets shall be designated for one-way traffic only.

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Clair Street	North west bound from South Tyler Road (U.S. Hwy 271) to the intersection of Spencer Street	O-15-20	11-19-15
Hurley Avenue	East bound from Canfield Street to the intersection of Maple Avenue	O-14-07	5-22-14
Saunders Street	East bound from Eleanor Street to Roden Lane	90-5; O-12-06	9-20-90; 3-15-12
Spencer Street	South east bound from Clair Street to the intersection of South Tyler Road (U.S. Hwy 271)	O-15-20	11-19-15

(B) *Limited one-way streets.* The following streets shall be designated for one-way traffic only during the hours specified.

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Howard Street	North bound from Melba Street to Virginia Street	7:00 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m.	01-14	10-18-01
Virginia Street	East bound from Howard Street to Wood Street	7:00 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m.	01-14	10-18-01
Mildred Street	In a north bound direction, from U.S. Highway 80 to Melba Street	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. on school days	08-14	11-20-08

(C) *Holiday activities.*

(1) During the Fourth of July activities at the lake each year between the hours of 3:00 p.m. till 12:00 p.m. Midnight, the traffic will flow one-way only with parking allowed on each side as long as the emergency vehicles can clear the passage way in the middle.

(2) Attached to Ordinance 95-09 on file in the office of the City Clerk is a plat with arrows directing the traffic flow on Pinecrest, West Lake (between Pinecrest and Woodbine), and Woodbine Streets.

(D) *Dead-end streets.* The following streets shall be designated as dead-end streets.

<i>Street</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Smith Street	01-06	5-17-01

(Ord. 95-09, passed 6-15-95) Penalty, see § 70.99

SCHEDULE V. TRUCK ROUTES.**(A) “No Truck” streets.****(1) Purpose and scope.**

(a) The purpose of this schedule is to protect the streets of the city from bearing loads above which they cannot reasonably be expected to withstand without suffering damage; and,

(b) Provide for vehicle restrictions as determined to be needed by the City Council of the city.

(2) *Definitions.* For the purpose of this schedule, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. Every self-propelled device in, upon, or by which any person or property is or may be transported, but does not include any device moved by human power to which no motor is attached.

TRUCK. Every motor vehicle designed, used or maintained primarily for the transportation of property, with a manufacturer’s rated carrying capacity in excess of 2,000 pounds, but does not include those trucks having a smaller capacity and commonly known as pickup trucks, panel delivery trucks, carryall trucks, or school buses.

(3) *Weight restrictions.* All motor vehicles, except trucks, shall be allowed to pass through North Rodeo Street between its intersection with Gay Avenue and its intersection with Pritchett Highway (FM 2685).

(Ord. 82-18, passed 7-8-82)

(B) Designated truck routes.

(1) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TRUCK. Any vehicle designed or operated for the transportation of goods or property, and being trucks in excess of one ton.

TRUCK ROUTE. A way over certain streets as designated herein, over and along which trucks coming into and out of the city must operate.

NO TRUCK ROUTE. A way over certain streets, as designated herein, over and along which herein defined trucks may not travel within the city.

(2) *Truck routes established.* All trucks traveling north and south on State Highway 271 shall take Loop 485 around town and all trucks traveling east and west shall take State Highway 80. All truck traffic must use designated truck routes while traversing the city. Truck traffic on any other streets within the city is strictly prohibited unless deliveries are being made to a destination within the city.

(3) *Exceptions.*

(a) The operation of any emergency vehicles upon any street in the city.

(b) The operation of trucks owned or operated by the city, public utilities, any contractor or materialman while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city.

(c) The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

(Ord. 93-03, passed 3-18-93; Am. Ord. 93-05, passed 5-20-93; Am. Ord. O-15-26, passed 12-17-15)
Penalty, see § 70.99

CHAPTER 73: PARKING SCHEDULES

Schedule

- I. No parking zones
- II. Parallel parking
- III. Parking zones and spaces

SCHEDULE I. NO PARKING ZONES.

(A) The following described streets or portions of streets shall be designated as NO PARKING ZONE and it shall be unlawful for the driver of any vehicle to park said vehicle within said NO PARKING ZONE being more fully described as follows:

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
North Wood Street	From Upshur Avenue north to Maple Avenue of the east side thereof	All	—	- -
Virginia Drive	From Maple Avenue west to Howard Street on the north side thereof	All	—	12-7-54
Spring Street	The west side of Spring Street from Upshur Street south 200 feet	All	—	- -
Ferry Street	The east side of Ferry Street from Upshur Street south 175 feet	All	—	- -
Northwest Street	The west side of Northwest Street from Quitman to Upshur Street	All	—	4-26-60

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<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Glade Street	Between Ferry Street and Dean Street, except parallel parking which shall be allowed on the south side of Glade Street	All	—	12-6-60
U.S. 80	The south side of U.S. 80 from the intersection of the centerline of U.S. 80 with the centerline of N. Rodeo Street west 300 feet	All	82-11	4-8-82
Gay Avenue	On both sides of the street, from 25 feet west from the intersection of Gay Avenue and Hendricks Street to the intersection of Gay Avenue and U.S. 271	All	83-16	12-13-83
Hendricks Street	On the south side, from the intersection of Hendricks Street and Walnut Street to the intersection of Hendricks Street and Gay Avenue	All	83-16	12-13-83
Phillips Drive	Both sides from Virginia Drive to Wood Street	From 6 p.m. to following a.m.	87-15	10-15-87

Parking Schedules

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<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Martha Drive	West side of the street between the Bus Loading Zone Exit and 25 feet south of the Gay Avenue School Bus Loading Zone Exit	7:45 a.m. to 8:15 a.m. and 3:00 p.m. to 3:30 p.m.	93-02	3-18-93
Lakeshore Drive	West side of the street parallel to the cove, between the boat ramps and approximately 267 feet	All	00-07	7-20-00
Lakeshore Drive	Northern intersection of Lakeshore Drive and West Lake Drive, extending downhill approximately 100 feet toward Lake Gladewater	All	00-07	7-20-00
College Street	Both sides of the street	All	01-15	11-15-01
Money Street	West side between Pacific Street and South Loop 485	All	06-10	10-19-06
Melba Street	South side between Wood Street and Mildred Street	During school hours	O-09-06	5-21-09
South Loop 485	North and south side between Coach Cooksey Street and Roden Lane	All	O-09-12	7-16-09
Canfield Street	East side between Martha Drive and Melba Avenue	All	O-10-08	8-19-10
Hurley Avenue	Canfield Street to the intersection of Maple Avenue	All	O-14-07	5-22-14

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Clair Street	East, northeast and north sides from South Tyler Road (U.S. Hwy 271) to Spencer Street	All	O-15-21	11-19-15
Spencer Street	The west side from Clair Street to South Tyler Road (U.S. Hwy 271)	All	O-15-21	11-19-15
Pacific Street	From Money Street to Ames Street	All	O-16-04	2-18-16

(B) (1) The parking of trucks is prohibited as follows:

<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Gladewater Ballpark Complex located on Pacific Street	All	O-16-15	9-15-16

(2) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERRYMAN FIELDS. The ball park fields and parking areas located on South Loop 485, Gladewater, Gregg County, Texas.

TRUCK. Any vehicle designed or operated for the transportation of goods or property, and being trucks in excess of one ton.

(Ord. 01-05, passed 3-15-01; Am. Ord. O-16-15, passed 9-15-16) Penalty, see § 70.99

SCHEDULE II. PARALLEL PARKING.

The following schedule describes streets or portions of streets where parking shall be limited to parallel parking. It shall be unlawful to park in any manner other than parallel to the curb.

<i>Street</i>	<i>Location</i>	<i>Times</i>	<i>Ord. No.</i>	<i>Date passed</i>
Glade Street	On the south side of Glade Street from Dean Street to Main Street	All	—	- -
South Main Street	On the west side of the street from Sabine Street, 100 feet north to the taxicab driveway	All	—	4-26-60
Marshall Street	The south side of the street located between North Cotton and North Wood Streets	All	1095	3-10-77
North Main Street	On the east side of the 200 Block of North Main Street	All	82-13	5-13-82

Penalty, see § 70.99

SCHEDULE III. PARKING ZONES AND SPACES.

Parking Zones are hereby established as follows:

<i>Street</i>	<i>Location</i>	<i>Time Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Quitman Street	On the south side of the street from the end of the curb radius at Main Street West to the east side of the Dick Burnett automobile driveway	One Hour	—	10-2-56
U.S. 80 or Upshur Avenue	Either side of the street between the point of its intersection with Broadway Street and the bridge on Glade Creek (said bridge being the west boundary line of Gregg County)	One Hour	—	--
U.S. 80 or Upshur Street	Angle parking only in the southeast 100 feet of its intersection with Center Street	—	98-01	1-15-98
Lakeshore Drive	Either side of the street beginning 100 feet east of the northern intersection of Lakeshore Drive and West Lake Drive, extending downhill to the boat ramp	—	00-07	7-20-00

Penalty, see § 70.99

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. FIRE PREVENTION**
- 92. NUISANCES; SANITATION AND HEALTH**
- 93. PARKS AND RECREATION**
- 94. STREETS AND SIDEWALKS**
- 95. PUBLIC LIBRARY**
- 96. CEMETERY**
- 97. FAIR HOUSING**
- 98. HISTORICAL PRESERVATION**

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Enforcement
- 90.03 Running-at-large prohibited
- 90.04 Vaccination required; tag
- 90.05 Animal nuisance
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- 90.07 Maintenance of enclosures
- 90.08 Abandoning or endangering animals prohibited
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Impoundment and Quarantine Procedures

- 90.20 Place of impoundment
- 90.21 Certain animals or poultry to be impounded
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- 90.23 Redemption of impounded animals
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- 90.28 Impoundment fees
- 90.29 Authority of Supervisor to order quarantine
- 90.30 Biting animals to be quarantined
- 90.31 Confinement and disposition procedures
- 90.32 Failure to surrender animal prohibited

Cats

- 90.40 Feral cat colonies
- 90.41 Enforcement
- 90.42 Abandonment of feral cats prohibited
- 90.43 Stray cats

GENERAL PROVISIONS**§ 90.01 DEFINITIONS.**

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

ANIMAL. Limited to dogs and cats.

ANIMAL CONTROL. The Animal Control Division of the City of Gladewater.

ANIMAL CONTROL OFFICER. Any person designated by the Supervisor of Animal Control to enforce the provisions of this chapter.

CAT. A domestic feline of either sex, including one neutered or sterilized.

COMMERCIAL STABLE. A facility where a fee is charged to house, pasture, or rent horses or other livestock.

DOG. A domestic canine of either sex, including one neutered or sterilized.

DOMESTICATED CAT. A cat that is socialized to humans and is appropriate as a companion for humans.

EAR TIPPING. A straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized.

FERAL CAT. A cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formerly owned cat that has been abandoned and is no longer socialized.

FERAL CAT CARETAKER. Any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat or multiple feral cats.

FERAL CAT COLONY. A group of cats that congregate, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

FERAL CAT COLONY CARETAKER. Any feral cat caretaker who is approved by the supervisor of animal control to care for a feral cat colony and who resides in the city. The caretaker must reside within six blocks of the colony.

LIVESTOCK. Horses, mules, asses, cattle, sheep, goats or swine.

MICROCHIP. An identifying integrated circuit placed under the skin of an animal. The chip, about the size of a large grain of rice, uses passive RFID (Radio Frequency Identification) technology, and is also known as a PIT tag (for Passive Integrated Transponder).

NUISANCE. For purposes of this chapter, conduct by stray or feral animals that includes, but is not limited to habitually or continually howling, crying or screaming or habitually and significantly destroying, desecrating or soiling property against the wishes of the property owner.

OWNER. Any person, firm, or corporation having title to any animal; or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

POULTRY. Chickens, turkeys, ducks, geese or domestic fowl.

RUNNING-AT-LARGE. Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal except when such animal is either 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.

STRAY. A domestic animal that is wandering at large or is lost and not confined to an owner's property.

SUPERVISOR OF ANIMAL CONTROL. The person designated by the City Manager to supervise all aspects of animal control.

TNR. Trap, neuter and release.

TNR PROGRAM. A program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped, and returned to the location where they congregate, in accordance with this chapter.

VICIOUS ANIMAL. Any individual animal of any species that has on a previous occasion or occasions without provocation attacked or bitten any person or other animal, or any individual animal which the Supervisor of Animal Control has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

WILD ANIMAL. Any poisonous or dangerous reptile, or any other animal which can normally be found in the wild state not normally capable of being domesticated, including but not limited to skunks, foxes, leopards, panthers, tigers, lions, and lynx, unless certified for medical, biological, herpetological or other scientific research or study.

ZOONOSIS CONTROL OFFICER. The person designated by the Texas Department of Public Health.
(‘60 Code, §§ 8-3-1, 8-2-2) (Am. Ord. 00-19, passed 12-21-00; Am. Ord. O-16-23, passed 11-17-16)

§ 90.02 ENFORCEMENT.

(A) Enforcement of this chapter shall be the responsibility of the Supervisor of Animal Control or any animal control officer.

(B) Any animal control officer shall have the authority to issue citations for any violation of this chapter. If the person being cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail.

(C) It shall be unlawful for any person to interfere with any animal control officer in the performance of his duties.
(‘60 Code, § 8-3-2) Penalty, see § 10.99

§ 90.03 RUNNING-AT-LARGE PROHIBITED.

(A) It shall be unlawful for any animal possessed, kept, or harbored, to run-at-large, as is defined in § 90.01 of this chapter. The Supervisor of Animal Control is authorized to impound such animals running-at-large.

(B) It shall be the duty of any person owning or having within his management or control any poultry to keep them enclosed upon his own premises in such manner that they cannot get upon the public streets, highways, alleys or parkways of the city, or upon the private property of others.
(‘60 Code, § 8-3-3) (Am. Ord. 00-19, passed 12-21-00) Penalty, see § 10.99

§ 90.04 VACCINATION REQUIRED; TAG.

All dogs and cats over four months of age must be vaccinated annually for rabies with an anti-rabies vaccine administered by a licensed veterinarian. A metal certificate of vaccination with the year of vaccination, a certificate number, and the name, address, and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all

times. In addition to the metal certificate, a paper certificate must be issued stating the name of the owner, the address of the owner, a description of the dog or cat, the date of the vaccination, the number of the metal certificate and kind of vaccine used.

('60 Code, § 8-3-4) Penalty, see § 10.99

§ 90.05 ANIMAL NUISANCE.

(A) Limitation on the number of dogs and cats.

(1) It is unlawful for any household to own or keep more than six dogs or six cats, or any combination thereof, upon any private premises within the city limits. It is a defense to this section that the private premises is: a veterinary clinic, an animal hospital, or similar facility; an animal shelter; a kennel; a pet shop; a research institution; owned or operated by a qualified researcher; a performing animal exhibition; owned or occupied by an owner of competition dogs or cats which routinely compete at recognized competitions; a certified rescue organization; or owned or occupied by a pet owner whose pet has a litter up to 16 weeks old.

(2) It is an defense to this section that the dogs and/or cats are on a premises which is a minimum of one acre in size and the premises is maintained in a sanitary manner that is not a public health nuisance, no noise nuisance, or a danger to the animals or the public. This defense shall be established by a certified copy of a deed or title to the premises in issue, at trial.

(3) It shall be a nuisance to keep any animal, which by causing frequent or long continued barking or noise, shall disturb any person of ordinary sensibilities in the vicinity.

(4) Every yard, shed, pen, or other structure used for the storage or shelter of animals shall be cleaned and maintained so as to maintain safe and healthy conditions for the animals, to prevent the escape of any noxious odors or substances to adjacent properties, or to create any health hazard or nuisance to adjacent property owners. Allowing or permitting of such violation is hereby declared a public nuisance.

('60 Code, § 8-3-8)

(B) Wild animals prohibited. It shall be unlawful to keep any wild animal in the city. It shall be unlawful to release or allow to run-at-large any wild or vicious animals inside the city.

('60 Code, § 8-3-9) (Am. Ord. O-18-04, passed 2-15-18) Penalty, see § 10.99

§ 90.06 VICIOUS ANIMALS.

(A) Any vicious animal found running-at-large may be destroyed by any peace officer or animal control officer in the interest of public safety.

(B) The Supervisor of Animal Control may order any owner or person having care, control, or custody of any vicious animal to take such animal permanently from the city. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may

be appealed in writing within ten days to a committee made up of the Chief of Police or his representative, the City Manager or his representative, and the City Attorney or his representative. Such committee may uphold, reverse, or modify the Supervisor of Animal Control's order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the committee upholds the Supervisor of Animal Control's order, then the owner may appeal the decision of the committee to the City Council. The City Council shall have final authority on all matters. If the City Council upholds the committee's order, then the owner or person having care, control, or custody shall not bring the animal back inside the city limits.

(C) If the owner or person having care, custody, or control of a vicious animal fails to remove such animal as provided for in divisions (A) and (B) of this section, such animal may be impounded and/or destroyed.

(D) The owner or person having care, custody, or control of a vicious animal must report the disposition and relocation of such animal to the Supervisor of Animal control in writing, within ten days after the expiration date for such removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

(E) The Supervisor of Animal Control shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

('60 Code, § 8-3-10) Penalty, see § 10.99

§ 90.07 MAINTENANCE OF ENCLOSURES.

The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner to endanger the public health or safety, or create a public nuisance.

('60 Code, § 8-3-11) Penalty, see § 10.99

§ 90.08 ABANDONING AND ENDANGERING ANIMALS PROHIBITED.

It is hereby prohibited and shall be unlawful for any person to wilfully abandon any animal; or to withhold food or water from any animal such that its health is endangered, or to treat the animal in such a way that it suffers unduly.

('60 Code, § 8-3-12) (Ord. 1111, passed 8-10-78; Am. Ord. 79-07, passed 3-8-79) Penalty, see § 10.99

§ 90.09 CRUELTY TO ANIMALS PROHIBITED.

It shall be unlawful for any person to torture or beat cruelly, starve, or otherwise ill-treat any animal in his care or charge whether belonging to himself or any other person.

('60 Code, § 8-1-9) Penalty, see § 10.99

§ 90.10 GRAZING LIVESTOCK PROHIBITED; IMPOUNDMENT.

(A) It shall be unlawful for any person to graze livestock upon any of the streets, alleys, public parks, or vacant lots whether said livestock are on a leash, tether, stake or running-at-large; except that vacant lots may be so used by the owner or lessee of record if properly fenced and if all zoning requirements are met.

(B) Any animal found grazing upon the streets, alleys, public parks, and vacant lots shall be impounded in the city pound and shall not be released until the ownership shall have been established and a pound fee shall have been paid.

(‘60 Code, §§ 8-2-1, 8-2-3) (Ord. passed 2-20-45) Penalty, see § 10.99

IMPOUNDMENT AND QUARANTINE PROCEDURES**§ 90.20 PLACE OF IMPOUNDMENT.**

The City Manager shall select and establish a place for impounding all animals impounded under any provisions of this chapter. (‘60 Code, § 8-3-5(G))

§ 90.21 CERTAIN ANIMALS OR POULTRY TO BE IMPOUNDED.

The following animals may be impounded:

(A) Cats and dogs not exhibiting evidence of being vaccinated or as described in § 90.04.

(B) Any animal infected or kept under conditions which could endanger the public or animal health.

(C) Any animal or poultry that created a nuisance as defined in § 90.05.

(D) Any animal or poultry running-at-large, in violation of § 90.03.

(E) Any animal treated in a manner determined by the Supervisor of Animal Control to be cruel or inhumane.

(F) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an animal control officer.

(G) Any animal violating any provision of this chapter.
(‘60 Code, § 8-3-5) (Ord. 00-19, passed 12-21-00)

Cross-reference:

Dogs prohibited on beach in Gladewater Lake Park, see § 93.08

§ 90.22 OWNER OF PREMISES MAY IMPOUND; LOCATING ANIMAL’S OWNER.

(A) If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to come and impound such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded as herein provided.

(B) Reasonable effort shall be made by an animal control officer to contact the owner of any animal impounded, however, final responsibility for location of an impounded animal is that of the owner.
(‘60 Code, § 8-3-5)

§ 90.23 REDEMPTION OF IMPOUNDED ANIMALS.

The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinarian bills incurred by Animal Control for the welfare of the animal, and upon compliance with vaccination provisions of this chapter, except where prohibited in §§ 90.24 or 90.25 of this chapter.
(‘60 Code, § 8-3-5)

§ 90.24 DISPOSITION OF ANIMALS IMPOUNDED FOR CRUELTY.

Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
(‘60 Code, § 8-3-5)

§ 90.25 IMPOUNDMENT FOR RABIES OBSERVATION.

If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.
(‘60 Code, § 8-3-5)

§ 90.26 DESTRUCTION OF INJURED, UNCLAIMED, OR UNWANTED ANIMALS.

(A) Any animal, except vicious or wild animals, not reclaimed by the owner may be humanely euthanized after being impounded 72 hours.

(B) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

(C) Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the Supervisor of Animal Control.

(D) An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition, may sign a written waiver supplied by Animal Control allowing the animal to be immediately euthanized in a humane manner, provided that no warm-blooded animal that has bitten a human being shall be euthanized before the expiration of the ten-day quarantine period.

(E) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the Supervisor of Animal Control.

('60 Code, § 8-3-5) Penalty, see § 10.99

§ 90.27 ADOPTION OF UNCLAIMED ANIMALS.

(A) Any impounded cat or dog may be given up for adoption after 72 hours, except under quarantine. ('60 Code, § 8-3-5)

(B) Adoption:

(1) An individual may adopt an animal from the city animal shelter under the following conditions:

(a) The animal has been classified as adoptable by the Supervisor of Animal Control.

(b) The prospective adopter has proper facilities to care for the animal.

(c) The prospective adopter obtains all necessary vaccinations.

(d) The fee for adoption shall be \$25 for dogs and \$20 for cats. The purchaser of any dog or cat must have it vaccinated, and neutered if a male, or spayed if a female, within 30 days after purchase, or Animal Control shall have the right of immediate return of the animal to the animal shelter, provided the Supervisor of Animal Control shall allow additional time in the case of dogs or cats less than six months of age.

(2) The Supervisor of Animal Control may refuse to allow a person to adopt a cat or dog of whom he has reason to believe:

(a) Would not have proper facilities to contain or care for the animal, as required by this chapter;

(b) Wants the dog or cat for the purpose of resale or for purposes other than pet ownership; or,

(c) That the cat or dog would be a hazard to humans or other animals.
(‘60 Code, § 8-3-6)

§ 90.28 IMPOUNDMENT FEES.

(A) Impoundment fees shall be as follows:

(1) Class A: Dogs and cats, return to owner fee - \$12

(2) Class B: Wild animals requiring capture by division personnel - \$35

(3) Animals not listed above shall be disposed of at discretion of Animal Control.

(B) A daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the animal shelter. Said fee shall be \$3 daily.

(C) The owner of any cat or dog held in quarantine for observation purposes shall be charged \$42 for a ten-day quarantine.

(D) If a licensed veterinarian is called to the animal control shelter to examine or inspect the animal, then this fee shall be charged to the owner. This fee is in addition to any impoundment fee or daily handling fees.
(‘60 Code, § 8-3-6)

§ 90.29 AUTHORITY OF SUPERVISOR TO ORDER QUARANTINE.

The Supervisor of Animal Control shall have the authority to order the quarantine of animals responsible for bite incidents, or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.
(‘60 Code, § 8-3-7)

§ 90.30 BITING ANIMALS TO BE QUARANTINED.

Every animal that bites a human, or attacks another animal in an unnatural manner, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify Animal Control or an animal control officer of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to Animal Control on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter or a veterinary hospital, or by any other method of adequate confinement approved by the Supervisor of Animal Control. The quarantine shall be for not less than ten days and shall be under the supervision of a veterinarian, who shall submit to Animal Control written reports as to the animal's health on the initial day of observation and on the fifth and the tenth days immediately following the date of said bite incident or above enumerated purposes of quarantine. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period. ('60 Code, § 8-3-7) Penalty, see § 10.99

§ 90.31 CONFINEMENT AND DISPOSITION PROCEDURES.

(A) Any animal quarantined other than at the animal shelter shall be observed by the same veterinarian throughout the entire required quarantine period in the same manner as outlined above, and the owner shall immediately notify the Animal Control as to the veterinarian supervising the quarantine. If the Supervisor of Animal Control orders quarantine, it shall be in the animal shelter or a veterinary hospital.

(B) All animal bite reports shall be investigated by Animal Control. Without permission of the Supervisor of Animal Control, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten a person or other animal, or that has been placed under quarantine except when it is necessary to kill such animal to protect the life of any person or animal.

(C) The Supervisor of Animal Control shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any animal or human being.

(D) The carcass of any dead animal exposed to rabies, or suspected of having been rabid shall, upon demand, be surrendered to Animal Control.

(E) Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify the Animal Control of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any person or animal.

(F) Any animal known exposed to rabies shall be handled in one of the following manners:

(1) Humane destruction, with notification to, or under the supervision of, Animal Control.

(2) Quarantine in a veterinary hospital for at least six months immediately following the date of the exposure.

('60 Code, § 8-3-7) Penalty, see § 10.99

§ 90.32 FAILURE TO SURRENDER ANIMAL PROHIBITED.

No person shall fail to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control when demand therefor is made by the Supervisor of Animal Control.

('60 Code, § 8-3-7) Penalty, see § 10.99

CATS

§ 90.40 FERAL CAT COLONIES.

(A) *Feral cat colonies permitted.* Feral cat colonies shall be permitted and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter, medical care, and other forms of sustenance, provided that the feral cat colonies are registered with and approved by the animal control supervisor.

(B) *Sponsorship of colony TNR programs.* Any humane animal-related organization, registered as a non-profit with the State of Texas, that meets the requirements of this chapter imposed on sponsors shall be eligible to act as a sponsor. Any humane animal-related organization intending to undertake the responsibilities of sponsor shall so advise the supervisor of animal control in writing and provide organizational information, including the organization's name, address, telephone number, board member's names, contact person, and electronic mail address, as appropriate and requested.

(C) *Sponsor requirements.* In order to operate as an approved sponsor, the non-profit shall be registered with animal control and shall reasonably complete the following requirements:

(1) Review, and in its discretion, approve feral cat colony caretakers.

(2) Take reasonable steps necessary to resolve any complaints over the conduct of a feral cat colony caretaker or of cats within a colony.

(3) Provide, at a minimum, written educational training for all caretakers addressing uniform standards and procedures for colony maintenance.

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(4) Provide any forms or other documentation necessary to allow feral cat colony caretakers to receive any public or private subsidies, medical care or other forms of assistance, for the colonies, which may be available to them.

(5) Report to Animal Control on the following:

(a) Number and location, by nearest address, of colonies for which it acts as a Sponsor in the city;

(b) Total number of cats in each of its colonies;

(c) Number of cats from its colonies microchipped, vaccinated and spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.

(6) Use due consideration to prevent Feral Cat Colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to nature preserves and land leased for the purpose of extrication or transport of natural resources such as but not limited to oil.

(7) Provide any forms or other documentation necessary to allow Feral Cat Colony Caretakers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them;

(8) Provide to the Department the location, by address, of Feral Cat Colonies where Feral Cat Colony Caretakers have regularly failed to comply with this ordinance or where the Sponsor has been unable to resolve a nuisance behavior situation.

(D) *Feral cat colony caretaker responsibilities.* In order to be an approved feral cat colony caretaker, said caretakers shall reasonably complete the following:

(1) Registering the colony with the Animal Control.

(2) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine and to update the vaccinations as warranted and mandated by Texas State Law.

(3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.

(4) Ear tipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that the colony cats can be readily identified.

(5) Having an RFID, also known as microchip, inserted into each colony cat by a veterinarian or Animal Control in accordance with professional medical standards. Animal Control and the Caretaker shall be the named contacts for purposes of the microchip.

(6) Providing Animal Control with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered.

(7) Provide food, water, and if feasible, shelter for colony cats. Food shall only be provided for a period not to exceed three (3) hours per day.

(8) Obtain proper medical attention for any colony cat that appears to require it.

(9) Observe the colony cats at least twice per week and keep a record of any illness or unusual behavior noticed in any colony cat.

(10) Obtain the written approval of the owner of any property, or any authorized representative of the owner, to which the caretaker requires access to provide colony care.

(11) Take all reasonable steps to:

(a) Remove kittens from the colony as early as appropriate.

(b) Place the kittens with Animal Control, or an approved foster home, for the purpose of subsequent permanent placement.

(12) Take reasonable steps necessary to resolve any complaints over the conduct of cats within a colony.

(E) *Withdrawal of feral cat colony caretaker or sponsor.* In the event that a feral cat colony caretaker is unable or unwilling to continue in that role, he or she shall so advise Animal Control.

(F) *Disposition of feral cat colony cats.* Animal Control, its designee, or a licensed veterinarian, in accordance with § 90.41 shall be the only persons permitted to destroy a feral cat. No person may knowingly cause physical harm to and/or cause the destruction by any means of a feral cat. (Ord. O-16-23, passed 11-17-16)

§ 90.41 ENFORCEMENT.

(A) Gladewater Animal Control or its designee, in order to encourage the stabilization of the feral cat population in the City of Gladewater, shall have, in addition to any other rights and powers provided pursuant to this code or state statute, the following rights:

(1) The right to trap in a humane manner and remove any feral cats that:

(a) Have not been vaccinated against rabies or which are demonstrating signs of the disease.

(b) Are not spayed or neutered.

(c) Have bitten or injured a person or domestic pet.

(d) Are not identifiable through a microchip as belonging to a feral cat colony that has a sponsor and a feral cat colony caretaker; or

(e) Pose any other public health or public safety concerns.

1. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a sponsor may arrange to have the cat spayed or neutered, ear tipped, and vaccinated against rabies by a licensed veterinarian, and have a microchip inserted. The sponsor may then arrange, with the approval of Animal Control, for the cat to be adopted or placed in a feral cat colony.

2. If a feral cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, the cat shall be humanely destroyed.

(B) Animal control officers or police officers shall investigate any nuisance or harm complaint allegedly caused by a feral cat.

(1) In the event that an animal control officer or police officer finds that a feral cat or feral cat colony has created a nuisance or harm, Animal Control shall be directed to trap and humanely euthanize the animal(s).

(Ord. O-16-23, passed 11-17-16)

§ 90.42 ABANDONMENT OF FERAL CATS PROHIBITED.

No person having the care, custody and control of any feral cats shall abandon said animals anywhere in the city, or introduce said animals from outside the city into an existing feral cat colony inside the city.

(Ord. O-16-23, passed 11-17-16)

§ 90.43 STRAY CATS.

Any stray cat, as assigned to the definition of 'stray' in § 90.01, may be trapped and subsequently spayed or neutered, ear tipped, microchipped and vaccinated, as a feral cat.

(Ord. O-16-23, passed 11-17-16)

CHAPTER 91: FIRE PREVENTION

Section

General Provisions

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- 91.02 Fire limits
- 91.03 Outdoor burning
- 91.04 Inspections required; removal of fire hazards
- 91.05 Posting reward against arson
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Fire Department; Volunteer Fire Unit

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GENERAL PROVISIONS

§ 91.01 FIRE PREVENTION CODE ADOPTED.

There is hereby adopted, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion in the city, that certain International Fire Code, 2009 Edition, as published by the International Code Council, Inc., and in conjunction with that certain National Fire Protection Association 101, 2009 Life Safety Code, tenth edition, one copy of which is in the Fire Chief's Office and one copy of which is in the Office of the Building Inspector.

('60 Code, § 9-1-1) (Ord. 1070, passed 6-5-75; Am. Ord. 85-02, passed 2-14-85; Am. Ord. 96-05, passed 5-16-96; Am. Ord. 99-15, passed 8-19-99; Am. Ord. 07-02, passed 2-15-07; Am. Ord. O-11-09, passed 7-21-11; Am. Ord. O-16-01, passed 1-21-16) Penalty, see § 91.99

§ 91.02 FIRE LIMITS.

The following described area is hereby declared to constitute the fire limits of the city:

All of Blocks 5, 6, 7, 17, 18, 19, 55, 56, 62, 63, and the east half of Block 57.
(‘60 Code, § 9-2-1)

§ 91.03 OUTDOOR BURNING.

(A) It shall be unlawful for any person to burn trash, lumber, leaves, straw or any other combustible material in any street, alley, or vacant lot, except by permission of the Fire Department.

(B) Any person requesting a residential burn shall contact the Fire Department to receive permission. If the person is unable to make contact with Fire Department Personnel, the person shall leave a voicemail stating their name, address, date and times of the burn requested.

(C) For commercial and/or land clearing controlled burns contact with Fire Department personnel directly is required.

(D) Controlled burns shall meet the following criteria:

- (1) An approved area or container must be utilized;
- (2) An approved area should be clear of any flammable and/or combustible material within 10 feet in all directions and clear 15 feet vertically above;
- (3) An approved container is to be constructed of fire retardant material, the container should have fire retardant lid and must be elevated off the ground a minimum of 4 inches;
- (4) The size of the pile of refuse to be burned should not exceed what is manageable by the person responsible for the controlled burn and their means of extinguishment;
- (5) Burning shall not be conducted when winds are greater than 15 miles per hour, during ozone action alerts, or when a burn ban is in effect;
- (6) All allowable controlled burns should have the responsible person’s presence for the entirety of time the fire is burning;
- (7) Burning refuse will be permissible during daylight hours only and all fires should be extinguished before dark;
- (8) Products to be burned must be of an organic nature and may not include: tires, rubber products, plastic products, treated wood, shingles, asbestos, insulation, fiberglass, furniture, clothing, PVC, etc.;
- (9) The use of accelerants is strictly prohibited (e.g. gasoline, diesel, lighter fluid, etc.).

(E) The Fire Marshal, Fire Chief, or any member of the Fire Department is authorized to order the extinguishment of the fire for any reason pertaining to exposures, public safety, or nuisance.

(F) The responsible party covenants and agrees to indemnify and hold harmless, the City of Gladewater, its departments, officers, employees, and agents, from any and all claims, demands or litigation, for all loss, injury, death or damage, that any person or entity may have or make, in any manner, arising out of any occurrence related to an allowable controlled burn.

(G) All burns must comply with Texas Commission on Environmental Quality standards and regulations.

('60 Code, § 9-3-1) (Am. Ord. O-17-01, passed 1-19-17) Penalty, see § 91.99

§ 91.04 INSPECTIONS REQUIRED; REMOVAL OF FIRE HAZARDS.

(A) It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by Fire Department officers or members as often as may be necessary, all buildings, premises and public thoroughfares for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violation of the provisions or intent of any law of the city concerning fire hazard. In private dwellings such inspections shall be by owner's request.

(B) Whenever any officer or member shall find in any building, or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows liable to interfere with the operations of the Fire Department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within 24 hours to the City Manager, who shall within ten days review such order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant.

(C) The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a true copy of said order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

(D) Any owner or occupant failing to comply with such an order within ten days after said appeal shall have been determined or if no appeal is taken then within ten days after the service of the said order, shall be deemed guilty of a misdemeanor.

('60 Code, §§ 9-4-1 - 9-4-3) Penalty, see § 91.99

§ 91.05 POSTING REWARD AGAINST ARSON.

(A) The city hereby offers a reward of \$250 for information leading to 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. ('60 Code, § 9-6-1)

(B) Placards eight inches by twelve inches in size showing the above reward is offered shall be placed in wooden frames under glass inside of at least six different public buildings, and a certified copy of this section and a copy of one of the placards and a list of the buildings where the placards have been posted be furnished the State Board of Insurance, Austin 14, Texas. ('60 Code, § 9-6-1)
(Ord. passed 6-5-62)

§ 91.06 FEES FOR SERVICES PROVIDED BY THE FIRE DEPARTMENT.

(A) *General.* In order to assist the city and its Fire Department in the provision of an adequate level of fire protection services for the city, and those areas in which it has an interlocal agreement with other coordinate fire departments, the city finds that certain fees should be assessed in appropriate cases in order to assist the provision of a safe and appropriate level of services for the citizens of the city.

(B) *Recovering cost for fire protection and emergency services.*

(1) *Collection fees.*

(a) The City Council authorizes the Fire Chief to adopt charges to be billed against parties involved in motor vehicle accidents, hazardous waste or chemical spills, or other non-fire suppression activities to which the city responds with fire department equipment and/or personnel. These charges shall be billed as a debt to the party causing the event, the landowner, the party controlling the premises in the event of a spill or dumping and/or the party transporting the hazardous, dangerous and/or injurious product. Fire suppression activities resulting from third party negligence may be billed against that third party. Fire suppression resulting from arson may be billed against the arsonist.

(b) The Fire Chief, or his or her designee, shall bill and collect all fees and costs for fire prevention services and for other public safety and emergency services rendered by the Department when providing these services for motor vehicle accidents. Such fees include but are not limited to the use of equipment, materials, maintenance and overhead expenses and costs of whatever nature which constitute full reimbursement to the Gladewater Fire Department for services actually rendered and as hereafter authorized.

(c) Within 90 days of the date of providing fire prevention and protection services or other public safety and emergency services for the motor vehicle accidents, the Fire Chief, or his or her designee, shall submit an invoice for all costs, fees, charges and expenses related to providing such services, to include but not limited to all actual expenses including costs of equipment operations, cost of material utilized, costs of specialists, experts or other contract labor not in the full time employment of the city; overtime costs, and other incidental costs incurred by the city as a result of the incident, to the customer, client, owner, designated agent, representative and/or insurance company who received, covered and/or otherwise benefited from these services.

(d) Any bills, fees or penalties, including but not limited to clean up costs, fees or expenses that are imposed on the city or the Fire Department by any local, state or federal agency, related to the rendering of fire protection or prevention services or of other public safety and emergency services may be included in the billing or billed separately within 90 days of receipt.

(2) *Enforcement.* The city may enforce the provisions of this section by any action allowed by law for the collection of any amounts due hereafter, including reasonable and necessary attorney fees, costs, and expenses, in a court of competent jurisdiction.

(C) *Exemptions from fees.* No fees shall be charged for calls for service at residential structure fires (single family), nor shall any charges be applicable for any medical responses involving Medicare and Medicaid patients.

(Ord. O-11-11, passed 5-19-11) Penalty, see § 91.99

FIRE DEPARTMENT; VOLUNTEER FIRE UNIT

§ 91.20 DEPARTMENT CREATED.

There is hereby created a Fire Department which shall consist of the Fire Chief and such other personnel as may be provided by the City Manager.

(‘60 Code, § 1-2-1)

§ 91.21 RULES AND REGULATIONS.

The Fire Chief may make or prescribe rules and regulations as he may deem advisable; such rules, when approved by the City Manager, shall be binding on all members. The rules and regulations may cover the conduct of the members, uniforms, and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the Department.

(‘60 Code, § 1-2-2)

§ 91.22 DAMAGE TO PROPERTY; NON-LIABILITY.

No member of the Fire Department shall be held responsible for damage done to property when such damage is deemed necessary to the control and extinguishment of fires.

(‘60 Code, § 1-2-3)

§ 91.23 FIRE APPARATUS TO HAVE RIGHT-OF-WAY.

Fire apparatus en route to fires shall have clear right-of-way over all routine traffic. Fire fighters shall have the authority to barricade streets and alleys around a fire and may direct traffic and pedestrians as required.

(‘60 Code, § 1-2-4)

§ 91.24 POWER TO ARREST AT SCENE OF FIRE.

During the progress of a fire and for 24 hours thereafter the Mayor, City Manager, Chief of Police or any police officer, Fire Chief or Assistant Fire Chief may arrest and take into custody any or all persons who conduct themselves in a noisy or disorderly manner at or near the fire, or hinder, resist, or refuse to obey any such officers during the discharge of their duties concerning the fire. Any officer shall identify himself to offenders before making such arrest.
(‘60 Code, § 1-2-5)

§ 91.25 INTERFERENCE WITH FIRE FIGHTERS OR APPARATUS PROHIBITED.

It shall be unlawful for any person, not a member of said Fire Department, to interfere with, or in any manner hinder any member or employee of the Department in the discharge of his duties. It shall further be unlawful for any person not a member of said Fire Department to interfere with the handling of any apparatus at a fire or to interfere with travel to or from a fire without a specific request from an officer or member of the Department.
(‘60 Code, § 1-2-6) Penalty, see § 91.99

§ 91.26 DRIVING OVER FIRE EQUIPMENT OR HOSES.

It shall be unlawful to drive any vehicle over or across any fire hose or any other fire equipment while the same is in use or being prepared for use for fighting fire.
(‘60 Code, § 1-2-7) (Ord. 1084, passed 3-19-76) Penalty, see § 91.99

Cross-reference:

Traffic code, see Title VII

§ 91.27 VOLUNTEER FIRE UNIT.

(A) *Created.* There is hereby created a Volunteer Fire Unit to be known as the “Volunteer Fire Unit of the Fire Department.”

(B) *Supervision; policies of Unit.* The Unit shall be under the command of the Fire Chief of Gladewater, Texas, supervised by the City Manager with organization, structure, and policies to be determined by the City Council, subject to all of the provisions of the City Charter, ordinances of the city and of this chapter.

(C) *Rules and regulations.* The Fire Chief may, by order, establish rules and regulations to govern the Volunteer Fire Unit, to fix specific duties of its members, to appoint the officers for this Unit, and to provide for maintenance of discipline. He may change such orders from time to time and he may command members of the Volunteer Fire Unit to obey the instructions of regular fire officers in carrying out their orders.

(D) *Personnel*. The Volunteer Fire Unit shall be composed of personnel who have volunteered to join the organization and whose applications of membership have been accepted and who have complied with all the rules, regulations and orders provided for the conduct and control of the members thereof.

(E) *Membership; application*. Application for membership in the Volunteer Fire Unit shall be filed with the Fire Department. Such application shall be on a form prescribed by the Fire Chief.
(‘60 Code, §§ 1-8-1 - 1-8-6) (Ord. 1085, passed 3-19-76)

§ 91.28 SUMMARY DEMOLITION.

(A) When any house, building or other structure, including fences or signs, has been rendered unusable or destroyed by reason of fire, demolition, decay, or disaster, the premises shall be cleared of all debris, surface pipes, foundation material, including concrete slabs, and lumber by the owner of record of the structure within sixty (60) days after the date the building is declared destroyed or rendered unusable by the fire marshal report and is declared unsuitable for habitation by the building inspector, or has been declared a dilapidated or unsafe building.

(B) *Penalty*. A violation of this section may be punishable by fine as provided in § 91.99 of this code. Each day the conditions exists shall be considered a separate violation.
(Ord. O-17-04, passed 2-16-17)

§ 91.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter for which no other penalty is provided shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) Whenever in the Code adopted by § 91.01 an act is prohibited or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such Code 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 such Code shall be punished by a fine of not less than \$1 nor more than \$2,000 as provided by state law.

(C) Any person who violates any provision of § 91.06 shall, upon, conviction, be subjected to a fine of not more than \$200 for each offense. Each day that such violation is permitted to continue shall constitute a separate offense. The term “person” as used in § 91.06 shall include the owner, occupant, mortgagee or vender in possession, assignee or rents, receiver, executor, trustee, or lessee, agent or another person, firm or corporation directly, or indirectly, in control of a building or tract of land.
(Ord. 85-02, passed - - ; Am. Ord. 96-05, passed 5-16-96; Am. Ord. O-11-11, passed 5-19-11)

CHAPTER 92: NUISANCES, SANITATION, AND HEALTH

Section

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GENERAL PROVISIONS

§ 92.01 DEFINITION OF NUISANCE.

Anything which is injurious to the health or morals, or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared nuisance and as such shall be abated.

('60 Code, § 8-1-37)

§ 92.02 SPECIFIC NUISANCES DESIGNATED.

The following shall be deemed public nuisances and shall be prohibited:

(A) *Cellars*. All cellars, vaults, drains, pools, privies, toilets, sewers, yards, grounds or premises which have for any cause become foul, nauseous, or offensive or injurious to the health, or unpleasant to adjacent residents or to persons passing by.

(B) *Unwholesome materials*. All carcasses, decaying flesh, fish, fowls, or vegetables, all deposits of manure or other unwholesome substances, or flesh of any kind or description whatsoever, and all filthy or offensive water or slops in any private yard of premises or when thrown or conducted into or upon any street, alley, sidewalk, gutter, drain, or other place, public or private, so as to become unwholesome or offensive, or liable to become unwholesome or offensive.

(C) *Filth in certain places*. All privies that are offensive from use, all markets, cellars, stores or other buildings or places which are not kept clean and free from filthy or unwholesome substances that are offensive or liable to engender disease.

(D) *Deposits in public places*. Depositing filth or any foul or offensive, unsightly, nauseous, or injurious substance or substances upon any sidewalk, street, alley, or in any gutter or drain, or upon any place, public or private.

(E) *Care of trash*. Sweeping or depositing any paper, trash, or rubbish of any character into any drain, gutter, or on any sidewalk, or on or into any alley, street, or other public place and allowing the same to remain in such place for more than six hours.

(F) *Burning*. The burning of any hair, leather, sage, or any other substance of any kind which may cause or produce an offensive smell, odor, or smoke, capable of annoying persons living in the vicinity, or persons passing on or along any public thoroughfare in the city.

(G) *Defecation or urination*. Defecating or urinating upon the streets, alleys, sidewalks, or in any drain or gutter, or public grounds or in any building, whether occupied or unoccupied, not built for that purpose, or in any place in which the person so defecating or urinating may be seen from a private residence, or by persons passing along the streets, alleys, or public thoroughfares.

(H) *Slaughterhouses*. The establishment, maintenance, or carrying on of any slaughterhouse, butcher pen, or other place at which goats, sheep, hogs, cattle, or other livestock are slaughtered by killing for the market.

(I) *Weeds; rubbish*. To permit or allow any weeds, filth, or rubbish of any kind to remain on any sidewalk in front of or at the side of any premises owned, occupied, or controlled by him, or in any street to the middle thereof, in front or at the side or rear of any lots owned, occupied, or controlled by him.

(J) *Spitting*. The expectorating, spitting or throwing of mucus or saliva, or saliva mixed with tobacco or the juice thereof, or secretions from the nose or air passages, or the remains of any chewed or partially chewed tobacco or snuff, or the remnant of any partially chewed or smoked cigar, or cigarette upon any sidewalk, street crossing, public vehicle, place, or buildings of public resort.

(K) *Hauling certain materials*. The hauling, carrying, or transporting of any meat or slaughtered or dead animals killed for the market, on or through the streets of the city without having the same entirely covered and protected from public view.

(L) *Dead animals*. The failure of the owner or possessor of any animal which shall die to have the carcass of same removed by the nearest and most direct route, from within the city limits to the outside thereof within 24 hours after the death of said animal, and in no case shall such carcass be removed, dragged, or transported through the business district of the city.

(M) *Throwing matter on streets and property*. The throwing from any opening in, or carrying from any dwelling or place of business, any night soil or filthy or unclean water upon any street, alley, sidewalk, gutter, or into or upon any adjoining property.

(N) *Stagnant water*. The conducting or placing into or on any street, alley, sidewalk, gutter or other public place the wastewater from any sink, tank, fountain, or other receptacle, or from any source of water supply, that produces a pool or pools of stagnant water in said street, alley, gutter or other public place.

(O) *Residue from wood or coal*. The dumping, placing, or permitting to remain upon any sidewalk, or in any gutter, or on/in any street, any coal, wood, or like substance in a dry state, so that annoying or offensive dust is generated therefrom, or the leaving of any coal dust, wood bark, or other material at or near the place where the coal or wood was deposited or from which it was removed.

(P) *Fruit and vegetable matter*. The throwing of decayed or rotten fruit or banana peels, stems or the peels and cores of apples, pears and other fruits upon any street, sidewalk, or gutter, whether in a receptacle or not, for a longer period than six hours, in the vicinity of or adjacent to any premises, business, or fruit stand or wagon.

(Q) *Odors*. Any unwholesome food, liquor, or adulterated medicines; and all cattle, horses, or hog pens, stables, enclosures, or any place in which any cattle, horse or horses, hog or hogs, may be kept, confined, or placed or left standing, which may become offensive to persons residing in the vicinity, or to the public.

(R) *Openings in sidewalks*. The making, keeping, or permitting any uncovered opening or hole in or across any sidewalk, street, alley, or public passway or other public place, or the making, keeping, leaving or permitting any building material, implements, tools, or any dump made of dirt or other substance upon or in any street, alley, sidewalk, or other public passway, unless the same is sufficiently guarded and protected to insure the safety of all persons passing over, by, or near the same.

(S) *Cisterns and tanks.* The failure of the owners or controllers of all cisterns, tanks, or other receptacles kept for the purpose of holding or storing water to screen same in such manner that no mosquitoes can enter same or breed in same; and the failure of all owners or controllers of all gutters leading into any cistern or tank or off any house to keep same clean and free from all rubbish and trash and constructed in such a manner that water cannot remain standing in same.

(T) *Failure to remove trash.* The failure of all owners, controllers, or occupants of all lots, tracts or parcels of land whether private or public, after 48-hours' notice by the Manager or City Physician, to cut down and remove all rubbish, trash, or filth from their premises and keep the same in a clean and sanitary condition.

(U) *Failure to disinfect pond.* The failure of all owners, controllers or users of any pond or ponds of water, upon notice of either the Manager or City Physician, within 48 hours after such notice, to disinfect same with some standard disinfectant.

(V) *Riding certain vehicles and animals on sidewalk.* The riding or operating of any bicycle, tricycle, motorcycle, express wagon, or similar vehicles, or the skating by means of roller or other skates, upon the sidewalks within the limits of the city; the riding or driving of any horse or horses, mule or mules, or other animal or animals into or upon any sidewalk.

(W) *Septic tanks.* Allowing any septic tank or disposal system to become dilapidated, and to overflow and become noxious or offensive to persons in the vicinity of same.

(X) (1) *Fireworks.* In accordance with the authority provided by Tex. Loc. Gov't Code § 217.042 and with the general authority granted to the city by its Charter and by state law, the City of Gladewater, Texas, hereby declares the unregulated possession, manufacture, storage, handling, sale and use of explosives, explosive materials and fireworks, to be a nuisance, subject to the provisions of Title 7 Chapter 229 of the Local Government Code. The city further finds and determines that said unregulated possession, manufacture, storage, handling, sale and use constitute a significant threat to public health, safety and welfare.

(2) Exception: Lake front residents may discharge fireworks over the water of Lake Gladewater provided there is no burn ban in effect and sound and reasonable judgment is exercised as not to create an unsafe or hazardous condition or nuisance to adjoining property owners.

('60 Code, §§ 7-1-2 - 7-1-26) (Ord. passed 6-30-36; Am. Ord. O-12-02, passed 2-16-12; Am. Ord. O-12-08, passed 3-15-12; Am. Ord. O-12-26, passed 12-20-12) Penalty, see § 10.99

§ 92.03 WEEDS.

(A) *Weeds declared unlawful.* It shall be unlawful for any person, firm, business or legal entity of any kind who shall own or occupy any lot or other parcel of real property in the city to permit or allow grass, weeds or any plant that is not cultivated to grow to a height greater than 12 inches on an average or to grow in rank profusion upon such premises, including along the sidewalk or street adjacent to the same between the property line and the curb, or if there is no curb, then within ten feet outside the property line, and including in any alleyway or other easement upon such premises.

(B) *Notice*. In the event that the person owning, claiming, occupying or having supervision or control of any real property fails to comply with the provisions of division (A), the city may notify such person or entity of failure to comply. Such notice of violation and/or failure to comply shall be given by one of the following methods:

(1) A written order, notice, citation or complaint issued in person by a certified code enforcement officer or certified police officer employed by the city;

(2) A written order, notice, citation or complaint mailed to such person by certified mail at his United States Postal Service address; or

(3) If the person's address is unknown or if notification may not be obtained by either of the foregoing methods, notice may be given by publication in any two issues within ten consecutive days in any daily, weekly, or semi-weekly newspaper in the city.

(C) *Penalty*. If such person fails or refuses to comply with the provisions this section within ten days after date of notification is rendered pursuant to the provisions in division (B), a complaint may be filed in the Municipal Court and accordingly a fine may be assessed not to exceed \$500 per day for each day the violation exists.

(D) *Removal, lien filed*. In the event all other methods to abate the nuisance fail, the city may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter. The cost shall be paid by the city and charged to the owner of such property, at a minimum cost of \$175. In the event the owner fails or refuses to pay such expense within 30 days of the work being done, the city shall file a statement of expense incurred with the County Clerk of such county wherein such premises are located. When such statement is filed, the city shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of amount so expended. Such amount shall bear interest at the rate of ten percent (10%) per annum from the date the lien is filed until paid. Suit may be instituted and recovery and foreclosure had by the city. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work.

(E) *Enforcement*. Enforcement of this section is assigned to and shall be the responsibility of the code enforcement officer who shall be empowered to make inspections of the premises to determine violations, issue or cause to be issued the notice of non-compliance provided for in division (B) of this section and to issue citations to and file complaints in municipal court against persons who violate this section.

(Ord. 1007, passed 3-19-69; Am. Ord. 00-15, passed 10-19-00; Am. Ord. O-15-10, passed 8-20-15; Am. Ord. O-17-05, passed 2-17-17) Penalty, see § 10.99

§ 92.04 AMPLIFIERS REGULATED.

(A) *Unreasonable noise prohibited.* The creation of any unreasonable loud, disturbing and unnecessary noise is prohibited and is declared a nuisance. Noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary reasonable person are prohibited.

(B) *Sound amplifications systems.*

(1) It is unlawful for any person in either a public or private place within the city to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in such a manner that when operated, it is audible at a distance of 30 feet or, when operated, causes a person to be aware of the vibration accompanying the sound out a distance of 30 feet from the source.

(2) It is unlawful for any owner of private property within the city to knowingly allow the operation on that private property of any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in such a manner that when operated it is audible at a distance of 30 feet or, when operated, causes a person to be aware of the vibration accompanying the sound at a distance of 30 feet from the source.

(C) *Exceptions.*

(1) The provisions of this section do not apply to an authorized emergency vehicle or horns or other warning devices defined or required under Tex. Transp. Code Ch. 546.

(2) The provisions of this section do not apply to the use of amplification devices used in connection with outdoor performances of music at a festival or other event approved by or sponsored by the city, or athletic events approved by or sponsored by a school district.

(D) *Penalty.* A person violating any of the provisions of this section shall be guilty of a class C misdemeanor and upon conviction shall be fined an amount not to exceed \$2,000.
(Ord. passed 3-8-38; Am. Ord. O-15-11, passed 8-20-15) Penalty, see § 10.99

§ 92.05 ALLOWING SWIMMING POOLS TO BECOME NUISANCE.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Gladewater, Texas.

PERSON. Any person, firm, or partnership, association, corporation, company, or any organization of any kind.

SWIMMING POOL. A body of water in an artificial or semi-artificial receptacle or other container whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

(B) It shall be unlawful for the occupant or owner of any premises located within the city, or the agent of the owner if the owner be a nonresident or absent from the city, to allow, cause, suffer, or permit any swimming pool on such premises to become a public nuisance.

(C) For purposes of this section, a swimming pool in which the water is allowed to stand uncirculated, unfiltered, and untreated, so that said water has a tendency to engender disease, suffers or permits the breeding of insects, emits unreasonably unpleasant, noxious, or offensive odors of such strength and duration as to substantially interfere with the comfortable enjoyment by persons of ordinary sensibilities of private property in the immediate vicinity, is hereby declared to be a public nuisance. (Ord. 83-15b, passed 12-13-83) Penalty, see § 10.99

§ 92.06 HEALTH CERTIFICATES REQUIRED IN CERTAIN BUSINESSES.

No person operating, managing, or conducting any hotel, or any other public sleeping or eating place or vehicle where food or drinks or containers therefor, of any kind, is manufactured, transferred, prepared, stored, packed, served, sold, or otherwise handled in the city or any manufacturer or vendor of candies or manufactured sweets, shall work, employ, or keep in their employ, including proprietors, in, on, or about any said place or vehicle, or have delivered any article therefrom, any person infected with any transmissible condition of any infectious or contagious disease, or work or employ any person to work in, on, or about any said place, or to deliver any article therefrom, who, at the time of his employment, failed to deliver to the employer, or his agent, a certificate signed by a legally licensed physician, residing in the County where said person is to be employed, or is employed, attesting the fact that the bearer was thoroughly examined, including a smear test for gonorrhea, a recognized serological test for syphilis, each made within a week prior to the time of such employment, and that such

examination disclosed the fact that such person to be employed was free from any transmissible condition of any infectious or contagious disease, or fail to institute and have made, at intervals of time not exceeding six months, actual and thorough examination, essential to the finding of freedom from communicable and infectious diseases, of all such employees and proprietors by a legally licensed physician stating that such examination had been made of such person, disclosing the fact that he was free from any transmissible condition of any communicable or infectious diseases.

('60 Code, § 7-1-1) (Ord. passed 3-21-67) Penalty, see § 10.99

§ 92.07 OUTDOOR STORAGE OF REFRIGERATORS AND THE LIKE PROHIBITED.

It shall be unlawful for any person, firm, or business to store or display refrigerators, freezers, stoves, washing machines, or clothes dryers outdoors in any area readily accessible to any member of the public. It shall be a defense of this section that the refrigerator, freezer, stove, washing machine, or clothes dryer is stored behind a fence concealing said refrigerator, freezer, stove, washing machine, or clothes dryer from public view and denying public access to the area of storage or display without consent of the person or business having control of such premises where said refrigerator, freezer, stove, washing machine, or clothes dryer is stored or displayed.

(Ord. 91-15, passed 12-19-91) Penalty, see § 10.99

§ 92.08 GARAGE OR YARD SALES.

Definition. A ***GARAGE OR YARD SALE*** shall mean the sale or trade, or offering for sale or trade four or more items of unwanted or surplus items, goods, wares, merchandise, or personal property of a household nature to the general public held solely on;

(1) The premises of a private single-family or multiple family residence by the owners, tenants, or occupants thereof, or

(2) The legally established premises of a charitable or religious organization, as described in paragraphs (3), (10) and (19) of Section 501(c) of Title 26 of the Internal Revenue Code, by the charitable or religious organization. The term ***GARAGE SALE*** shall include, but not be limited to, any patio sales, rummage sales, yard sales, lawn sales, estate sales, or other sales similarly conducted at or upon any property zoned for or occupied by a residential use or on legally established premises of a charitable or religious organization.

(3) The term ***GARAGE SALE*** shall not apply to any outdoor sale on the premises of any business legally established within the City.

(A) Garage sales shall be conducted only during daylight hours and shall be limited to the hours of 7:00 a.m. and 7:00 p.m.

(B) Personal property offered or available for sale or trade and personal property utilized in conjunction with a garage sale shall be kept on the premises where the garage sale is conducted, shall

not encroach into neighboring properties and may not be displayed, stored or offered for sale or trade in or upon any public sidewalk, parkway, street, alley or public property.

(C) Food or beverages shall not be offered for sale or trade.

(D) It shall be unlawful for any person to conduct a garage or yard sale on any commercially zoned property, or any property along the city's major thoroughfares (U.S. Hwy. 271, U.S. Hwy. 80 and Loop 485). Exception: Exception is hereby granted for organized annual or semi-annual area-wide tourism promotional garage sale events extending beyond the city limits of Gladewater.

(E) It shall be unlawful for any person to conduct a garage sale at a single location for more than four consecutive calendar days, or to conduct more than three garage sales at any location in a twelve month period. Each such occasional sale involving four or fewer calendar days shall be considered one garage sale or yard sale.

(F) It shall be unlawful for any person to place a sign advertising a garage sale or yard sale on any utility pole, traffic control sign pole or on any portion of the right of way of any public street owned or maintained by the City of Gladewater, Texas or the Texas Department of Transportation.

(G) No signs advertising a garage sale shall be displayed more than forty eight hours prior to the sale and must be removed within twenty four hours after the sale.

(H) Any violation of this ordinance shall be a Class C misdemeanor.
(Ord. 97-11, passed 10-16-97; Am. Ord. O-14-16, passed 9-18-14) Penalty, see § 10.99

JUNKED VEHICLES

§ 92.20 DEFINITIONS.

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

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

JUNKED VEHICLE. Any motor vehicle as defined in Tex. Transp. Code § 621.001, which:

(1) Is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled, or discarded; or,

- (2) Remains inoperable for a continuous period of more than 120 days.

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

(Ord. 84-18, passed 11-8-84)

§ 92.21 JUNKED VEHICLES AS NUISANCE; EXCEPTIONS.

(A) The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding his or their vehicle or vehicles on the property of another or to suffer, permit, or allow the same to be placed, located, maintained, or exist upon his or their own real property; provided that this section shall not apply to:

- (1) 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;

(2) 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,

(3) Unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his property.

(B) Provided, that the vehicles and the 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, shrubbery, or other appropriate means.

(Ord. 84-18, passed 11-8-84) Penalty, see § 10.99

§ 92.22 NOTICE TO ABATE OR REMOVE.

(A) Whenever such public nuisance exists in the city in violation of this subchapter, the Chief of Police and/or his employees, who shall administer this subchapter, shall not give less than ten-days' notice to the owner of the real property of the occupant, if any, of the premises whereon such public nuisance exists to abate or remove the same, stating the nature of the public nuisance of private property and that it must be removed and abated within ten days and further that a request for a hearing must be made before expiration of said ten-day period by the aggrieved person, such notice to be mailed, by certified or registered mail with a five-day return receipt requested, to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten days from the date of such return.

(B) Whenever such public nuisance exists in the city in violation hereof, the Chief of Police and/or his employees, shall have not less than a ten-day notice, stating the nature of the public nuisance on the public property or on a public right-of-way and that it must be removed and abated within ten days and further that a request for a hearing must be made before expiration of said ten-day period, such notice to be mailed, by certified or registered mail with a five-day return receipt requested, to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten days from the date of such return.

(Ord. 84-18, passed 11-8-84) Penalty, see § 10.99

§ 92.23 PUBLIC HEARING.

A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before the governing body of the city, or official of the city as designated by the governing body, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located, within ten days after service of notice to abate the nuisance. Any resolution or order requiring the removal of

a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(Ord. 84-18, passed 11-8-84)

§ 92.24 REMOVAL PROCEDURES; PERMISSION OF OWNER.

(A) After a vehicle has been removed it shall not be reconstructed or made operable.

(B) Notice by the city is to be given to the Texas Department of Highways and Mass Transportation within five days after the date of removal identifying the vehicle or part thereof. Said Department shall forthwith cancel the certificate of title to such vehicle pursuant to Tex. Transp. Code §§ 501.001 et seq.

(C) The Chief of Police and/or his employees of the city shall administer the removal of vehicles or parts thereof from property.

(D) If, within ten days after receipt of notice from the Chief of Police and/or his employees, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission the Chief of Police and/or his employees, or his duly authorized agent for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of § 92.22.

(Ord. 84-18, passed 11-8-84)

§ 92.25 IMMEDIATE REMOVAL OF VEHICLES OBSTRUCTING TRAFFIC.

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

(Ord. 84-18, passed 11-8-84)

§ 92.26 DISPOSAL OF JUNKED VEHICLES.

(A) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this subchapter, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable site operated by the city for processing as scrap or salvage, which removal or process shall be considered with division (B) of this section. A junked vehicle disposed of to a demolisher, in accordance with this section, must be transferred to such demolisher by a form acceptable to the Texas Department of Highways and Mass Transportation (Form #MVD 71-5). The transfer receipt must be listed on the demolisher's inventory list and surrendered to the Texas Department of Highways and Mass Transportation in lieu of the Certificate of Title under the provisions of Tex. Penal Code Art. 1436-2.

(B) After a vehicle has been removed pursuant to this section, notice will be given by the city to the Texas Department of Highways and Mass Transportation five days after the date of removal identifying the vehicle or part thereof.

(Ord. 84-18, passed 11-8-84)

§ 92.27 AUTHORITY TO ENFORCE.

The Chief of Police and/or his employees, or his agent, may enter upon private property for the purposes specified in this subchapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this subchapter. The Municipal Court shall have authority to issue all orders necessary to enforce this subchapter.

(Ord. 84-18, passed 11-8-84)

CHAPTER 93: PARKS AND RECREATION

Section

General Provisions

- 93.01 Definitions
- 93.02 Boating regulations
- 93.03 Ski regulations
- 93.04 Swimming regulations
- 93.05 Animals prohibited
- 93.06 Camping regulations
- 93.07 Fishing regulations
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Gladewater Sports Complex

- 93.20 Rules and regulations
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GENERAL PROVISIONS

§ 93.01 DEFINITIONS.

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

BOAT. Any watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

BOAT DOCKING AREA. That area located within the elevated walkway and adjacent to the public boat docks on the south end of Lake Gladewater.

LAKE GLADEWATER. The lake located in the City of Gladewater, Upshur County, Texas, created by the construction of the dam on Glade Creek by the City of Gladewater, Texas.

MOTORBOAT. Any watercraft propelled by machinery, whether or not the machinery is the principal source of propulsion.

OPERATE. To navigate or otherwise use a boat.
(Ord. 85-10, passed 5-9-85; Am. Ord. 88-4, passed 6-23-88; Am. Ord. 03-08, passed 6-19-03)

§ 93.02 BOATING REGULATIONS.

(A) It shall be unlawful for any person operating a boat with toilet accommodations to discharge waste materials from the boat's toilet into the waters of Lake Gladewater.

(B) No person may operate any boat or water craft at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic, or greater than will permit him, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead. In the boat docking area the operator of a boat shall control the speed of said boat as may be necessary to prevent the leaving of a wake behind said boat.

(C) No person may operate a boat or water craft propelled in whole or in part by a motor fueled by gas, gasoline, diesel, or naphtha, unless the same is equipped with a muffler, underwater exhaust, or other device capable of adequately muffling the sound of the motor's exhaust. **ADEQUATELY MUFFLING** shall mean that the motor's exhaust is at all times so muffled or suppressed as not to create excessive or unusual noise.

(D) No person shall conduct any commercial activity, such as the rental of boats and motors or the sale of baits and supplies on any property adjoining Lake Gladewater, unless such area is designated for commercial use by the City Council of the City of Gladewater. The City Manager is authorized to promulgate such rules as are necessary for the operation of all commercial enterprises adjoining Lake Gladewater. All persons operating any such commercial enterprise shall observe all such rules upon being notified thereof.

(E) No motorboat larger than a motorboat classified as "Class 1" by Tex. Parks and Wildlife Code § 31.026 may be operated on Lake Gladewater.

(F) An annual fee of \$20.00 shall be charged for use of city boat launching facilities by city residents and \$50.00 for non-residents per water craft. Proof of residence shall be required to obtain permits at the discounted price for city residents. Day permits shall be \$5.00 each.

(G) All operators of water craft must meet state requirements.

(Ord. 85-10, passed 5-9-85; Am. Ord. 88-4, passed 6-23-88; Am. Ord. 03-08, passed 6-19-03; Am. Ord. 06-06, passed 8-17-06; Am. Ord. O-09-19, passed 10-15-09; Am. Ord. O-10-15, passed 10-21-10; Am. Ord. O-11-12, passed 8-18-11) Penalty, see § 10.99

§ 93.03 SKI REGULATIONS.

(A) The ski area on Lake Gladewater starts 200 feet from the water intake tower and extends north to Phillips Spring Point, outer limits of the ski area shall extend not less than 150 feet from the end of any dock, pier or boathouse.

(B) Persons using the ski area may place a slalom course within the said ski area, provided that said course is adequately marked and visible to skiers.

(1) Slalom course must be located in the center of the lake, approximately an equal distance from the east and west shorelines.

(2) No more than two slalom courses will be allowed on the lake at any one time.

(3) No slalom course will be allowed on the lake during the period of October 1 through March 31.

(4) All lake rules shall be observed when utilizing said slalom course, especially the use of counterclockwise boat travel.

(5) Sole responsibility for the slalom course including maintenance, installation, removal, and safety is borne by the owner/operator of the said slalom course/equipment.

(6) Owner must obtain written permission of the City Manager, or his/her designee, before placing slalom course on the lake.

(7) The City Manager, or his/her designee, may request and cause owner to remove slalom course and equipment at any time.

(C) All boat traffic within the ski area shall proceed only in a counter-clockwise direction.

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(D) Skiing shall be allowed daily from sunup to sundown seven days a week, or until such time signal is given by the City Lake Warden for clearance of the lake. The signal for clearance of the lake shall be a red light so placed that when it is activated it will be visible from the entire ski area.

(E) It shall be unlawful for any person to construct, erect, or place a ski jump on Lake Gladewater.

(F) It shall be unlawful for any person to operate a boat towing a person or persons on water skis, aquaplane, or similar device, unless there is at least one person in addition to the driver in the boat while towing.

(G) It is unlawful for any person to ski or pull behind a watercraft any recreational floating device outside the designated ski area.

(H) Take-off point shall be at the designated boat slip in front of the Lake Gladewater concession lagoon.

(I) Any person found by the Lake Warden, or his designated representative, to be in violation of any lake regulations may be denied access to Lake Gladewater.

(Ord. 85-10, passed 5-9-85; Am. Ord. 88-4, passed 6-23-88; Am. Ord. 96-12, passed 8-15-96; Am. Ord. 03-08, passed 6-19-03; Am. Ord. 08-13, passed 11-20-08; Am. Ord. O-09-19, passed 10-15-09; Am. Ord. O-17-27, passed 10-19-17) Penalty, see § 10.99

§ 93.04 SWIMMING REGULATIONS.

(A) No person may swim in any public launch or docking area of Lake Gladewater. Swimming is limited to the marked swim area between dam and city dock.

(B) Swimming within Lake Gladewater, even in areas marked as being available for public swimming, shall be at the risk of the swimmer.

(C) It is unlawful for glass containers to be used at the designated swim area.

(D) It shall be unlawful for any watercraft to enter the designated swim area, an area determined by the City Manager, or his/her designee.

(Ord. 85-10, passed 5-9-85; Am. Ord. 88-4, passed 6-23-88; Am. Ord. 03-08, passed 6-19-03; Am. Ord. O-09-19, passed 10-15-09) Penalty, see § 10.99

§ 93.05 ANIMALS PROHIBITED.

(A) No animal shall be found to be roaming or in the custody of its owner on the beach at the designated swimming area of Lake Gladewater, or within 50 feet of the pavilion, picnic tables and playground areas.

(B) Any animal, whether or not in the custody of its owner found on the beach at the designated swimming area of Lake Gladewater, or within 50 feet of the pavilion, picnic tables and playground areas, may be impounded.

(Ord. 91-5, passed 8-1-91; Am. Ord. 03-08, passed 6-19-03; Am. Ord. 07-09, passed 6-21-07) Penalty, see § 10.99

§ 93.06 CAMPING REGULATIONS.

It is appropriate to prohibit camping upon property which is not intended or designed to be used for that purpose as it creates an unsafe and potentially disorderly environment for the persons engaged in the camping as well as persons coming into contact with the campers; it creates unsanitary and unhealthy conditions that may affect both the campers and the general public; it tends to degrade or even destroy the property upon which the camping is occurring, particularly where the encampment is large and ongoing; and it detracts from the use of the property for its intended purpose.

It is not intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the zoning code or other laws, ordinances and regulations.

(A) Definitions.

(1) "To camp" means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live or any activity involving the following:

(a) Sleeping or making preparations to sleep, including the laying down of bedding for the purpose of sleeping;

(b) Parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy;

(c) Storing personal belongings;

(d) Making any fire;

(e) Carrying on cooking activities; or

(f) Doing any digging or earth breaking.

(2) "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

(3) “Camp paraphernalia” means any item or combination of items that may be used for the purpose of camping, such as but not limited to a tent, flashlight, cooking equipment or utensils, any bedding, or other such items that may constitute a temporary place to live.

(4) “Public area” shall mean an outdoor area to which the public has access and includes, but is not limited to, streets, highways, parks, parking lots, alleyways, pedestrian ways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(B) *Camping prohibited.* It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

(1) Any public area; within the city limits of Gladewater.

(2) Any private property; within the city limits of Gladewater.

(3) It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than three consecutive nights.

(4) The City Manager may issue a temporary permit to allow camping on public or private property in connection with a special event.

(C) *Camping in city limits exception.*

(1) Designated areas which are designed to accommodate recreational vehicle camping and or tent camping.

(D) *Penalty.*

(1) The activities listed herein shall constitute camping when it reasonably appears, in light of all the circumstances that the participants, in conducting these activities, are in fact using the area for living accommodation purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

(2) Persons found in violation of this section shall receive notice to depart from the property. Such notice to depart means an oral or written communication from any official of the city. Any person failing to comply with such notice to depart within a reasonable length of time, which shall not exceed thirty (30) minutes, shall be guilty of a misdemeanor and a conviction of this violation shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

(Am. Ord. 03-08, passed 6-19-03; Am. Ord. O-16-21, passed 11-17-16) Penalty, see § 10.99

§ 93.07 FISHING REGULATIONS.

(A) It shall be unlawful for any person to catch fish or any other edible aquatic produce from the waters of Lake Gladewater for pay or for the purpose of sale, barter, or exchange.

(B) No person shall fish within 200 feet of the City of Gladewater intake tower.

(C) It shall be unlawful for any person to take from Lake Gladewater any fish smaller than the legal length set by the Texas Parks and Wildlife Code.

(D) There shall be no closed season or period of time when it shall be unlawful to take, catch, or retain freshwater fish by the use of ordinary hook and line or artificial lure.

(E) It shall be unlawful for any person to take, catch, and retain more fish from Lake Gladewater than the limits set forth by Texas Parks and Wildlife Code.

(F) Trotline must conform to specifications set forth by Texas Parks and Wildlife Code.

(G) Any person violating any provision of this section shall be guilty of a misdemeanor.
(Ord. 85-10, passed 5-9-85; Am. Ord. 88-4, passed 6-23-88; Am. Ord. 03-08, passed 6-19-03) Penalty, see § 10.99

§ 93.08 HUNTING REGULATIONS.

It shall be unlawful for any person to discharge any firearm on any city property, including city owned property lying outside the corporate city limits of Gladewater.

(Ord. 85-10, passed 5-9-85; Am. Ord. 88-4, passed 6-23-88; Am. Ord. 03-08, passed 6-19-03; Am. Ord. O-15-25, passed 11-19-15) Penalty, see § 10.99

§ 93.09 PARKING AND TRAFFIC REGULATIONS.

(A) *Lakeshore Drive to be a park road.* Lakeshore Drive shall hereinafter be a park road used in conjunction with the park, beach area and concession facilities of Lake Gladewater. (Ord. 87-04, passed 2-19-87)

(B) *Parking restrictions.*

(1) It shall be unlawful for any motor vehicle to be parked on either side of Lakeshore Drive after 10:00 p.m.

(2) It shall be unlawful for any motor vehicle to be parked in the park on streets or within the parking lots of the park accessible only from Lakeshore Drive after 10:00 p.m.

(3) It shall be unlawful to park on the west side of Lakeshore Drive at anytime.
(Ord. 91-6, passed 8-1-91)

(4) It shall be unlawful to park at the bottom of Lakeshore Drive running parallel to the cove between the boat ramp for a distance of approximately 267 feet along the west side of the roadway only.

(5) It shall be unlawful to park beginning at the stop sign at the northern intersection of Lakeshore Drive and West Lake Drive, extending downhill toward Lake Gladewater approximately 100 feet.

(C) *Stop intersection.* A stop sign is erected on Lakeshore Drive at the Lake Concession Stand to stop all traffic on Lakeshore Drive. (Ord. 91-16, passed 12-19-91)

(D) *Speed limits.* No person shall drive a vehicle at a speed in excess of the posted maximum speed limits on the following described portions of Lakeshore Drive. Any speed in excess of the following speed limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) On Lakeshore Drive beginning at a point 180 feet from its southern intersection with the East ROW line of West Lake Drive, thence in a northerly direction a distance of 1360 feet on said street, to an ending point being 755 feet from the northern intersection of Lakeshore Drive with the East ROW line of West Lake Drive - 20 miles per hour.

(2) On Lakeshore Drive beginning at a point 150 feet from its northern intersection with the East ROW line of West Lake Drive, thence in a generally easterly direction to a point a distance of 605 feet from the beginning point, said point also being 755 feet from the northern intersection of Lakeshore Drive with the East ROW line of West Lake Drive - 10 miles per hour.
(Ord. 84-05, passed 6-7-84; Am. Ord. 03-08, passed 6-19-03) Penalty, see § 10.99

Cross-reference:

Traffic Schedules, see Chapter 72

§ 93.10 [RESERVED]

§ 93.11 GENERAL REGULATIONS.

(A) *Park hours.* All city owned parks shall be closed from the hours of 10:00 p.m. until 5:00 a.m., with the exception of Everett Park, which shall be closed from dusk to dawn. It shall be unlawful for any pedestrian or vehicular traffic to be in or upon the park property during such time period.

Exceptions:

(1) The fishing piers and boat ramps at Lake Gladewater shall remain open between the hours of 10:00 p.m. and 5:00 a.m. for fishing purposes only.

(2) Persons or organizations in possession of prior written authorization from the City Manager or his designee to carry out activities during such hours of park closure.

(B) *Alcoholic beverages.* It shall be unlawful for any person or persons to consume or possess any beer, wine, malt or vinous liquors, or any other alcoholic beverages regardless of the type and strength thereof, while on any city owned park.

(C) *Park pavilion.*

(1) Reservations shall be taken by the City Manager or his or her designee for use of the Lake Gladewater Park Pavilion on a first come, first served basis, in scheduled four-hour increments for a rental fee of \$20 per increment plus a security deposit of \$75. Said increment schedule shall be established and amended as deemed necessary by the City of Gladewater. Deposit shall be refundable upon city inspection. Deposit is not refundable if pavilion is left in need of cleaning and/or repairs.

(2) Rental fee must be received within seven days of making a request for a reservation in order to secure said reservation. Rental fees will be refunded for cancelled reservations upon receipt of a written request at least seven (7) days prior to reservation.

(3) No alcoholic beverages or pets are permitted in the pavilion. Patrons must leave the pavilion area clean and available for the next reserved group.
(Ord. 07-14, passed 9-13-07; Am. Ord. 08-06, passed 8-21-08; Am. Ord. O-11-10, passed 7-21-11; Am. Ord. O-15-09, passed 6-18-15) Penalty, see § 10.99

§ 93.12 WELDON BUMBLEBEE PARK PAVILION.

(A) *Park pavilion.* Reservations shall be taken by the City Secretary or her designee for use of the Weldon Bumblebee Park Pavilion on a first come, first served basis, in scheduled four-hour increments for a rental fee of \$10 per increment. Said increment schedule shall be established and amended as deemed necessary by the City of Gladewater.

(B) Rental fee must be received within seven days of making a request for a reservation in order to secure said reservation. Rental fees will be refunded for cancelled reservations upon receipt of a written request at least seven days prior to reservation.

(C) No alcoholic beverages or pets are permitted in the pavilion. Patrons must leave the pavilion area clean and available for the next reserved group.
(Ord. O-09-11, passed 7-16-09)

GLADEWATER SPORTS COMPLEX**§ 93.20 RULES AND REGULATIONS.**

This is not an all-inclusive list.

(A) All participants and patrons must be properly clothed. The Gladewater Ballpark Advisory Board or its designee may deem clothing inappropriate and may insist on said person changing clothes or vacating the premises.

(B) Participants and patrons must show proper respect to others, including all umpires, referees, tournament officials and other participants and/or patrons.

(C) Coaches, players, spectators and all other patrons shall show proper respect to all officials, coaches, spectators, players and other individuals.

(D) Vehicles parked illegally will be towed at the owner's expense. Parking is allowed on the paved parking surfaces or areas marked for overflow parking. Parking along the streets is not allowed.

(E) Coolers are allowed only by coaches playing at that time, and are limited to one round "Igloo" type cooler with or without spigot, and one other cooler, per team. These coolers are to be marked with name by the coach and/or team for identification.

(F) Children may not be left unattended and may not be allowed to go to concession stands, restrooms or parking lots without supervision.

(G) The City of Gladewater/Gladewater Ballpark Advisory Board is not responsible for any lost or stolen items.

(H) The City of Gladewater/Gladewater Ballpark Advisory Board is not responsible for any damage/injury to property or persons.

(I) The following are absolutely prohibited:

(1) Firearms or weapons of any kind;

(2) Alcohol, beer, and/or alcohol-containing beverages;

(3) Tobacco, including but not limited to, cigarettes, cigars, pipes, all chewing tobacco, e-cigarette products, and vapor products;

- (4) Illegal narcotics or drugs of any kind;
 - (5) Pets of any kind, with the exception of seeing eye dogs, PTSD animals, and other medically necessary animals;
 - (6) Glass containers;
 - (7) Any and all artificial noise makers, including but not limited to, horns, whistles or clackers;
 - (8) Bikes, skateboards, skates, roller blades of any kind or type, and wheeled shoes;
 - (9) Motorized vehicles of any kind, with the exception of those which are medically necessary;
 - (10) Outside food or drink, with the exception of division (E) above;
 - (11) Warming up of any kind, including but not limited to, playing catch, throwing and/or hitting, except in designated areas;
 - (12) Inappropriate language, actions, comments, sportsmanship or gestures of any type or kind;
 - (13) Littering;
 - (14) Climbing, hanging, sitting, walking, or standing on or over trees, shrubs, fences, netting, dugouts, retaining walls, buildings, or other structures;
 - (15) Hitting and/or throwing into fences, nets or buildings, without prior approval of the Gladewater Ballpark Advisory Board;
 - (16) Decorating, covering or changing facilities without prior approval by the Gladewater Ballpark Advisory Board.
- (Ord. O-17-15, passed 7-20-17)

§ 93.21 CODES OF CONDUCT.

This is not an all-inclusive list.

(A) Conduct of coaches and assistant coaches.

- (1) Coaches shall refrain from using profane language in the presence of players.
- (2) Coaches shall refrain from using tobacco, including but not limited to, cigarettes, cigars, pipes, all chewing tobacco, e-cigarette products, and vapor products, in the presence of players.

(3) Coaches shall refrain from drinking alcoholic beverages before or during any practice sessions or games and shall refrain from drinking alcoholic beverages in the presence of players.

(4) Coaches shall refrain from engaging in unsportsmanlike conduct.

(5) Coaches shall refrain from criticizing players.

(6) Coaches shall refrain from criticizing officials by word, gesture or other body language and shall accept the decisions of officials on the field as being fair and called to the best ability of the officials.

(7) Coaches shall, at all times, refrain from criticizing the opposing teams' players or coaches by word, gesture or other body language.

(8) Coaches shall remain in the coaching box at all times.

(9) Coaches shall abide by all physicians' orders regarding a player's health and ability to participate.

(10) Coaches shall abide by all rules established by the Governing Association(s), including but not limited to, player age and grade restrictions.

(B) *Player conduct.*

(1) Players shall refrain from engaging in unsportsmanlike conduct during any and all practice sessions and games.

(2) Players shall refrain from using profane language during any and all practice sessions and games.

(3) Players shall refrain from criticizing officials by word, gesture or other body language and shall accept the decisions of officials on the field as being fair and called to the best ability of the officials.

(4) Players shall refrain from criticizing teammates, coaches, opposing teams' players, coaches, or spectators by word, gesture or other body language.

(5) Players shall remain in designated player areas during all game.

(6) Players shall abide by all rules established by the Governing Association(s), including but not limited to, player age and grade restrictions.

(C) *Spectator conduct.*

(1) Spectators shall refrain from criticizing game officials, coaches and players by word, gesture or other body language.

(2) Spectators shall refrain from using profane language.

(3) Spectators shall refrain from engaging in unsportsmanlike conduct.

(4) Spectators shall remain in the designated spectator area during games.
(Ord. O-17-15, passed 7-20-17)

§ 93.22 DISCIPLINE.

Any coach, assistant coach, official, player, spectator or other person involved in any activity at the Gladewater Sports Complex that violates § 93.20 or § 93.21 is subject to discipline. The nature of discipline shall be decided by the Gladewater Ballpark Advisory Board or its designee and may consist of any discipline up to and including expulsion and a lifetime ban from the Gladewater Sports Complex. Any discipline decided by the Gladewater Ballpark Advisory Board or its designee.
(Ord. O-17-15, passed 7-20-17)

§ 93.23 FIELD USAGE RENTAL FEES.

Upper Fields (Baseball) 1-4 *Field 3 is multi-use for baseball and softball

Lower Fields (Softball) 5-7

Amenities: Electronic scoreboards, lights, bleachers, concessions, restrooms

Field Fee: \$25 per field per hour
 \$90 per field per day

Local Teams: \$10 per field per hour for field and lights. **LOCAL** is defined as having at least 50% of team's players from Gladewater ISD or Union Grove ISD.

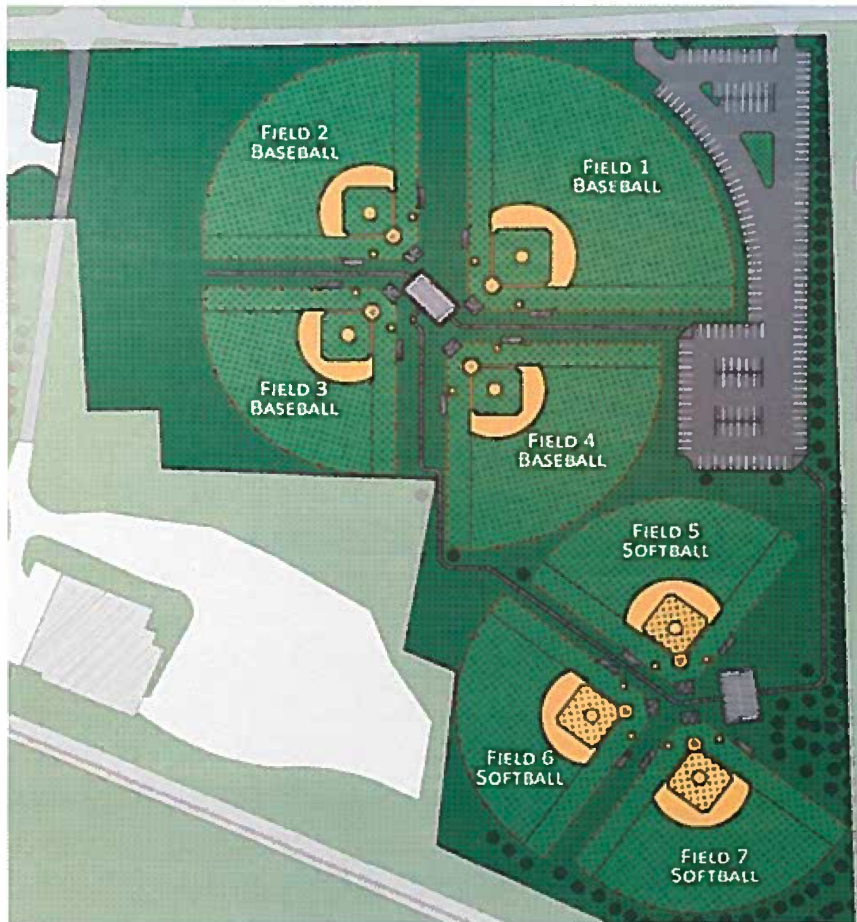
Light Fee: \$25 per hour per field *cutoff at 10:00 p.m.

Deposit: Equal to 25% of the total rental or \$200, whichever is greater.

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Insurance: Applicable to leagues, tournaments, camps, clinics, etc. A minimum of \$1,000,000 liability insurance per occurrence liability policy with the City of Gladewater listed as “additionally insured.”

*Balances paid via credit card will be subject to a 5% convenience fee.



(Ord. O-17-15, passed 7-20-17)

§ 93.24 TOURNAMENT RENTAL FEES.

Tournament rental fees apply as follows:

(A) Rentals made 29 days or less prior to the event dates must be paid in full at the time the reservation is made paid with cash, check, money order, or Visa/Mastercard when making initial reservation:

(1) Pay the security deposit that is equal to 25% of the total rental fees or \$200 (whichever amount is greater - this will determine the refundable deposit of the rental).

(2) If the reservation is cancelled 29 days or less prior to the event, the City of Gladewater will retain the deposit on the reservation. Events cancelled by the City of Gladewater, such as weather or vandalism, will receive a full refund.

(3) The reservation must include the total amount of fields needed. If additional fields are requested prior to the event and the fields are available, they may be reserved with the rental fees paid at the time of the reservation.

(4) Balances paid via credit card will be subject to a 5% convenience fee.

(B) Rentals made at least 30 days or more prior to event can pay in full or by making a deposit and paying the remaining balance due no later than 72 hours prior to scheduled dates:

(1) Pay the security deposit that is equal to 25% of the total rental fees or \$200 (whichever amount is greater - this will determine the refundable deposit of the rental).

(2) The renter has up to 72 hours prior to the rental to pay the total amount due. If the fees have not been paid by 72 hours prior to the event, the reservation will automatically be cancelled and 25% of the total rental fees or the \$200 will be retained for the cancellation.

(3) The deposit will be refunded on reservations cancelled up to 30 days prior to the event. If the reservation is cancelled 29 days or less prior to the event, the City of Gladewater will retain the deposit on the reservation. Events cancelled by the City of Gladewater, such as weather or vandalism, will receive a full refund.

(4) The reservation must include the total amount of fields needed. If additional fields are requested 30 days or more prior to the event and the fields are available, they may be reserved with a security deposit that is equal to 25% of the rental fees due at the time of the reservation.

(5) Balances paid via credit card will be subject to a 5% convenience fee.

(C) Notes:

(1) Field/facility requests cannot be processed until the required forms have been submitted and availability has been determined. Once completed, you will receive a receipt for confirmation of your reservation. Please retain your receipt and keep it with you during your reservation time. This is proof of your rental. All requests and/or changes must be submitted by e-mail or in writing on the Reservation Change Form.

(2) Deposits are refunded after determining if the fields and surrounding areas are clean, and there is no additional excessive light usage or any damages to the field or properties. Should expenses exceed the deposit, the City of Gladewater will invoice the renters for any additional costs. Failure to clean up fields, bleachers, and parking lot areas will result in retention of the deposit.
(Ord. O-17-15, passed 7-20-17)

CHAPTER 94: STREETS AND SIDEWALKS

Section

General Provisions

- 94.01 Public Works Department; street grading requirements
- 94.02 Street numbering
- 94.03 Depositing materials on public thoroughfares
- 94.04 Lug wheels prohibited
- 94.05 Playing ball on streets prohibited
- 94.06 Water flowing on streets prohibited
- 94.07 Window sills and other projections abutting sidewalks
- 94.08 Parade permits
- 94.09 Sign removal prohibited
- 94.10 Use of streets for livestock or vehicle sales
- 94.11 Special permits for obstructions and excavations
- 94.12 Owners to construct and repair sidewalks
- 94.13 Trees and shrubbery
- 94.14 Pipe lines
- 94.15 Posting handbills and advertising matter

Regulation of Bicycles, Rollerblades, Scooters, Skateboards, Etc.

- 94.20 Definitions
- 94.21 Riding on sidewalks in Downtown District

GENERAL PROVISIONS

§ 94.01 PUBLIC WORKS DEPARTMENT; STREET GRADING REQUIREMENTS.

(A) *Created.* There is hereby created a department to be known as the Department of Public Works.

(B) *Appointment.* The Manager shall appoint a qualified engineer as head of the Public Works Department who, when so appointed, may be known and referred to as the City Engineer, and such other personnel as may be necessary for the proper performance of the work of the Public Works Department, each of whom shall hold office until their successors are appointed and qualified.

(C) *Duties.* It shall be the duty of the head of the Department to locate the lines and grades of all streets and sidewalks, alleys, avenues or other public ways, and to determine the position, size, and construction of all sewers or drainage canals, culverts, aqueducts, bridges, viaducts or other public work or appurtenances, and to prepare plans, maps, or profiles of the same, and to make estimates and furnish specifications for any of said work whenever required to do so by the Manager or Council. He shall have general supervision of all contracts or other work, and see that it is performed in a workman-like manner and in accordance with the authorized plans and in conformity with the terms of the contract and specifications. He shall have direct supervision over the construction of all permanent or temporary sidewalks and of the repair of all permanent sidewalks, and perform such other duties as may be imposed upon him by any of the laws of the city or by the direction of the Manager.

(D) *Surveys, plans, and estimates.* The head of the Public Works Department shall keep in his office all surveys, notes of surveys, profiles, plans or estimates made by himself or others employed by the city, which shall be the property of the city and which shall be carefully preserved in the office of the Public Works Department and open to the inspection of all persons, and shall arrange and index them in such a manner as will enable a ready reference thereto.

(E) *Establishment of grades.* Whenever it shall be deemed advisable to establish a grade on any street where no grade has been theretofore established or to change any established grade, the City Engineer shall cause the necessary survey to be made and prepare and submit to the Council a profile map of such proposed grade with his recommendation concerning the same. When any such profile map shall have been approved and a law duly passed by the Council establishing such grade, the approval of the Council shall be endorsed on such map and the same shall be filed in the office of the Public Works Superintendent and the grade on any such street shall thereafter be considered as established and shown on such profile map. It shall be unlawful for any person to erect or construct, or to commence the erection or construction of any building or other structure upon the line of any street where the grade of said street has already been established without first making application to the head of the Department to indicate the grade of the street upon which said building or other structure is to be erected, or thereafter to build any grade other than that so indicated.

(F) *Platting of additions.* Any person desiring to plat or subdivide any land within the corporate limits shall present to the department head an accurate map or plat thereof particularly setting forth and describing all streets and other public places and all blocks, lots, and parcels of land therein by number or name with their exact dimensions; said map or plat shall be properly acknowledged by the dedicator and certified by the surveyor making the same, and must be accompanied by an abstract of title to the land platted.

(G) *Report to Council.* If such map or plat shall meet the approval of the department head, he shall submit a report thereon to the Council, and when the Council has in turn approved such map or plat and accepted the dedications therein contained, the map or plat shall be filed in the Department.

(H) *Street continuations.* When any new subdivision contains any street which is a continuation or approximate continuation of an existing street, it shall be given the name of the existing street. The city

shall have the power to change the name of any street on any map or plat submitted, to make such map or plat conform to the provisions of this section.

(I) *Additional regulations.* All maps and plats of land situated outside of the limits of the city shall be located with reference to the section corner.

(‘60 Code, §§ 1-3-1 - 1-3-9)

§ 94.02 STREET NUMBERING.

(A) *Lots numbered.* All erections or other property abutting on any street or avenue shall be numbered.

(B) *Numbering.* All such property shall be numbered in conformance with the plat of the master plan of the city which plat has been prepared by the Paul G. Bently Company and adopted previously by the city and which is now located in the office of the Tax Assessor and Collector.

(C) *Fixing numbers.* In case of doubt or where a question arises as to the proper number to be assigned to any lot or building, the City Tax Assessor-Collector shall decide the question and fix the number of such lot or building.

(D) *Style of number.* The number plate placed upon any building shall be metal or wood, or the number may be painted on the front of the building, door, post, transom, or other place. The number shall be at least three inches in height and so as to be easily seen from the street.

(E) *Numbers required.* On buildings now or hereafter erected and fronting on any street or alley shall be conspicuously placed the number as provided by this chapter.

(F) *Duty to affix number.* If the owner or lessee of any building shall fail, refuse, or neglect to place the number, or replace it when necessary, the Tax Assessor and Collector may cause a notice to be personally served on such owner or lessee or mailed by registered mail to his last known address, ordering him to place or replace the number. Such owner or lessee shall comply with such notice within ten days from the date of service.

(‘60 Code, §§ 3-6-1 - 3-6-6) Penalty, see § 10.99

§ 94.03 DEPOSITING MATERIALS ON PUBLIC THOROUGHFARES.

(A) It shall be unlawful for any person to permit or allow empty boxes, barrels, rubbish, trash, or refuse of any kind to remain overnight or for a period of longer than 36 hours on any public thoroughfare. (‘60 Code, § 10-3-1)

(B) It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property. ('60 Code, § 8-1-10)
Penalty, see § 10.99

§ 94.04 LUG WHEELS PROHIBITED.

It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.
(‘60 Code, § 8-1-33) Penalty, see § 10.99

§ 94.05 PLAYING BALL ON STREETS PROHIBITED.

It shall be unlawful for any person to play ball or throw any ball to and from upon any public thoroughfare in the municipality.
(‘60 Code, § 8-1-40) Penalty, see § 10.99

§ 94.06 WATER FLOWING ON STREETS PROHIBITED.

It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.
(‘60 Code, § 8-1-50) Penalty, see § 10.99

§ 94.07 WINDOW SILLS AND OTHER PROJECTIONS ABUTTING SIDEWALKS.

It shall be unlawful for any person to place or keep on any window sill, porch, or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens.
(‘60 Code, § 8-1-51) Penalty, see § 10.99

§ 94.08 PARADE PERMITS.

Before any person shall use or obstruct any street for the purpose of a parade he shall obtain a permit from the Chief of Police. The permit shall state the period of time allowed for such use and the purpose for which said street shall be used.
(‘60 Code, § 10-3-2) Penalty, see § 10.99

§ 94.09 SIGN REMOVAL PROHIBITED.

It shall be unlawful for any person to deface or remove any sign erected by the Chief of Police or any of his officers, which sets off or marks parking or reserved space or any indication or signs erected for the purpose of setting out any parking or traffic regulations.

(‘60 Code, § 10-3-3) Penalty, see § 10.99

§ 94.10 USE OF STREETS FOR LIVESTOCK OR VEHICLE SALES.

It shall hereafter be unlawful for any person to use any portion of any public street, avenue or highway as a stall for the sale of livestock or for offering for sale automobiles, motorcycles, motor trucks or any other motor vehicles.

(‘60 Code, § 10-3-4) Penalty, see § 10.99

§ 94.11 SPECIAL PERMITS FOR OBSTRUCTIONS AND EXCAVATIONS.

(A) It shall be unlawful for any person to occupy any space on or to obstruct or encumber any part of any street, alley, sidewalk, or public grounds without a special permit from the City Manager. (‘60 Code, § 10-3-7)

(B) No person shall make any excavation of any kind under or across any alley, street, or sidewalk, without a special permit from the City Manager; provided, that when any person with permission makes any excavation in any street, sidewalk, or alley, he shall with reasonable dispatch refill the same and fix such street, alley, or sidewalk in as good condition as the same was found; and while said excavation is open he shall, at his own expense, place proper guide lamps and signal lights in and around the same, sufficient to warn the public of such excavation so that all persons using reasonable care shall be protected from accident. (‘60 Code, § 10-3-8)

Penalty, see § 10.99

§ 94.12 OWNERS TO CONSTRUCT AND REPAIR SIDEWALKS.

(A) It shall be the duty of every property owner, upon notification by the office of the City Engineer to construct or repair sidewalks as such is prescribed in said notice. (‘60 Code, § 10-7-1)

(B) The material and method of constructing sidewalks shall conform in all respects to the specifications provided by the City Engineer and approved by the Mayor and Council. These specifications shall be on file in the City Engineer’s office at all times. (‘60 Code, § 10-7-2)

(C) If such property owner shall fail, after notification, to construct or repair any sidewalk, the Mayor and Council may order the same constructed or repaired. The costs of said work shall be assessed against the property owner for which said cost shall become a lien upon the property. ('60 Code, § 10-7-3)

Penalty, see § 10.99

§ 94.13 TREES AND SHRUBBERY.

(A) Any owner or occupant of any real property shall trim all trees on property owned or occupied by him, overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel. ('60 Code, § 10-2-1)

(B) Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the municipality; provided, however, that each owner or occupant shall comply with the provisions of the Zoning Code. ('60 Code, § 10-2-2)

(C) It is hereby declared unlawful for any person, not the owner thereof, or without lawful authority so to do, wilfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or any public place or thoroughfare. ('60 Code, § 10-2-3)

(D) The Governing Body of the municipality is hereby provided full and complete control over all trees which are outside the property lines of privately-owned real property. ('60 Code, § 10-2-4)
Penalty, see § 10.99

§ 94.14 PIPE LINES.

(A) *Permit required.* It shall be unlawful for any person, whether as agent or employee, to lay pipe or pipe lines of any size, kind, grade, or character, whether same is used for conveying oil, gas, water or sewerage, across, along, in, or under any street, alley, public ground or thoroughfare, or to lay same through any culvert, under, in, or across any such street, alley, public ground, or thoroughfare without first obtaining a permit from the City Manager. All such pipe or pipe lines which have heretofore been laid, and are now maintained in, along, under or across any street, alley, public ground or thoroughfare shall be removed unless a permit for maintaining same is obtained. ('60 Code, § 10-6-1)

(B) *Application for permit.* Any person desiring any such permit shall make written application to the City Manager and accompany same with a plat or map showing the location, size, kind, and grade of such pipe or pipe lines desired to be laid or maintained; the purpose for which same is to be used and the extension of same. ('60 Code, § 10-6-2)
(Ord. passed 9-12-31) Penalty, see § 10.99

§ 94.15 POSTING HANDBILLS AND ADVERTISING MATTER.

(A) *License required.* It shall be unlawful for any person to engage in the distribution or attaching of any signs, bills, pictures, or advertising matter unless the person shall first have obtained a license as provided in this chapter. ('60 Code, § 5-2-1)

(B) *Application.* Application for a license shall be made to the Clerk, together with all necessary information, including but not limited to, the names of all owners and business addresses of the same. Upon approval of said application by the City Manager the Clerk shall issue a license for which a fee of \$25 shall be paid per annum. ('60 Code, § 5-2-2)

(C) *Littering prohibited.* It shall be unlawful for any person to scatter or throw upon the public thoroughfares any handbills, posters, advertisements or papers. Nothing herein shall be construed to authorize any person to obstruct the public thoroughfares or create a nuisance therein. These provisions shall not interfere or prevent the posting of notices required by law to be posted. ('60 Code, § 5-2-3)

(D) *Posting regulations.* It shall be unlawful for any person to post, paint, tack, or otherwise attach any notice or other advertising matter to any fence, wall, or building or other property without obtaining the consent of the owner of such property. It shall be unlawful for any person to post, paint, tack, or otherwise attach any notices or advertising matter to any telegraph, telephone, electric, or other such pole. ('60 Code, § 5-2-4)

Penalty, see § 10.99

REGULATION OF BICYCLES, ROLLERBLADES, SCOOTERS, SKATEBOARDS, ETC.**§ 94.20 DEFINITIONS.**

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them in this subchapter:

BICYCLE. Any device propelled by human power upon which any person may ride, having two or more wheels, any of which is more than 14 inches in diameter.

DOWNTOWN DISTRICT. That area of Gladewater which is bounded by the following: Ferry Street, Center Street, U.S. Highway 80, and Sabine Street.

ROLLERBLADES. A shoe with inline wheels located along its sole, used or gliding along a hard surface.

ROLLERSKATES. A shoe with a pair of small wheels located on the ends, used for gliding along hard surface.

SCOOTER. Any device, either human powered or engine powered, upon which a person may ride, having two or more wheels, used for gliding along a hard surface.

SIDEWALK. Paved public walkways intended for pedestrian traffic which adjoin streets and/or alleys.

SKATEBOARD. Any device propelled by human power upon which a person may ride, consisting of a short, oblong board with four or more wheels, typically ridden in a standing position.
(Ord. 04-04, passed 4-15-04)

§ 94.21 RIDING ON SIDEWALKS IN DOWNTOWN DISTRICT.

No person shall ride a bicycle, rollerskates, rollerblades, scooter, skateboard, or other such similar device along the sidewalks within the Downtown District of the City of Gladewater, Texas.
(Ord. 04-04, passed 4-15-04) Penalty, see § 10.99

CHAPTER 95: PUBLIC LIBRARY

Section

- 95.01 Created
- 95.02 Use of Public Library
- 95.03 Library Board
- 95.04 Disclaimer of liability
- 95.05 Librarian
- 95.06 Library hours
- 95.07 Regulations for operation; defacing library property prohibited
- 95.08 Registration card

- 95.99 Penalty

§ 95.01 CREATED.

There is hereby created a city library to be known as the “Lee Public Library.”
(‘60 Code, § 10-8-1) (Ord. 04-10, passed 9-16-04)

§ 95.02 USE OF PUBLIC LIBRARY.

Use of the public library shall be free to all citizens of the city and the surrounding area.
(‘60 Code, § 10-8-2) (Ord. 04-10, passed 9-16-04)

§ 95.03 LIBRARY BOARD.

(A) *Created; composition.* There is hereby created a Library Board, which shall be composed of seven members, who shall serve without pay. Its officers shall consist of a chairman, vice-chairman and a secretary. Such officers shall be selected by the members of the Board from its members.

(B) *Purpose.* The object and purpose of the Library Board is to act in an advisory capacity to the City Council to promote the library and to assist the librarian.

(C) *Qualification of members.* The members of the Library Board shall be resident citizens of the city and surrounding area. All members of the Library Board shall be appointed by the City Council

from a slate recommended by the Library Board. Appointments to fill vacancies on the Library Board shall be made in like manner, with appointees serving the remainder of the unexpired term of the position to which they are appointed.

(D) *Term of office.* The term of office shall be two years. Four members shall be appointed in even numbered years and three members appointed in odd numbered years. Appointments shall be made by the City Council at the first meeting of the Council in the month of November of each year.

(E) *Meetings held.* Regular meetings shall be held as needed on the first Monday after the 15th day of the month at 5:00 p.m. at Lee Public Library.

('60 Code, § 10-8-3) (Ord. 04-10, passed 9-16-04; Am. Ord. 05-15, passed 9-15-05)

§ 95.04 DISCLAIMER OF LIABILITY.

No undertaking, action, or inaction of the Library Board, singly or collectively, shall render the city liable to respond in damages or make indemnity or compensation of any character.

(Ord. 04-10, passed 9-16-04)

§ 95.05 LIBRARIAN.

The librarian shall be appointed by the City Manager. The librarian shall be by profession a librarian and shall receive such compensation as shall be determined by the City Manager.

('60 Code, § 10-8-4) (Ord. 04-10, passed 9-16-04)

§ 95.06 LIBRARY HOURS.

The library shall be kept open for the use of the citizens of the city and the surrounding area during such hours as may be fixed by the librarian, with approval of the City Manager.

('60 Code, § 10-8-5) (Ord. 04-10, passed 9-16-04)

§ 95.07 REGULATIONS FOR OPERATION; DEFACING LIBRARY PROPERTY PROHIBITED.

General rules and regulations for the operation and use of the library shall be left to the direction of the librarian, with the approval of the City Manager. Whoever willfully injures or defaces any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to Lee Public Library by writing, marking, tearing, breaking, or otherwise mutilating and whoever shall willfully detain any book, magazine, newspaper, pamphlet, manuscript, or other property belonging to Lee Public Library for 30 days after notice in writing to return the same, given after the expiration of time by which the rules of the library state such property may be kept, shall be punished as provided in § 95.99.

('60 Code, § 10-8-6) (Ord. 04-10, passed 9-16-04)

§ 95.08 REGISTRATION CARD.

A registration card must be signed and on file in the library for each user of the library who desires to be loaned books and other library materials and equipment.

('60 Code, § 10-8-7) (Ord. 1009, passed 4-16-69; Am. Ord. 04-10, passed 9-16-04)

§ 95.99 PENALTY.

Any person who shall violate any of the provisions of § 95.06 shall be guilty of a misdemeanor and upon conviction therefor shall be fined in an amount not more than \$500.

('60 Code, § 10-8-6)

CHAPTER 96: CEMETERY

Section

- 96.01 Cemetery established
- 96.02 Cemetery Board
- 96.03 Manager authorized to enforce
- 96.04 Sale of lots
- 96.05 Restricted articles
- 96.06 Publication of rules
- 96.07 Restriction of sales
- 96.08 Secretary to keep records

§ 96.01 CEMETERY ESTABLISHED.

There is hereby established a Municipal Cemetery on the following described real estate situated in Upshur County, Texas:

All that certain lot, tract, or parcel of land on the Thomas Crenshaw and H.W. Augustine Headright Surveys in Upshur County, Texas, described as follows: Beginning at a point in the north right-of-way line of Highway No. 80, same being 80 vrs (222.3 ft.) N 70 deg. 25 min. W from a point where the west boundary line of the H.W. Augustine Survey and the east boundary line of the Thomas Crenshaw Survey intersect the north right-of-way line of said Highway No. 80, a fence corner post for corner;

Thence N 70 deg. 25 min. W with the north right-of-way line of said Highway 252.9 vrs (702.7 ft.) to the SE corner of the T & P Railroad Company's Section House lot, a fence corner post for corner;

Thence N 19 deg. 35 min. E with the east boundary line of said Section House lot 86.4 vrs. (240 ft.) to the NE corner of said Section House lot, a fence corner post for corner;

Thence S 70 deg. 25 min. E 357.73 vrs (993.7 ft.) to fence corner post for corner;

Thence S 19 deg. 35 min. W 340.9 vrs. (947 ft.) to the place of beginning containing 20 acres of land; being 19.55 acres on the Thomas Crenshaw Survey and 45/100 acres on the H.W. Augustine Survey, and being the same land described in deed from Lena Peck et vir, D Peck, to A.B. Foshee, dated the 13th day of April, 1937, and recorded in Vol. 125, page 537, Upshur County Deed Records.

Surveyed November 11, 1944, by W.C. Elms, County Surveyor of Upshur County, Texas; which said cemetery shall be known and designated as "Gladewater Memorial Park" and shall be owned and controlled by the government of the City of Gladewater, Texas.

('60 Code, § 10-4-1)

§ 96.02 CEMETERY BOARD.

(A) The Cemetery Board shall consist of seven members nominated by the Board and each person so nominated must be approved by a majority of the City Council before becoming a member thereof. With the exception of the original appointments, the term shall be two years. Four members shall be appointed in November of odd-numbered years and three members shall be appointed in November of even-numbered years.

(B) The terms of office shall begin immediately. All vacancies occurring on the board shall be filled by a nomination of the board with the approval of a majority of the City Council and shall be for the remainder of the term of the vacating member. Any member of the Cemetery Board may be removed from office at any time by a majority vote of the City Council without any reason given therefore.

(C) The purpose of said Board is to act in an advisory capacity only concerning the efficient operation and maintenance of Gladewater Memorial Park Cemetery and shall make such recommendations to the City Council as it may deem in the best interest of the city.

(D) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Gov't Code § 551.005.

('60 Code, § 10-4-2) (Am. Ord. 02-13, passed 11-21-02; Am. Ord. O-13-07, passed 8-15-13)

§ 96.03 MANAGER AUTHORIZED TO ENFORCE.

Subject to the recommendations of the Cemetery Board the City Manager shall have absolute charge of the cemetery, and is authorized to enforce the rules, to maintain order, to supervise all workmen, visitors, and drivers, to expel from the grounds any person or persons conducting themselves in an improper manner, or those violating the rules, and to refuse admission to any person or persons or material when he may deem such action necessary for the betterment of the cemetery.

('60 Code, § 10-4-3)

§ 96.04 SALE OF LOTS.

(A) In all cases of a sale, a certificate of title executed in such form as to be recordable in the deed records of Upshur County, Texas, shall be executed and delivered to the purchaser and/or purchasers. The price of any lot or plot within the confines of said cemetery shall be \$500 and no grave space shall

be occupied or certificate of title issued therefor until the cost of lot or plot is paid in full. The City Secretary is hereby granted full power and authority to execute titles in the name of the city to all lots and plots sold as hereinabove authorized.

(B) A fee of \$150 shall be assessed and paid to the city for marking the lot or plot at the appropriated time of grave opening and all related grounds keeping.

(C) For the comfort and convenience of funeral attendees, the pavilion may be reserved by the family or funeral home. Reservations shall be made when notification is given to the city to mark a lot or plot for an impending funeral service. Reservations are on a first come, first served basis.

('60 Code, § 10-4-5) (Am. Ord. O-13-07, passed 8-15-13; Am. Ord. O-16-07, passed 5-19-16; Am. Ord. O-18-06, passed 3-15-18)

§ 96.05 RESTRICTED ARTICLES.

Enclosures of any kind, curbing, or coping around the lot or plot, ornaments, chairs, settees, vases, glass jars, pitchers, unsightly flowers, toys, watering cans, or other articles that may be considered objectionable are hereby prohibited and the right to remove the same without notice to the lot holder or holders is specifically reserved.

('60 Code, § 10-4-6) (Am. Ord. O-13-07, passed 8-15-13)

§ 96.06 PUBLICATION OF RULES.

All rules and regulations recommended by the Cemetery Board and adopted by the City Council governing interment, disinterment, and removals, conducting of funerals, hours of admission, processions and driving restrictions, trespassing upon lots and plots, reclining upon grass, grade of lots, boundary markers, avenues and walks, signs and advertisements, order for work, trees and shrubbery, plucking of flowers, workmen, funeral designs, erection of monuments and tombs including foundations and settings, removal of offensive structures, mausoleums designated and approved by the Council shall be posted in the office of the City Secretary and published for distribution to the owners of lots and plots and to funeral directors operating in this territory.

('60 Code, § 10-4-7) (Am. Ord. O-13-07, passed 8-15-13)

§ 96.07 RESTRICTION OF SALES.

No person shall be permitted admission into the cemetery for the purpose of advertising, displaying, or offering for sale any goods or wares designated for the ornamentation of graves.

('60 Code, § 10-4-8)

§ 96.08 SECRETARY TO KEEP RECORDS.

(A) The City Secretary shall be ex-officio secretary of the Cemetery Board and keep a well-bound volume in which all minutes of the Board meetings.

(B) The City Secretary shall keep a permanent record in which shall be entered the names and/or names in alphabetical order together with their addresses of all persons who purchase lots or plots in said cemetery and shall issue certificates of title and keep a cash book showing all receipts. The City Secretary shall also keep a permanent record of all burials, certificates, and/or removal certificates issued.

('60 Code, § 10-4-10) (Ord. passed 9-11-45; Am. Ord. O-13-07, passed 8-15-13)

CHAPTER 97: FAIR HOUSING

Section

- 97.01 Declaration of policy
- 97.02 Definitions
- 97.03 Interpretation and effect
- 97.04 Discrimination in the sale or rental of housing
- 97.05 Discrimination in the financing of housing
- 97.06 Discrimination in provision of brokerage services
- 97.07 Exemptions for certain transactions
- 97.08 Exemptions for special groups and organizations
- 97.09 Fair Housing Administrator
- 97.10 Complaints
- 97.11 Investigation of complaints
- 97.12 Cumulative legal effect
- 97.13 Unlawful intimidation
- 97.14 Cooperation with Secretary of Housing and Urban Development
- 97.15 Education and public information

- 97.99 Penalty

§ 97.01 DECLARATION OF POLICY.

(A) It is hereby declared to be the policy of the city to bring about through fair, orderly, and lawful procedures, the opportunity for each person to obtain housing without regard to race, color, creed, sex, religion, or national origin, physical or mental disability, marital status, parenthood, or age.

(B) It is further declared that the policy is based upon a recognition of the right of every person to have access to adequate housing of their own choice without regard to race, color, creed, sex, religion, or national origin, physical or mental disability, marital status, parenthood, or age; and, further, that the denial of such right through considerations based on race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such rights which is within the power and proper responsibility of government to prevent.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.02 DEFINITIONS.

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

AGE. The calendar age of an individual 18 years of age or over.

CREED. Any set of principles, rules, opinions and precepts formally expressed and seriously adhered to or maintained by a person.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 97.04 - 97.06 of this chapter.

DWELLING. Any building, structure, or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

FAMILY. A single individual or a group of individuals living together under one common roof.

MAJOR LIFE ACTIVITIES. Functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

MARITAL STATUS. An individual's status as a single, married, divorced, widowed or separated person.

PARENTHOOD. A person's status as a parent or legal guardian of a child or children under the age of 18.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.

PHYSICAL OR MENTAL DISABILITY. Any physical or mental impairment which substantially limits one or more major life activities.

PHYSICAL OR MENTAL IMPAIRMENT. Shall include:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

SENIOR ADULT. A person 55 years of age or older.

TO RENT. Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.03 INTERPRETATION AND EFFECT.

This chapter shall in no way be interpreted as creating a judicial right or remedy which is the same or substantially equivalent to the remedies provided under Title VIII of the Civil Rights Act of 1968, as amended, or the Federal Equal Credit Opportunity Act (15 U.S.C. 1691). All aggrieved parties shall retain the rights granted to them by Title VIII of the Civil Rights Act of 1968, as amended, and the Federal Equal Credit Opportunity Act. In construing this chapter, it is the intent of the City Council that the courts shall be guided by Federal Court interpretations of Title VIII of the Civil Rights Act of 1968, as amended, and the Federal Equal Credit Opportunity Act, where appropriate.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

Except as exempted by §§ 97.07 and 97.08, it shall be unlawful for any person to:

(A) Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age.

(B) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age.

(C) Make, print, publish, or cause to be made, printed or published any notice, statement, or advertisement regarding the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age, or any intention to make any such preference, limitation, or discrimination.

(D) Represent to any person because of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(E) For profit or with the hope or expectation of profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age.

(F) For profit or with the hope or expectations of profit to influence or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord, or tenant of a dwelling so as to promote the maintenance of racially segregated housing or so as to retard, obstruct, or discourage racially integrated housing.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94) Penalty, see § 97.99

§ 97.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part of the making of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against any such person in the fixing of the amount, interest rate, brokerage points, duration, or other terms or conditions of such loan or their financial assistance, because of:

(A) The race, color, creed, sex, religion, or national origin, physical or mental disability, marital status, parenthood, or age of such person or of any person associated with him in connection with such loan or other financial assistance; or,

(B) The race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age of the present or prospective owner, lessees, tenants, or occupants of the dwelling or dwellings for which such a loan or other financial assistance is to be made or given.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94) Penalty, see § 97.99

§ 97.06 DISCRIMINATION IN PROVISION OF BROKERAGE SERVICES.

It shall be unlawful for any person to deny access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership, or participation, on account of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood, or age.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94) Penalty, see § 97.99

§ 97.07 EXEMPTIONS FOR CERTAIN TRANSACTIONS.

There shall be exempted from the application of § 97.04 hereof all transactions involving:

(A) The rental of units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such units as his or her residence.

(B) The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered.

(C) The sale or rental of any single house by a private individual who owns the house, provided:

(1) The sale or rental is made without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman, or person; and,

(2) The sale is made without the publication, posting, or mailing of any advertisement or written notice in violation of this chapter (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title); and,

(3) The owner does not own more than three single-family houses at the time of the sale; and,

(4) The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental or more than three such single-family houses at any one time.

(5) If the owner does not reside in the house at the time of sale or was not the most recent resident of such house prior to the sale, the exemption granted by this division shall apply only with respect to one such sale within any 24-month period.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.08 EXEMPTIONS FOR SPECIAL GROUPS AND ORGANIZATIONS.

(A) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious association or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, mental or physical disability, marital status, parenthood, or age.

(B) Nothing in this chapter shall prohibit a bona fide private club, not in fact open to the public, which as an incident to its primary purpose provides lodging which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(C) Nothing in this chapter shall bar any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased, or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen, or similar facilities available for the use of all persons occupying such housing accommodation.

(E) Nothing in this chapter shall prohibit the sale, rental, lease, or occupancy of any dwelling designed and operated exclusively for senior adults and their spouses, unless the sale, rental, lease, or occupancy is further restricted on account of race, color, creed, religion, sex, national origin, physical or mental handicap and marital status.

(F) Nothing in this chapter shall bar a person who owns, operates, or controls rental dwellings, whether located on the same property or on one or more contiguous parcels of property, from reserving any grouping of dwellings for the rental or lease to tenants with a minor child or children; provided however, in the event that said reserved area is completely leased or rented, the person owning, operating, or controlling said rental dwelling may not refuse to rent or lease any other available dwelling to the prospective tenant on the basis of the tenant's status as parent or any other of the protected classifications set forth in this chapter.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.09 FAIR HOUSING ADMINISTRATOR.

The Mayor shall appoint and the Council shall confirm a Fair Housing Administrator (hereinafter referred to as "Administrator"), who shall have the responsibility for implementing this chapter. The Administrator may delegate his authority to investigate and conciliate complaints to other city employees under his direction.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.10 COMPLAINTS.

(A) Only the person who claims to have been injured by a discriminatory housing practice who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (hereinafter referred to as "person aggrieved") may file a complaint with the Administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The Administrator shall prepare complaint forms and furnish them without charge to any person, upon request.

(B) A copy of all complaints filed with the city shall also be forwarded to the Fair Housing and Equal Opportunity Division of the Region VI Office of the Department of Housing and Urban Development.

(C) The Administrator shall provide for free administrative counseling to those complainants who wish to file a private suit for relief in the local, state, or federal court.

(D) If at any time the Administrator shall receive or discover credible evidence and shall have probable cause to believe that any person or persons have committed or are committing a discriminatory housing practice as to which no complaint has been filed, the Administrator may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

(E) The Administrator shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to division (A) of this section.

(F) All complaints shall be filed within 60 days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the Administrator shall provide notice of the complaint by furnishing a copy of such complaint to the persons named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint within 15 days of receipt of the written complaint.

(G) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.11 INVESTIGATION OF COMPLAINTS.

(A) Upon the filing or referral of a complaint as herein provided, the Administrator shall cause to be made a prompt and full investigation of the matter stated in the complaint.

(B) If the Administrator determines that there is not probable cause to believe that a particular alleged discriminatory housing practice has been committed, the Administrator shall take no further action with respect to that alleged offense.

(C) During or after the investigation, but subsequent to the mailing of the notice of complaints, the Administrator shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this chapter. Nothing said or done in the course of such informal endeavors may be made public by the Administrator, by the complainant, or by any other party to the proceedings without the written consent of all persons concerned.

(D) Upon completion of the investigation and informal endeavors at conciliation by the Administrator, but within 30 days of the filing of the complaint with the Administrator, if the efforts of the Administrator to secure voluntary compliance have been unsuccessful, and if the Administrator has made a determination that a discriminatory housing practice has in fact occurred, the Administrator shall recommend to the City Attorney that such violations be prosecuted in the Municipal Court. With such recommendations, the Administrator shall refer his entire file to the City Attorney. The City

Attorney shall, within 30 days after such referral, make a determination as to whether to proceed with prosecution of such complaint in Municipal Court. If the City Attorney determines to prosecute he shall institute a complaint and prosecute same to conclusion within 30 days after such determination or as soon thereafter as practicable.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.12 CUMULATIVE LEGAL EFFECT.

This chapter is cumulative in its legal effect and is not in lieu of any and all other legal remedies which the person aggrieved may pursue.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.13 UNLAWFUL INTIMIDATION.

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group, or business because he or they have complied with the provisions of this chapter, because he or they have exercised his or their rights under this chapter, or enjoyed the benefits of this chapter, or because he or they have made a charge, testified, or assisted in any investigation, or in any proceeding hereunder or have made any report to the Administrator.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94) Penalty, see § 97.99

§ 97.14 COOPERATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Administrator and the City Attorney are authorized to cooperate with the Secretary of Housing and Urban Development and the U.S. Attorney General pursuant to the provisions of Title VII, Fair Housing Act of 1968, Public Law 90-284, and may render such service to the Secretary as they shall deem appropriate to further the policies of this chapter.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.15 EDUCATION AND PUBLIC INFORMATION.

In order to further the objectives of this chapter, the Administrator may conduct educational and public information programs.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

§ 97.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined a sum not to exceed \$500 for each violation. Each day a violation continues after passage of 75 days from date of the filing of the initial complaint with the Administrator shall constitute a separate and distinct offense.

(Ord. 85-05, passed 5-14-85; Am. Ord. 94-04, passed 5-19-94)

CHAPTER 98: HISTORICAL PRESERVATION

Section

- 98.01 Historic landmarks
- 98.02 Historical Preservation Liaison
- 98.03 Designation of historic landmarks
- 98.04 Tax exemption for designated historic landmarks

§ 98.01 HISTORIC LANDMARKS.

(A) The City Council finds that the recognition and preservation of historic landmarks is in the public interest and serves to promote the welfare of the community. The purpose of this chapter is to preserve the historic structures of the community through a voluntary program of owner participation.

(B) A **HISTORIC LANDMARK** is defined as any site or area of historic or cultural importance or significance as designated by the City Council. **HISTORIC LANDMARKS** shall include historic structures, sites, districts or areas.

(1) Within which the buildings, structures, appurtenances and places exemplify the cultural, political, economic or social history of the nation, state, region or community.

(2) That is identified with the lives of historic persons or with important historical events.

(3) That embodies the distinguishing characteristics of an architectural type or specimen as to color, proportion, form details, materials and craftsmanship.

(Ord. 06-05, passed 8-17-06)

§ 98.02 HISTORICAL PRESERVATION LIAISON.

(A) (1) There is hereby appointed by the City Council a person to known as the “Gladewater Historical Preservation Liaison.” The Liaison shall serve at the pleasure of the City Council for a two-year term, and may be reappointed to consecutive terms. The Liaison shall be:

- (a) An architect, planner, or design professional; or
- (b) A historian, archeologist, or related profession; or
- (c) A real estate professional; or

- (d) An attorney; or
- (e) An owner of historic landmark or property in historic district; or
- (f) A member of a local historical or preservation organization.

(2) Additionally, the Liaison shall have a demonstrated interest, competence or knowledge in historic preservation within the city.

(B) The duties of the Liaison are:

(1) To work with the federal and state governments, City Planning Department, the Historical Society and other boards or organizations to help coordinate restoration or preservation projects.

(2) To educate the community about its rich historical legacy and to encourage historical preservation as inspiration for future generations.

(3) To study and research the necessity for historical districts for the city.

(4) To conduct comprehensive studies into the field of historical preservation in the community, including programs now being offered, what still needs to be done, and cooperative efforts among various groups which could be effected toward a common goal.

(5) To provide for the community an overall view of historical preservation and provide data for individuals or organizations interested in historical preservation.

(6) To recommend to the City Council historic landmarks, which should be included in the Gladewater Historic Landmark Register.

(7) To thoroughly familiarize himself/herself with buildings, structures, sites, districts, areas, places and lands within the city, which may be eligible for designation as historical landmarks.

(8) To establish criteria and make recommendations to the City Council to be used in determining whether certain buildings, districts, and areas should be designated as historical landmarks.

(9) To establish guidelines and review requests for certificates of appropriateness and certificates of demolition for buildings, structures and sites designated as historical landmarks.

(10) To formulate plans and programs for public and private action for encouraging and promoting the preservation of historical landmarks.

(11) To suggest sources of funds for preservation and restoration activities and acquisitions, including federal, state, local, private and foundation sources.

(12) To provide information and counseling to owners of historical landmarks.

(13) To prepare annual reports to the Texas Historical Commission and City Council that summarize preservation activity during the previous year.

(14) To prepare design guidelines for review of historical landmarks and districts.

(C) The powers and duties of Liaison are:

(1) Act in an advisory capacity and make recommendations to the City Manager, the Planning Board and the City Council concerning establishment of any location, structure, building or area as an official historical site and shall make future recommendations regarding preservation and restoration of such areas or buildings, subsequent to their establishment as official historical sites or districts.

(2) Conduct meetings and research for the purpose of determining the feasibility of recommending to the City Manager, the Planning Board and City Council locations, sites and structures to preserve and restore as official historic sites or districts.

(3) The authority of the Liaison shall be limited to making recommendations, and he/she shall in no way have authority to designate or establish areas, buildings or structures as historical sites or districts.

(Ord. 06-05, passed 8-17-06)

§ 98.03 DESIGNATION OF HISTORIC LANDMARKS.

(A) There shall be maintained a document designated as the “Gladewater Historic Landmark Register.”

(B) A structure, site or area may be nominated by the owner or by any interested third party, but may not be placed on the Gladewater historic landmark register without the express consent of the property owner.

(C) An application form shall be required as prescribed by the Liaison. The Liaison shall conduct public meetings to consider applications for inclusion of sites, structures or areas on the Gladewater historic landmark register and shall make a recommendation to the City Council. The City Council may designate historic structures, sites or areas for inclusion on the register, after considering the report and recommendation of the Liaison.

(D) In considering a structure or place for designation in the Gladewater historic landmark register, the Liaison and City Council shall consider one or more of the following:

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the city, state or United States.

(2) Recognition as a recorded Texas historic landmark, a national historic landmark, or entered into the National Register of Historic Places.

- (3) Distinguishing characteristics of an architectural type or specimen.
 - (4) Elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation.
 - (5) Relationship to other distinctive buildings, sites, districts or areas which are eligible for preservation according to a plan based on architectural, historic or cultural motif.
 - (6) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.
 - (7) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or United States.
 - (8) Location as the site of a significant historic event.
 - (9) Identification with a person(s) who significantly contributed to the culture and development of the city, state or United States.
 - (10) Value as an aspect of community sentiment or public pride.
 - (11) Identification as the work of a designer, architect or builder whose work has influenced city growth or development.
 - (12) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city.
 - (13) Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
- (E) The Liaison shall cause the designation of any structure, site, area, or district on the Gladewater historic landmark register to be recorded in the Gregg County deed records.
(Ord. 06-05, passed 8-17-06)

§ 98.04 TAX EXEMPTION FOR DESIGNATED HISTORIC LANDMARKS.

(A) *Exemption.*

- (1) Any property which is designated by the Texas Historical Commission as a recorded historical landmark pursuant to Tex. Gov't Code Ch. 442 or as a state archeological landmark under Tex. Natural Resources Code Ch. 191 shall have an assessed value for ad valorem tax purposes equal to 80% of the assessed value of the property.

(2) Only the historic structure and the land reasonably necessary for access to and use of the structure shall be subject to the tax valuation adjustment provided by this section.

(B) *Application process.* Application for the tax value adjustment provided in division (A)(2) shall be filed with the City Secretary. Each application shall be signed and sworn to by the owner of the property and shall:

(1) State the legal description and the address of the property proposed for certification.

(2) Provide proof of title in the applicant to the property proposed for certification

(3) Provide proof that taxes or other assessments are not delinquent on the property.

(4) Provide proof that the property has been designated by the Texas Historical Commission as a recorded historical landmark pursuant to Texas Gov't Code Ch. 442 or as a state archeological landmark under Texas Natural Resources Code Ch. 191.

(C) *Invalidation of exemption.*

(1) In the event the Texas Historical Commission determines that the subject structure has not been or properly maintained in accordance with its regulations on historic preservation, the tax exemption provided by this section may be invalidated by decision of the City Council.

(2) The historical preservation liaison shall give the property owner notice of the intent to invalidate the tax exemption. The property owner may request a hearing before the City Council within 30 days of mailing or delivering notice of the intent to invalidate.

(3) Upon invalidation of the tax exemption, the tax benefit provided by this section shall also be invalidated and the tax assessment shall be reestablished at full appraisal value, as established by the county appraisal district, for all future tax years.

(D) *Transferability of partial exemption.* The benefits of this tax incentive program are transferable and run with property. A copy of the certification must be filed in the county deed records.
(Ord. O-15-17, passed 10-15-15)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL LICENSING**
- 111. ALARMS**
- 112. ALCOHOLIC BEVERAGES**
- 113. UTILITY COMPANY RENTALS**
- 114. POOL AND DANCE HALLS**
- 115. AMBULANCES**
- 116. JUNK SHOPS, AUCTION HOUSES AND
OTHER SPECIAL BUSINESSES**
- 117. VENDORS AND SOLICITORS**
- 118. HOTELS AND MOTELS**
- 119. RV PARKS**
- 120. WRECKER BUSINESSES**
- 121. VEHICLES FOR HIRE; TAXICABS**
- 122. OIL WELLS**
- 123. FOOD SERVICE ESTABLISHMENTS**
- 124. SEXUALLY ORIENTED BUSINESSES**
- 125. SMOKING ESTABLISHMENT REQUIREMENTS**

CHAPTER 110: GENERAL LICENSING

Section

- 110.01 Applications for licenses
- 110.02 Compliance with license requirements
- 110.03 Form of license; signatures
- 110.04 Investigation of applicant
- 110.05 License fees
- 110.06 Termination of license
- 110.07 Posting of license required
- 110.08 Petitions for consent of adjacent property owners
- 110.09 Business nuisances prohibited
- 110.10 Inspections of premises; refusal to allow inspection
- 110.11 Revocation of license
- 110.12 Change of location

§ 110.01 APPLICATIONS FOR LICENSES.

Applications for all licenses and permits required by this title shall be made in writing to the Clerk unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official.
(‘60 Code, § 5-1-1)

§ 110.02 COMPLIANCE WITH LICENSE REQUIREMENTS.

Whenever in this code a license is required for the maintenance, operation, or conduct of any business, establishment, or occupation, any person or corporation shall be subject to the requirements of such license if, by himself or through an agent, employee, or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the municipality.
(‘60 Code, § 5-1-2)

§ 110.03 FORM OF LICENSE; SIGNATURES.

(A) Forms for all licenses, permits, and applications therefor shall be prepared and kept on file by the Clerk. ('60 Code, § 5-1-3)

(B) Each license or permit issued shall bear the signature of the Clerk, in the absence of any specific provisions to the contrary. ('60 Code, § 5-1-4)

§ 110.04 INVESTIGATION OF APPLICANT.

(A) Upon the receipt of any application for a license or permit where laws of the municipality necessitate an inspection or investigation before the issuance of such permit or license, the Clerk shall, within 48 hours of the time of such receipt, refer such application to the proper investigation officer. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof.

(B) For the protection of health the Health Officer shall make, or cause to be made, an inspection in regard to such licenses in the connection of the care and handling of food and the preventing of nuisances and the spread of disease. For the protection of the general welfare and safety, the Building Inspector shall make, or cause to be made, any such inspection relative to the construction of a building or other structures. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Manager.
('60 Code, § 5-1-5)

§ 110.05 LICENSE FEES.

(A) In the absence of specific provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk. All license fees shall be deposited to the General Fund.

(B) Licenses shall be required for the following activities and businesses upon payment of the fee indicated for specified time.

Carnivals - per day, \$50

Dance Halls - annual, \$100

Pawnbrokers - annual, \$50

('60 Code, § 5-1-13) (Ord. 84-08, passed 7-12-84)

§ 110.06 TERMINATION OF LICENSE.

All annual licenses shall terminate exactly one year from the date of issue, where no provision to the contrary is made.

('60 Code, § 5-1-6)

§ 110.07 POSTING OF LICENSE REQUIRED.

It shall be the duty of any person conducting a licensed business to keep his license posted in a prominent place on the premises used for such business at all times.
('60 Code, § 5-1-12) Penalty, see § 10.99

§ 110.08 PETITIONS FOR CONSENT OF ADJACENT PROPERTY OWNERS.

(A) Whenever the consent of the adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consent must be obtained by securing the necessary signatures to a written petition. Such petition shall be filed with the Clerk when signed.

(B) Consents once given and filed shall not be withdrawn and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.

(C) It shall be unlawful to forge any name to such petition or to represent falsely that the names thereon have been properly placed thereon if such is not the fact.

(D) Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on, and that the petition contains the necessary number of signatures required by this chapter.

(E) The frontage consent requirements contained in this chapter shall not be construed to amend or change any zoning provisions of the city; and no such provision shall be construed as permitting the erection of a structure or building or the conduct of a business or the commission of any act in any location where such structure, building, business, or act is prohibited by any zoning regulations.
('60 Code, § 5-1-8) Penalty, see § 10.99

§ 110.09 BUSINESS NUISANCES PROHIBITED.

No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.
('60 Code, § 5-1-9) Penalty, see § 10.99

§ 110.10 INSPECTIONS OF PREMISES; REFUSAL TO ALLOW INSPECTION.

(A) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this code, or are reasonably necessary to secure compliance with any code provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code provision or to detect violations thereof, it shall be the duty of the licensee of the city whose business is governed by such provision to give to any authorized officer or employee of the city requesting the same sufficient samples of such material or commodity for such analysis.

(C) In addition to any other penalty which may be provided, the City Manager may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises in the name of the city stating that such inspection or sample is required.

('60 Code, § 5-1-10) Penalty, see § 10.99

§ 110.11 REVOCATION OF LICENSE.

Any license or permit granted for a limited time may be revoked by the Manager at any time during the life of such license or permit for any violation by the licensee or permittee of the code provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine that may be otherwise imposed.

('60 Code, § 5-1-11)

§ 110.12 CHANGE OF LOCATION.

In the absence of any provision to the contrary, the location of any licensed business or occupation, or of any permitted act, may be changed provided ten days' notice is given to the Clerk; provided, the building, zoning, and frontage consent requirements of this code are complied with.

('60 Code, § 5-1-7)

CHAPTER 111: ALARMS

Section

- 111.01 Scope and purpose
- 111.02 Definitions
- 111.03 Permit required for certain alarm users
- 111.04 Renewal of permit
- 111.05 Permit to be kept on premises for inspection
- 111.06 Exemptions
- 111.07 False alarms; permit revocation; hearing
- 111.08 User instructions

§ 111.01 SCOPE AND PURPOSE.

(A) The purpose of this chapter is to:

- (1) Protect the emergency services of the city from misuse; and,
- (2) Defray the cost of administering the chapter through license fee charges.

(B) The provisions of this chapter shall apply only to alarm systems:

- (1) Which send an alarm signal directly to the Police Department; or,
- (2) Which send an alarm signal to a location where the signals are continuously monitored and an alarm message is relayed to the Police Department; or,
- (3) Which produce an audible or visual alarm which can be heard or seen outside of the premises and are not equipped with an automatic shutoff device which will shut off all external alarms within 15 minutes of being activated.

(C) The provisions of this chapter shall not apply to alarm systems which produce an audible or visual alarm which can be heard or seen outside the premises provided that:

- (1) The alarm system is equipped with an automatic shutoff device which will shut off all external audible and visual alarms within 15 minutes of being activated; and
- (2) The alarm system is not continuously monitored at an off-premises location.

(Ord. 82-17, passed 7-8-82)

§ 111.02 DEFINITIONS.

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

ALARM BUSINESS. The business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in or on any building, structure, or facility.

ALARM SYSTEM. Any assembly of equipment mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention to which police are expected to respond.

ALARM USER. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure, or facility wherein an alarm system is maintained.

AUTOMATIC DIALING SYSTEM. An alarm system which automatically sends over regular telephone lines a prerecorded voice message.

BURGLAR ALARM SYSTEM. An alarm system signaling an entry or attempted entry into the area protected by the system.

CHIEF OF POLICE. The Chief of Police of the City of Gladewater Police Department or his designated representative.

COORDINATOR. The individual designated by the Chief of Police to issue permits and enforce the provisions of this chapter.

FALSE ALARM. An alarm signal, received and answered by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Unless otherwise provided, the Chief of Police shall be the sole and exclusive judge of whether an alarm is a false alarm for the purpose of this section.

PERMIT YEAR. The period beginning on the date of the issuance of alarm user's permit and extending for 12 months thereafter.

POLICE DEPARTMENT. The City of Gladewater Police Department.

ROBBERY ALARM SYSTEM. An alarm system signaling a robbery or attempted robbery.
(Ord. 82-17, passed 7-8-82)

§ 111.03 PERMIT REQUIRED FOR CERTAIN ALARM USERS.

(A) In the event the Police Department shall receive five false alarms from any one location in any one calendar year, the alarm user at said location shall obtain an alarm user's permit for said location. An application for an alarm user's permit and a \$40 fee shall be filed with the Coordinator's office before any alarm user's permit may be issued. Each permit shall bear the signature of the Chief of Police and shall be valid for a period of one year from the date of issuance or until such time as it is revoked or suspended in accordance with the terms of this chapter.

(B) An alarm user required by federal or state statute, regulation, or rule to install, maintain and operate an alarm system shall be subject to this chapter; provided:

(1) An alarm user is required to obtain a permit, the permit shall be designated as a special alarm user's permit;

(2) A special alarm user's permit for a system which has five or more false alarms in a permit year shall not be subject to revocation under this chapter, but the holder of the permit shall pay a fee of \$40 with the submission of the report required by § 111.07(B);

(3) Upon written demand by the Coordinator, the holder of a special user's permit shall pay a fee of \$40 for each set of five false alarms in the permit year.

(C) It shall be unlawful for any alarm user to operate an alarm system without a permit when a permit is required by this section.

(Ord. 82-17, passed 7-8-82) Penalty, see § 10.99

§ 111.04 RENEWAL OF PERMIT.

(A) Any person, firm, partnership, association, corporation, company, or organization desiring to maintain an alarm system in a building, structure, or facility under its control, after the alarm user's permit therefor has been revoked, shall be required to renew the alarm user's permit for said location. A renewal of an alarm user's permit shall be obtained from the Coordinator's office by filing an application therefor and paying a \$40 fee. Each renewal shall also bear the signature of the Chief of Police and shall bear the same expiration date as the revoked permit.

(B) Once required, an alarm user's permit must be renewed at the end of each permit year; provided, however, in the event the Police Department receives no more than four false alarms from any one location in any one permit year for two consecutive permit years, no permit will be required for that location after the expiration of the second permit year except as a permit may be required under the terms of § 111.03(A).

(Ord. 82-17, passed 7-8-82)

§ 111.05 PERMIT TO BE KEPT ON PREMISES FOR INSPECTION.

Once required an alarm user's permit or a renewal thereof, shall be kept upon the premises using the alarm system and shall be available for inspection by the Police Department during business hours of the alarm user.

(Ord. 82-17, passed 7-8-82) Penalty, see § 10.99

§ 111.06 EXEMPTIONS.

Governmental units shall not be subject to the provisions of this chapter.

(Ord. 82-17, passed 7-8-82)

§ 111.07 FALSE ALARMS; PERMIT REVOCATION; HEARING.

(A) Any system operated under a permit issued by the city which has five or more false alarms within a permit year shall be subject to permit revocation as provided herein.

(B) If the Police Department records five or more false alarms within a permit year for any permitted alarm user:

(1) The Coordinator shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the Coordinator within ten days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

(2) If the alarm user submits a report as directed, the Coordinator shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he determines that the actions will prevent the occurrence of false alarms, he shall notify the alarm user and the relevant alarm business in writing that the permit will not be revoked at that time and that if one more false alarm occurs within the permit year, the permit will be summarily revoked.

(3) If no report is submitted, or if the Coordinator determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the Coordinator shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth day after the date of the notice if the user does not file within that period a written request for a hearing.

(4) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Coordinator by certified mail at the address provided by the user at least ten days prior to the date set for hearing, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing.

(5) The hearing shall be before the Chief of Police. The alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Chief of Police determines that five or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the Chief of Police shall issue written findings to that effect and an order revoking the user's permit.

(6) An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail at the address provided by the user of the revocation of a permit pursuant to subsections (3) and (5) of this division.

(7) An alarm user whose permit has been revoked may apply for a renewal permit as provided in § 111.04. The Coordinator shall not be required to issue a renewal permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Coordinator may impose reasonable restrictions and conditions upon the user, before issuing a renewal permit, which restrictions and conditions shall be written on the permit and shall provide for summary revocation on the occurrence of five additional false alarms in the permit year. Additional renewal permits may be issued upon the same conditions as the first renewal permit.

(8) In situations permitting summary revocation under subsections (2) and (7) of this division, revocations shall be effective on the third day following the mailing by certified mail by the Coordinator of a notice of revocation. There shall be no appeal of a summary revocation for failure to submit a report.

(9) All administrative actions may be appealed to the City Council by giving written notice of such appeal to the City Secretary within ten days of such action. The decision of the City Council shall be final.

(Ord. 82-17, passed 7-8-82) Penalty, see § 10.99

§ 111.08 USER INSTRUCTIONS.

(A) Every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

(B) Standard form instructions shall be submitted by every alarm business to the Coordinator within 60 days after the effective date of this chapter. If the Coordinator reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with division (A) of this section and then to distribute the revised instructions to alarm users.

(C) The alarm user shall keep the Police Department provided with a current list of at least three persons who should be called to turn off the alarm.

(Ord. 82-17, passed 7-8-82) Penalty, see § 10.99

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

General Provisions

- 112.01 Consumption of alcoholic beverages in public prohibited
- 112.02 Nudity prohibited in commercial establishments serving alcoholic beverages

Liquor Regulations

- 112.15 Definitions
- 112.16 Hours of sale
- 112.17 State permit required
- 112.18 Expiration of permits
- 112.19 Location restricted
- 112.20 List of employees to be submitted to Police Chief

Manufacture and Sale of Malt Beverages

- 112.35 Definitions
- 112.36 License required
- 112.37 Application for license
- 112.38 License or permit fees
- 112.39 Form of license
- 112.40 Revocation of license
- 112.41 Warehouse for storage
- 112.42 Location restriction
- 112.43 View to premises to be clear to public

GENERAL PROVISIONS**§ 112.01 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PROHIBITED.**

It shall hereafter be unlawful for any person or persons to consume any beer, wine, malt or vinous liquors or any other alcoholic beverages regardless of the type and strength thereof, while attending or being in or upon any public property within the city, including, but not limited to, public school grounds, public school buildings, football grounds and/or stadiums, basketball grounds and/or stadiums, public parks, public streets or sidewalks, community public buildings or any other public places of whatsoever character.

('60 Code, § 6-3-1) (Ord. passed 10-30-45; Am. Ord. 83-04, passed 6-2-83) Penalty, see § 10.99

§ 112.02 NUDITY PROHIBITED IN COMMERCIAL ESTABLISHMENTS SERVING ALCOHOLIC BEVERAGES.

(A) *Purpose.* The purpose of this section is to prohibit certain acts of commercial exploitation of human sexuality in commercial establishments within the city limits where alcoholic beverages are served, offered for sale for consumption on the premises, or permitted to be consumed on the premises, and to reduce the likelihood of criminal activity, moral degradation and disturbances of the peace and good order of the community, to prohibit lewd and unlawful activity, such as prostitution and the proliferation of controlled substances, all of which may occur when such commercial exploitation is permitted in such places, and to promote the preservation of property values of neighborhoods and adjacent properties.

(B) *Prohibition.*

(1) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which acholic beverages are permitted to be consumed:

(a) To suffer or permit any female person, while on the premises of said commercial establishment, to expose that area of the human female breast at or below the top of the areola thereof.

(b) To suffer or permit any female person, while on the premises of said commercial establishment, to use any device or covering which is intended to give the appearance of or simulate such portions of the human female breasts as described in subsection (1)(a) above.

(c) To suffer or permit any person, while on the premises of said commercial establishment, to expose his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(d) To suffer or permit any person, while on the premises of said commercial establishment, to use any device or covering intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft, or cleavage.

(2) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose that area of the human female breast at or below the top of the areola thereof, or to use any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(3) It shall be unlawful for any person, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to use any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(C) *Injunctive relief.* The City Attorney is and shall be hereby authorized to seek compliance with this section by seeking injunctive relief in a court of proper jurisdiction to compel the operator, owner, or other violator of this section as the same shall be established, to comply with the terms and provisions hereof. The ability of the city to seek injunctive relief hereunder shall not be subject to, nor shall it be a prerequisite thereof, that the city has sought compliance with this section of application of penalties and sanctions as otherwise set out in this section.

(Ord. 94-05, passed 6-6-94) Penalty, see § 10.99

LIQUOR REGULATIONS

§ 112.15 DEFINITIONS.

All definitions of words, terms, and phrases as set forth in the Texas Alcoholic Beverage Code are hereby adopted and made a part hereof.

('60 Code, § 6-2-1)

§ 112.16 HOURS OF SALE.

(A) The City Council hereby adopts the provisions of Section 105.04, 105.05 and 105.06 of the Texas Alcoholic Beverage Code authorizing the late hour sale, offer for sale and delivery of beer and wine and the possession and consumption of beer and wine on premises of a holder of a retail dealer's on-premises late hour license within the city limits, as set out in division (B) below.

(B) It shall be unlawful for any person in the city to consume beer or wine in any public place or for any person to possess any alcoholic beverage in public place for the purpose of consuming the same in such public place at any time on Sunday between the hours of 2:15 a.m. and 12:00 noon, and on all other days at any time between the hours of 2:15 a.m. and 7:00 a.m.

('60 Code, § 6-2-11) (Ord. 1060, passed 2-25-74; Am. Ord. 84-11, passed 9-13-84) Penalty, see § 10.99

§ 112.17 STATE PERMIT REQUIRED.

No permit required under the terms of this chapter shall be issued to any person until he shows that he holds a state permit for the particular phase of the liquor traffic in which he desires to engage and until the fee required by the city for such permit has been paid to the Clerk.

('60 Code, § 6-2-13)

§ 112.18 EXPIRATION OF PERMITS.

All permits issued under the terms of this chapter shall expire exactly one year from the date of issue.

('60 Code, § 6-2-14)

§ 112.19 LOCATION RESTRICTED.

It shall be unlawful for any person to sell or engage in the business of selling intoxicating liquor where the place of business of such person is situated within 300 feet of any church, school, church and/or school grounds and athletic fields such as football stadiums and/or grounds used for educational purposes, or other educational institutions, the measurements to be along the property lines of the street fronts, from the main entrance of such institutions or grounds to the main entrance of such place of business, and in a direct line across street intersections and highways where they occur.

('60 Code, § 6-2-15) Penalty, see § 10.99

§ 112.20 LIST OF EMPLOYEES TO BE SUBMITTED TO POLICE CHIEF.

Any person or business selling alcoholic beverages or offering the same for sale within the corporate limits of the city for consumption on the premises shall, within ten days of the date hereof, file a list of employees with the office of the Chief of Police. In the event a new business is established or a change of the personnel is made after said report of said employees is filed, then such change of personnel or list of new employees shall be forwarded to the Chief of Police within 48 hours.

('60 Code, § 6-2-17)

MANUFACTURE AND SALE OF MALT BEVERAGES**§ 112.35 DEFINITIONS.**

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

BEER. Beer containing 0.5% or more of alcohol by volume and not more than 3.2% of alcohol by weight.

GENERAL DISTRIBUTOR. Any person licensed to distribute or to sell beer to local distributors, retail dealers and others in the original package.

LOCAL DISTRIBUTOR. Any person licensed to sell and distribute beer to retail dealers and ultimate consumers in the county of his residence in unbroken packages not to be consumed on the premises where sold.

MANUFACTURER. Any person licensed to manufacture or brew beer and to distribute and to sell same to others in the original package.

PERSON. Any corporation, partnership, association, and person or group of persons.

RETAIL DEALER. Any person licensed to sell beer in bottles and from kegs, barrels, or other containers to the ultimate consumer.
('60 Code, § 6-1-1)

§ 112.36 LICENSE REQUIRED.

It shall be unlawful for any person to manufacture or brew for the purpose of sale, or to sell or distribute any beer without first having applied for and secured a license as provided by this chapter.
('60 Code, § 6-1-3) Penalty, see § 10.99

§ 112.37 APPLICATION FOR LICENSE.

Any person desiring a license as a manufacturer, general distributor, local distributor, or retail dealer may at any time file an application with the Clerk which petition shall state as follows:

(A) If a manufacturer:

(1) That he is a law-abiding, tax-paying citizen of this state, over 21 years of age; that he has not been convicted of a felony within two years immediately preceding the filing of said petition, and has been a resident of the county wherein such license is sought for more than two years next preceding the filing of said petition.

(2) If a copartnership, that all of the individuals have the same qualifications as provided above.

(3) If a corporation, that applicant is organized and chartered under and has complied with all corporation laws of this state applicable to such corporation; the principal place of business in such county where such license is sought, and the president or manager shall make an affidavit that he is a law abiding, tax-paying citizen of this state, over 21 years of age, and that he had not been convicted of a felony within two years immediately preceding the filing of said petition.

(B) If a distributor: such applicant shall give the same information required of a manufacturer, including the place or places where such business is to be transacted.

(C) If a retail dealer:

(1) The same information required of a manufacturer.

(2) Whether he desires to sell beer for consumption on or off the premises.

(D) If an individual:

(1) That the applicant shall make an affidavit duly signed and sworn to before any person authorized to administer oaths under the laws of this state, showing that he has not, since the effective date of this act, naming the date in the affidavit, and within two years next preceding the making of said application and while engaged in the manufacture, sale, or distribution of beer, paid, contributed, or furnished any money or thing of value to any candidate for any public office in this state.

(2) If the application is in behalf of a corporation, the affidavit shall be by the president, vice-president, secretary, or treasurer of such corporation and shall contain a statement that the corporation has not paid, contributed, or furnished any money or thing of value to any candidate for any public office in this state since the effective date of this section, naming the date in the affidavit, and within two years next preceding the making of said application and while engaged in the business of manufacturing, sale, or distribution of beer.

(3) That accompanying such application the applicant shall furnish proof of the fact that he has been issued a state and county license under direction of the County Judge. Upon such application and proof being furnished, the Council shall grant the application and shall direct that a license be issued to the applicant by the Clerk and it shall be the duty of said Clerk to issue the license upon the payment of the proper license fee.

('60 Code, § 6-1-8)

§ 112.38 LICENSE OR PERMIT FEES.

(A) Before any permit or license required by this chapter shall be issued, the fee required therefor shall be paid to the Clerk and the fees governing the respective permit or license to be issued and authorized by this chapter shall be as follows:

- (1) Beverage Cartage Permit - \$10
- (2) Bonded Warehouse Permit - \$75
- (3) Brewer's Permit - \$750
- (4) Caterer's Permit - \$250
- (5) Distiller's and Rectifier's Permit - \$750
- (6) Local Distributor's Permit - \$50
- (7) Local Industrial Alcohol Manufacturing Permit - \$50
- (8) Manufacturer's Permit - \$5
- (9) Medicinal Permit - \$5
- (10) Nonresident Brewer's Permit - \$750
- (11) Nonresident Seller's Permit - \$75
- (12) Package Store Permit - \$250
- (13) Wine only Package Store Permit - \$37.50
- (14) Private Storage Permit - \$50
- (15) Public Storage Permit - \$50
- (16) Wholesaler's Permit - \$937
- (17) General Class B Wholesaler's Permit - \$150
- (18) Local Class B Wholesaler's Permit - \$37.50
- (19) Wine and Beer Retailer's Permit/Excursion Boat - \$65
- (20) Wine Bottler's Permit - \$112

- (21) Winery Permit - \$37.50
- (22) Branch Distributor's License - \$37.50
- (23) General Distributor's License - \$37.50
- (24) Importer's License - \$10
- (25) Importer's Carrier's License - \$10
- (26) Manufacturer's License:
 - 1st Establishment - \$375
 - 2nd Establishment - \$750
 - 3rd, 4th, 5th Establishments - \$2,137
 - Excess of 5 Establishments - \$4,200
- (27) Nonresident Manufacturer's License - \$375
- (28) Beer Retailer's Off-Premises License - \$30
- (29) Beer Retailer's On-Premises License - \$75
- (30) Wine and Beer Retailer's Permit - \$87.50
- (31) Wine and Beer Retailer's Off-Premises - \$30

(B) No manufacturer, general distributor, local distributor, or retail dealer shall carry on such business at more than one place under the same permit license, but a separate permit or license must be obtained for each place of business. Nor shall any such permit license be voluntarily assigned more than once but before the assignee of such permit or license can engage in business thereunder he, or they, shall comply with the provisions of this chapter, provided however, that the sale of such license whether in the name of the original permittee or licensee or assignee may be made under execution of mortgagee and the purchaser of such permit or license in such sale shall have the right to surrender such permit or license to the city and receive a refund of the unearned portion of such permit or license. Provided, however, that should the assignee desire to change the location of the place of business provided for in the permit license he may do so upon application to the Council.

('60 Code, § 6-1-4) (Ord. 83-14, passed 9-8-83; Am. Ord. 96-06, passed 5-16-96)

Statutory reference:

Local fees authorized, see Tex. Alc. Bev. Code § 11.38

§ 112.39 FORM OF LICENSE.

The form of license to be issued to the various persons sought to be licensed by this chapter shall be prepared by the Clerk subject to the approval of the Council which said license shall be numbered serially and shall provide that such license is issued subject to all the conditions of this chapter and subject to all the conditions of the state laws authorizing the manufacture and dispensing of beverages. ('60 Code, § 6-1-9) (Ord. passed 9-12-33)

§ 112.40 REVOCATION OF LICENSE.

Whenever the County Judge, after ten days notice and hearing, has revoked the license of any licensee operating in the city by reason of any disorderly or immoral practices being permitted on the premises, or spirituous, vinous, or malt liquors are illegally sold on the premises, and where the word "saloon" is printed, painted, or placed upon the door, window, or any other public place on or about the premises, or when the word "saloon" is used in any advertisement by the licensee, then such revocation of the state and county license shall likewise operate as a revocation of the city license issued to such licensee.

('60 Code, § 6-1-6)

§ 112.41 WAREHOUSE FOR STORAGE.

Any distributor, local or general, is hereby authorized to maintain necessary warehouses for storage purposes only from which delivery may be made without such warehouses being licensed.

('60 Code, § 6-1-2)

§ 112.42 LOCATION RESTRICTION.

No license to sell beer shall be granted to any applicant whose principal business is the sale of beer where the place of business of any such dealer is within 300 feet of any church, school, athletic fields such as football stadiums or other educational institutions, the measurements to be along the property lines of the street fronts and from the front door to front door and across a direct line of intersections where they occur.

('60 Code, § 6-1-5)

§ 112.43 VIEW TO PREMISES TO BE CLEAR TO PUBLIC.

No blinds or barriers of any kind or character shall be installed or maintained in the openings or doors of any establishment whose principal business is the sale of beer, neither shall any windows on said establishment be painted in such a way so as to obstruct the view from the general public.

('60 Code, § 6-1-7)

CHAPTER 113: UTILITY COMPANY RENTALS

Section

General Provisions

- 113.01 Report of receipts required
- 113.02 Examination of report
- 113.03 Fee for use of public thoroughfares
- 113.04 Receipt is permit
- 113.05 Charges in addition to tax
- 113.06 Application of provisions; chapter not to grant franchise

Small Wireless Facility Siting

- 113.20 Title
- 113.21 Purpose and scope
- 113.22 Definitions
- 113.23 Permitted use; application and fees
- 113.24 Action on permit applications
- 113.25 Network nodes in the public right-of-way; maximum height; other requirements
- 113.26 Effect of permit
- 113.27 Removal, relocation or modification of network nodes in the right-of-way
- 113.28 Public right-of-way rate
- 113.29 Attachment to service poles in the public right-of-way
- 113.30 Transport facilities
- 113.31 Design manual

GENERAL PROVISIONS

§ 113.01 REPORT OF RECEIPTS REQUIRED.

Any person using and maintaining any telegraph, telephone, electric light, or any other poles, gas pipe lines, pipes and other fixtures in the public thoroughfares of the city shall on the first of February, May, August, and November of each and every year, file with the Clerk a sworn report, showing the

gross receipts from the business conducted by such person within the corporate limits of the city for the preceding quarter of the year, ending on December 31, March 31, June 30, and September 30, respectively.

('60 Code, § 5-12-1)

§ 113.02 EXAMINATION OF REPORT.

The Council may when it sees fit have the books and records of the person rendering the statement required in § 113.01 examined by a representative of the city to ascertain whether such statement is accurate, however, nothing in this chapter shall be construed to prevent the city from ascertaining the facts by any other method.

('60 Code, § 5-12-2)

§ 113.03 FEE FOR USE OF PUBLIC THOROUGHFARES.

Upon the first day of February, May, August, and November of each and every year, every person occupying or using the public thoroughfares with poles, pipes, and other fixtures, shall, as a condition to such further occupancy, pay to the city quarterly for such privileges a rental equal to 2% of the gross receipts received during said preceding quarter as shown in the report required in § 113.01.

('60 Code, § 5-12-3)

§ 113.04 RECEIPT IS PERMIT.

Upon receipt of the above rental the Clerk shall deliver to the person paying the same a receipt for such rental, which said receipt shall authorize such person to use and occupy the public thoroughfares of the city in carrying on its business for the succeeding quarter year for which said payments are made.

('60 Code, § 5-12-4)

§ 113.05 CHARGES IN ADDITION TO TAX.

The rental for the privilege of using the public thoroughfares of the city is not charged as a tax, but is made for the privilege now enjoyed and to be enjoyed by such persons of using the public thoroughfares of the city in the conduct of their respective businesses; and such charges are additional to all ad valorem and franchise taxes, and to all taxes of every nature whatsoever against the persons mentioned herein.

('60 Code, § 5-12-5)

§ 113.06 APPLICATION OF PROVISIONS; CHAPTER NOT TO GRANT FRANCHISE.

This chapter does not grant a franchise to any person to use the public thoroughfares and shall never be so construed by the courts or otherwise, and the city reserves the right to cancel the privileges granted hereunder and cancel the unearned rentals due to the city.

('60 Code, § 5-12-6) (Ord. passed 1-21-41)

SMALL WIRELESS FACILITY SITING**§ 113.20 TITLE.**

The following §§ 113.21 through 113.31 may be referred to as the small wireless facility siting ordinance.

(Ord. O-17-23, passed 9-18-17)

§ 113.21 PURPOSE AND SCOPE.

(A) *Purpose.* The purpose of this subchapter is to establish policies and procedures for the placement of node support poles in the right-of-way and network nodes in the public right-of-way and on service poles within the city's jurisdiction, which will provide public benefits and will be consistent with the preservation of the integrity, safe usage, and visual qualities of the city public right-of-way and the city as a whole.

(B) *Intent.* In enacting this subchapter, the city is establishing uniform standards to address issues presented by network nodes, including without limitation, ensuring that network nodes or node support poles do not adversely affect:

- (1) The use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) Vehicular and pedestrian traffic;
- (3) The operation of facilities lawfully located in the public right-of-way or on public property;
- (4) The ability of the city to protect the environment, including the prevention of damage to trees;
- (5) The character of residential and historic areas, and city parks, in which network nodes may be installed; and

- (6) The rapid deployment of network nodes to provide the benefits of wireless services.

(C) *Conflicts with other chapters.* This subchapter supersedes all chapters, parts of chapters or rules adopted prior hereto that are in conflict herewith, to the extent of such conflict.
(Ord. O-17-23, passed 9-18-17)

§ 113.22 DEFINITIONS.

All terms used in this subchapter, not specifically defined herein, have the meaning provided in Tex. Loc. Gov't Code, Chapter 284.

APPLICABLE LAW. Tex. Loc. Gov't Code, Chapter 284.

APPLICANT. Any person who submits an application and is a network provider.

APPLICATION. A request submitted by an applicant:

- (1) For a permit to collocate network nodes; or
- (2) To install a transport facility; or
- (3) To approve the installation, replacement or modification of a pole.

CITY CODE. Those ordinance provisions relevant to the use of the public right-of-way where compliant with applicable law.

DAY. A calendar day.

PERSON. An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the city.

ROUTINE MAINTENANCE.

- (1) Work in the public right-of-way that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;
- (2) Replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or

(3) The installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in the public right-of-way.

TECHNICAL GROUNDS. In light of prevailing industry and engineering standards, reasons of insufficiency of capacity, safety, reliability and/or generally applicable engineering purposes consistent with applicable law and city code.

(Ord. O-17-23, passed 9-18-17)

§ 113.23 PERMITTED USE; APPLICATION AND FEES.

(A) *Permitted use.* Collocation of network nodes and the placement of node support poles, meeting the parameters set forth in § 113.25 below and in applicable law, shall be a permitted use. No zoning or land use review shall apply, subject to the requirements in § 113.25.

(B) *Permit required.* No person shall place a network node, transport facility or node support pole in the public right-of-way, without first filing a permit application and obtaining a permit therefor, except as otherwise provided in this subchapter.

(C) *Permit application.* All permit applications filed pursuant to this subchapter shall be on a form, paper or electronic, provided by the city. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.

(D) *Application requirements.* The permit application shall be made by the network provider or its duly authorized representative and shall contain the following:

(1) The applicant’s name, address, telephone number, and e-mail address;

(2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application;

(3) Construction and engineering drawings and information confirming that the construction will be consistent with city code.

(E) *Routine maintenance and replacement.* A permit application shall not be required for:

(1) Routine maintenance; or

(2) The replacement of a node with another node that is substantially similar.

(F) *Information updates.* Any amendment to information contained in a permit application shall be submitted in writing to the city within 30 days after the change necessitating the amendment.

(G) *Application fees.* All applications for permits pursuant to this subchapter shall be accompanied by a fee of \$500 for up to five network nodes addressed in the same application, \$250 for each additional node in the same application; and a fee of \$1,000 for each node support pole.

(Ord. O-17-23, passed 9-18-17)

§ 113.24 ACTION ON PERMIT APPLICATIONS.

(A) *Review of applications.* The city shall review applications for network nodes, node support poles and transport facilities in light of their conformity with applicable law and city code and shall issue such permits on nondiscriminatory terms and conditions subject to the following requirements:

(1) Within 30 days of receiving an application for a network node or node support pole, or ten days for a transport facility, the city shall determine and notify the applicant whether the application is complete; or if incomplete, the city must specifically identify the missing information in such notification. There shall be no fee charged for completion and resubmittal of an application.

(2) The city shall make its final decision to approve or deny a complete application no later than:

(a) Twenty-one days after receipt of a complete application for a transport facility;

(b) Sixty days after receipt of a complete application for a network node; and

(c) One hundred fifty days after receipt of a completed application for a new node support pole.

(3) The city shall advise the applicant in writing of its final decision, and, if denied, the basis for that denial, including specific provisions of city code or applicable law on which the denial was based, and send the documentation to the applicant on or before the day the city denies the application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 90 days of receipt of the amended application. The subsequent review by the city shall be limited to the deficiencies cited in the original denial.

(4) If the city fails to act on an application within the review period specified in this § 113.24, the application shall be deemed approved.

(5) An applicant seeking to collocate network nodes may, at the applicant's discretion, file a consolidated application and receive permits for up to 30 network nodes. Provided however, the city's denial of any node within a single application shall not affect other nodes submitted in the same application. The city shall grant permits for any and all nodes in a single application that it does not deny, subject to the requirements of this section.

(B) *Review of eligible facilities requests.* Notwithstanding any other provision of this subchapter, the city shall approve and may not deny applications for eligible facilities requests within 60 days according to the procedures established under 47 CFR 1.40001(c).

(Ord. O-17-23, passed 9-18-17)

§ 113.25 NETWORK NODES IN THE PUBLIC RIGHT-OF-WAY; MAXIMUM HEIGHT; OTHER REQUIREMENTS.

(A) *Maximum size of permitted use.* Collocation of permitted use network nodes in the public right-of-way shall be subject to the size limitations specified in Tex. Loc. Gov't Code § 284.003.

(B) *Undergrounding provisions.* A network provider shall comply with nondiscriminatory undergrounding requirements, including any relevant building code sections, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval. This requirement or restriction shall not be interpreted to prohibit a network provider from replacing an existing structure.

(C) *Historic areas and design districts.* Subject to the permit application approval time frames in § 113.24, a network provider must obtain advance approval from the city before collocating new network nodes or installing new node support poles in any areas zoned or designated as a historic district or as a design district if the district has decorative poles. Such installations shall be subject to the design and aesthetic standards of such areas.

(D) *Installation in municipal parks and residential areas.* A network provider may not install a new node support pole in a public right-of-way without the city's discretionary, nondiscriminatory, written consent of the City Manager if the public right-of-way is located in a municipal park or is adjacent to a street or thoroughfare that is: 1) not more than 50 feet wide; and 2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions. A network provider shall comply with private deed restrictions and other private restrictions when installing network nodes in parks and residential areas.

(E) *Zoning.* A network provider seeking to construct, replace or modify a pole or node in the public right-of-way that exceeds the height or size limits contained in this section, shall be subject to applicable zoning requirements.

(Ord. O-17-23, passed 9-18-17)

§ 113.26 EFFECT OF PERMIT.

(A) *Authority granted.* A permit from the city authorizes an applicant to undertake only certain activities in accordance with this subchapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the public right-of-way.

(B) *Time of installation.* A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion. Provided, however, the city may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.

(C) *Right to occupy.* Once a network provider has collocated a network node or placed a node support pole pursuant to a permit, the provider shall be permitted to continue to maintain such collocation or such pole unless required to remove or relocate under the terms of this subchapter.

(D) *Interference with network nodes.* The city will not grant a permit to any person to install any network node or other wireless facility if the city knows or has reason to know that such person's use of such network node or other wireless facility may in any way adversely affect or interfere with the use and operation of an existing and operational network node for which the city has previously issued a permit.

(Ord. O-17-23, passed 9-18-17)

§ 113.27 REMOVAL, RELOCATION OR MODIFICATION OF NETWORK NODES IN THE RIGHT-OF-WAY.

(A) *Notice.* Within 90 days following written notice from the city, a network provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any network node or node support pole within the public right-of-way whenever the city has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the public right-of-way.

(B) *Emergency removal, or relocation of facilities.* The city retains the right and privilege to disconnect or move any network node located within the public right-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the city shall notify the network provider and allow the network provider an opportunity to move its own facilities prior to the city disconnecting or removing a facility and shall notify the network provider after disconnecting or removing a network node or node support pole.

(C) *Abandonment of facilities.* Upon abandonment of a network node or node support pole within the public right-of-way, the network provider shall notify the city within 90 days. Following receipt of such notice, the city may direct the network provider to remove all or any portion of a network node or node support pole if the city, or any of its departments, determines, subject to city code, that such removal is necessary to protect public health, safety and welfare.
(Ord. O-17-23, passed 9-18-17)

§ 113.28 PUBLIC RIGHT-OF-WAY RATE.

(A) *Annual rate.* Once a network provider has installed and made operational a network node in the public right-of-way, the network provider shall pay to the city compensation for use of the public right-of-way in the amount of \$250 annually per node in the city public right-of-way.

(B) *Cease payment.* A network provider is authorized to remove its facilities at any time from the public right-of-way and cease paying the city compensation for use of the public right-of-way following removal and notification to the city of such removal.
(Ord. O-17-23, passed 9-18-17)

§ 113.29 ATTACHMENT TO SERVICE POLES IN THE PUBLIC RIGHT-OF-WAY.

A network provider shall be permitted to attach network nodes to city-owned service poles, consistent with applicable law and city code and subject to the requirements specified herein.

(A) *Permits.* A network provider shall obtain a permit, pursuant to the terms of this subchapter, prior to collocating network nodes on service poles.

(B) *Make ready.* A network provider shall be responsible for costs for make ready work on city service poles to which the provider seeks to place a network node.

(C) *Technical limitations.* In the event the city determines, based upon technical grounds, that inadequate space exists on a service pole to accommodate the proposed network node, such pole may be replaced by a network provider, at the network provider's expense, with a service pole with adequate space to accommodate the proposed network node.

(D) *Facilities rearrangements.* If another provider would have to rearrange or adjust any of its facilities to accommodate a new network node, the city shall use reasonable efforts to work with the affected providers to coordinate such activity. All make ready work shall comply with NESC and other applicable codes. The applicant shall not be responsible for any third-party costs, including those of other network providers, to adjust existing attachments that are non-compliant with the NESC and other applicable codes at the time of the application.

(E) *Service pole attachment fee.* The rate to collocate a network node on a service pole in the public right-of-way shall be \$20 per pole per year. Subject to the provisions of § 113.30, such compensation, together with the application fee and the public right-of-way rate specified in § 113.28, shall be the sole compensation that the network provider shall be required to pay to the city.

(F) *Cease payment.* A network provider is authorized to remove its facilities at any time from a service pole in the public right-of-way and cease paying the attachment fee to the city upon notification to the city that the facilities have been removed.

(Ord. O-17-23, passed 9-18-17)

§ 113.30 TRANSPORT FACILITIES.

Installation of transport facilities, including applicable compensation to the city for such facilities, shall be governed by Tex. Loc. Gov't Code § 284.055.

(Ord. O-17-23, passed 9-18-17)

§ 113.31 DESIGN MANUAL.

A network provider shall comply with the city's design manual, if any, in place on the date a permit application is filed in relation to work for which the city has approved a permit application. The city's design manual may not conflict with applicable law and must be competitively neutral.

(Ord. O-17-23, passed 9-18-17)

CHAPTER 114: POOL AND DANCE HALLS

Section

Pool Halls; Billiards; Card Rooms

- 114.01 License required
- 114.02 License fees
- 114.03 Minors prohibited from premises

Dance Halls

- 114.15 Definitions
- 114.16 Permit required; application
- 114.17 Examination of premises
- 114.18 City Manager to grant permit
- 114.19 Revocation of permit

POOL HALLS; BILLIARDS; CARD ROOMS

§ 114.01 LICENSE REQUIRED.

It shall be unlawful for any person, firm, or corporation to operate, maintain, or conduct a billiard, pool, or bagatelle or pigeonhole table open to the public without having first obtained a license therefor as is herein required. All applications for such licenses shall state thereon the intended location of the place of business and the number of tables to be used therein.

('60 Code, § 5-9-1) Penalty, see § 10.99

§ 114.02 LICENSE FEES.

Before a license shall be issued to any person to operate or open a billiard, pool, or card hall or room, said person shall pay to the Clerk a license fee of \$100 per year for one card table and \$20 per year for each additional card table; and \$10 per year for each pool or billiard table. Said license shall expire exactly one year from the date of issue. The license issued under this section shall be nontransferable.

('60 Code, § 5-9-2) (Ord. 1076, passed 8-9-75)

§ 114.03 MINORS PROHIBITED FROM PREMISES.

Minors under the age of 21 years shall under no circumstances frequent, loiter, go or remain in any hall or club licensed hereunder that derives a majority of its income from the sale of alcoholic beverages, unless it be upon some lawful errand and sent under the direction and consent and knowledge of the parent, guardian, or other person having lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter, or remain within the hall in violation of this section.

('60 Code, § 5-9-3) (Ord. 80-05, passed 3-13-80) Penalty, see § 10.99

DANCE HALLS**§ 114.15 DEFINITIONS.**

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

CLUB. Any bona fide nonprofit social organization for purely civic, fraternal, social, or charitable purposes, or for any purpose not a business or commercial purpose.

OPERATOR. The person, firm, association, or agent which conducts, manages, maintains, or controls, either directly or indirectly, any dance hall defined and designated herein.

PRIVATE DANCE. Includes any dance given or held in a home or by a bona fide club, admission to which is granted to members and invited guests, and from which the general public is excluded.

PUBLIC DANCE HALL. Any room, place, space, or building where a public dance is held or conducted.

PUBLIC DANCE or PUBLIC BALL. Any dance or ball to which admission can be had by payment of a fee, or by the purchase, possession, or presentation of a ticket or token, or any other dance to which the public generally may gain admission with the payment of a fee directly or indirectly or without payment of fee.

('60 Code, § 5-10-1)

§ 114.16 PERMIT REQUIRED; APPLICATION.

(A) It shall be unlawful to maintain and operate a public dance hall within the city without first obtaining from the Manager a permit to do so. ('60 Code, § 5-10-2)

(B) A written application for a permit shall be filed with the City Manager, which shall include: the location of and size of room proposed to be used, the name and address of each party interested in said dance hall, and the length of time desired to operate the dance hall. ('60 Code, § 5-10-3)

Penalty, see § 10.99

Cross-reference:

Permit fee for Dance Halls, see § 110.05

§ 114.17 EXAMINATION OF PREMISES.

No license shall be granted hereunder unless it shall appear, upon investigation by the Chief of the Fire Department and the Building Inspector, that the premises desired to be used shall comply with the laws of the state, and the laws of the city regulating health and sanitation, the fire regulations and the Building Code.

('60 Code, § 5-10-4)

§ 114.18 CITY MANAGER TO GRANT PERMIT.

The decision of the City Manager as to the granting or refusal of a permit hereunder is and shall be final.

('60 Code, § 5-10-5)

§ 114.19 REVOCATION OF PERMIT.

The City Manager shall have the authority, and it is made his duty to cancel any permit granted under the provisions hereof, when in his opinion same should be cancelled to promote the health, comfort, enjoyment of property, or morals of the inhabitants of the city, and his action in cancelling any such permit shall be final and conclusive.

('60 Code, § 5-10-6)

CHAPTER 115: AMBULANCES

Section

- 115.01 Definitions
- 115.02 Franchise required
- 115.03 Application for franchise; rates
- 115.04 Issuance of new franchise
- 115.05 Prerequisites for granting franchise
- 115.06 Insurance policies
- 115.07 Ambulance to be certified for operation
- 115.08 Response to emergency calls required
- 115.09 City Manager authorized to enforce
- 115.10 Territorial limits

- 115.99 Penalty

§ 115.01 DEFINITIONS.

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

EMERGENCY AMBULANCE. Any privately owned vehicle equipped or used for transporting the wounded, sick or dead, and shall specifically exclude funeral coaches.

OPERATE AN AMBULANCE. Any person who by himself or through his agent, propels a vehicle upon the streets, alleys, or highways of the city, and solicits or holds himself out as being an operator of an emergency ambulance.

PERSON. Includes both singular and plural, and shall mean and embrace any person, firm, corporation, association, lessee, partnership or society.

STREET. Includes any street, alley, avenue, land, public place, or highway within the corporate limits of the city.
('60 Code, § 5-16-1)

§ 115.02 FRANCHISE REQUIRED.

It shall be unlawful for any person to operate an emergency ambulance unless and until a franchise therefor shall be issued by the city, and upon the further payment of \$1 by the applicant to the City Secretary as a registration fee for such emergency ambulance so operated, and the further requirement to furnish to the City Manager at time of such registration certain information that will describe the equipment proposed to be used, the serial and license numbers of same and any other information as shall be required by the City Manager to be given upon the information form furnished the applicant by the City Manager. The registration fee and an itemized report of the service of such emergency ambulance to be filed with the City Manager at any time such report is deemed to be necessary.

('60 Code, § 5-16-2) Penalty, § 115.99

§ 115.03 APPLICATION FOR FRANCHISE; RATES.

Application for franchise hereunder shall be made on blank forms prepared by the City Manager and shall contain the following:

(A) The name and address of the applicant or owner;

(B) The number and description of the ambulances, including the make, model, year of manufacture, Texas license number for current year, motor and chassis number for each ambulance, and the length of time such ambulances have been in use;

(C) The location and description of the place or places from which such emergency ambulances are proposed to be operated;

(D) Such other information as the City Manager may find necessary to a fair determination as to whether the terms of this chapter have been complied with;

(E) The agreement of the operator that in event such franchise is granted, 90 days notice of discontinuance of such ambulance service shall be given to the City Manager by the operator before the proposed date of the discontinuance of such service;

(F) In the event that the City Council shall determine that the operator is not complying with the requirements of this chapter, the operator shall be notified by the City Secretary, and the operator is to be given 90 days in which to correct said irregularities. If, at the expiration of the said 90-day period, the said irregularities have not been corrected the franchise to said operator shall terminate and applications shall be received for a competent operator and a new franchise shall be granted.

('60 Code, § 5-16-3)

§ 115.04 ISSUANCE OF NEW FRANCHISE.

At any time a franchise is terminated voluntarily or by order of the City Council, applications shall be invited and the matter of resuming operation under a new operator shall be considered an emergency, requiring the City Council to meet at the call of the Mayor for the purpose of consideration of all such applications.

('60 Code, § 5-16-4)

§ 115.05 PREREQUISITES FOR GRANTING FRANCHISE.

No franchise to operate an emergency ambulance or ambulances shall be issued unless the City Council shall find the following prerequisites existing:

(A) That the public convenience and necessity require the proposed ambulance service for which application has been made.

(B) In determining whether public convenience and necessity require the granting of the franchise for ambulance service, the City Council shall consider and determine whether the public is at the time being adequately served; the financial responsibility of the applicant; the make, number, and type of equipment; the schedule of rates proposed to be charged; the increased traffic congestion upon the streets of the city; the demand for increased parking space upon the streets which may result; whether the safety of the streets for the public, both vehicular and pedestrian, will be preserved, and such other facts as the City Council shall consider relevant.

(C) That the applicant proposes to maintain a sufficient number of ambulances with adequate equipment to efficiently serve the public necessity for emergency ambulance service. Such license shall be issued conditioned that the operator shall maintain and operate sufficient number of ambulances to adequately serve the needs of the public as determined by the City Council.

(D) That insurance policies insuring the public against personal and property damages have been procured.

(E) That the applicant and all drivers and all attendants are fit and proper persons to conduct or work in the proposed service.

(F) That all the requirements of this chapter and all governing laws and ordinances will be complied with.

('60 Code, § 5-16-5)

§ 115.06 INSURANCE POLICIES.

An applicant hereunder shall file with the City Manager, an insurance policy to be approved by him, providing insurance coverage for each and every ambulance owned, operated, and/or leased by the applicant for ambulance service, to cover injury or death of persons resulting from any cause for which the owner, his agent, or operator of said ambulance would be liable on account of any liability that might be imposed upon him as a matter of law, regardless of whether the ambulance was being driven by the owner, his agent or lessee, and to cover damages to the property of another which might result under like circumstances. The said insurance policies are to be written by a reputable insurance company and approved by the City Manager.

(A) *Continuance after recovery.* Each of said policies shall continue to the full amount thereof notwithstanding any recovery thereof, and the liability of the insurer shall not be affected by the insolvency or bankruptcy of the assured. The policy shall run to the city for the benefit of any and all judgment creditors.

(B) *Coverage period.* Every insurance policy required hereunder shall extend for the period such ambulance is in operation and the insurer shall be obliged to give not less than ten days written notice to the City Manager and the assured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or termination of any such policy shall automatically revoke and terminate the operation of the ambulance covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

('60 Code, § 5-16-6)

§ 115.07 AMBULANCE TO BE CERTIFIED FOR OPERATION.

No person, even though holding a franchise from the city, shall operate an ambulance for emergency service upon the public streets of the city until such ambulance has been certified for such use by the City Manager.

('60 Code, § 5-16-7) Penalty, § 115.99

§ 115.08 RESPONSE TO EMERGENCY CALLS REQUIRED.

Each person making an application to operate an ambulance service within the city shall be deemed, by the filing of such application, to have agreed to answer all emergency calls originating from the Police Department, Fire Department, and all other calls for emergency ambulance service within the corporate limits of the city, and the failure to answer all such calls shall constitute grounds for cancellation of operator's contract unless the failure was caused by conditions beyond the control of the operator. Each ambulance is to be radio equipped in order that the operator may communicate with the Police Department, and the City Manager shall issue the call number for each designated vehicle.

('60 Code, § 5-16-8)

§ 115.09 CITY MANAGER AUTHORIZED TO ENFORCE.

It is the intention of this chapter to supply the citizens of the city with adequate and necessary ambulance service at all times, and to that end, the City Manager is authorized to generally supervise and enforce this chapter and to prescribe such additional requirements as he shall, from time to time, deem necessary to insure that operators of ambulance service hereunder shall render efficient service to the public.

('60 Code, § 5-16-9)

§ 115.10 TERRITORIAL LIMITS.

This chapter shall not govern ambulance calls outside of the city limits nor ambulances carrying persons from outside such city limits to a point within such city limits or through the city; however, it expressly prohibits ambulance operators within the city from transporting patients to points outside the city limits unless said operator has a franchise in accordance with this chapter. An exception to the provision of this chapter is as follows: in the event that an emergency exists endangering the life or apt to cause serious bodily injury to a person or persons and the franchised operator of ambulances is not immediately available, then in that event an unlicensed operator may answer the call, or that infrequently, when some patient makes a personal request that an out-of-town ambulance bring them to or remove them from the city.

('60 Code, § 5-16-10)

§ 115.99 PENALTY.

(A) Any person who shall operate an emergency ambulance within the city in violation of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any amount not less than \$10 nor more than \$500. One exception being that any individual may make an emergency call without violating this chapter.

(B) Any person calling for emergency ambulance service and refusing to pay for such service after use thereof shall be guilty of a misdemeanor and upon conviction thereof in the corporation court shall be subject to a fine not to exceed \$500. The rate for ambulance calls shall not exceed the rate authorized by the other sections of this code. The provisions of this chapter shall not be enforced unless the operator of the ambulance answering such call shall file an account sworn to and acknowledged before a Notary Public stating the date and place of such call and that such call and service took place within the limits of the city.

('60 Code, § 5-16-11) (Ord. passed 5-16-67)

CHAPTER 116: JUNK SHOPS, AUCTION HOUSES AND OTHER SPECIAL BUSINESSES

Section

Junk Shops, Pawnbrokers, and Secondhand Goods

- 116.01 Definitions
- 116.02 License application; fee; issuance
- 116.03 Prohibited purchases
- 116.04 Inspection
- 116.05 Record of transactions to be made

Auction Houses

- 116.20 Definition
- 116.21 Specific Use Permit required for operation
- 116.22 Zoning districts
- 116.23 Exempted types of auctions

Storage of Merchandise

- 116.30 Overnight outdoor storage of sales merchandise
- 116.99 Penalty

JUNK SHOPS, PAWNBROKERS, AND SECONDHAND GOODS

§ 116.01 DEFINITIONS.

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

JUNK SHOP. Includes any enterprise engaged in the processing of junk, waste, discarded or salvaged materials, machinery, or equipment including automobile wrecking and dismantling.

PAWNBROKER. Every person who makes a business of lending money on the security of personal property deposited in his keeping.

SECONDHAND STORE. Includes every person who deals in the purchase and sale of goods of any type that has been used or previously sold at retail one or more times.
('60 Code, § 5-8-1)

§ 116.02 LICENSE APPLICATION; FEE; ISSUANCE.

(A) Application for a license to be issued under the provisions of this chapter shall be made to the Clerk and shall contain a description of the location of the applicant together with a statement concerning the type of business contemplated. The City Manager may provide regulations requiring such other information as he may deem advisable. ('60 Code, § 5-8-2)

(B) Upon receipt of proper application and the payment of a fee of \$50 the Clerk may issue a license for a junk shop, pawnbroker, or secondhand store, subject to all of the provisions of this subchapter. ('60 Code, § 5-8-3)

§ 116.03 PROHIBITED PURCHASES.

No person licensed under the provisions of this chapter shall make any purchase from any minor without first obtaining approval from the Chief of Police.
('60 Code, § 5-8-4) Penalty, see § 116.99

§ 116.04 INSPECTION.

The Chief of Police or other designated official shall be permitted at any reasonable time to inspect any property contained on the premises of any person licensed under this subchapter.
('60 Code, § 5-8-5)

§ 116.05 RECORD OF TRANSACTIONS TO BE MADE.

Any person licensed under the provisions of this subchapter shall maintain a written record of all business transactions, including the time of purchase and the description of any article and the name of the person from whom such article was purchased. This record shall be in the English language and shall be available at any reasonable time for inspection by the Chief of Police or other designated official.
('60 Code, § 5-8-6) Penalty, see § 116.99

AUCTION HOUSES

§ 116.20 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***AUCTION HOUSE* or *PLACE OF AUCTION*.** A place in which a public sale or sale by invitation is conducted in which the price is increased by bids until the highest bidder becomes the purchaser. (Ord. 88-3, passed 5-19-88)

§ 116.21 SPECIFIC USE PERMIT REQUIRED FOR OPERATION.

It shall be unlawful to conduct an auction house or place of auction unless a Specific Use Permit has been obtained, after necessary public hearings, from the City Council authorizing such use and meeting any and all stipulations imposed by such permit. (Ord. 88-3, passed 5-19-88) Penalty, see § 116.99

§ 116.22 ZONING DISTRICTS.

Public hearings for such Special Use Permits will only be considered in areas presently zoned or that may hereinafter be zoned: Light Commercial; Heavy Commercial; Restricted Commercial; Light Industry; or, Heavy Industry. (Ord. 88-3, passed 5-19-88)

§ 116.23 EXEMPTED TYPES OF AUCTIONS.

The following types of auctions are expressly exempted from this subchapter:

(A) Any auction conducted by or in behalf of state or federal government;

(B) One day or one time auctions conducted by local religious or nonprofit groups for ways and means purposes, so long as items offered for sale are of local origin, and does not involve the use of professionals who furnish merchandise for sale.

(C) Local Estate Sales, not to exceed three days in length, so long as all merchandise offered for sale is property owned by the estate, and housed within the corporate limits as a part of the estate.

(D) Any one-time auction conducted in behalf of local bankruptcy recovery, or by local lending institutions attempting to minimize their losses on the sale of items secured by unsatisfied liens.
(Ord. 88-3, passed 5-19-88)

Cross-reference:

Zoning Code, see Chapter 154

STORAGE OF MERCHANDISE

§ 116.30 OVERNIGHT OUTDOOR STORAGE OF SALES MERCHANDISE.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GOODS. Any item of movable personal property, including, but not limited to, handicraft items or specially manufactured items, other than agricultural produce or animals, motor vehicles or parts thereof, boats, or heavy appliances.

MERCHANDISE. Manufactured commodities which merchants buy or sell, including household wares, hardware, clothing, furniture, small household appliances, toys, tools, or other items which are ordinarily the objects of trade and commerce.

OUTDOORS. Outside of an enclosed building or in the open air, exposed to the elements of the weather.

(B) *Restrictions.* No person shall offer for sale, store, or display or exhibit for purposes for selling, any good or merchandise by allowing the same to remain in the outdoors for any period of time between the hours of 9:00 p.m. and 8:00 a.m.

(Ord. 95-02, passed 1-19-95) Penalty, see § 116.99

§ 116.99 PENALTY.

(A) Any person who shall violate any of the provisions of this title for which no other penalty is provided shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) Violations of § 116.30 shall be punishable by fine not to exceed \$200. Each day a violation of said section, or any part thereof, continues shall constitute a separate violation.

(Ord. 95-02, passed 1-19-95)

CHAPTER 117: VENDORS AND SOLICITORS

Section

General Provisions

- 117.01 Definitions
- 117.02 Hours and places of activity
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Permit Requirements

- 117.15 Permit required
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- 117.18 Investigation; denial of application
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Cross-reference:

Garage and yard sales, see 92.08

GENERAL PROVISIONS

§ 117.01 DEFINITIONS.

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

INTERSTATE COMMERCE. Soliciting, selling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines, and subscriptions to newspapers or magazines, which at the time the order is taken are in another state, or will be produced in another state and which are introduced into this city in the fulfillment of such orders.

MERCHANDISE. Includes, but is not limited to any articles or subjects of commerce or trade, goods, commodities, products, wares, or any other item of personal property to be sold, exhibited, or offered for sale.

SOLICITOR. Any person who shall solicit to sell, attempt to sell, or accept orders for or subscriptions to any book, magazine, periodical, or for any merchandise when delivery is to be made in the future.

TEMPORARY. Any act of vending or soliciting transacted or conducted in the city upon the premises for which definite arrangements have not been made in writing for at least 30 days for the purpose of transacting or conducting such business of vending or soliciting.

VENDOR. Any person who engages in a temporary business in the city of selling, exhibiting, or offering or soliciting for sale any merchandise, including:

(1) Any person who engages in such business upon or from a truck or other vehicle within the limits of the city; or,

(2) Any person who hires, rents, leases or occupies any room or space in any building, structure, enclosure, vacant lot, or any other property whatsoever in the city, in, through, or from which any merchandise may be sold, offered or exhibited for sale; or,

(3) Any person who carries any merchandise with him, whether such merchandise is carried on foot or motor vehicle, or other conveyance whatsoever, from place to place, or from house to house, within the city exhibiting or offering his own or his principal's merchandise for sale, and who then and there sells and delivers it to other persons or dealers.

(Ord. 84-06, passed 6-26-84)

§ 117.02 HOURS AND PLACES OF ACTIVITY.

(A) All vending or solicitations to private residences, including but not limited to homes, duplexes, rooming houses, and apartments, shall occur between the hours of 9:00 a.m. and 8:00 p.m., unless otherwise posted by the private property owner or by someone with apparent authority to act for the owner. This regulation does not apply where the vendor or solicitor is on the property by express, prior invitation of the person residing on the premises.

(B) No person shall solicit or engage in the trade of a vendor on any public streets or rights-of-way or from medians in the streets, in a manner which blocks, impedes, obstructs, or unduly hinders passage on public streets and rights-of-way.

(C) Solicitors or vendors shall not block, obstruct, or unduly hinder passage on public sidewalks or passageways.

(D) It shall be unlawful for any person to violate any provision of this section.
(Ord. 84-06, passed 6-26-84) Penalty, see § 117.99

§ 117.03 PROHIBITED CONDUCT.

A solicitor or vendor shall not:

(A) Make physical contact with the person being solicited unless that person's permission is obtained;

(B) Misrepresent the purpose of the solicitation or offer to sell;

(C) Misrepresent the affiliation of the vendor or solicitor;

(D) Continue efforts to sell to or solicit from an individual once that individual informs the vendor or solicitor that he does not wish to give anything to or to buy anything from that vendor or solicitor;

(E) Represent the issuance of any permit or registration under this chapter as an endorsement or recommendation of the sale or solicitation; or,

(F) Refuse to leave the premises owned or under the control of another after having been notified by said person to leave the same.

(G) Solicit at private residences at any time other than between the hours of 9:00 a.m. and 8:00 p.m., or such other hours for solicitation posted by the private property owner or by someone with apparent authority to act for the owner.

(Ord. 84-06, passed 6-26-84) Penalty, see § 117.99

§ 117.04 MINORS NOT PERMITTED TO SOLICIT.

No person under 12 years of age shall solicit, nor shall any organization holding a permit to solicit allow persons under 12 years of age to solicit. No permit may be issued in the name of any person under the age of 18 years.

(Ord. 84-06, passed 6-26-84) Penalty, see § 117.99

PERMIT REQUIREMENTS

§ 117.15 PERMIT REQUIRED.

No person shall engage in, transact, or conduct the business or occupation of a solicitor or vendor, as herein defined, either as principal or as agent, servant, or employee of any other person, without first having obtained a permit therefor, unless such person is exempt, under the provisions of this

chapter, from having to obtain such a permit. The provisions of this section shall not apply where the solicitation is for a charitable, educational, patriotic, philanthropic, or religious purpose. A permit is not required where the solicitor is on the property by express, prior invitation of the person residing on such premises.

(Ord. 84-06, passed 6-26-84) Penalty, see § 117.99

§ 117.16 EXEMPTIONS FROM PERMIT REQUIREMENT.

The permit required by this subchapter for the issuance of a permit under the provisions of this chapter shall not be required of the following:

(A) Ordinary commercial travelers who sell or exhibit for sale goods, wares, or merchandise to persons engaged in the business of buying, selling, and dealing in the same within the city.

(B) Persons offering for sale agricultural products, meats, poultry or other articles of food.

(C) Persons operating under licenses granted by a state agency.

(D) Persons offering for sale or selling newspapers or subscriptions to newspapers.

(E) Persons offering for sale or selling any merchandise for the purpose of raising funds for a charitable or religious organization; provided, however, this exemption shall not apply if any such person is paid to conduct such sales or receives any portion of the sales price therefor.

(Ord. 84-06, passed 6-26-84)

§ 117.17 APPLICATION.

(A) Any person desiring to engage in, transact, or conduct the business or occupation of a solicitor or vendor within the city shall file a written application for a permit to do so with the Chief of Police, which application shall show:

(1) The name and address of the applicant; if the applicant is an association, company, or corporation, then it shall state its name along with the names of the persons who will be soliciting or vending in the city;

(2) The name and address of the employer or firm which such applicant represents;

(3) If the applicant is a corporation, or if the individual is employed by a corporation, the date and place of incorporation;

(4) The names of other communities in which the applicant has worked as a solicitor or vendor in the past 12 months; and if he was employed by a different company in the other communities, the name of those companies shall also be stated.

(5) The nature of merchandise to be sold or offered for sale or the nature of the services to be furnished;

(6) Whenever such applicant upon any such order so obtained will demand, accept, or receive payment or deposit of money in advance of final delivery;

(7) The period of time such applicant so wishes to act as a solicitor or vendor in the city;

(8) An outline of the method or methods to be used in conducting the business of the solicitor or vendor;

(9) A physical description of the applicant which includes race, sex, height, weight, hair and eye color, date of birth, driver's license number and the name of the state issuing the driver's license, or other identification acceptable to the Chief of Police; and,

(10) Where required by law, a current Texas sales tax permit.

(B) Such applicant shall also show satisfactory proof of his authority to represent the company or individual such applicant states that he represents, and such proof shall be in writing.

(C) Where any individual, association, company, or corporation will be represented by more than 15 individuals serving as solicitors or vendors, said individual, association, company or corporation may apply for a master permit, in lieu of each individual obtaining a permit. The application for this master permit will include all the information requested in division (A) of this section, except subsections (A)(4) and (A)(9) above. The applicant will maintain at all times a list containing the names and addresses of the individuals soliciting or vending under the master permit. This list will be made available to the Chief of Police or his designee upon request during regular business hours.

(D) Each application shall be accompanied by a non-refundable fee of \$500 per person covered by such application. No permit hereunder shall be issued until such fee has been paid by such applicant. No fee shall be required of any person engaged in interstate commerce.

(E) A permit applied for under this subchapter shall be issued by the Chief of Police three working days after the application is completed and any required bond is filed, unless it is determined that the applicant has provided false information on his application.

(F) A permit requested under this subchapter shall be issued for the length of time requested, not to exceed 12 months. Upon expiration of one permit, the solicitor or vendor may apply for a new permit in the manner prescribed by this section.

(Ord. 84-06, passed 6-26-84; Am. Ord. 87-03, passed 2-19-87)

§ 117.18 INVESTIGATION; DENIAL OF APPLICATION.

(A) Upon receipt of the application and such other information required by this subchapter, the Chief of Police shall cause such investigation to be made as he deems necessary for the protection of the public good.

(B) The following shall be grounds for disapproval of an application for a permit under this subchapter:

(1) An applicant is under 18 years of age;

(2) An applicant is overdue in the payment to the city of any taxes, fees, fines, or penalties;

(3) An applicant has failed to answer or falsely answered a question or request for information on the application form provided;

(4) An applicant, his employees, and agents, individually or cumulatively, have been convicted of two violations of any provision of this subchapter within two years immediately preceding the application. A plea of “guilty” or “no contest” in any court of law, including a municipal court, shall constitute a conviction for the purposes of this section;

(5) The required permit fee has not been paid;

(6) An applicant has failed to comply with any applicable laws, ordinances, or regulations of the city; or,

(7) An applicant, his employees, or agents, individually or cumulatively, have been convicted of any felony or any offense involving moral turpitude within two years immediately preceding the application. A plea of “guilty” or “no contest” in any court of law shall constitute a conviction for purposes of this section.

(C) The Chief of Police shall endorse upon the application his disapproval and his reason for same and shall notify the applicant that his application is disapproved and that no license shall be issued. (Ord. 84-06, passed 6-26-84)

§ 117.19 ISSUANCE OF PERMITS; BOND REQUIRED.

(A) Where the application for a permit to act as a vendor or solicitor in the city shows that the applicant will not demand, receive, or accept payment and/or deposit of money in advance of final delivery of such goods, wares, merchandise, or articles to be sold and/or solicited by such applicant, it shall be the duty of the Chief of Police to issue to such applicant a permit to solicit, sell, and take orders for such goods, wares, merchandise, and/or articles set out in such applicant's application within three working days of the completion of the application and upon the payment of the fees required by § 117.17(D).

(B) If the application for such permit shows that such applicant shall receive, demand, or accept payment and/or deposit of money in advance of final delivery of goods, wares, merchandise, services or any thing of value sold, then such application shall be accompanied by a bond in the penal sum of \$1,000 for an individual permit or \$5,000 for a master permit executed by such applicant as principal and a surety company licensed to do business as such in the state. Such bond is to be conditioned upon making final delivery of such goods, wares, merchandise, services or any thing of value in accordance with the terms of such order and/or orders obtained and which bond shall be used for the benefit of all persons, firms, or corporations who may pay in advance or make any advance deposit on the purchase of said orders and said bond shall so stipulate in its terms. No bond shall be required of any person engaged in interstate commerce.

(Ord. 84-06, passed 6-26-84)

§ 117.20 APPEAL FROM DENIAL.

Should an applicant be denied a permit or have a permit revoked, he may appeal that action to the City Manager by submitting a letter to the City Manager's office within ten days of the action complained of. A hearing on the denial will then be scheduled to be held within 15 days of the date of receipt of the notice of appeal. The City Manager will render a decision on the appeal within ten days of said hearing.

(Ord. 84-06, passed 6-26-84)

§ 117.21 REVOCATION OF PERMIT.

(A) Where after issuance of any permit under the provisions of this chapter, it is determined that the applicant has knowingly given false or misleading information on his application, any permit issued upon his application shall be revoked.

(B) Where a solicitor or vendor holding some permit is convicted of theft or fraud or a violation of any state penal law in connection with the solicitation for which the permit was issued, that person's permit shall be revoked.

(C) Where a solicitor or vendor holding some permit under this chapter violates any provision of this title, that person's permit shall be revoked.

(Ord. 84-06, passed 6-26-84)

§ 117.22 PERMIT NONTRANSFERABLE.

Any permit issued under the provisions of this chapter shall be personal to the applicant and shall not be assigned or transferred to any other person, firm, corporation, or association. Any attempted assignment or transfer shall render the permit void.

(Ord. 84-06, passed 6-26-84)

§ 117.23 PERMIT CARD.

(A) Along with every individual permit issued under the provisions of this chapter, the permittee shall be issued a card which shall be wallet size and contain the following information: name of permittee, permit number, date of expiration of permit and the signature of the Chief of Police. Such card shall be stamped with the seal of the Police Department on the face thereof. It shall be unlawful for the permittee to engage in his business without having such card in his possession; and it shall further be unlawful for such permittee to fail or refuse to show or display such card upon the request of any person demanding the same.

(B) Where a master permit is issued, the applicant shall provide its solicitors with identification cards showing who the solicitor is, who he is working for and where the association, company, or corporation has its place of business.

(Ord. 84-06, passed 6-26-84)

§ 117.99 PENALTY.

Any person who violates any provision of this chapter shall, upon conviction, be punished by fine not to exceed \$500.

(Ord. 84-06, passed 6-26-84)

CHAPTER 118: HOTELS AND MOTELS

Section

Hotels

- 118.01 Definition
- 118.02 Fire protection equipment; maintenance required
- 118.03 Inspection by Fire Chief and Health Officer
- 118.04 Guests to be recorded in hotel register

Motels

- 118.15 Building permit required
- 118.16 Application to include plan
- 118.17 Minimum requirements
- 118.18 Existing standards
- 118.19 Service station restrictions
- 118.20 Parking space on premises
- 118.21 Guests to be recorded in register

HOTELS

§ 118.01 DEFINITION.

Every building maintained or advertised as a public lodging house or where more than six rooms are provided for sleeping accommodations shall be known as a ***HOTEL***. ('60 Code, § 5-4-1)

§ 118.02 FIRE PROTECTION EQUIPMENT; MAINTENANCE REQUIRED.

(A) The Fire Chief, or other officer designated by the City Manager, shall survey each hotel and specify suitable fire detecting devices or extinguishing appliances which shall be provided. Such devices or appliances may consist of automatic sprinkler or water spray systems, stand-pipe and hose, fixed or portable fire extinguisher or other suitable fire extinguishing systems. ('60 Code, § 5-4-2)

(B) Fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or according to the provisions of this code, shall be maintained in operative condition at all times and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required. ('60 Code, § 5-4-3)

Penalty, see § 10.99

§ 118.03 INSPECTION BY FIRE CHIEF AND HEALTH OFFICER.

It shall be the duty of the Fire Chief and the Health Officer, or other officers so designated by the City Manager, to make periodic and regular inspections of every hotel and to make regular reports of such hotel or hotels concerning regulations imposed by this code.

('60 Code, § 5-4-4)

§ 118.04 GUESTS TO BE RECORDED IN HOTEL REGISTER.

A register shall be maintained at every hotel and each guest shall be required to register his name and home address. The date of arrival and departure shall be clearly indicated and the register shall be maintained for a period of at least one year following registration. The register shall be open for inspection to any authorized person.

('60 Code, § 5-4-5) Penalty, see § 10.99

MOTELS

§ 118.15 BUILDING PERMIT REQUIRED.

Before construction of a motel is started, an application for a permit for such construction shall be submitted to the Clerk. The Clerk shall present such application to the Governing Body for its approval. Only after approval of the Governing Body shall a permit for construction of a motel be issued.

('60 Code, § 5-3-1) Penalty, see § 10.99

§ 118.16 APPLICATION TO INCLUDE PLAN.

Each application for a motel or tourist court shall be submitted with a complete plan, including the plot plan and adjacent buildings, parking arrangement and driveways, unit sizes, plumbing, and heating layout, accessory uses, material to be used, front and rear elevations and architectural design.

('60 Code, § 5-3-6)

§ 118.17 MINIMUM REQUIREMENTS.

The minimum space for each unit shall be 12 feet by 20 feet and shall contain one full bath, toilet facilities, dressing compartment and sleeping room.

('60 Code, § 5-3-4) Penalty, see § 10.99

§ 118.18 EXISTING STANDARDS.

The plumbing, heating, and ventilation components shall meet all local fire, plumbing, and building code requirements.

('60 Code, § 5-3-5)

Cross-reference:

Standard Building Code, see §§ 150.01 through 150.03

Fire Prevention Code, see § 91.01

Plumbing Code, see §§ 150.10 through 150.12

§ 118.19 SERVICE STATION RESTRICTIONS.

Automobile service stations shall be located no closer than 50 feet to any motel.

('60 Code, § 5-3-2) Penalty, see § 10.99

§ 118.20 PARKING SPACE ON PREMISES.

Each unit of a motel or tourist court shall be provided an assigned parking space entirely on the premises.

('60 Code, § 5-3-3) Penalty, see § 10.99

§ 118.21 GUESTS TO BE RECORDED IN REGISTER.

Every operator of a motel shall maintain a register in which each guest shall register his name, home address, and license number of the vehicle in which he is traveling. The date of his arrival and departure shall also be recorded. Such register shall be available to any authorized person inspecting the motel and shall be preserved for a period of not less than one year.

('60 Code, § 5-3-7) Penalty, see § 10.99

CHAPTER 119: RV PARKS

Section

General Provisions

- 119.01 Definitions
- 119.02 RV Park permitting
- 119.03 Posting of certificate of occupancy
- 119.04 Revocation of certificate

RV Park Regulations

- 119.15 RV license required
- 119.16 Application for residential certificate of occupancy
- 119.17 Record to be kept of all trailers in trailer court
- 119.18 Domestic animals in RV park
- 119.19 Sanitary and safety requirements
- 119.20 Fire protection

Recreational Vehicles

- 119.30 Storage and maintenance of recreational vehicles

GENERAL PROVISIONS

§ 119.01 DEFINITIONS.

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

DEPENDENT RECREATIONAL VEHICLE. One which does not have a water closet and bathtub or shower.

INDEPENDENT RECREATIONAL VEHICLE. One that has a water closet and a bathtub or shower.

LONG TERM DWELLING. A recreational vehicle that is occupied in a specific location for more than 30 consecutive days.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, is self-propelled or permanently towable by a light duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE SPACE. A plot of ground within a RV park designated for the accommodation of one vehicle.

RV PARK. Any permitted plot of ground upon which ten or more occupied recreational vehicles are located.

SERVICE BUILDING. A building housing communal toilet, laundry, and other sanitary facilities necessary for the health and convenience of the trailer occupants.
(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15)

§ 119.02 RV PARK PERMITTING.

An RV park must have a specific use permit issued pursuant to § 154.082, as well as a certificate of occupancy.
(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15)

§ 119.03 POSTING OF CERTIFICATE OF OCCUPANCY.

A certificate issued under the provisions of this chapter shall be conspicuously posted in the office of or on the premises of the RV park.
(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15) Penalty, see § 10.99

§ 119.04 REVOCATION OF CERTIFICATE.

The Building Official may revoke or suspend any certificate issued under the provisions of this chapter when such licensee shall have been found guilty of a violation of this chapter or of any part of this code.
(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15)

RV PARK REGULATIONS**§ 119.15 RV LICENSE REQUIRED.**

All RV's stationed in the park must maintain legal registration with the State of Texas or with the state that it is registered.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15) Penalty, see § 10.99

§ 119.16 APPLICATION FOR RESIDENTIAL CERTIFICATE OF OCCUPANCY.

(A) RV Parks must add the following language to contracts with tenants:

“I further certify that all ***SAFETY DEVICES*** in the aforementioned recreational vehicle (RV) are in good working order and will be maintained in good working order throughout the time it is in the park.”

(B) Any parks failing to add this language to their contracts follow the certificate of occupancy protocol set out for residential occupancy for long-term tenants.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15)

§ 119.17 RECORD TO BE KEPT OF ALL TRAILERS IN TRAILER COURT.

It shall be the duty of the RV park owner to keep a register containing a record of all recreational vehicles occupying space within the park. The register shall contain the following information:

(A) Name and address of the registered owner of each recreational vehicle.

(B) Contact information of recreational vehicle owner (telephone number).

(C) License plate of the recreational vehicle and any other vehicle brought into the park.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15) Penalty, see § 10.99

§ 119.18 DOMESTIC ANIMALS IN RV PARK.

(A) Green area must be provided for domestic animals within the RV parks.

(B) All rules regarding domestic animals apply same as anywhere else in city.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15) Penalty, see § 10.99

Cross-reference:

Animals, see Chapter 90

§ 119.19 SANITARY AND SAFETY REQUIREMENTS.

Sanitary sewer connections must be provided within any and all RV parks for every lease space.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15)

§ 119.20 FIRE PROTECTION.

Adequate fire suppression equipment, as approved by the Fire Marshal, must be provided by the RV park owner.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15)

RECREATIONAL VEHICLES

§ 119.30 STORAGE AND MAINTENANCE OF RECREATIONAL VEHICLES.

(A) No recreational vehicle shall be occupied outside of an RV park.

(B) Unoccupied RV's shall be stored in a manner that does not inhibit line of sight for traffic flow when stored at a residence.

(C) All RV's, whether occupied or unoccupied, must be maintained in a clean, safe, and sanitary manner.

(Ord. O-15-22, passed 11-19-15; Am. Ord. O-16-06, passed 11-19-15) Penalty, see § 10.99

[Text continues on page 57.]

CHAPTER 120: WRECKER BUSINESSES

Section

- 120.01 Definitions
- 120.02 Application of provisions; exception for emergencies
- 120.03 Pushing or towing by other vehicles
- 120.04 City employees influencing owners prohibited
- 120.05 Solicitation of business at accident prohibited
- 120.06 Inspection certificates required; application and fee
- 120.07 Qualifications; equipment and insurance requirements
- 120.08 Requirements for wrecker rotation list
- 120.09 Wrecker selection at accident investigation
- 120.10 Storage of disabled vehicles
- 120.11 Fees for services; towing and storage
- 120.12 Police pull not involving accidents
- 120.13 Extra large or heavy vehicles to be towed
- 120.14 Cleanup responsibility
- 120.15 Nonresident wrecker companies
- 120.16 Suspension or removal

- 120.99 Penalty

§ 120.01 DEFINITIONS.

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

ACCIDENT. An occurrence in the operation of a motor vehicle which results in injury/damage to any person or property.

CITY. The City of Gladewater, Texas.

CHIEF OF POLICE. Police Chief for the City of Gladewater or his designate.

DISABLED. Any vehicle which has been rendered unsafe to be driven upon the streets as the result of some occurrence other than a wreck, reasonably requiring that such vehicle be removed by a wrecker.

HEAVY DUTY WRECKER. A wrecker not less than two tons in size.

LIGHT DUTY WRECKER. A wrecker not less than one ton in size.

MOTOR VEHICLE. Any vehicle which is self-propelled.

OWNER'S REQUEST. When the operator or owner of a wrecked or disabled vehicle has selected a wrecker company to remove his vehicle and/or has authorized the Police Department to call that wrecker company.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

POLICE DEPARTMENT. The City of Gladewater Police Department.

POLICE PULL. When the Police Department has called a wrecker company from the rotation list to remove a wrecked or disabled vehicle or to remove a vehicle in a safe driving condition, when the driver is absent, in custody, or otherwise incapable of making authorization.

PRIVATE PROPERTY COMMONLY USED BY THE PUBLIC. Includes supermarkets or shopping center parking lots, parking areas provided by business establishments for the convenience of their customers, clients, or patrons, parking area owned and operated for the convenience of, and commonly used by the public.

PUBLIC PROPERTY. Any property owned by a governmental entity.

ROTATION. When the operator of a wrecked or disabled vehicle fails to designate a specific wrecker operator to remove his vehicle and he has authorized the Police Department to call a wrecker from the rotation list.

STREET. Any street, alley, avenue, lane, public place, or highway within the corporate limits of the city.

TOW TRUCK. A vehicle equipped with a lifting device and which is equipped with or used in combination with a mechanical device used to tow, winch or otherwise move another vehicle. As used in this chapter, the terms **TOW TRUCK** and **WRECKER** are synonymous.

VEHICLE. Any device, in, upon, or by which any person or property is, or may be, transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

WRECKED. The status of any vehicle that has been damaged as the result of an accident so as to reasonably require that such vehicle be removed by a wrecker.

WRECKER BUSINESS. Any wrecker company that hauls, tows, or in any way moves vehicles by the use of a wrecker or tow truck.

WRECKER COMPANY. Any individual, corporation, partnership, or association engaged in the business of towing disabled and/or wrecked vehicles on public streets or highways for compensation or with the expectation of compensation for the towing, storage, or repair of vehicles. The term **WRECKER COMPANY** includes the owner, operator, employee, or agent or a towing company, but does not include cities, counties or other political subdivisions of the state.

WRECKER ROTATION LIST. The list of wrecker companies as described in § 120.06(B).

WRECKER SELECTION. The selection process provided for in § 120.09.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89; Am. Ord. 99-09, passed 6-17-99)

§ 120.02 APPLICATION OF PROVISIONS; EXCEPTION FOR EMERGENCIES.

(A) The prohibitions and requirements of this chapter shall apply to all vehicle disabilities occurring on public property or private property commonly used by the public, regardless of whether or not the final resting place of a vehicle is upon the above described areas immediately after the accident or disability, and to police pulls for vehicles improperly or illegally parked.

(B) The prohibitions and requirements of this chapter shall not apply to any person who necessarily must act immediately to prevent death or bodily injury to any person involved in an accident.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.03 PUSHING OR TOWING BY OTHER VEHICLES.

A vehicle may be pushed or towed by another vehicle only when it does not reasonably require removal by a wrecker or tow truck and only when it may be done in a safe manner.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89; Am. Ord. 99-09, passed 6-17-99)
Penalty, see § 120.99

§ 120.04 CITY EMPLOYEES INFLUENCING OWNERS PROHIBITED.

No employee of the city shall recommend to any person, in any manner, the name of any repair, wrecker, or towing business nor shall any city employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a repair, wrecker service, or towing business.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89) Penalty, see § 120.99

§ 120.05 SOLICITATION OF BUSINESS AT ACCIDENT PROHIBITED.

No person shall drive a wrecker or tow truck to or near the site of an accident for the purpose of solicitation of the business within the corporate limits of the city unless such person has been called to the site by the owner of the vehicle, his authorized representative, or by the Police Department. Any wrecker company when called as provided herein shall notify the Police Dispatcher before proceeding to the disabled vehicle. No person shall solicit in any manner directly or indirectly, at or near the site of an accident involving motor vehicles in the city limits, any business regarding wrecked or disabled vehicles regardless of whether the solicitation is for the purpose of removing, repairing, wrecking, storing, trading, or purchasing said vehicle. The presence of any person engaged in the wrecker business at the site of an accident shall be prima facie evidence of solicitation in violation of this section unless such person has been called to the location under the provisions of this section.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89) Penalty, see § 120.99

§ 120.06 INSPECTION CERTIFICATES REQUIRED; APPLICATION AND FEE.

(A) No person shall engage in any wrecker business or operate a wrecker or tow truck to move a vehicle within the city, unless a wrecker or tow truck inspection certificate for such wrecker or tow truck has been issued by the Chief of Police for the City of Gladewater. Such certificate shall be available for inspection by the Police Department at any time.

(B) (1) Any wrecker company desiring to engage in the wrecker business in the city shall annually apply in writing to the Chief of Police for an inspection certificate for each wrecker or tow truck proposed to be operated. The application shall contain the name, address, and telephone number of the wrecker company, the number and types of wreckers and tow trucks to be operated, the true owner of the company concerned, and a statement that the applicant does or does not desire to appear on the "wrecker rotation list."

(2) Every application, when filed, shall be sworn to by the applicant and accompanied by payment of an annual inspection fee of \$10 per tow truck (wrecker). No fee or payment shall be returnable.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89; Am. Ord. 99-09, passed 6-17-99) Penalty, see § 120.99

§ 120.07 QUALIFICATIONS; EQUIPMENT AND INSURANCE REQUIREMENTS.

(A) *Equipment requirements.* The Chief of Police shall issue an inspection certificate for each qualified wrecker or tow truck which shall be valid until December 31 of the year in which the same was issued. No inspection certificate authorizing the operation of a wrecker or tow truck shall be issued in the city unless the following minimum requirements are met:

(1) Each wrecker shall be not less than one ton in size or equivalent and shall have a gross vehicle weight of not less than 10,000 pounds.

(2) Each wrecker shall be equipped with a lifting device, wench-line and boom, with a rated lifting capacity of not less than 8,000 pounds, single line capacity, with dual rear wheels.

(3) Each wrecker or tow truck shall carry as standard equipment towing mechanisms, safety chains, a fire extinguisher and emergency lighting as approved by the Police Department. Standard equipment for wreckers shall also include a broom, shovel, bucket, and a dolly.

(4) Wreckers which are qualified for the rotation list shall be equipped with permanent or rotating beacons of red, blue, or amber color. Police radio communication of a type approved by the Chief of Police is optional.

(5) Each tow truck which is designed to carry two or more vehicles shall be built and designed in accordance with good engineering principals.

(B) *Insurance.* At the time of application and annual inspection, each owner of a tow truck must provide evidence of insurance coverage of the type and in the amounts required by the Texas Department of Transportation.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89; Am. Ord. 99-09, passed 6-17-99)
Penalty, see § 120.99

§ 120.08 REQUIREMENTS FOR WRECKER ROTATION LIST.

In order to qualify for the wrecker rotation list, the following requirements must be met:

(A) All personal and real ad valorem taxes due to the city by a wrecker company must be paid in full to maintain its status on the wrecker rotation list.

(B) The applicant shall have a minimum of one wrecker available for service at all times.

(C) The applicant shall file a sworn statement that he has no financial interest in any other wrecker service which is on the city's wrecker rotation list.

(D) Applicant must maintain a permanent office and phone service within the city.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.09 WRECKER SELECTION AT ACCIDENT INVESTIGATION.

When a police officer investigating an accident determines that any vehicle which has been involved in an accident should be removed by a wrecker, the officer shall first determine whether or not the owner has already made arrangements with an authorized wrecker service for the removal of his vehicle. If not, the officer shall request the owner to either designate an authorized company or allow a wrecker rotation list as follows:

(A) *Request for wrecker.* If the owner or operator selects a wrecker company, the investigating officer shall notify the Police Dispatcher to call the wrecker company. If the requested wrecker company is unable to promptly respond, then a rotation wrecker will be called.

(B) *Rotation wrecker.* If the owner does not designate a wrecker company to be called, the investigating officer shall notify the dispatcher to call the wrecker company next in line on the wrecker rotation list, and furnish its name to the investigating officer. A wrecker company called from the wrecker rotation list may hereafter be referred to as a “rotation pull.” In such event, the investigating officer shall notify the Police Dispatcher who shall call the wrecker company next up from the wrecker rotation list and dispatch it to the scene. The vehicle or vehicles to be removed shall be taken to the place designated by the owner, or by the investigating police officer or to the wrecker company's own place of storage if no designation is made. If the responding wrecker is unable to immediately provide a wrecker for each wrecked vehicle at the scene, then the wrecker service next on the rotation list will be called to respond. To effect the wrecker rotation list procedure, the Police Department shall keep a master list of all wrecker companies which meet all the requirements of this chapter and have qualified to be on the wrecker rotation list.

(C) *Copy of rotation list.* All qualified wrecker companies shall be given a copy of the wrecker rotation list.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.10 STORAGE OF DISABLED VEHICLES.

It shall be the responsibility of each wrecker company to provide a storage area for wrecked or disabled vehicles which are moved or towed as the result of a police or rotation pull. The storage area shall be inspected annually to determine whether it complies with the provisions of this section. A wrecker company shall not qualify for the rotation list unless:

(A) The wrecker company has a storage area of adequate size that will accommodate vehicles in a safe manner.

(B) Outside storage area, if not currently enclosed by a fence of at least five feet, shall be completely enclosed by a fence of at least six feet in height, with gate which is locked at all times when the licensee, agent, or employee is not at the storage lot.

(C) Each storage area must be adequately lighted for nighttime release of vehicles.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.11 FEES FOR SERVICES; TOWING AND STORAGE.

(A) *Towing.* Charges for towing shall not exceed the usual and customary charges for the wrecker industry from the surrounding area. For extraordinary conditions, when vehicles are so badly damaged that ordinary towing is impossible, a higher charge per tow shall be allowed when fully explained in an itemized statement.

(B) *Storage.* Storage charges shall not exceed the maximum allowed by the Texas Department of Transportation per day of storage. Charges per day shall commence at the time the vehicle is placed into the storage area. All storage charges shall cease at the time the owner or his representative (with proper identification and proof of ownership) request the vehicle from the storage yard of the wrecker company provided the request is made during regular business hours. No charge for storage shall be assessed if the vehicle is removed or requested from the wrecker company within two hours of the time it is placed into storage.

(C) *Other charges.* The maximum charge for use of a dolly shall be \$25 per vehicle.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89; Am. Ord. 99-09, passed 6-17-99)

§ 120.12 POLICE PULL NOT INVOLVING ACCIDENTS.

On a police pull for a vehicle that is in safe driving condition, and for any reason has no owner or licensed operator present to drive the vehicle from the site, the wrecker company called from the rotation list shall observe and maintain the same maximum fees provided for in § 120.11. In the event a police pull is made for a tow-away zone or traffic law violator, the vehicle shall not be released to the owner or any other person until authorization is granted by the Police Department.
(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.13 EXTRA LARGE OR HEAVY VEHICLES TO BE TOWED.

(A) If a large or heavy vehicle is wrecked or disabled and a wrecker of ordinary lifting capacity cannot move the vehicle the following rules shall govern, notwithstanding other provisions of this chapter:

(1) The rotation wrecker company which has been dispatched to the scene shall call any wrecker company who meets the insurance and safety requirements of this chapter and which has wreckers of extraordinary lifting capacity to the scene of the accident or disability for assistance and without regard to the rotation list.

(2) The charges rendered for services of wreckers of extraordinary lifting capacity shall not exceed the usual and customary charges for like services provided in the wrecker industry.

(B) If, in the opinion of city fire or police officials, a wrecked or disabled vehicle or its cargo constitutes a hazard to the public, any wrecker company called shall act at the direction of the said city official.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.14 CLEANUP RESPONSIBILITY.

Each wrecker company called to the site of an accident shall completely remove all broken glass and debris, excluding truck or vehicle cargoes before leaving the site.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.15 NONRESIDENT WRECKER COMPANIES.

The foregoing provisions shall not be construed to prohibit the transportation by a nonresident wrecker company wrecked or disabled vehicle from some point in the city other than the site of an original accident to some point outside the city nor shall it be construed to prohibit the transportation within the city by a nonresident wrecker company of a wrecked or disabled vehicle from a point outside the city limits to a destination inside or outside the city limits.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.16 SUSPENSION OR REMOVAL.

(A) After an administrative hearing, the Chief of Police may suspend or remove any wrecker company from the rotation list on any of the following grounds:

(1) If the place on the wrecker rotation list was procured by fraudulent conduct, concealment of, or false statement of, a material fact concerning applicant at the time of his making application.

(2) If the wrecker company violates the provisions of this chapter or any other city ordinance or any state law regulating vehicular traffic.

(3) If the wrecker company fails to comply with the provisions of this chapter regarding the provision of a storage area for wrecked or disabled vehicles.

(4) If the wrecker company fails to protect vehicles in its care as a result of a wrecker and/or a tow truck pull and fails to prevent parts, accessories, and personal belongings from being removed from the vehicle except as may be necessary to protect such items from theft.

(5) If the wrecker company fails to deliver a vehicle directly to the location within the limits of the city as designated by the owner of the vehicle or the Police Department, provided such vehicle can be legally delivered to such location. However, this provision shall not apply when it is necessary to remove a vehicle to its ultimate destination by two separate tows because of emergency or breakdown of a wrecker or tow truck, and no charge is levied, which is greater than the amount provided in § 120.11 for a single tow from one point on a street to another location within the limits of the city.

(6) If a wrecker company is repeatedly tardy in arriving after being called to the scene of an accident by the Police Department for a rotation pull, the Chief of Police shall give ten-days' notice of the time and place for an administrative hearing concerning suspension, cancellation, or removal as provided above; and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.

(7) Fails to maintain wrecker and equipment in a reasonable workman-like manner.

(B) Findings of the Chief of Police and his written order of suspension or removal from the rotation list shall terminate all authority and permission thereto wanted. The period of suspension or removal from the rotation list shall not exceed one year. Any order of the Chief of Police may be appealed to the City Council in writing within ten days from the date of suspension or removal. The City Council shall have authority to reverse, affirm, or modify the order of the Chief of Police; provided, that in the event of affirmance of the order the suspension shall commence upon the date of action of the City Council. (Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

§ 120.99 PENALTY.

Violation of any term of this chapter by any person, firm, or corporation is declared to be a misdemeanor and upon adjudication of guilt, a fine not to exceed \$500 shall be assessed against such violator. Each continuing day of violation shall be deemed a separate offense for which a separate fine may be assessed.

(Ord. 85-16, passed 12-12-85; Am. Ord. 89-01, passed 1-19-89)

CHAPTER 121: VEHICLES FOR HIRE; TAXICABS

Section

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- 121.02 Permit required for hired vehicles
- 121.03 Trucks; application for permit; fee
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Taxicab Licensing

- 121.15 License required
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- 121.17 Hearing to determine public convenience and necessity
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- 121.35 Taxi capacity
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- 121.37 Chauffeur's license required for drivers
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GENERAL PROVISIONS

§ 121.01 DEFINITIONS.

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

AUTOMOBILE FOR HIRE. Includes any passenger type vehicle operated within the corporate limits of the city for the purpose of carrying passengers for hire other than buses, operating over designated routes doing intercity business, and shall be held to include also any motor vehicle operated for the purpose of carrying passengers for hire between the city and some outside point while so operating within the limits of the city.

OPERATE AN AUTOMOBILE FOR HIRE. Any person who by himself or through his agent, propels an automobile upon the streets, alleys, or highways of the city and solicits or holds himself out for the purpose of transporting passengers for hire.

PERSON. Includes both singular and plural, and shall mean and embrace any person, firm, corporation, association, lessee, partnership, or society.

STREET. Includes any street, alley, avenue, lane, public place, or highway within the corporate limits of the city.
('60 Code, § 5-14-1)

§ 121.02 PERMIT REQUIRED FOR HIRED VEHICLES.

It shall be unlawful for any person to operate or cause to be operated any of the following classes of motor vehicles without first obtaining from the city a permit to do so:

(A) Service cars or taxicabs which carry passengers for hire;

(B) Commercial trucks which are used for the purpose of delivering laundry, clothes, bread, ice, dairy products, petroleum products, bottled drinks, merchandise, or any other commodity, and ambulances.

('60 Code, § 11-8-1) (Ord. passed 5-23-35) Penalty, see § 10.99

§ 121.03 TRUCKS; APPLICATION FOR PERMIT; FEE.

(A) No permit shall be issued until and unless the person desiring to operate such motor vehicle shall file with the city an application in writing which application shall state the following:

- (1) Make, type, and capacity of vehicle;
- (2) Name and age of operator;
- (3) Character of business vehicle is to be engaged in;
- (4) Name and address of owner of vehicle.

(B) Upon the granting of such application and the payment of the registration fee of \$25 to the Clerk and the filing with him of the public liability contract hereinafter provided for, the Clerk shall issue a permit to applicant authorizing him to operate or cause to be operated, such motor vehicle in the city for a period of 12 months unless such permit shall be sooner revoked or suspended under the provisions of this chapter.

('60 Code, § 11-8-2)

§ 121.04 INSURANCE REQUIRED PRIOR TO ISSUANCE OF TRUCK PERMIT.

No permit shall be issued under the provisions of this chapter unless and until the applicant for such permit has secured and deposited with the Clerk a liability and property damage contract written by some solvent insurance company authorized to do business in the state, insuring such vehicles against legal liability on account of death or injury to any person in the sum of \$200,000 for any one accident where more than one person has been killed or injured, and \$100,000 on account of property damage sustained by reason of any truck hauling, removing or in any way injuring said property.

('60 Code, § 11-8-3) (Ord. passed 4-12-36)

TAXICAB LICENSING

§ 121.15 LICENSE REQUIRED.

It shall be unlawful for any person to operate an automobile for hire unless and until a license therefor has been issued by the city, and no license certificate therefor shall be issued by the city until the owner or person in charge or control of such automobile for hire shall file with the Clerk an application in writing for such license, stating in such application the name of the owner or person by whom such license is desired, his street address, type of motor car to be used as an automobile for hire, the horsepower thereof, factory number, seating capacity according to its trade rating, the owner thereof and the length of time for which said license is desired; provided, however, that all licenses shall be upon an annual basis.

('60 Code, § 5-14-2) Penalty, see § 10.99

§ 121.16 APPLICATION.

If the applicant for a license be a corporation, association, or a partnership, such application shall be made by some duly authorized officer of the corporation, association, or partnership, which said application, if it is on behalf of a corporation, shall disclose the corporate name together with its place of business, its officers, giving the address and whether it is a domestic or foreign corporation, or the trade name under which the business is to be operated, together with its owners and their addresses, or the partnership name, together with the names of the partners and their addresses, a separate application shall be made for a license for each automobile for hire that such corporation, association, or partnership may desire to license. ('60 Code, § 5-14-3)

§ 121.17 HEARING TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY.

(A) The applicant may be given a hearing as to whether or not the license shall be granted, but no automobile for hire shall be licensed unless the Council shall first declare by a resolution that public convenience and necessity requires the proposed automobile for hire service for which the application is made.

(B) In determining whether public convenience and necessity require the licensing of such automobile for hire for which application may be made, the Council shall take into consideration whether the demands of public convenience and necessity require such proposal for such additional automobiles for hire service within the city, the financial responsibility of the applicant; and number, kind, type of equipment, the color scheme and name of "Taxi" to be used by the applicant; the increased traffic congestion on the streets of the city which may result, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such additional license, and such other relevant facts as the Council may deem advisable or necessary.

(C) If the Council finds from investigation and/or hearing that the public convenience and necessity will not be subserved by the operation of the vehicle for which the license is desired, such application will be denied and the Clerk shall give notice immediately to such applicant of the official action of the governing body on said application.

(D) It is not intended that this chapter shall in any way abridge the powers of the city with reference to the regulation of vehicles used for transportation of passengers for hire on the public streets of the city, but the Council shall have full power to exercise any and all of the powers conferred upon it by statute.

('60 Code, § 5-14-4)

§ 121.18 INSURANCE REQUIREMENT.

Before any licenses shall be issued the applicant shall furnish to the city for such automobile or automobiles to be licensed, a good and sufficient personal liability insurance policy providing for \$200,000, and also a property damage insurance policy in the sum of \$100,000; such policies shall be a prerequisite to the issuance of said licenses and shall be issued or written by a solvent insurance company authorized to do business in the state and must be approved by the City Attorney; said policies being for the protection of passengers and/or pedestrians injured or killed in the course of the operation of said taxicabs or passenger automobiles used for hire and/or for the indemnity of property injured or destroyed by said automobiles while in the course of operation.

('60 Code, § 5-14-5)

§ 121.19 LICENSE FEES.

(A) There is hereby fixed a license fee which shall be collected from any person operating public vehicles on the streets of the city of \$25 per annum for each public vehicle engaged in such business. Expiration dates of said licenses shall be December 31 for each year of issuance and annually thereafter.

(B) In the event a taxicab for which fee has been paid for the current year is sold, wrecked, or destroyed, the licensee shall have the right to replace said taxicab with another, and upon written application to the City Manager the license fee therefor paid on said vehicle so wrecked or destroyed shall be made applicable to the new vehicle replacing same; but in no event shall there be refunded any license fees paid under this chapter. All taxes and license fees shall be paid to the City Tax Collector, who shall issue a receipt on a form prepared by him for that purpose.
('60 Code, § 5-14-6)

§ 121.20 LICENSE NONTRANSFERABLE.

No license or permit provided by this chapter is transferable to any other person.
('60 Code, § 5-14-13) Penalty, see § 10.99

§ 121.21 AD VALOREM TAXES.

It shall be the duty of every owner of a motor vehicle to render said automobile for ad valorem taxes assessed for the city; and before any such automobile shall be licensed as a taxicab all delinquent ad valorem taxes heretofore assessed against said automobile or automobiles shall be paid and a failure to pay current ad valorem taxes before they become delinquent upon the tax books of the city shall operate as a revocation of the license issued in accordance with the provisions of this chapter.
('60 Code, § 5-14-7)

§ 121.22 FAILURE TO OPERATE; SUSPENSION OR REVOCATION.

Whenever any person holding one or more licenses for public vehicles for hire shall for a period of 30 days consecutively fail to make a reasonable and consistent effort to operate such vehicle except on account of an emergency over which the licensee or owner has no control, the Council, upon hearing, after five days notice to the owner or licensee, shall revoke all licenses covering such vehicles. The Clerk shall keep a complete record of each public vehicle license issued and all renewals and revocations thereof.
('60 Code, § 5-14-10)

OPERATION OF TAXICABS**§ 121.35 TAXI CAPACITY.**

No driver or owner of any public vehicle shall permit or allow more persons to ride in said vehicle than is provided for by its normal seating capacity; nor shall any such driver or owner permit or allow any person to ride in the front seat of any vehicle beside said driver, while engaged in the business of carrying persons for hire, at any time when there is unoccupied and available any seat in the rear of such vehicle, and in no event shall more than one person in addition to the driver, be permitted in the front seat of said vehicle.

('60 Code, § 5-14-12)

§ 121.36 SOLICITATION OF PASSENGERS PROHIBITED.

(A) It shall be unlawful for any person, operator, or owner of any automobile for hire to seek or solicit employment while operating said automobile for hire by repeatedly and persistently driving such automobile for hire to and from on the public streets of the city and offering the accommodations thereof to prospective passengers either by signal, word of mouth, or by carrying a sign with the word "vacant" thereon, or some other word of similar import, or otherwise, or in any manner whatsoever operating said vehicle upon the public streets of the city for the purpose of soliciting passengers. ('60 Code, § 5-14-8)

(B) It shall be unlawful for any person operating any motor vehicle for hire to use any public thoroughfare as a place of business or for the solicitation of said business. ('60 Code, § 5-14-14) (Ord. passed 3-30-43)

Penalty, see § 10.99

§ 121.37 CHAUFFEUR'S LICENSE REQUIRED FOR DRIVERS.

No person shall drive an automobile for hire upon the streets of the city unless such person shall first obtain a chauffeur's license issued by the State Public Safety Commission of the State of Texas. It shall be unlawful for any owner of an automobile for hire to employ a driver who has not been licensed as a chauffeur, and a violation of this provision shall be sufficient reason for revoking the license of such owner or operator of the automobile for hire.

('60 Code, § 5-14-9)

§ 121.38 USE OF TAXI FOR CRIMINAL PURPOSES PROHIBITED.

It shall be unlawful for the driver of any public vehicle to permit any person to occupy or use such vehicle for the purpose of prostitution, lewdness, or assignation, or to direct, take, or transport, or offer or agree to direct, take, or transport any other person with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

('60 Code, § 5-14-11) Penalty, see § 10.99

CHAPTER 122: OIL WELLS

Section

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Permits

- 122.10 Permit required
- 122.11 Application for permit
- 122.12 Hearing on application
- 122.13 Multiple applications for hearing
- 122.14 Additional permits on block
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Oil and Gas Well Operation

- 122.30 Drilling site requirements
 - 122.31 Restoration of property; operation
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GENERAL PROVISIONS

§ 122.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All technical or oil and gas industry words or phrases used herein and not specifically defined shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

APPLICANT. Any individual, partnership, corporation, and their agents, administrators, employees, executors, heirs, successors, and assigns.

BLOCK. One of several 20 acre units designated by the city within its city limits.

CASH. Any immediately negotiable instrument including United States currency, check, money order, traveler's check, or bank draft.

DRILLING UNIT. As used in this chapter, means that area or those areas defined by statewide and/or specific field rules established by the Texas Railroad Commission.

PERSON. Any individual, partnership, corporation, and their agents, administrators, employees, executors, heirs, successors, and assigns.

WELL. Any hole or holes, bore or bores to any sand, formation, strata, or depth which is or are drilled, bored, sunk, dug, or put down for the purpose of either exploring for or ascertaining the existence of any oil, gas, liquid hydrocarbons, or any of them, or for the purpose of producing any oil, gas, liquid hydrocarbons, or any of them, or to be used for injection or disposal.
('60 Code, § 5-13-1)

PERMITS

§ 122.10 PERMIT REQUIRED.

It shall be unlawful for any person to drill or commence to drill a well for oil or gas or to work upon or assist in any way in the prosecution of any such well or to produce oil and/or gas from a well within the city without first having been issued a permit.

('60 Code, § 5-13-2) Penalty, see § 122.99

§ 122.11 APPLICATION FOR PERMIT.

Every application for a permit to drill a well shall be in writing signed by the applicant or some person in his behalf; it shall be filed with the City Secretary and be accompanied with an application fee of \$1,000. The application shall state the block and the particular lot and location in the block where the proposed well is to be located, and have attached to it certified copies of all oil and gas leases, or other drilling contracts with the owners of land in the tract which applicant may have, together with abstracts of title or certificates of title or opinions on the title satisfactory to the governing body, to the end that the application will show what proportion and what parts of the tract with a plat or map of the tract showing the exact location of the proposed well.

('60 Code, § 5-13-3) (Am. Ord. 03-13, passed 8-21-03)

§ 122.12 HEARING ON APPLICATION.

(A) When any application shall have been filed with the City Secretary in proper form, the City Secretary shall immediately give notice of a hearing to be held before the Council on the question of whether such application shall be granted, such hearing to be held not less than three days from the date of such notice exclusive of day of notice and day of hearing. A copy of such notice shall be mailed to the owner of all land within 500 feet of the drill site or within the proposed drill tract, whichever is larger. Such notice shall be mailed to each such owner at his last known post office address.

(B) The Council, at its sole option, may:

(1) Accept the application and order the permit issued;

(2) Reject the application and refuse to issue the permit; or,

(3) Delay final action pending investigation of the facts of the application and/or the receipt of additional information which may be deemed appropriate to the specific application.
('60 Code, § 5-13-4)

§ 122.13 MULTIPLE APPLICATIONS FOR HEARING.

If there be applications filed for hearing at the same time by more than one applicant for permits to drill in any one block, that application shall be granted, if otherwise sufficient, which shall be made by the person holding the greater area of the ground in the block, by lease or other contract with the owner, permitting the drilling thereon for oil or gas.

('60 Code, § 5-13-5)

§ 122.14 ADDITIONAL PERMITS ON BLOCK.

(A) When it shall appear from the application that a permit is desired to drill a well upon a block where one or more permits have already been granted, notice of hearing to be held upon the granting of such application shall be served upon the principal owner of the leasehold estate in the property on which a permit or permits have already been granted by certified mail, return receipt requested, to be received by the owner or his agent three days before the date of said hearing exclusive of day of service and day of hearing. If upon such hearing it shall appear that the holders of previous permits upon the same block do not hold valid oil and gas lease or drilling contracts upon the property of the present applicant and that they have refused to share with the present applicant in the royalty and leasehold interest, as hereinabove provided, and that they have refused to share in the benefits accruing to them from the oil and gas lease upon the property in proportion of the ownership of the present applicant, then said application, if it meets the requirements of this chapter in all other respects, shall be granted; otherwise, it shall be refused.

(B) The Council may, at its discretion, grant exceptions to the prescribed rules and regulations with reference to more than one well being drilled in a city block.
('60 Code, § 5-13-6)

§ 122.15 ACCEPTANCE OF GRANTED BLOCK.

Any permit granted shall automatically become null and void and inoperative 30 days after the passage thereof, unless such permit be accepted by the permittee or his duly authorized agent within said period, and in such acceptance the permittee shall agree to carry out all the provisions of this chapter, such agreement to insure to the benefit of all interested parties, and shall agree to indemnify and hold the city harmless from all damages resulting from the drilling and operation of said well.
('60 Code, § 5-13-7)

§ 122.16 REFUSAL TO GRANT PERMIT.

The Council shall have the power, and reserves the authority, to refuse any application for a permit where, by reason of the location of the proposed well and the character and value of the permanent improvements already erected on the block in question, or adjacent thereto, and the use to which the land and surroundings are adapted for civic purposes, or for sanitary reasons, the drilling of an oil or gas well will be a serious disadvantage to the city and its inhabitants as a whole; but when a permit shall be refused for any of these reasons, but not otherwise, the deposit of cash made with the application shall be returned to the applicant except for \$100 which shall be retained to cover administrative costs at the discretion of the Council.
('60 Code, § 5-13-8)

§ 122.17 TIME LIMIT FOR COMMENCEMENT OF DRILLING.

No permit shall be granted or issued for the drilling of a well except upon ground held by the applicant under oil and gas lease or drilling contract from the owner, giving the owner's permission to drill the well; and when a permit shall have been issued, the same shall terminate and become inoperative without any action on the part of the Council, unless within 60 days from the date of issue, actual drilling of the well shall have commenced. The cessation for a like period of the drilling operations, or the cessation of production of oil or gas from the well after production shall have commenced, shall operate to terminate and cancel the permit and the well shall be considered as abandoned and it shall be unlawful thereafter to continue the operation or drilling of such well without the issuance of another permit. The City Manager is empowered to grant a single extension of up to 60 days upon written request by the applicant explaining the reasons for failure to begin drilling operations.
('60 Code, § 5-13-9)

§ 122.18 LIMITATIONS OF PERMIT.

Neither this chapter, nor any permit issued hereunder, shall be interpreted to grant any right or license to the permittee to enter upon or occupy in any respect in the drilling or production operations, any land except by the written consent of the owner, nor shall it limit or prevent the free right of any lot owner to contract for the amount of royalty to be paid with respect to his own land, or for damages, rights or privileges with respect thereto.

('60 Code, § 5-13-10)

OIL AND GAS WELL OPERATION**§ 122.30 DRILLING SITE REQUIREMENTS.**

It shall be unlawful to drill any oil well within any of the streets or alleys of the city. It shall be unlawful to block or incumber or close up any street or alley except by special permit from the Council, and then only temporarily. The permittee shall drill said well at the exact location shown in its application and plat, and no other.

('60 Code, § 5-13-11) Penalty, see § 122.99

§ 122.31 RESTORATION OF PROPERTY; OPERATION.

The permittee shall within ten days after completion of such well restore the streets and sidewalks and other public places to their former condition and clear the block of all litter, machinery, building, oil, and other substances erected, used, or allowed in the drilling and producing operations, except derrick and slushpit and permanent lease buildings. The permittee shall within 30 days after completion of said well remove the slushpit and derrick, except steel derricks which need not be removed. When at any time it becomes necessary to erect a derrick over any completed oil and/or gas well, said derrick shall be of steel construction, set in concrete case pillars in a manner approved by the Oil Well Inspector. Motive power for all operations after completion of drilling shall be electricity or properly muffled gas or gasoline engines.

('60 Code, § 5-13-12) (Am. Ord. 86-02, passed 3-13-86) Penalty, see § 122.99

§ 122.32 UNLAWFUL TO DISCHARGE SALT-WATER ON GROUND; HANDLING REQUIREMENT.

(A) It shall be unlawful for any person operating and producing an oil and/or gas well or wells or causing the same to be operated to cause or allow salt-water produced from said wells to be discharged or released upon any lot, block, street, alley, or storm sewer, within the city. ('60 Code, § 5-13-13)

(B) All salt-water lifted from or flowing from any oil and/or gas well shall be confined to and conveyed away from said well or wells by and through a pipe maintained for that purpose and conveyed to property or premises prepared for the purpose of storing or confining said salt-water; which said storage facilities shall be constructed at the cost and expense of the owners and/or operators of said well or wells after application shall have been made to the Council for a permit for the construction and erection of such storage facilities; which said storage facilities shall be constructed and erected upon such sites as shall by the Council be approved. ('60 Code, § 5-13-14)

Penalty, see § 122.99

§ 122.33 SAFETY REQUIREMENTS.

(A) The permittee shall at all times during drilling for oil and/or gas keep and maintain on the premises fire extinguishers of the type suitable to fight oil well fires, and keep the premises in a clean and sanitary condition. The owners of each well shall, upon completion, enclose such well together with all service facilities and storage tanks with a heavy steel fence of cyclone type, a minimum height of six feet, with all gates to be kept locked except when the permittee or his employees, agents, or representatives shall unlock same for the purpose of gaining access to the well. Provided that such fencing requirement shall not be applicable to well and service facilities including storage tanks, which are located more than 150 feet from a residence, commercial structure, or public road.

(B) In the event that a residence, commercial structure, or public road is subsequently located within 150 feet of such previously unfenced well and facilities, then the owner of such well shall have 120 days to comply with said fencing requirement.

(C) The provisions of this section shall apply to all oil and/or gas wells which are in operation from and after the date of this section, regardless of the dates said oil and/or gas well was drilled. ('60 Code, § 5-13-15) (Am. Ord. 83-08, passed 7-14-83; Am. Ord. 85-08, passed 10-19-85) Penalty, see § 122.99

§ 122.99 PENALTY.

(A) Violation of any provision of this chapter for which no other penalty is provided shall be punishable by a fine of \$500 per violation. For purposes of this chapter, each day shall be considered a separate violation. In the event the City Council shall deem the violation to constitute an emergency and hazard to public safety, each hour shall constitute a separate violation. ('60 Code, § 5-13-16) (Ord. 81-27, passed 11-12-81)

(B) Any person, individual, or corporation who violates any provision of §§ 122.31 and 122.33 of this chapter shall be subject to a fine of not less than \$1 nor more than \$500. Each day of violation shall constitute a separate offense. (Ord. 85-08, passed 10-19-85; Am. Ord. 86-02, passed 3-13-86)

CHAPTER 123: FOOD SERVICE ESTABLISHMENTS

Section

- 123.01 Definitions
- 123.02 Examination of food samples; condemnation of food
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§ 123.01 DEFINITIONS.

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

APPROVED. Acceptable to the health officer.

BAKERY. A food service establishment where the primary business purpose is the sale of baker goods, bread goods, and other similar foods for consumption on or off the premises. This category shall include ice cream parlors, doughnut shops, delicatessens and other similar food service establishments.

BED AND BREAKFAST. An establishment with rooms for rent and serves meals only to overnight guests.

CITY. The City of Gladewater, Texas.

CONVENIENCE STORE. A food service establishment where the primary business purpose is the fast or convenient sale of a limited selection of goods, including a limited selection of packaged or processed foods. A limited selection of prepared foods ready for immediate consumption may also be available.

CHILD CARE CENTER. Any facility licensed or required to be licensed by the State of Texas to receive 13 or more children for child care which prepares food for on-site consumption.

EMPLOYEE. Any person who handles food or drink during preparation or serving or who comes in contact with any eating or cooking utensils or who is employed in a room in which food or drink is prepared or served.

FOOD. A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD MANUFACTURER. A food service establishment, which prepares, packages, and labels food for shipment to other locations.

FOOD SERVICE ESTABLISHMENT. Any business establishment engaging in the sale of food primarily to end product consumers, whether for consumption on or off the premises where the food is sold. The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location; a restaurant; a grocery store; an operation that is conducted in a mobile, roadside, stationary, temporary, or permanent facility or location; group residence; outfitter operation; bed and breakfast; where consumption is on or off the premises; and regardless of whether there is a charge for the food. The term does not include any establishment that offers only prepackaged foods that are not potentially hazardous; a produce stand that only offers whole, uncut fresh fruits and vegetables; a food processing plant; a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function, such as a religious or charitable organization's bake sale; a Bed and Breakfast having seven or less rooms for rent and serving only breakfast to overnight guests; a private home; or food service facilities operated by federal or state agencies or by public school districts.

GREASE INTERCEPTOR. An interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.

GREASE TRAP. An interceptor whose rated flow is 50 g.p.m. or less and is located inside the building.

GROCERY OR MARKET. A food service establishment where the primary business purpose is the sale of foods, with some other additional goods for sale as well, and which such foods are primarily processed, packaged, or fresh and not ready for immediate consumption on premises by the consumer.

HAZARD. A biological, chemical, or physical property that may cause an unacceptable consumer health risk.

HEALTH OFFICER. The city's Code Enforcement Officer or his or her duly authorized designee.

INTERCEPTOR. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

MOBILE VENDOR. A vehicle mounted food establishment designed to be readily moveable, the primary use of which is the temporary sale of food items and which is not a temporary food establishment.

LOUNGE AND TAVERN. A food service establishment the primary business purpose of which is the sale of alcoholic or nonalcoholic beverages accompanied by the sale of some packaged or prepared foods ready for immediate consumption by the consumer.

NURSING HOME. An institution or establishment that provides organized and structured nursing care and service and is subject to licensure as a nursing home under Texas Civil Statutes, article 4422-C, as amended. For purposes of this chapter, except for the requirement of a grease interceptor, a nursing home shall not be considered a food service establishment.

RESTAURANT. A food service establishment where the primary business purpose is the sale of foods ready for immediate consumption by the consumer, whether on or off the premises. This category shall include restaurants, fast food establishments, coffee shops, cafeterias, short order cafes, luncheonettes, sandwich shops, drugstore and soda fountain facilities serving food, and other similar food service facilities, but shall not include food service establishments otherwise defined herein.

SUPERMARKET. A food service establishment where the primary business purpose includes the sale of foods as well as other general merchandise and which such food service establishment sells primarily packaged, processed, or fresh foods as opposed to foods ready for immediate consumption by the consumer. A supermarket may contain a delicatessen, bakery, or other similar defined food service establishment.

TEMPORARY FOOD ESTABLISHMENT. A food establishment that operates for a period of not more than 5 consecutive days in conjunction with a single event or celebration.

UTENSILS. Any kitchenware, tableware, glassware, cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

WHOLESALE GROCERY. A food service establishment handling almost exclusively perishable foods.

(Ord. 99-10, passed 7-22-99; Am. Ord. 00-14, passed 10-19-00)

§ 123.02 EXAMINATION OF FOOD SAMPLES; CONDEMNATION OF FOOD.

Samples of food, drink and other substances may be taken from food service establishments and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

(Ord. 99-10, passed 7-22-99)

§ 123.03 INSPECTIONS GENERALLY.

The health officer may inspect every food service establishment located within the city as often as necessary in the judgment of the health officer. In case the health officer discovers the violation of any item of sanitation provided for in this chapter, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Any violation of the same item of sanitation on such second inspection shall call for the immediate suspension of the food service establishment permit.

(Ord. 99-10, passed 7-22-99)

§ 123.04 HEALTH OFFICER TO HAVE ACCESS TO PREMISES AND RECORDS.

Every person operating a food service establishment shall, upon request of the health officer, permit access to all parts of the establishment and shall permit copying of any or all records of food purchased or services rendered.

(Ord. 99-10, passed 7-22-99)

§ 123.05 SANITATION REQUIREMENTS.

All food service establishments shall comply with all of the following items of sanitation:

(A) *Floors.* The floors of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(B) *Walls and ceilings.* Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in a material and color which will not conceal the presence of dirt. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

(C) *Doors and windows.* When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be selfclosing, unless other effective means are provided to prevent the entrance of flies.

(D) *Lighting.* All rooms in which food or drink is stored or prepared, or in which utensils are washed, shall be well lighted.

(E) *Ventilation.* All rooms, in which food or drink is stored, prepared or served, or in which utensils are washed, shall be well ventilated.

(F) *Toilet facilities.* Every food service establishment shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with this code and other ordinances of the city. The doors of all toilet rooms shall be selfclosing. Toilet rooms shall be kept in a clean condition, in good repair and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees.

(G) *Water supply.* Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of a safe, sanitary quality.

(H) *Lavatory facilities.* Adequate and convenient hand washing facilities shall be provided, including hot and cold running water, soap and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

(I) *Construction of utensils and equipment.* All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operation of a food service establishment shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used.

(J) *Cleaning and bactericidal treatment of utensils and equipment.*

(1) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks, shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths used by waiters, chefs and other employees shall be clean. Single-service containers shall be used only once.

(2) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each using. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(3) No article, polish or other substance containing any cyanide preparation or other poisonous materials shall be used for the cleansing or polishing of utensils.

(K) *Storage and handling of utensils and equipment.* After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(L) *Disposal of wastes.* All wastes shall be properly disposed of and all garbage and trash shall be kept in suitable receptacles in such a manner as not to become a nuisance.

(M) *Refrigeration.* All readily perishable food and drink shall be kept at or below 45 degrees Fahrenheit, except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of

(N) *Wholesomeness of food and drink.* All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing service. This requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All shellfish shall be from approved sources and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant.

(O) *Storage, display and serving of food and drink.* All food and drink shall be stored, displayed and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other contamination. No animals or fowl shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used.

(P) *Cleanliness of employees.* All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

(Q) *Miscellaneous.* The premises of all food service establishments shall be kept clean and free of litter or rubbish. None of the operations connected with a food service establishment shall be conducted in any room used as living or sleeping quarters.

(Ord. 99-10, passed 7-22-99) Penalty, see § 123.99

§ 123.06 INTERCEPTOR REQUIRED.

Each food service establishment shall provide and maintain an approved grease trap or interceptor to receive the drainage from fixtures and equipment with grease-laden waste. All such fixtures and equipment shall discharge to the grease trap or interceptor which shall be located between the fixtures and the sanitary sewer. In the event that an existing food establishment it is structurally impractical to install a grease trap or interceptor the City Inspector may review and approve an alternate method if, in the opinion of the City Inspector and the Director of Public Works, the alternate method abates any and all hazard to the City's sanitary sewer. This requirement is retroactive for all food establishments. (Ord. 99-10, passed 7-22-99) Penalty, see § 123.99

§ 123.07 EMPLOYEES TO BE FREE FROM DISEASE.

(A) No person who is affected with any disease in a communicable form or who is a carrier of any disease shall work in any food service establishment, and no food service establishment shall employ any such person or any person suspected of being infected with any disease in a communicable form or of being a carrier of such disease.

(B) If the food service establishment manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health officer immediately. A placard containing this section shall be placed in all toilet rooms. (Ord. 99-10, passed 7-22-99) Penalty, see § 123.99

§ 123.08 PROCEDURE WHEN INFECTION OF EMPLOYEES SUSPECTED.

When suspicion arises as to the possibility of transmission of infection from any food service establishment employee, the health officer is authorized to require any or all of the following measures:

(A) The immediate exclusion of the employee from all food service establishments.

(B) The immediate closing of the food service establishment concerned until no further danger of disease outbreak exists in the opinion of the health officer.

(C) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated. (Ord. 99-10, passed 7-22-99)

§ 123.09 COMPLIANCE.

No food service establishment shall be operated within the city unless it conforms with the requirements of this chapter.

(Ord. 99-10, passed 7-22-99) Penalty, see § 123.99

§ 123.10 ADMINISTRATION AND ENFORCEMENT.

(A) The administration and enforcement of this chapter is assigned to and shall be the responsibility of the health officer or his or her designee, who shall have the following powers and duties:

(1) To make inspections of food service establishments to determine compliance with the provisions of this chapter; and

(2) To enforce the provisions of this chapter and to issue citations to and to file complaints in municipal court against persons who violate any of the provisions of this chapter.

(B) It shall be unlawful for any person to interfere with the health officer or his or her designee in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this chapter.

(Ord. 99-10, passed 7-22-99; Am. Ord. 00-14, passed 10-19-00) Penalty, see § 123.99

§ 123.11 PERMITS REQUIRED.

It shall be unlawful for any person to operate a food service establishment in the City of Gladewater, unless such person possesses the following:

(A) An unrevoked and unexpired permit from the city health officer;

(B) An unrevoked and unexpired permit from the Texas Department of Health;

(C) A certificate of occupancy issued by the city inspector.

(Ord. 99-10, passed 7-22-99) Penalty, see § 123.99

§ 123.12 FEE REQUIRED FOR PERMIT FOR FOOD SERVICE ESTABLISHMENTS.

Any person operating a food service establishment as defined in § 123.01 of this chapter shall pay a permit fee, which shall extend to December 31 of the year issued. No proration shall be allowed. If a permit for a permanent food service establishment is not renewed within 30 days after expiration, a late penalty equal to one-half of the annual fee shall be added to the normal fee. The following fees are hereby established for the indicated food service establishments:

<i>Type of Establishment</i>	<i>Annual Fee</i>
Restaurant	\$65
Supermarket	\$80
Delicatessen/bakery	\$45
Food manufacturer	\$45
Grocery/market	\$45
Wholesale grocery	\$45
Convenience store	\$35
Lounge/tavern	\$35
Mobile vendors, concessionaires, other food services, and theaters	\$50
Child Care Centers	\$35

(Ord. 99-10, passed 7-22-99; Am. Ord. O-14-04, passed 3-27-14) Penalty, see § 123.99

§ 123.13 ADOPTION OF STATE RULES ON FOOD SERVICE AND RETAIL FOOD SERVICE SANITATION; COMPLIANCE REQUIRED.

Only persons who comply with the requirements of this chapter and the State of Texas Department of Health's Food Establishment Rules shall be entitled to receive and retain a permit on behalf of a food service establishment under the provisions established in this chapter.

(Ord. 99-10, passed 7-22-99)

§ 123.14 POSTING.

Every permit issued under this division shall be posted in a conspicuous place at the food service establishment or facility for which it was issued.

(Ord. 99-10, passed 7-22-99) Penalty, see § 123.99

§ 123.15 SUSPENSION AND REVOCATION.

A permit issued under this division may be suspended at any time for a violation of the provisions of this chapter or a violation of the provisions of the State of Texas Department of Health's Food Establishment Rules. A permit may be revoked without a suspension period for repeated violations or a violation of such nature that could endanger the health of the patrons of the establishment.

(Ord. 99-10, passed 7-22-99)

§ 123.16 REINSTATEMENT.

Any permit that has been suspended may be reinstated when corrections satisfactory to the health officer have been made. Any permit holder whose permit has been revoked may, at any time, make application for reinstatement of the permit. Within one week after the receipt of an application for reinstatement, accompanied by a sworn statement that the provisions of this chapter have been conformed to, the health officer shall reinspect the establishment to determine if the applicant has achieved compliance with the applicable laws and regulations. Thereafter, the health officer shall make such inspections as may be deemed necessary to assure compliance with this chapter and such other applicable laws and regulations. If the health officer finds that compliance with all applicable laws, ordinances, and regulations has been achieved, the permit shall be reinstated.

(Ord. 99-10, passed 7-22-99)

§ 123.99 PENALTY.

It shall be unlawful for any person, as owner, agent, servant or lessee, to operate a food service establishment without a permit or to operate a food service establishment in violation of the requirements of this chapter. Any person who commits or causes another to commit any act declared to be unlawful, or who fails or causes another to fail to perform an act required by this chapter shall, in addition to the provisions of §§ 123.15 and 123.16, be subject to the penalty provided in § 10.99.

(Ord. 99-10, passed 7-22-99; Am. Ord. 00-14, passed 10-19-00)

CHAPTER 124: SEXUALLY ORIENTED BUSINESSES

Section

- 124.01 Definitions
- 124.02 Intent and purpose
- 124.03 Location of sexually oriented businesses and signage
- 124.04 License required
- 124.05 Display of license
- 124.06 Application for a license
- 124.07 Investigation, issuance or denial of license
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- 124.10 Regulations pertaining to exhibition of sexually explicit films or videos
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§ 124.01 DEFINITIONS.

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

ADULT BOOKSTORE/ADULT VIDEO STORE. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

(2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET. A nightclub, bar, restaurant, or similar commercial establishment which features:

(1) Persons who appear in a state of nudity;

(2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions;

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

CITY. The City of Gladewater, Texas.

PERSON. An individual, partnership, limited liability company, limited partnership, corporation or other entity.

RESIDENTIAL AREA. Any area zoned Single-Family 1-7, two-family, multi-family or mobile/manufactured homes district.

SEXUALLY ORIENTED BUSINESS. Any commercial enterprise whose major business is the offering of a product or service which is intended to provide sexual stimulation or sexual gratification to the customer, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” or where the employer, employees, or patrons in the presence of another adult, may be nude, partially nude, or with specified anatomical areas not covered. This term shall include, but not be limited to, adult video arcades, adult bookstores, adult cabarets, adult video stores, adult movie theaters, adult theaters, sex parlors, massage parlors, nude studios, modeling studios, love parlors, adult tanning salons, topless or nude bars, topless carwashes, adult novelty shops or other establishments where services are performed nude or topless, and other similar establishments.

SPECIFIED ANATOMICAL AREAS. Any one of the following: less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, female breast or breasts below a point immediately above the top of the areola, or any combination of the foregoing; or human male genitals in a discernibly erect state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. The depiction or display of, in person or by picture of, any one of the following: human genitals in a discernible state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or breasts; or any combination of the foregoing. (Ord. 03-09, passed 7-2-03)

§ 124.02 INTENT AND PURPOSE.

(A) It is the purpose of this chapter to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the city; to protect and preserve the quality, property values, and character of the city; to prevent the concentration of sexually oriented businesses within the city; and to minimize the potential negative impacts of sexually oriented businesses on residential areas, churches, schools, child/adult care facilities, nursing homes, parks, swimming pools, hospitals and other public areas.

(B) It is expressly not the intent or effect of this chapter to impose a limitation upon rights granted under the First Amendment.
(Ord. 03-09, passed 7-2-03)

§ 124.03 LOCATION OF SEXUALLY ORIENTED BUSINESSES AND SIGNAGE.

(A) A sexually oriented business shall be located at least 1,000 feet from the property line of any residentially-zoned property, and at least 1,500 feet from the property line of any lot on which is located a church, school, college, public library, child/adult care center, park, hospital, nursing home, or swimming pool. In addition, a sexually oriented business shall not be located in any portion of the designated Main Street Business District. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of any residentially-zoned property, the premises of a church, school, college, public library, child/adult care center, park, hospital, nursing home, or swimming pool.

(B) Each sexually oriented business shall comply with all of the city's sign ordinance requirements, including all requirements, as it may be amended from time to time. Additionally, such signs as are used shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any specified sexual activities or specified anatomical areas.
(Ord. 03-09, passed 7-2-03)

§ 124.04 LICENSE REQUIRED.

(A) All sexually oriented businesses to be operated within the city shall first obtain a valid license under the provisions of this chapter. A license shall be valid for one year, but may be renewed annually.

(B) A license shall only be issued for sexually oriented businesses that fulfill the locational requirements of § 124.03.

(C) A business is not exempt from regulation under this chapter because it holds a license or permit under the Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages.
(Ord. 03-09, passed 7-2-03)

§ 124.05 DISPLAY OF LICENSE.

A license issued under these regulations shall be displayed at all times in an open and conspicuous place on the premises of the sexually oriented business for which it was issued.
(Ord. 03-09, passed 7-2-03)

§ 124.06 APPLICATION FOR A LICENSE.

(A) Any person desiring a license shall file a sworn written application with the City Secretary. The application shall set forth the following:

(1) The name of the applicant and whether the applicant is an individual, general partnership, limited partnership, limited liability company, corporation or other entity.

(2) The name under which the sexually oriented business is to be operated and a general description of the services or products to be provided.

(3) The address and legal description of the parcel of land on which the sexually oriented business is to be located.

(4) The name, residence address and telephone number of the manager or other individual to be principally in charge of the operation of the sexually oriented business.

(5) The name, residence address of each owner, partner, member, limited partner or shareholder of the owner of the sexually oriented business.

(6) A written declaration that the information contained in the application is true and correct.

(7) If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by all of the partners thereof. If the applicant is a corporation or other entity, the application shall be signed and verified by the President and Treasurer of such corporation or entity.

(B) In addition, the application shall be accompanied by the following:

(1) Payment of the license fee, as provided in this chapter.

(2) A certified copy of the Assumed Name Certificate filed in compliance with the Assumed Business or Professional Name Act (Texas Business and Commerce Code, Chapter 36), if the applicant is to operate the sexually oriented business under the assumed name.

(3) If the applicant is a Texas Corporation, a certified copy of the Articles of Incorporation, together with all amendments thereto, shall be filed.

(4) If the applicant is a foreign corporation, limited liability company, limited partnership or other entity, a certified copy of the Certificate of Authority to Transact Business in the state, together with all amendments thereto, shall be filed together with a certified copy of the Certificate of Limited Partnership, Articles of Incorporation or Organization, together with all amendments thereto, filed in the Office of the Clerk of State in the state in which such entity was organized.

(5) A complete list of persons employed by the sexually oriented business, including their age, date and place of birth, social security number, driver's license number and salary or wage rate. This list shall be updated monthly by a verified report to the City Secretary, listing all of the above information for any employees hired during the previous month.

(6) A Detailed Development Plan, which describes the dimensions and location of the sexually oriented business and clearly shows it to be in compliance with the locational requirements of § 124.03. (Ord. 03-09, passed 7-2-03)

§ 124.07 INVESTIGATION, ISSUANCE OR DENIAL OF LICENSE.

(A) Upon receiving an application for a license, the City Secretary, or its designee, shall conduct an investigation for the purpose of determining whether the requirements of this chapter have been satisfied or not. The City Secretary shall coordinate this investigation with the City's Code Enforcement Officer in order to determine if the application complies with the locational and sign requirements as set forth in these regulations. The City Secretary shall deny the application for a license if any requirement of this chapter is not satisfied.

(B) The City Secretary shall deny the application for a license if one or more of the following is determined to be true:

(1) An applicant is under 18 years of age;

(2) An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business;

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(4) An applicant's spouse has been convicted of a violation of a provision of this chapter, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application; the fact that a conviction is being appealed shall have no effect;

(5) The license fee required by this chapter has not been paid;

(6) An applicant, employee, member, partner or shareholder of an applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(7) An applicant or an applicant's spouse, employee, member, partner, or shareholder has been convicted of a crime involving:

(a) Any of the following offenses as described in Chapter 43 of the Texas Penal Code, as amended: prostitution; promotion of prostitution; aggravated promotion of prostitution; obscenity; sale, distribution or display of harmful material to minors; sexual performance by a child; possession of child pornography;

(b) Any of the following offenses described in Chapter 21 of the Texas Penal Code, as amended: public lewdness; indecent exposure; indecency with a child;

(c) Sexual assault or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code, as amended;

(d) Incest, solicitation of a child, or harboring a runaway child as described in Chapter 25 of the Texas Penal Code, as amended; or

(e) Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;

(C) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse, member, partner or shareholder.

(D) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business so that it may be easily read at any time.

(E) The City Secretary shall notify each applicant of their eligibility for a license within 20 days of receipt of the completed application. If the applicant complies with the provisions of these regulations, then the City Secretary shall issue a license. In the event that any applicant fails to comply with these regulations, then the applicant shall be so notified and be entitled to a hearing held pursuant to the provisions of this chapter.

(Ord. 03-09, passed 7-2-03)

§ 124.08 LICENSE FEE.

To defray the cost of processing the license application, the applicant shall pay a fee in the amount of \$1,000. No portion of any fee collected under this section shall be returned after a license has been issued or denied. The license may be renewed annually, if all provisions of this chapter have been complied with, upon payment of a \$500 renewal fee.

(Ord. 03-09, passed 7-2-03)

§ 124.09 TRANSFER OF LICENSE.

A license shall not be transferred to another, nor shall a license holder operate a sexually oriented business under the authority of a license at any place other than the address designated in the application, unless a separate license for the other address has been issued in accordance with the provisions of this chapter.

(Ord. 03-09, passed 7-2-03)

§ 124.10 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

A person who operates or causes to be operated a sexually oriented business, which exhibits a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(A) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram should be oriented to the north or to some designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City Secretary may waive the foregoing diagram for renewal application if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(B) The application shall be sworn to be true and correct by the applicant.

(C) No alteration in the configuration or location of a manager's station may be made without the prior approval of the City Secretary.

(D) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(E) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(F) It shall be the duty of the owner and operator, and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in division (E) above remains unobstructed by any doors, walls, merchandise, display racks or other materials whatsoever to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to division (A) above.

(G) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.

(H) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above, is maintained at all times that any patron is present on the premises.

(Ord. 03-09, passed 7-2-03)

§ 124.11 ADDITIONAL REGULATIONS FOR ADULT MOTEL.

(A) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(B) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.

(C) For purpose of division (B) of this section, the terms "rent" or "subrent" means the act of permitting a room to be occupied for any form of consideration.

(Ord. 03-09, passed 7-2-03)

§ 124.12 EXCEPTIONS TO REGULATIONS.

The regulations contained in this chapter do not apply to the following:

(A) Any business operated by or employing psychologists, physical therapists, athletic trainers, masseuses, cosmetologists, or barbers, licensed by the State of Texas and performing functions authorized under the licenses held;

(B) Any business operated by or employing physicians, osteopaths, nurses or chiropractors, licensed by the State of Texas, engaged in practicing the healing arts; and

(C) Any retail business whose major business is the offering of wearing apparel for sale to customers.

(Ord. 03-09, passed 7-2-03)

§ 124.13 ENFORCEMENT AND INSPECTION.

(A) The Chief of Police, or his designee, shall have the power to administer and enforce the provisions of these regulations upon presentation of proper identification to the owner, agent, or tenant in charge of any premises where a sexually oriented business is located. The Chief of Police, or his designee, may enter for the purpose of inspection and investigation to ensure compliance with the terms of these regulations, any building, structure or other premises where the sexually oriented business is located, at any time it is occupied and open for business.

(B) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the City Secretary, its designee, or the Chief of Police, or its designee at any time it is occupied or open for business.

(C) However, when the City Secretary, its designee, or the Chief of Police, or its designee, is denied permission to inspect any premises, inspection shall be made only under the authority of a warrant issued by a Magistrate authorizing the inspection for violation of these regulations. In applying for such a warrant, the Chief of Police, or its designee, shall submit an affidavit to a Magistrate setting forth his belief that a violation of these regulations exists with respect to the premises sought to be inspected and the reasons for such belief. The affidavit shall designate the location of such operator, or occupant thereof. If the Magistrate finds that probable cause exists for a search of the premises, such warrant shall describe the premises with sufficient certainty to identify the same. A warrant so issued shall constitute authority for the Chief of Police, or its designee; to enter upon or inspect the premises described therein.

(Ord. 03-09, passed 7-2-03)

CHAPTER 125: SMOKING ESTABLISHMENT REQUIREMENTS

Section

125.01 Smoking establishment requirements

§ 125.01 SMOKING ESTABLISHMENT REQUIREMENTS.

(A) The purpose of this chapter is to promote the general health, safety and welfare of its citizens and therefore establish notice requirements for potential harmful conditions due to indoor smoking in a place of business that is open to the general public.

(B) Any place of business that is open to the general public that permits indoor smoking must post a sign at each public entrance of the business which designates the business as a smoking establishment.

(C) The manner of such posting shall be at the discretion of the owner, operator, manager or other person having control of such room, building or other place so long as the signs are conspicuous at the entrance and state that smoking is permitted within the establishment.

(D) The building official, code enforcement officer, or other city official designated by the City Manager, in his sole discretion, may enforce this chapter by any of the following actions;

(1) Serving written notice on the owner, operator, person in charge or manager of any facility, business or agency within the purview of this chapter, requiring the correction within a specified reasonable time frame;

(2) Issuing a municipal court citation to any violator of this chapter.

(E) Any person may file a complaint with the city to initiate enforcement by the city.

(F) This chapter shall not be interpreted nor construed to permit smoking where it is otherwise restricted by other applicable laws.

(G) *Penalty.* It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with its provisions. Any person who violates any provision of this chapter shall be guilty of an offense punishable in accordance with § 10.99 of the Gladewater Code of Ordinances.

(Ord. O-12-27, passed 12-20-12)

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. GENERAL OFFENSES**
- 131. OFFENSES AGAINST PUBLIC
PEACE, SAFETY, AND JUSTICE**
- 132. OFFENSES AGAINST PROPERTY**
- 133. FIREARMS AND WEAPONS**
- 134. OFFENSES RELATED TO RESTRICTED SUBSTANCES**

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Aid to an offense; application of title

130.02 Regulation of sexual offenders

§ 130.01 AID TO AN OFFENSE; APPLICATION OF TITLE.

It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise, or encourage any other person in the commission of any of the acts mentioned in this title or in any manner encourage the commission of such offense hereby defined.

('60 Code, § 8-1-2) Penalty, see § 10.99

§ 130.02 REGULATION OF SEXUAL OFFENDERS.

(A) *Definitions.* In this section:

(1) For the purposes of this Section, the following terms, words and the derivations thereof shall have the meaning given herein.

SEX OFFENDER - has the meaning of an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under seventeen (17) years of age for which the individual is required to register as a sex offender under Chapter 62, Tex. Code of Criminal Procedure.

PERMANENT RESIDENCE means a place where the person abides, lodges or resides for 14 or more consecutive days.

TEMPORARY RESIDENCE means a place where a person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate, during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

CHILD means any person under the age of seventeen (17).

CHILD CARE FACILITY means a family day care home which provides regular care to no more than four (4) children under fourteen (14) years of age, excluding children related to the caretaker, and provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including those related to the caretaker, shall not exceed twelve (12) at any given time.

CHILD CARE INSTITUTE means a commercial day care center, provides regular care to any number of adults or children for less than twenty-four (24) hours a day.

CHILD SAFETY ZONE means public parks, private and public schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or commercial and semi-private swimming pools, child care facility, child care institution, public or private youth soccer or baseball field, crisis center or shelter, skate park or rink, public or private youth center, movie theater, bowling alley, scouting facilities and Offices for Child Protective Services.

DATABASE means the Texas Department of Public Safety's Sex Offender Database or the Sex Offender Registration files maintained by the Sex Offender Registration Officer of the Gladewater Police Department.

LOITER means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around an area.

PARK* or *PLAYGROUND means one of the following:

1. Any land, including improvements to the land that is administered, operated or managed by the City of Gladewater for the use of the general public as a recreational area.
2. City recreational areas include, but are not limited to, conservation area, jogging trail, hiking trail, bicycle trail, recreational center, water park, swimming pool, soccer field or baseball field.

PLACES WHERE CHILDREN REGULARLY CONGREGATE has the same meaning as Child Safety Zone.

PUBLIC WAY means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, shopping centers, parking lots, transportation facilities, restaurants, shops and similar areas that are open to the use of the public.

SCHOOL means a private or public pre-school, private or public elementary school or private or public secondary school.

(B) *Sex offender prohibition.*

(1) It is an offense for a Sex Offender to establish a permanent residence or temporary residence within one thousand (1,000) feet of the real property comprising a school, child care facility, child care institution, park or play ground or other places where children regularly congregate.

(2) It is an offense for a Sex Offender to knowingly enter a Child Safety Zone.

(3) It is an offense for a Sex Offender to knowingly loiter on a public way within 300 feet of a Child Safety Zone.

(4) A Sex Offender, shall not, on each October 30th and 31st (or any other date set by the City for trick-or-treaters) between the hours of 4:00 p.m. and 11:00 p.m., leave an exterior porch light on or otherwise invite trick-or-treaters to solicit the premises.

(C) *Property owners prohibited from renting real property to registered sex offenders.*

(1) It is unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or any other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this chapter, if such place, structure, or part thereof, manufactured home, trailer, or other conveyance is located within 1,000 feet, as defined in § 130.02(D)(4) from a Child Safety Zone, as defined in § 130.02(A).

(D) *Evidentiary matters.*

(1) If a Sex Offender that is prohibited from being in a Child Safety Zone is found in a Child Safety Zone by a Police Officer, the Sex Offender is subject to punishment in accordance with this section.

(2) It shall be prima facie evidence that this section applies to such a person if that person's record appears in/on the Database and the Database indicates that the victim was less than seventeen (17) years of age.

(3) The distance of three hundred (300) feet from a child safety zone shall be measured on a straight line from the closest boundary of the Child Safety Zone.

(4) The distance of one thousand (1,000) feet from a place where children congregate shall be measured on a straight line from the closest boundary line of the Sex Offender's residence to the closest boundary line of the school, child care facility, child care institution, park or playground or other places where children regularly congregate.

(5) In the case of multiple residences on one property, measuring from the nearest property line of the residences to the nearest property line of the school, child care facility, child care institution, park or playground or other places where children regularly congregate.

(6) In cases of a dispute over measured distances, it shall be incumbent upon the person(s) challenging the measurement to prove otherwise.

(7) A map depicting the prohibited areas shall be created by the City of Gladewater and maintained by the Gladewater Police Department. The City of Gladewater shall review the map annually for changes. Said map will be available to the public at the Gladewater Police Department or available on the City of Gladewater Web site or Gladewater Police Department Website.

(E) *Exceptions.*

(1) The person required to register in/on the Database established the permanent residence or temporary residence and residency prior to the adoption of this ordinance has been consistently maintained and the person has complied with all of the Sex Offender Registration laws of the State of Texas, prior to the date of the adoption of this section.

(2) The place where children regularly congregate, as specified herein, within one thousand (1,000) feet of the permanent or temporary residence of the person required to register on/in the Database was opened after the person established the permanent or temporary residence and complied with all Sex Offender Registration laws of the State of Texas.

(3) The information on/in the Database is incorrect, and, if corrected, this section would not apply to the person who was erroneously listed on/in the Database.

(4) The person required to register on/in the Database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.

(5) The person required to register is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution located within one thousand (1,000) feet of the real property comprising a school, child care facility, child care institution, park or play ground or other places where children regularly congregate.

(6) The person required to register is under eighteen (18) years of age or a ward under a guardianship, who resides with a parent or guardian.

(7) The person required to register has been exempted by a court order from registration as a sex offender under Chapter 62, Tex. Code of Criminal Procedure.

(8) The person required to register has had the offense for which the sex offender registration was required, reversed on appeal or pardoned.

(9) The person's duty to register on/in the Database has expired.

(10) Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.

(F) *Penalties.* Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof may be fined an amount not to exceed \$ 2,000.00 as allowed by law. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

(G) *Conflicting ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this section are hereby repealed.

(H) *Savings clause.* Should any section, paragraph, sentence, clause, phrase or word of this section be declared unconstitutional or invalid for any purpose, the remainder of this section shall not be effected thereby. It is hereby declared that the remaining parts of this section would have been ordained and passed had it been known that such part or parts thereof would have been unconstitutional.
(Ord. O-15-07, passed 6-18-15)

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE, SAFETY AND JUSTICE

Section

Minors; Curfew

- 131.01 Procuring or selling beer to minors
- 131.02 Sale of cigarettes or tobacco to minors
- 131.03 Encouraging delinquency; permitting minor to operate motor vehicle
- 131.04 Minors in pool halls prohibited
- 131.05 Curfew
- 131.06 Loitering
- 131.07 Meddling, tampering with garbage

MINORS; CURFEW

§ 131.01 PROCURING OR SELLING BEER TO MINORS.

It shall be unlawful for any person to procure, sell, or give away any beer to any person under the age of 21 years or for any person under the age of 21 years to purchase, attempt to purchase, or otherwise procure, consume, or have in his possession any beer.

('60 Code, § 8-1-7) Penalty, see § 10.99

§ 131.02 SALE OF CIGARETTES OR TOBACCO TO MINORS.

It shall be unlawful for any person to sell or give away, directly or indirectly, to any person under the age of 21 years any cigarettes, tobacco, or any compounds of tobacco used in filling up or making up of a cigarette or to give or sell any cigarette papers to minors.

('60 Code, § 8-1-44) Penalty, see § 10.99

§ 131.03 ENCOURAGING DELINQUENCY; PERMITTING MINOR TO OPERATE MOTOR VEHICLE.

It shall be unlawful for any person, by any act or neglect, to encourage, aid, or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

('60 Code, § 8-1-15) Penalty, see § 10.99

§ 131.04 MINORS IN POOL HALLS PROHIBITED.

It shall be unlawful for any person to permit any minor under the age of 18 years to frequent or loiter in a pool or billiard hall which serves alcohol; provided, however, that the same shall not be illegal in places of business that are duly licensed by the state as restaurants.

('60 Code, § 8-1-35) Penalty, see § 10.99

§ 131.05 CURFEW.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

(1) 11:00 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. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

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

GUARDIAN.

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

MINOR. Any person under 17 years of age.

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

PARENT. A person who is:

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

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

REMAIN.

- (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. 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.

(B) *Offenses.*

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) *Defenses.*

(1) It is a defense to prosecution under division (B) that the minor was:

- (a) Accompanied by the minor's parent or guardian;
- (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (c) In a motor vehicle involved in interstate travel;
- (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (e) Involved in an emergency;
- (f) 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;
- (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that 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, a civic organization, or another similar entity that takes responsibility for the minor;
- (h) 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
- (i) Married or had been married or had disabilities of minority removed in accordance with Tex. Fam. Code Chapter 31.

(2) It is a defense to prosecution under division (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) *Enforcement.* Before taking any enforcement action under this section, 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 section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in division (C) is present.

(E) *Penalties.*

(1) A person who violates a provision of this chapter 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 \$500.

(2) When required by Tex. Fam. Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates division (B)(1) and shall refer the minor to juvenile court.

§ 131.06 LOITERING.

(A) *Definitions.* The following definitions shall apply to this section unless context necessitates or requires a different meaning:

CONTROLLED SUBSTANCE. The meaning assigned by Tex. Health & Safety Code § 481.002 (Texas Controlled Substance Act).

DANGEROUS DRUG. The meaning assigned by Tex. Health & Safety Code § 483.001.

DELIVER. To sell, dispense, give away, or supply in any other manner.

DRUG. The meaning assigned by Tex. Health & Safety Code § 481.002 (Texas Controlled Substances Act).

LOITER. To idly stand around or move slowly about without an apparent lawful purpose.

PEACE OFFICER. A person elected, employed, or appointed as a ***PEACE OFFICER*** under Tex. Code of Criminal Procedure, Art. 2.12; Tex. Education Code, §§ 51.212 or 51.214; or other law.

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

REASONABLE BELIEF. A belief that would be held by ordinary and prudent person in the same circumstances as the actor.

UNLAWFUL. Criminal or tortuous or both and includes what would be criminal or tortuous or both and includes what would be criminal or tortuous or both and includes what would be criminal or tortuous but for a defense not amounting to justification or privilege.

(B) *Prohibited activity.* It is unlawful for a person to intentionally and knowingly loiter in or near a public place in a manner and under circumstances manifesting the purpose of delivery of any controlled substance, simulated controlled substance or dangerous drug. Among the circumstances that may be considered in determining whether such a purpose is manifested are:

(1) Such person is a known user, possessor, seller or manufacturer of a controlled substance. For the purpose of this section, such person is one who has, within the knowledge of the arresting Peace Officer, been convicted in any court within this state of any violation involving use, possession delivery, or manufacturer of any controlled substance as defined by the Texas Controlled Substance Act (Tex. Health & Safety Code §§ 481.001 et seq.), or such person who has been convicted of any violation of the provisions of substantially similar laws of any political subdivision of the state or of any other state or such person displays physical characteristics of drug intoxication or usage, such as “needle tracks”;

(2) Such person is at a location known to the arresting peace officer to be frequented by persons who use, possess, or deliver controlled substances or dangerous drugs;

(3) Such person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area;

(4) Such person repeatedly engages in conversation with passers-by, whether on foot or in a vehicle, for the purpose of inducing, enticing, soliciting, or procuring another to unlawfully possess, transfer, deliver, or buy any controlled substance or dangerous drug;

(5) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money, objects, or written material in a furtive manner;

(6) Such person behaves in such a manner as to raise a reasonable belief in the arresting peace officer’s mind that he/she is about to engage in or is then engaged in an unlawful drug-related activity, including, by way of example only, such person acting as a “lookout” or hailing or stopping vehicles;

(7) Such person takes flight upon the appearance of a peace officer;

(8) Such person manifestly endeavors to conceal himself/herself or any object which reasonable could be involved in an unlawful drug-related activity;

(9) The premises involved is known to have been reported to law enforcement authorities as a place suspected of unlawful drug-related activity;

(10) Any vehicle involved is registered to a known user, possessor, seller, or manufacturer of a controlled substance, or a person for whom there is an outstanding warrant for a crime involving unlawful drug-related activity; and

(11) Loitering not believed to be associated with the use, sale, buying or manufacturing of any controlled substance, simulated controlled substance or dangerous drug shall mean the act of standing or remaining idle in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use.

(C) *Defenses.* No arrest shall be made for a violation of division (B) unless the arresting peace officer first affords the person an opportunity to explain his/her conduct, and it shall be an affirmative defense to a violation of division (B) if it appears at trial that the explanation given was true and disclosed a lawful purpose. Such lawful purposes would include but are not limited to the following:

(1) The person is engaged in lawful employment at the time;

(2) The person is 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.

(D) *Penalty.* A person who violates any provision of this section is guilty of a misdemeanor and upon conviction shall be punishable by a fine not to exceed \$500.

(Ord. O-15-12, passed 8-20-15) Penalty, see § 131.99

§ 131.07 MEDDLING, TAMPERING WITH GARBAGE.

(A) It shall be unlawful for any person to meddle or tamper with any garbage, trash or rubbish container or receptacle or with any garbage, trash or rubbish place for collection or to in any manner pilfer with such garbage, trash or rubbish or to scatter the contents thereof in any street alley, sidewalk or premises in the city;

(B) It is unlawful for any person to meddle, tamper, steal or remove any garbage, rubbish or trash from any container or receptacle on any property within the city.

(C) *Exceptions.* If any business gives verifiable permission for any person to be on the property of the business of private property to meddle, tamper or remove and garbage, rubbish or trash from any container or receptacle.

(D) *Penalty.* Every person convicted of a violation of this section shall be subject to the general penalty found in § 10.99 of the Gladewater Code of Ordinances.

(Ord. O-15-13, passed 8-20-15)

CHAPTER 132: OFFENSES AGAINST PROPERTY

Section

- 132.01 Electric fences
- 132.02 Illegal possession of premises
- 132.03 Expectorating on sidewalks or in public buildings
- 132.04 Keeping of junk restricted
- 132.05 Discharge of swimming pool water

§ 132.01 ELECTRIC FENCES.

It shall be unlawful for any person to erect or maintain any electric fence, with the exception being, to allow electric fences when placed on private property behind another fence which secures it from the public, and the gates to it locked, and with a maximum 14-W transformer.
(‘60 Code, § 8-1-6) (Ord. 86-12, passed 2-13-86) Penalty, see § 10.99

§ 132.02 ILLEGAL POSSESSION OF PREMISES.

It shall be unlawful for any person to move into or take possession of any dwelling, house, outhouse, or other building or lot, the property of another without the consent of the owner or agent thereof.
(‘60 Code, § 8-1-27) Penalty, see § 10.99

§ 132.03 EXPECTORATING ON SIDEWALKS OR IN PUBLIC BUILDINGS.

It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies.
(‘60 Code, § 8-1-17) Penalty, see § 10.99

§ 132.04 KEEPING OF JUNK RESTRICTED.

(A) *Keeping of junk restricted.* It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk, adjacent to or in close proximity to any schoolhouse, church, public park, public grounds, business buildings, or residences without first providing proper and tight buildings for the storage of the same.

(B) *Notice.* In the event that a person fails to comply with the provisions of division (A), the city may notify such person of his failure to comply. Such notice shall be sent to the person at his post office address by regular mail. If the person's address is unknown or if notification may not be obtained by letter, then notice may be given by publication in any two issues within ten consecutive days in any daily, weekly or semi-weekly newspaper in the city. If such person fails or refuses to comply with the provisions of division (A) within ten days after the date of notification or date of second publication of notice in the newspaper, such person shall be in violation of division (A).

(C) *Enforcement.* Enforcement of this section is assigned to and shall be the responsibility of the Code Enforcement Officer who shall be empowered to make inspections of premises to determine violations, issue or cause to be issued the notice of noncompliance provided for in division (B) of this section and to issue citations to and to file complaints in municipal court against persons who are in violation of this section.

('60 Code, § 8-1-29; Am. Ord. 00-13, passed 10-19-00) Penalty, see § 10.99

§ 132.05 DISCHARGE OF SWIMMING POOL WATER.

(A) *Certain connections not to be made.* The following fixtures shall not be connected to the city sanitary sewer system: downspouts, yard drains, yard fountains and ponds, swimming pools, lawn sprays.

(B) *Discharge of swimming pool water.* Swimming pool water may be discharged into a storm drain or natural drainage way, provided such water does not contain more than 0.5 mg/l total residual chlorine or any harmful quantity of acid or other chemicals used in the treatment or disinfection of swimming pool water or in the cleaning of a swimming pool. In no case may any person drain swimming pool water across or onto any property not under the ownership or control of said person or drain swimming pool water in any manner that would create a public nuisance by becoming stagnant, offensive, or a potential breeding site for mosquitoes.

(C) *Swimming pool defined.* As used in this section, the term **SWIMMING POOL** shall mean any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep. The term shall include, without limitation, in-ground, above-ground and on-ground pools, hot tubs, spas and fixed-in-place wading pools.

(D) *Penalty; culpable mental state not required.* Any person, firm, partnership or corporation who violates any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500. It is hereby declared that the culpable mental state required by Tex. Penal Code Ch. 6.02 is specifically negated and clearly dispensed with, and an offense under this section is declared to be a strict liability offense.

(Ord. O-09-15, passed 9-17-09)

CHAPTER 133: FIREARMS AND WEAPONS

Section

Carrying Dangerous Weapons on City Property

- 133.01 Signs to be erected
- 133.02 City employees not to carry dangerous weapons on duty; exemptions
- 133.03 Firing guns in the city

- 133.99 Penalty

CARRYING DANGEROUS WEAPONS ON CITY PROPERTY

§ 133.01 SIGNS TO BE ERECTED.

The City Manager, or the City Manager's designee, is hereby authorized and directed to place in appropriate conspicuous places on city premises signage containing the following:

NOTICE

ENTRY ONTO THESE PREMISES BY PERSONS CARRYING DANGEROUS WEAPONS,
INCLUDING CONCEALED HANDGUNS, WHO ARE NOT CERTIFIED PEACE OFFICERS,
IS AN ACT OF CRIMINAL TRESPASS AND IS PROHIBITED.
VIOLATORS WILL BE PROSECUTED.

(Ord. 95-16, passed 12-21-95)

§ 133.02 CITY EMPLOYEES NOT TO CARRY DANGEROUS WEAPONS ON DUTY; EXEMPTIONS.

(A) All employees of the city are hereby prohibited from carrying dangerous weapons, including concealed handguns, while on the job or in the performance of their official duties. Violation of this section shall constitute grounds for disciplinary action, including immediate termination. This section shall not apply to those employees who in the performance of their official duties are peace officers certified in accordance with state law.

(B) Officers and employees of the city are exempted from and are not obligated to attend or participate in any city-related business in which a participant in any such business is carrying a dangerous weapon, including a concealed handgun, and is not a peace officer certified in accordance with state law. (Ord. 95-16, passed 12-21-95) Penalty, see § 133.99

§ 133.03 FIRING GUNS IN THE CITY.

(A) It shall be unlawful for any person to fire or shoot or cause to be fired or shoot any firearm, rifle, shotgun, pistol or any other weapon designed for the purpose of firing or discharging a shell or cartridge, whether such shell or cartridge is blank or live ammunition, at any place within the corporate limits of the city except for the protection of persons or private property, and except peace officers while in the performance of their official duties, or by authorized city representatives in the engagement of their official duties. This section shall not prohibit the firing of BB guns.

(B) It shall be unlawful for any person to fire or shoot a BB gun or any other air-propelled rifle within 500 feet of any street or oil and gas equipment with the city. (Ord. O-13-15, passed 11-19-13)

§ 133.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter for which no other penalty is provided shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) A violation of §133.02 shall constitute a Class C misdemeanor punishable upon conviction thereof by a fine not to exceed \$500. (Ord. 95-16, passed 12-21-95)

CHAPTER 134: OFFENSES RELATED TO RESTRICTED SUBSTANCES

Section

General Provisions

- 134.01 Definitions
- 134.02 Restricted smoking materials; purpose
- 134.03 Sale, delivery, offer, or gift
- 134.04 Use or possession of restricted smoking material
- 134.05 Use or possession of restricted smoking paraphernalia
- 134.06 Defenses to prosecution

Electronic Cigarettes

- 134.20 Definitions
 - 134.21 Use and possession by minors prohibited
 - 134.22 Sale of e-cigarettes to minors prohibited
 - 134.23 Self-service merchandising prohibited
-
- 134.99 Penalty

GENERAL PROVISIONS

§ 134.01 DEFINITIONS.

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

RESTRICTED SMOKING MATERIAL.

(1) Any substance, however marketed, which can reasonably be converted for smoking purposes whether it is presented as incense, tobacco, herbs, spices or any blend thereof if it includes any of the following chemicals or a comparable chemical:

(a) Salvia divinorum or salvinorin A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;

(b) 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol (also known as CP47,497) and homologues;

(c) (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl) - 6a, 7, 10,10a tetrahydrobenzo[c]chromen-1-ol (also known as HU-211 or Dexanabinol);

(d) 1-pentyl-3-(1-naphthoyl) indole (also known as JWH-018);

(e) 1-butyl-3-(1-naphthoyl) indole (also known as JWH-073); or

(f) 1-pentyl-3-(4-methoxy naphthoyl) indole (also known as JWH-081).

(2) Products containing some or all of the above substances are currently being marketed under the following commercial names: “K-2”, “K-2 SUMMIT”, “K-2 SEX”, “GENIE”, “DASCENTS”, “ZOHAI”, “SAGE”, “SPICE”, “KO KNOCK-OUT 2”, “SPICE GOLD”, “SPICE DIAMOND”, “YUCATAN FIRE”, “SOLAR FLARE”, “PEP SPICE”, “FIRE N’ ICE”, “BLAZE” “RED X DAWN” AND “SALVIA DIVINORUM”.

(3) Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this chapter, regardless of whether they are marketed under alternative names.

RESTRICTED SMOKING MATERIAL PARAPHERNALIA. Any paraphernalia, equipment or utensil that is used or intended to be used in ingesting or inhaling illegal smoking materials and may include:

(1) A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;

(2) A water pipe;

(3) A carburetion tube or device;

(4) A smoking or carburetion mask;

(5) A chamber pipe;

(6) A carburetor pipe;

(7) An electric pipe;

(8) An air-driven pipe;

(9) A chillum;

(10) A bong; or

(11) An ice pipe or chiller.

(Ord. O-10-13, passed 9-16-10)

§ 134.02 RESTRICTED SMOKING MATERIALS; PURPOSE.

The purpose of this chapter is to prohibit the sale or delivery of restricted smoking materials as defined within the city limits of the City of Gladewater, Texas, and to prohibit the possession of restricted smoking materials within the city limits of the City of Gladewater. Any form of delivery to include a simple gift constitutes a violation of this chapter.

(Ord. O-10-13, passed 9-16-10) Penalty, see § 134.99

§ 134.03 SALE, DELIVERY, OFFER, OR GIFT.

It shall be unlawful for any person to sell, offer to sell, deliver to or to give any restricted smoking material to any person.

(Ord. O-10-13, passed 9-16-10) Penalty, see § 134.99

§ 134.04 USE OR POSSESSION OF RESTRICTED SMOKING MATERIAL.

It shall be unlawful for any person to have in their possession or to use restricted smoking materials within the corporate limits of the city.

(Ord. O-10-13, passed 9-16-10) Penalty, see § 134.99

§ 134.05 USE OR POSSESSION OF RESTRICTED SMOKING PARAPHERNALIA.

It shall be unlawful for any person to have in their possession any restricted smoking paraphernalia with the intent to use it, to ingest, inhale or otherwise consume restricted smoking material. It is a violation of this section, if a person is found in possession of restricted smoking paraphernalia.

(Ord. O-10-13, passed 9-16-10; Am. Ord. O-16-12, passed 8-18-16) Penalty, see § 134.99

§ 134.06 DEFENSES TO PROSECUTION.

(A) It shall be a defense to prosecution for a violation of this chapter if the use of the restricted smoking material is at the direction or under a prescription issued by a licensed physician or dentist authorized to prescribe controlled substances within the State of Texas.

(B) It shall be a defense to prosecution under the terms of this chapter if an individual charged with a violation can provide proper and complete historic documentation that the use of such materials is a portion of a religious undertaking or activity of a religious denomination in which they have long standing historic membership supported by documentation from clergy or spiritual leader recognized by the State of Texas.

(Ord. O-10-13, passed 9-16-10)

ELECTRONIC CIGARETTES**§ 134.20 DEFINITIONS.**

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

BUSINESS. Any sole proprietorship, joint venture, partnership, corporation, limited liability company, or other entity formed for profit making or non-profit purposes, including but not limited to retail establishments where goods or services are sold or offered for sale.

ELECTRONIC CIGARETTE OR E-CIGARETTE. Any electronic or mechanical device that uses a heating element designed or intended to vaporize, or is capable of vaporizing, a liquid solution containing nicotine. The term includes electronic devices that employ an atomizer or heating element and battery as well as mechanical vaporizers, and is inclusive of any version or type of such device whether manufactured or marketed as e-cigarettes, e-cigars, e-pipes, electronic vaping device, mechanical PV's, electronic nicotine delivery system, or other device under any other product name or description.

LIQUID NICOTINE. Any liquid product composed either in whole or in part of nicotine and propylene glycol and/or any other substance and manufactured for use with electronic cigarettes.

MINOR. A person younger than 18 years of age.

OPEN DISPLAY UNIT. In the context of the retail sale of electronic cigarettes and liquid nicotine, means any device, furniture, or furnishing within or upon which electronic cigarettes, liquid nicotine, or paraphernalia associated with electronic cigarettes are displayed to customers, and includes, but not limited to, any case, rack, shelf, counter, table, desk, kiosk, booth, stand, or other surface.

PARAPHERNALIA. Associated with electronic cigarettes mean any device, equipment, article or other thing designed, intended or used for the storage, consumption, inhalation or ingestion of liquid nicotine using an electronic cigarette.

PERSON. Any natural person, individual, sole proprietor, partnership, cooperative association, corporation, limited liability company, personal representative, receiver, trustee, assignee, or other legal entity. The term includes employees, agents and representatives of businesses and retailers.

RETAILER. Any person or business that operates a store, stand, booth, concession, or other place at which sales of electronic cigarettes, liquid nicotine, or paraphernalia associated with electronic cigarettes are made to purchasers for consumption or use.

SELF-SERVICE MERCHANDISING. In the context of the retail sale of electronic cigarettes, liquid nicotine, or paraphernalia associated with electronic cigarettes, means the open display of electronic cigarettes, liquid nicotine, and paraphernalia associated with electronic cigarettes, whether packaged or otherwise, for direct retail customer access and handling without the intervention of assistance of the retailer or the retailer's owner, employee, or agent.
(Ord. O-14-06, passed 5-22-14)

§ 134.21 USE AND POSSESSION BY MINORS PROHIBITED.

(A) A minor commits an offense if the minor uses, possesses, purchases or attempts to purchase an electronic cigarette, liquid nicotine, or paraphernalia associated with electronic cigarettes.

(B) A minor commits an offense if the minor falsely represents himself or herself to be 18 years of age or older for the purpose of purchasing or receiving an electronic cigarette, liquid nicotine, or paraphernalia associated with electronic cigarettes.
(Ord. O-14-06, passed 5-22-14)

§ 134.22 SALE OF E-CIGARETTES TO MINORS PROHIBITED.

No person, business, retailer, or other establishment shall sell or convey, offer for sale, or cause or allow to be sold or conveyed to a minor an electronic cigarette, liquid nicotine, or paraphernalia associated with electronic cigarettes.
(Ord. O-14-06, passed 5-22-14)

§ 134.23 SELF-SERVICE MERCHANDISING PROHIBITED.

(A) No person, business, retailer, or other establishment engaged in the sale or distribution of electronic cigarettes, liquid nicotine or paraphernalia associated with electronic cigarettes shall display,

sell or convey, offer for sale, or cause or allow to be sold or conveyed electronic cigarettes, liquid nicotine, or paraphernalia associated with electronic cigarettes within the city by means of self-servicing merchandising which allows a purchase of electronic cigarettes, liquid nicotine, or paraphernalia associated with electronic cigarettes without verification of the age of the purchaser.

(B) No person, business, retailer, or other establishment engaged in the retail sale of electronic cigarettes, liquid nicotine or paraphernalia associated with electronic cigarettes shall place electronic cigarettes, liquid nicotine, or paraphernalia associated with electronic cigarettes in an open display unit unless the unit is located in an area that is inaccessible to minors.

(Ord. O-14-06, passed 5-22-14)

§ 134.99 PENALTY.

(A) Any person who violates any provision of this chapter shall be guilty of a misdemeanor infraction, punishable by a fine not to exceed \$500 and assessed court costs as provided by law.

(B) Every act in violation of this chapter shall constitute a separate offense.

(C) Unless otherwise specifically set forth herein allegation and evidence of culpable mental state are not required for the proof of an offense of this chapter.

(D) Any firm or corporation who violates any section of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not in excess of \$2,000, and assessed court costs as provided by law.

(E) For a violation of §§ 134.20 through 134.23:

(1) That any person, firm or corporation violating any of the provisions or terms of §§ 134.20 through 134.23, shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this subchapter, and upon conviction shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

(2) The city may revoke a certificate of occupancy for a business or retailer if the business, retailer, or employee, agent, or representative thereof has been convicted of or placed on deferred disposition for two or more violations of this subchapter within a consecutive 12-month period occurring on the premises of the business or retailer.

(3) No culpable mental state shall be required to be plead or proven to establish guilt in the prosecution of any case in which an offense under this subchapter is alleged. It is the intent of the town that an offense under this subchapter is a strict liability offense.

(Ord. O-10-13, passed 9-16-10; Am. Ord. O-14-06, passed 5-22-14)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. ELECTRICAL CODE**
- 152. FLOOD DAMAGE PREVENTION**
- 153. SUBDIVISIONS**
- 154. ZONING CODE**
- 155. AIRPORT RULES AND REGULATIONS**
- 156. LAKE GLADEWATER HOUSING AND PROPERTY**

CHAPTER 150: BUILDING REGULATIONS

Section

Building Code

- 150.01 Adoption of International Building Code
- 150.02 Schedule of permit fees
- 150.03 Registration required for certain trades
- 150.04 Extra territorial jurisdiction

Additional Codes Relating to Construction of Buildings

- 150.11 Codes adopted

Dangerous Buildings

- 150.30 Definitions
- 150.31 Enforcement officer
- 150.32 Right of entry
- 150.33 Warrant to inspect premises
- 150.34 Dangerous structures; condemnation
- 150.35 Written notice; placarding
- 150.36 Service of notice
- 150.37 Condemned building not to be occupied
- 150.38 Removal of placard or notice
- 150.39 Notice of intent to demolish
- 150.40 Demolition of condemned structure

Vacant Buildings

- 150.50 Purpose
- 150.51 Definitions
- 150.52 Vacant building registration
- 150.53 Fees
- 150.54 Exemptions
- 150.55 Appeal process
- 150.56 Standard of care for vacant buildings
- 150.57 Inspections

- 150.58 Reuse and re-occupancy
- 150.59 Responsibility for violations
- 150.60 Penalty

BUILDING CODE

§ 150.01 ADOPTION OF INTERNATIONAL BUILDING CODE.

There is hereby adopted, in order to establish minimum construction standards for the protection of life, health and property in the building of structures within the city, the 2009 International Building Code, a copy of which is in the Office of the Building Inspector. From and after the effective date hereof, the provisions of the International Building Code will apply to the buildings and other structures in the city.

('60 Code, § 3-1-1) (Ord. 82-16, passed 7-8-82; Am. Ord. 99-11, passed 8-19-99; Am. Ord. 01-20, passed 12-20-01; Am. Ord. O-11-08, passed 7-21-11; Am. Ord. O-16-02, passed 1-21-16)

§ 150.02 SCHEDULE OF PERMIT FEES.

(A) Plan Review fee:

- (1) Residential construction: 27% of building permit fee.
- (2) Commercial construction: 30% of building permit fee.

(B) Development/grading permit: \$100 (Will be deducted from building permit fee if construction commences within six months.) Must submit grading plan or engineering plan. Silt fence required.

(C) Building permit fees:

- (1) Residential construction: \$.21 per square foot (includes new construction, additions, remodels, renovations, fire damage repair, etc.).
- (2) Commercial construction: \$.25 per square foot (includes new construction, additions, remodels, renovations).

(D) Shell buildings: 80% of building permit fee for complete building.

(E) Interior finish: 40% of building permit fee for complete building.

(F) Single trade permits: Permits are assessed per address/structure. Each apartment constitutes a separate address.

Accessory building. \$50 each

Electrical. \$50 per address

Plumbing. \$50 per address

HVAC. \$50 per address

(G) Certificate of occupancy: Commercial - \$75; Residential - \$25.

(H) Fire alarm/fire protection permits.

(1) Fire alarm system: \$35.

(2) Fire protection system: \$35 (includes sprinkler systems, pull stations, etc.)

(I) Swimming pool, spas and hot tubs:

Swimming Pools	
In ground.	\$200
Above ground.	75
Spa or hot tub.	25

(J) Driveway approach: \$35.

(K) Reinspection fee: \$25.

(L) House moving fee: \$45.

(M) Sign permit: \$35.

(N) Underground tanks:

Install	\$75
Remove.	50

(O) Refunds: Permits, which are cancelled at the request of the permit holder, may be refunded at not more than 80% of the permit fee provided that no work has commenced. The fees provided for in this section must be paid before reissuing or reinstating the permits required by this section.

(P) Other fees:

(1) Inspections after hours (emergencies only):	\$45 per hour with 2 hour minimum
(2) Inspections other than those specifically listed herein:	\$45 per hour with 1 hour minimum.

('60 Code, § 3-1-2) (Ord. 82-16, passed 7-8-82; Am. Ord. 99-11, passed 8-19-99; Am. Ord. 99-21, passed 11-18-99; Am. Ord. 01-20, passed 12-20-01; Am. Ord. 04-12, passed 10-14-04; Am. Ord. O-11-08, passed 7-21-11; Am. Ord. O-14-03, passed 3-27-14; Am. Ord. O-15-19, passed 11-19-15)

§ 150.03 REGISTRATION REQUIRED FOR CERTAIN TRADES.

(A) Before performing any work in the city, electricians, plumbers, HVAC contractors, sign contractors and electrical sign manufacturers or contractors must be registered with the city. Applications for registration shall be on forms promulgated by the Building Inspector.

(B) To be eligible for registration, each applicant must provide proof that the applicant is currently licensed by the state to perform the particular trade, that the applicant meets the minimum insurance and/or bonding requirements of the state and must pay the registration fee.

(C) The registration fee is \$50 per year, with the exception of plumbers who are exempt.

(D) Revocation of registration. Any registration granted under this chapter may be revoked upon the recommendation of the Building Inspector with approval of the City Council if the holder of same violates any ordinance or law relating to the particular trade, or is found guilty of trade practices which are hazardous to life or property, or for transferring or allowing, directly or indirectly, any firm, person or corporation other than the lawful holder to operate or obtain permits to perform work under the registration, provided the holder of same be found guilty by the City Council of such violation. When a registration is revoked, a new registration will not be granted to the same firm, person or corporation for a period of one year.

(Ord. 04-12, passed 10-14-04; Am. Ord. O-16-19, passed 10-20-16)

§ 150.04 EXTRA TERRITORIAL JURISDICTION.

(A) The ***EXTRA TERRITORIAL JURISDICTION*** of the City of Gladewater is hereby defined as the area of land extending one mile beyond the official city limits of the City of Gladewater.

(B) The city inspector and/or building official shall have the authority to permit, inspect and enforce the City of Gladewater Code of Ordinances within the extra territorial jurisdiction of the City of Gladewater with the assistance of the County Fire Marshal's office for inspections and enforcement of the Fire Code in effect at the time of inspection.

(Ord. O-14-08, passed 6-19-14)

ADDITIONAL CODES RELATING TO CONSTRUCTION OF BUILDINGS

§ 150.11 CODES ADOPTED.

(A) There are hereby adopted:

- (1) The International Residential Code, 2009 Edition;
- (2) The International Building Code, 2009 Edition;
- (3) The International Mechanical Code, 2009 Edition;
- (4) The International Plumbing Code, 2009 Edition;
- (5) The International Property Maintenance Code, 2009 Edition;

- (6) The International Fuel Gas Code, 2009 Edition;
- (7) The International Energy Conservation Code, 2009 Edition; and
- (8) The 2011 National Electrical Code.

(B) A copy of each of said codes shall be kept in the office of the Building Inspector.
(Ord. 04-12, passed 10-14-04; Am. Ord. O-11-08, passed 7-21-11; Am. Ord. O-15-05, passed 3-26-15;
Am. Ord. O-16-02, passed 1-21-16)

DANGEROUS BUILDINGS

§ 150.30 DEFINITIONS.

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

BUILDING OFFICIAL. The legally designated inspection authority of the city, or his authorized representative.

CITY COUNCIL. The governing body of the City of Gladewater.

DANGEROUS BUILDING. Any building where such conditions or defects exist to the extent that the life, health, property, or safety of the public or its possible occupants are endangered.

DWELLING. Building containing not more than two dwelling units occupied exclusively for residential uses. Residential uses shall include a private garage, domestic storage and customary home occupations conducted in the dwelling by the occupants, such as the practice of a profession.

DWELLING PREMISES. The land, dwelling units and auxiliary buildings thereon used or intended to be used in connection with a dwelling.

DWELLING UNIT. One or more rooms with living, cooking, sanitary, and sleeping facilities therein arranged for one family with whom may reside not more than four lodgers or boarders.

OCCUPANT. Any person over one year of age living, sleeping, cooking or eating in, or having actual possession of or doing business in a building, dwelling unit, or structure.

OWNER. Owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rent, receiver, executor, trustee, lessee or other person, firm, or corporation in control of a building.

UNINHABITED BUILDING, DWELLING or STRUCTURE. Any house, building, dwelling, shed, barn, warehouse, or other such structure and any appurtenances thereto which has been unused, unoccupied, abandoned, vacant or vacated as a regular place of residence, abode, living, storage, or business activity for a period of not less than 30 days. Provided, however, that any such house, building, dwelling, shed, barn, warehouse, or similar structure unused, unoccupied, abandoned, vacant or vacated as a regular place of residence, abode, living, storage, or business activity on the effective date of this section, shall be deemed an **UNINHABITED BUILDING, DWELLING, or STRUCTURE** thereafter for purposes of this section.

('60 Code, § 3-7-1) (Ord. 1086, passed 6-17-76)

§ 150.31 ENFORCEMENT OFFICER.

The provisions of this subchapter shall be administered and enforced by the Building Inspector, or his duly authorized representative, of the city.

('60 Code, § 3-7-2) (Ord. 1086, passed 6-17-76)

§ 150.32 RIGHT OF ENTRY.

The Building Official shall enforce the provisions of this subchapter and he may, upon presentation of proper identification to the owner, agent, occupant, or tenant in charge of such property, and in such manner as to cause the least possible inconvenience to the persons in possession, enter any building, structure, dwelling, apartment, or premises during all reasonable hours to make inspections or examinations thereof in order to perform the duties imposed on him by this subchapter.

('60 Code, § 3-7-3) (Ord. 1086, passed 6-17-76)

§ 150.33 WARRANT TO INSPECT PREMISES.

If the owner, agent, occupant, or tenant of any building, dwelling, or structure refuses admittance thereto, the Building Official, or his agent or representative, for the purpose of making an examination or inspection of premises, may take an affidavit before any judge of a court of competent jurisdiction that he believes or has reason to believe that by an inspection of a certain premises designated in the affidavit he will obtain evidence tending to reveal the existence of violations of this subchapter. Upon receiving this affidavit, the judge may issue a warrant authorizing the Building Official to inspect the premises named in the affidavit and designated in the subchapter.

(‘60 Code, § 3-7-4) (Ord. 1086, passed 6-17-76)

§ 150.34 DANGEROUS STRUCTURES; CONDEMNATION.

Any building, dwelling, or structure which shall be found to have any of the following defects may be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the Building Official of the city, if:

(A) The structure lacks illumination, ventilation, sanitation, heat, or other facilities adequate to protect the health and safety of the occupants or the public.

(B) The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.

(‘60 Code, § 3-7-5) (Ord. 1086, passed 6-17-76)

§ 150.35 WRITTEN NOTICE; PLACARDING.

Whenever the Building Official has declared a building, dwelling, or structure as unfit for human habitation and constituting a nuisance, he shall give written notice to the owner of such declaration and shall placard the building, dwelling, or structure as dangerous or unfit for human habitation in accordance with the following:

(A) Such written notice includes a description of the real estate sufficient for identification.

(B) The placard shall be placed on the main entrance of the dwelling and read:

“THIS BUILDING DANGEROUS AND UNFIT FOR HUMAN HABITATION:
THE USE OF THIS BUILDING IS PROHIBITED AND UNLAWFUL.”

(‘60 Code, § 3-7-6) (Ord. 1086, passed 6-17-76) Penalty, see § 10.99

§ 150.36 SERVICE OF NOTICE.

Service of notice of declaration of a building, dwelling, or structure as dangerous and unfit for human habitation and constituting a nuisance shall be as follows:

(A) By delivery to the owner personally, or by leaving the written notice at the usual place of abode of the owner with a person of suitable age and discretion; or,

(B) By depositing written notice in the United States post office addressed to the owner at his last known address with postage prepaid thereon; or,

(C) By posting and keeping posted for 24 hours a copy of the written notice in a conspicuous place on the premises.

('60 Code, § 3-7-7) (Ord. 1086, passed 6-17-76)

§ 150.37 CONDEMNED BUILDING NOT TO BE OCCUPIED.

Once the occupant or occupants of a building, structure, or dwelling, which has been condemned and placarded as dangerous or unfit for human habitation, vacate said premises, no person shall again use said premises until approval is secured from, and such placard is removed by, the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

('60 Code, § 3-7-8) (Ord. 1086, passed 6-17-76) Penalty, see § 10.99

§ 150.38 REMOVAL OF PLACARD OR NOTICE.

No person shall deface or remove the placard from any building, dwelling, or structure which has been condemned as dangerous or unfit for human habitation and placarded as such, except as provided in § 150.37.

('60 Code, § 3-7-9) (Ord. 1086, passed 6-17-76) Penalty, see § 10.99

§ 150.39 NOTICE OF INTENT TO DEMOLISH.

(A) The notice of intent to demolish shall inform the owner, agent, lessee or lessor of the structure in question that the City Council will review the notice of intent to demolish within 30 days and will approve or deny the procedures of the Building Official to effect demolition as further provided in this subchapter. The owner, agent, lessee, or lessor shall be notified of the time and place of the review hearing at the same time the notice of intent to demolish is mailed or delivered.

(B) The City Council shall review all notices of intent to demolish issued by the Building Official.

(C) The City Council shall hold a public hearing when considering all notices of intent to demolish. Written notice of such public hearing shall be sent to the owner, agent, lessee or lessor of the structure

in question. Such notice shall be given not less than ten days before the date of the hearing to said owner, as the ownership appears on the last city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice may also be given by publishing the same in the newspaper of the city at least ten days prior to the date set for the hearing, which notice shall state the time and place of such hearings.

(D) If the City Council approves the notice of intent to demolish, it shall issue an "Order to Demolish" instructing the Building Official to advertise for bids for demolition of the structure or structures. The order shall state the date upon which demolition is to commence, which shall not be less than 30 days from the date the order to demolish is issued. If no bids are received the city shall complete the demolition in the most economical manner.
(‘60 Code, § 3-7-10) (Ord. 1086, passed 6-17-76; Am. Ord. 04-11, passed 10-14-04; Am. Ord. 05-12, passed 7-21-05)

§ 150.40 DEMOLITION OF CONDEMNED STRUCTURE.

(A) Only an uninhabited building, dwelling, or structure shall be subject to demolition under the provisions of this subchapter.

(B) (1) Whenever a condemned structure or structures is demolished in accordance with the provisions of this subchapter, all expense incurred by the city in such demolition shall be paid by the owner of the affected premises. The Building Official shall keep an accurate record of the demolition costs along with a record of any salvage recovered. In the event the owner fails or refuses to pay such expense within 30 days of the work being done, the city shall file a statement of expense incurred with the County Clerk of such county wherein such premises are located.

(2) Such lien may be made a matter of record by the filing of a statement by the Mayor with the County Clerk of Gregg County, Texas or Upshur County, Texas as provided by TEX. HEALTH & SAFETY CODE §§ 342.007, 342.008 showing the expense of the demolition. Such liens shall accrue at 10% interest per annum from the date the statement was filed. Such liens shall also accrue a collection penalty of 20% of the total amount of the lien, inclusive of interest. Payment of all liens created in accordance with this section shall be made to the City of Gladewater. For payment made subsequent to the filing of a lien with the County Clerk, an appropriate release of lien will be prepared and the City Manager or his or her designated representative is hereby authorized to sign such release.

(3) After the statement provided for in division (B)(2) of this section is filed, the city shall have a privileged lien on the lot or real estate upon which the work was done or improvements made, to secure the expenses thereof, in accordance with the provisions of TEX. LOC. GOV'T CODE § 214.001. Such liens shall be second only to tax liens and liens for street improvements. The amount shall bear interest at the rate of 10% per annum from the date the statement was filed. The lien shall also bear a

collection fee of 20% of the total amount of the lien, inclusive of interest. For any such expenditures, interest and collection fees, a suit may be instituted and recovered and foreclosure of the lien may be had in the name of the city. The statement of expenses made in accord with division (B)(2) of this section or a certified copy shall be prima facie proof of the amount expended for such work or improvements.

(C) Any owner of a structure receiving a notice of intent to demolish the structure may demolish the structure himself and such action shall be deemed compliance.

('60 Code, § 3-7-11) (Ord. 1086, passed 6-17-76; Am. Ord. O-11-07, passed 6-16-11; Am. Ord. O-17-06, passed 2-16-17)

VACANT BUILDINGS

§ 150.50 PURPOSE.

(A) The purpose of this subchapter is to establish a program for identifying and registering vacant buildings; in the Main Street District, to determine and establish the responsibilities of owners of said structures; to ensure vacant buildings are maintained in compliance with applicable city code; and to encourage their rehabilitation in efforts to minimize wider community deterioration.

(B) The City Council has determined the presence of vacant buildings creates blight. It is recognized blight lowers property values; leads to deteriorating conditions, becomes a harborage for rodents, undermines the quality of life; affects the public health, safety and general welfare, may result in human injury, and also becomes an invitation for illegal occupancy and criminal activities, as well as, a fire hazard.

(C) In order to protect the citizens of Gladewater, to preserve and enhance livability, preserve property values of surrounding buildings, and to ensure buildings are promptly rehabilitated as appropriate, it is the policy of the city to address vacant building rehabilitations in accordance with due process requirements.

(Ord. O-17-26, passed 10-20-17)

§ 150.51 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this subchapter, have the meanings indicated in this section.

ABANDONED. Any building or other structure that is unoccupied where the owner has defaulted on a loan and the property has been foreclosed on by a financial institution, or the owner is no longer paying property taxes and property is subject to a tax assessor's lien and/or sale.

APPRAISED VALUE. The current value assigned by the appropriate central appraisal district.

AUTHORIZED AGENT. Under the provisions of this section, the owner is consenting that a third party is authorized to receive any and all notices relating to the property and conformance of any and all ordinances.

BUILDING OFFICIAL. For this subchapter shall be the same as defined in § 150.30 of the Gladewater Code of Ordinances.

EVIDENCE OF VACANCY. Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to:

- (1) Significantly below standard utility usage;
 - (2) Overgrown and/or dead vegetation;
 - (3) Accumulation of newspapers, circulars, flyers, and/or mail;
 - (4) Accumulation of trash, junk, and/or debris;
 - (5) Broken or boarded up windows;
 - (6) Abandoned vehicles;
 - (7) Auto parts or materials;
 - (8) The absence of window coverings, such as curtains, blinds, and/or shutters;
 - (9) The absence of furnishings and/or personal items consistent with habitation or occupation;
- or
- (10) Statement(s) by governmental employee(s) that the property is vacant; or
 - (11) Neglected or deteriorated structure with broken or missing components such as brick.

HISTORIC BUILDING. A building is 50 years or older and complies with at least one of the following criteria:

- (1) Retains its historic physical integrity, and is significant on either a local, state or national level either through direct association with individuals, events, activities, or developments that shaped our history or that reflect important aspects of our history;
- (2) Embodies the distinctive physical and spatial characteristics of an architectural style or type of building, structure, landscape, or planned environment, or a method of construction, or high artistic values or fine craftsmanship; or

(3) Has the potential to yield information important to our understanding of the past through archaeological, architectural, or other physical investigation and analysis.

NEGLECT. A serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Building Official, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

OCCUPIED. Pursuant to and within the scope of a valid certificate of occupancy or within an occupancy use authorized for the building or structure designated primarily for nonresidential uses, that one or more persons conduct business in or reside in at least 50% of the total area of a building or structure which is two stories or fewer (excluding stairwells, elevator shafts, and mechanical rooms); or where one or more persons conduct business or reside in at least 60% of the total area of a building or structure which is more than two stories (excluding stairwells, elevator shafts, and mechanical rooms); or any building or structure where the building or structure is designated for residential use and contains four dwelling units or fewer must have residents in 50% of the structure, and those containing five dwelling units or more must have residents in 60% of the structure.

OWNER. A person in whom is vested the ownership or title of real property, including but not limited to:

- (1) The holder of fee simple title;
- (2) The holder of a life estate;
- (3) The holder of a leasehold estate that includes the vacant or abandoned portions of the building;
- (4) The buyer in a contract for deed;
- (5) A mortgagee, receiver, executor, or trustee in control of real property; and
- (6) The named grantee in the last recorded deed.

SECURED. A building which has all points of entry into the structure either:

- (1) Closed by use of windows and doors which are in proper working order, intact without holes or broken elements, and are locked; or
- (2) Secured by exterior grade plywood in compliance with this subchapter.

VACANT. A building which is:

- (1) Unoccupied and unsecured;
- (2) Unoccupied and secured by other than normal means;

- (3) Unoccupied and an unsafe building as determined by Code Enforcement;
- (4) Unoccupied and having utilities disconnected;
- (5) Unoccupied and has housing or building code violations;
- (6) Illegally occupied which shall include loitering and vagrancy;
- (7) Unoccupied with a mortgage status of abandonment (i.e., deceased or foreclosed).

UNSECURED. A building or portion of a building which is open to entry by unauthorized persona without the use of tools or ladders.
(Ord. O-17-26, passed 10-20-17)

§ 150.52 VACANT BUILDING REGISTRATION.

(A) A person commits an offense if the person owns a vacant building without a valid certificate of registration or exemption issued pursuant to this subchapter.

(B) The owner or the owner's authorized agent shall submit an application to the Building Official to register a building or apply for an exemption not later than 90 days after the building becomes a vacant building. One or more of the owners may designate an individual to execute the application on behalf of the owner(s).

(C) The registration application shall be submitted on forms provided by the Building Official. The registration application shall include the following information supplied by the applicant:

- (1) The address and legal description of the premises;
- (2) The number of stories, including basement, contained therein area in square feet of each story, and year built;
- (3) The date on which the vacant building was last legally occupied, a description of the last or current use of the vacant building, and a description of any hazardous materials, uses, or conditions currently existing or previously existed in the vacant building;
- (4) The names, addresses and telephone numbers of the owner or owners and authorized agents and copy of state identification of a primary owner or authorized agent;
- (5) The name and address of any third party who has entered into a contract or agreement for property management;
- (6) The names and addresses of all known lien holders, tenants, and all other parties with an ownership or possessory interest in the building;

(7) A telephone number where a responsible party can be reached at all times during business and nonbusiness hours. The responsible party must provide a local contact, street address, and telephone number that can be reached 24 hours a day, seven days a week, in the event of an emergency condition in or on the premises of the vacant building;

(8) Proof of general liability of \$100,000 and property insurance, no less than replacement value, for the property to be kept in full force and effect at all times during the registration term and/or a surety bond for the value of the structure if insurance cannot be obtained. Said value shall be the appraised value as determined by the appraisal district of the county in which the building resides;

(9) A comprehensive plan detailing the efforts to eliminate the deficiencies and detailing a continuing maintenance plan. If a building has been designated as a historic building at the federal, state, or local level or is eligible for designation or is located within the Main Street District, the plan must also be submitted to the Main Street Board for review and approval;

(10) The name of the addressee and the mailing address to which all notices or other communication required under this subchapter may be delivered, including communication regarding registration and vacant building status;

(11) Criminal trespass affidavits and an extra patrol request shall be filed with the Gladewater Police Department by the property owner or authorized agent and said party shall post "No Trespass" placards on the premises. (Signage placed on buildings located within the Main Street District must be approved by the Main Street Board.) Additional employment of security services for the property for a specified number of hours every day, may be required by the Chief of Police on the basis of the property's history of code and/or criminal violations; and

(12) Any other reasonably related additional information required by the Building Official (ex: No trespass signage is ignored, vagrant occupying).

(D) A separate registration application is required for each vacant building, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building is located at the same street address, a separate certificate of registration is required for each vacant building. In addition, only one registration application is required for a single vacant building having more than one street address.

(E) The failure of the owner of the vacant building to obtain a deed for the property or file the deed with the County Recorder shall not excuse the property owner from registering the property.

(F) Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

(G) The Building Official shall, within ten days, take one of the following actions regarding the filing of a completed application for which all required established fees have been paid:

(1) Issue a certificate of registration if the permit official determines:

(a) The applicant has complied with all requirements for issuance of the certificate of registration;

(b) The applicant has not made a false statement as to a material matter in an application for a certificate of registration; and

(c) The applicant or owner has no outstanding fees charged under this subchapter.

(2) Deny the certificate of registration as provided under division (H).

(3) Inform the applicant the certificate of registration cannot be issued within the time period under this section and advise the applicant as to the date on which the Building Official shall make the required determination, which shall be the earliest date practicable.

(4) The failure of the permit official to take action as required under this division shall not result in an automatic registration of a vacant building under this subchapter.

(H) If the Building Official determines, upon initial review or inspection, the application does not address the requirements of this subchapter, the Building Official shall notify the owner and allow reasonable time for revision of the application. If, upon final review of the completed application, the Building Official determines the requirements of divisions (C) and (I) have not been met, the Building Official shall deny a certificate of registration to the owner.

(1) If the Building Official determines the owner should be denied a certificate of registration, the Building Official shall deliver written notice that the application is denied and include in the notice the reason for denial.

(2) If the application is denied and no appeal has been filed, the owner shall have ten days to resubmit the application for a certificate of registration.

(3) The owner may appeal the determination of the Building Official by following the procedure provided in § 150.55. If the appeal is denied, the owner shall have ten days to resubmit the application for a certificate of registration.

(I) The Building Official shall give notice of issuance of a certification of registration for a vacant building to lien holders, tenants, and other parties, as identified in the application.

(J) Vacant building owners shall provide written notice to the Building Official no later than 30 days after a change has occurred in:

(1) Ownership of the property, including a copy of the deed;

(2) Contact information for either the owner or the authorized agent.

(K) A new owner(s) shall accept transfer of registration or re-register the vacant buildings with the Building Official within 30 days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Building Official.

(L) Except as otherwise provided herein, the certificate of registration for a vacant building shall terminate the earlier of:

- (1) One year after date of issuance;
- (2) The date the vacant building changes ownership, as determined by the Building Official (see also division (K) above);
- (3) The date the vacant building becomes occupied, as determined by the Building Official; or
- (4) The date the vacant building is demolished, as determined by the Building Official.

(M) Requests for termination of a certificate of registration shall be in writing to the Building Official and accompanied by documentation in support of the request. The failure of the Building Official to terminate the certificate of registration as provided herein within 30 days after the date the written request was made shall constitute a denial of the request for the termination and the owner may appeal such action by following the procedure provided in § 150.55.

(N) Upon an owner's written request to the Building Official, a certificate of registration issued under this subchapter is transferable to a new owner during the period of registration, provided:

- (1) The owner has complied with the provisions of this subchapter, other city ordinance, and state or federal law applicable to the vacant building;
 - (2) Payment of the administrative fee established for transfer of the certificate of registration;
- and
- (3) The new owner's acceptance of the application information for the certificate of registration to be transferred.

The failure of the Building Official to transfer the certificate of registration as provided herein within 30 days after the date the written request has been made shall constitute a denial of the request for the transfer and the owner may appeal such action by following the procedure provided in § 150.55.

(O) An owner or applicant shall notify the Building Official in writing within 30 days after any material change in the information contained in the application for a certificate of registration for a vacant building, including any changes in ownership of the property or intended use, rehabilitation, demolition, or routine maintenance of the vacant building.

(P) If the Building Official observes evidence of vacancy and finds it to be unregistered, the Building Official shall make a determination as to whether the building is a vacant building within the meaning of this subchapter. If the Building Official finds the building is a vacant building:

(1) The Building Official shall give written notice of such determination to the owner of the subject building. The notice of determination shall identify the building; street address or legal description of the property; state the factual basis for the determination; classify the building as a vacant building; and the obligations of an owner to register the building as set forth in this subchapter.

(2) The notice under this section must comply with the requirements of Tex. Loc. Gov't Code § 54.005.

(3) The Building Official satisfies the requirements of this section to make a diligent effort, to use his best efforts, or to make a reasonable effort to determine the identity and address of an owner if the Building Official searches the following records:

- (a) Real property records of the appropriate county;
- (b) City of Gladewater appraisal district records;
- (c) Records of the secretary of state;
- (d) Assumed names records of the appropriate county;
- (e) Tax records of the city; and
- (f) Utility records of the city.

(4) When the Building Official mails a notice in accordance with this section to an owner 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 delivered.

(5) An owner may appeal the determination of the Building Official that the building should be classified as a vacant building under this subchapter by following the procedure in § 150.55.

(Q) The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.

(Ord. O-17-26, passed 10-20-17)

§ 150.53 FEES.

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the city in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the city for inspection and security patrols, as well as the continued normal administrative costs stated above.

(A) The owner of a vacant building shall pay an annual fee of \$150 for the first year the building remains vacant. The fee shall be paid upon submission of the application for a certificate of registration. For every consecutive year the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five year fee of \$2,400 to be used for the fifth and all consecutive, subsequent years of vacancy.

(B) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this subchapter within 90 days of its registry.

(C) Late fees shall be paid in addition to the annual registration and will be equal to 50% of the annual fee.

(D) A transfer fee of \$25 shall be paid at the time the transfer request is made.
(Ord. O-17-26, passed 10-20-17)

§ 150.54 EXEMPTIONS.

(A) An owner or the owner's authorized agent may apply for an exemption to the registration fee or fees under proof of financial hardship. The Board of Adjustments shall make the determination for authorizing the exemption.

(B) A building or dwelling which has suffered fire damage or damage caused by extreme weather conditions which has rendered it uninhabitable; or in the cause of the death of the primary owner or owners or the legal declaration of incompetence of the primary owner or owners will be issued an extension to comply with § 150.52 for a period of 120 days after the date of the event. The exemption request shall include the following information supplied by the applicant:

(1) An address and description of the premises;

(2) The names and addresses of the owner or owners;

(3) Detailed information regarding the date the damage was suffered and the extent of the damage if the request for an exemption is being submitted on this basis; and

(4) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

(C) An owner or the owner's authorized agent may apply for an exemption to the registration fee or fees if the building is listed for sale and priced within 130% of the appraised value as defined in this subchapter.

(D) An owner or the owner's authorized agent may apply for an exemption to the registration fee or fees if the building is listed for lease at a monthly rate within 5% of the appraised value as defined in this subchapter and not to exceed 24 months.

(E) A building under active construction or renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.

(F) The property is under current litigation in a legal dispute. The owner must provide proof of same and keep the Building Official apprised of the case's progress.
(Ord. O-17-26, passed 10-20-17)

§ 150.55 APPEAL PROCESS.

An owner, applicant or other person who has, in this subchapter, been granted a right of appeal from any decision or action, may appeal such decision or action to the Board of Adjustments as provided herein.

(A) The appeal shall be filed in writing with the City Secretary within 30 days after the date of issuance of the notice of decision or action,

(B) A public hearing shall be scheduled within 45 days of the filing of such notice of appeal, and notice of the date, time and place shall be provided in writing at least ten days prior to the hearing to the appellant and to the person designated on the application form to receive notice under this subchapter, if different.

(C) The Board of Adjustments shall hear all evidence presented and may uphold or overturn the decision or action of the Building Official based on the application of the applicable provisions and requirements of this subchapter.

(D) The decision of the Board of Adjustments is final.
(Ord. O-17-26, passed 10-20-17)

§ 150.56 STANDARD OF CARE FOR VACANT BUILDINGS.

(A) The standard of care, subject to approval by the Building Official, shall include, but is not limited to:

(1) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather-tight, and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay-resistant woods or surfaces designed for stabilization by oxidation, shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding, and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight.

(2) *Premises identification.* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of one-half inch (12.7 mm). All buildings shall display vacant building identification placard as required by the Building Official.

(3) *Structure.* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

(4) *Exterior walls.* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.

(5) *Roof and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.

(6) *Decorative features.* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(7) *Overhang extensions and awnings.* All overhang extensions, including but not limited to, canopies, marquees, signs, awnings, and fire escapes, shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.

(8) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(9) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

(10) *Handrails and guards.* Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained and in good repair.

(11) *Window, skylight and door.* Every window, storefront, skylight and exterior door part, including but not limited to, the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the Building Official.

(12) *Basement hatchways and windows.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.

(B) All repairs shall be subject to approval by the Building Official. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.

(C) Failure to maintain the vacant building to the standard of care specified is a violation of this subchapter.

(Ord. O-17-26, passed 10-20-17)

§ 150.57 INSPECTIONS.

The Building Official or his/her designee shall inspect any premises for the purpose of enforcing and assuring compliance with the provisions of this subchapter. In the case of a single vacant building with more than one street address, the Building Official will only inspect the unoccupied portions of the building. Upon the request of the Building Official, an owner may provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Building Official or his/her designee in order to enable such inspection. The Building Official shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

(A) Vacant buildings will be externally inspected by the Building Official a minimum of once a quarter to ensure the compliance of property maintenance codes;

(B) Vacant buildings will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;

(C) Vacant buildings will be both internally and externally inspected upon acquisition of the property by a new owner and prior to issuance of a certificate of registration as outlined in § 150.52.

(D) Third-party involvement.

(Ord. O-17-26, passed 10-20-17)

§ 150.58 REUSE AND RE-OCCUPANCY.

(A) Re-occupancy of a vacant building shall not occur until it has been inspected and found to be in full compliance with all applicable city codes and a certificate of occupancy is issued by the city; all fees are paid in full; and all other conditions set forth in this division are satisfied.

(B) The owner or owners of the vacant buildings shall pay all related fees for work identified as being necessary by the Building Official and all work must be completed by licensed contractors in compliance with § 150.02 and § 150.03 of the Gladewater Code of Ordinances.

(C) A certificate of occupancy for a vacant building shall only be issued after all of the following conditions are fully satisfied:

- (1) All fees, including but not limited to, late charges and re-inspection fees, are paid in full;
 - (2) All inspections and approvals have been obtained from the Building Official and authorized Fire Inspector;
 - (3) The fee for the certificate of occupancy has been paid in full; and
 - (4) All outstanding fees, charges, and monies owed by the owner of the vacant building to the City of Gladewater have been paid in full.
- (Ord. O-17-26, passed 10-20-17)

§ 150.59 RESPONSIBILITY FOR VIOLATIONS.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any vacant or abandoned building shall be obligated to provide written notice to any prospective purchaser of a vacant building of any violations, fees, or obligations imposed by the city regarding that vacant building. Failure by an owner to comply with this section shall constitute a violation of this subchapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property. (Ord. O-17-26, passed 10-20-17)

§ 150.60 PENALTY.

The violation of any such provision of this subchapter shall be punished by a fine in accordance with § 10.99 of the Gladewater Code of Ordinances. Each day any violation of this subchapter shall continue shall constitute a separate offense. (Ord. O-17-26, passed 10-20-17)

CHAPTER 151: ELECTRICAL CODE

Section

General Provisions

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- 151.02 Object and scope
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GENERAL PROVISIONS

§ 151.01 TITLE.

This chapter shall be known as the "Electrical Code" of the City of Gladewater.
(Ord. 99-20, passed 11-18-99)

§ 151.02 OBJECTIVE AND SCOPE.

(A) The object of this chapter is to reduce the personal hazard and the fire hazard from electrical causes. To accomplish this, the requirements set forth herein are intended to provide a minimum standard for electrical installation in the city.

(B) The provisions of this chapter shall not apply to installation in railway cars, automotive equipment, electrical railways companies, to installations used by electrical public utility, telephone and telegraph companies, radio transmission stations, in the generation, transmission, or in the transmission of intelligence, in the exercise of their function as such agencies and located outdoors or in buildings used exclusively for that purpose, provided however, that these regulations, except as to permits, shall apply to all such wiring and equipment installed in or on the consumer premises.
(Ord. 99-20, passed 11-18-99)

§ 151.03 INSTALLATION STANDARDS.

(A) All installations shall be in strict conformity with provisions of this chapter, state statutes, the rules and regulations issued under authority of the state statutes, and shall be in conformity with approved standards of construction for safety to life and property. In every case where no specific type or class of material, or no specific standard of construction are prescribed by the statutes of the State of Texas, the regulations issued under the authority of the state statutes or by this chapter, conforming with the 2011 National Electrical Code and latest addition as revised, as published by the National Fire Protection Agency, shall be prima facie evidence of conformity with approved standards of construction for safety to life and property.

(B) No electrical apparatus, fitting, or material shall be used unless such apparatus, fitting, or material is approved by the City Electrical Inspector as complying with the safety requirements of this chapter; provided, however, that all such apparatus, fittings, or materials which bears the label of Underwriters Laboratory, Inc., shall be deemed the prima facie evidence to satisfy the requirements of this chapter, and the City Electrical Inspector is authorized to approve such apparatus, fitting, and material without requiring further test thereof to be made.

(Ord. 99-20, passed 11-18-99; Am. Ord. O-15-05, passed 3-26-15) Penalty, see § 151.99

§ 151.04 ADDITIONAL RULES AND REGULATIONS.

All work shall be executed in a neat and workmanlike manner. Slipshod work or work not in keeping with good electrical practice shall be classified as defective and shall be immediately corrected by persons causing same. No work shall be done under the scope of this chapter unless under the direction of a Master Electrician or Electrical Sign Manufacturer.

(A) All underground service conductors shall be encased in conduit where they extend up the pole and shall be placed on the face of the pole designated by the Power Company. Underground services shall be run up the service pole to an even height with the neutral wire of the secondary distribution system.

(B) When, upon inspection or re-inspection, any sign is found to be in dangerous or unsafe condition and the owner or user thereof fails to place such sign in safe condition after being notified to do so by the City Electrical Inspector within the time limits specified by him or her, the City Electrical Inspector shall remove such sign at the expense of the owner or user.

(1) Signs may extend to the curb line, provided the sign is a safe distance from utility wires. No sign shall, at its lowest point, be less than eight feet above the sidewalk.

(2) It shall be unlawful for any person to attach any sign, device, or representation used in the nature of advertisements, announcement, or direction on any electrical sign which would bring the bottom below the minimum set forth in this chapter.

(3) Lighting reflectors for the illumination of a building or signboard shall not project more than eight feet beyond the building line.

(Ord. 99-20, passed 11-18-99) Penalty, see § 151.99

§ 151.05 APPLICATION FOR INSPECTION AND PERMIT.

(A) *Permit required; exception.* Before proceeding with the installation, alteration of, or the addition to any electrical wiring or equipment within or on any building, structure, or premises, publicly or privately owned in the city, the Master Electrician or Electrical Sign Manufacturer in charge of such proposed work shall first file with the City Electrical Inspector an application requesting inspection and secure a permit therefore, except that no permit will be required to execute any of the classes of electrical work specified in the following divisions.

(1) The replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.

(2) The installation, alteration, or repairs of electrical equipment for the operation of signals or for the transmission of intelligence by wire by a communication agency.

(3) The installation, alteration, or repair of electrical equipment installed by or for an electrical supply agency for the use by such agency in the generation, transmission or distribution of electricity.

(B) *Application.* Application for such inspection and permit describing the work to be done shall be made in writing to the City Electrical Inspector by the Master Electrician or Electrical Sign Manufacturer installing the work, shall give the exact street number of the premises on which work is to be done, date the inspection is desired, name of the owner or occupant, name of the electrician doing work and class of wiring.

(C) *Fees to accompany application.* The applicable fee as specified in the building code shall accompany all applications for electrical permits.

(D) *Inspector to be notified during progress of work.* Master Electricians shall at all times keep the City Electrical Inspector notified of the progress of their work and shall request inspections as the work progresses. Upon receipt of a request for inspection, the City Electrical Inspector shall inspect or cause to be inspected said work within 48 hours after receiving the inspection request. Saturdays, Sundays and holidays are not included in this time. After inspecting the electrical wiring covered by any permit, the City Electrical Inspector shall leave a tag, which tag shall state that the work has been inspected and approved or that it is not approved. If it is not approved, the wiring is to be held open for re-inspection and no person shall in any manner, conceal any wiring until they are informed that such wiring has been approved by the City Electrical Inspector.

(E) *Inspections required before covering of work.* Master Electricians shall have all electrical work installed by them inspected before such work is covered or concealed. All cabinet and panel board covers or trims shall be left off for final inspection, and any fitting or cover that conceals any wiring which may hinder the proper inspection of electrical work shall be removed by the Master Electrician at the request of the City Electrical Inspector.

(F) *Updating old electrical work.* Master Electricians making extensions or additions to existing electrical systems shall, before proceeding with such work, ascertain from the City Electrical Inspector whether any of the old work must be changed or must be brought up to the requirements of this chapter.

(G) *Certificates.* Upon completion and receipt of final inspection papers covering electrical work, the City Electrical Inspector shall make a final inspection and if such work is found to comply with this chapter, a certificate of inspection shall be issued stating, that the work has been done according to the provisions of this chapter and the rules governing the respective class to which it belongs.

(H) *Defective work.* This certificate shall not relieve the Master Electrician of his or her responsibility for any defective work that may have been concealed or escaped the notice of the City Electrical Inspector.

(I) *Clearance required for service connection.* It shall be unlawful for any Public Service Company operating in the city to furnish current to any new building, tent, structure or outdoor wiring of any kind, nature, or description, without first obtaining a clearance from the City Electrical Inspector, stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is discontinued to any building or structure, within the city limits, for any cause whatever (excepting nonpayment of bill) a clearance will be necessary before each building or structure can be reconnected.

Any time a building, within the city limits, is vacated, the City Electrical Inspector must make certain that there has not been any unauthorized additions made to the wiring of such building that might create a fire hazard, or that the wiring has not become in such a condition as to be hazardous.

(J) *Disconnection of dangerous conductors.* Whenever any electrical conductor or electrical material in any building or any electrical conductor on any pole line or any conductor underground becomes or is in a condition that is dangerous to life or property, the City Electrical Inspector is hereby empowered to condemn, disconnect, and cause the owner of such conductor or material to immediately correct same or have it removed.

(Ord. 99-20, passed 11-18-99; Am. Ord. 04-13, passed 10-14-04) Penalty, see § 151.99

§ 151.06 ELECTRICAL INSPECTOR; QUALIFICATIONS AND APPOINTMENT; DUTIES AND AUTHORITY.

(A) *Qualifications and appointment.*

(1) There is hereby created the office of City Electrical Inspector. The person chosen to fill the office of the City Electrical Inspector shall be of good moral character; shall be competent, capable and well versed in the rules and regulations of the National Electrical Code, and shall be competent and capable of enforcing same.

(2) The office of Electrical Inspector in and for the city shall be appointed by the City Manager.

(B) *Duties.*

(1) It shall be the duty of the City Electrical Inspector to enforce the provisions of this chapter. He or she shall, upon application, grant permits for the installation or alteration of electrical equipment, and shall make inspections of electrical installations as provided in this chapter. He or she shall keep complete records of all permits issued, inspections and re-inspections made, and other official work performed in accordance with the provisions of this chapter.

(2) It shall be unlawful for the City Electrical Inspector or for any of his or her assistants to engage in the business of the sale, installation, or maintenance of electrical equipment, either directly or indirectly, and they shall have no financial interest in any concern engaged in such business in the city at any time while holding such office as herein provided for.

(3) The City Electrical Inspector is empowered to appoint assistants necessary for the proper conduct of his or her office and the inspection of electrical installations as provided for in this chapter.

(C) *Authority.*

(1) The City Electrical Inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his or her official duties, or for the purpose of making any inspections or reinspections, or test of the electrical equipment contained therein or its installation. When any electrical equipment is found by the City Electrical Inspector to be dangerous to persons or to property because it is defective or defectively installed, the person, firm, or corporation responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required, in the judgement of the Electrical Inspector, to place such equipment in safe condition. If such work is not completed within the time specified by the City Electrical Inspector in said notice, the City Electrical Inspector shall have authority to disconnect or order the discontinuance of electric service to said electrical equipment. In cases of emergency, where electrical equipment may interfere with the work of the Fire Department, the City Electrical Inspector shall have the authority to immediately disconnect or cause the disconnection of any electrical equipment.

(2) The City Electrical Inspector shall have the right to remove or compel the removal of any obstruction, such as lath, plastering, sheet rock, ceiling or flooring, which may hinder full and complete inspection of electrical wires or apparatus. He or she may remove or compel the removal of any conductors, which are enclosed in conduit or otherwise inaccessible for complete inspection. When said conductors or appliances are not in accordance with the requirements of this chapter, or are found to be unsafe to life or property, he or she shall have the right to condemn such conductors or appliances as hereinafter provided.

(3) It shall be unlawful for any person, firm, or corporation to hinder or interfere with the City Electrical Inspector or any of his or her assistants in the discharge of their duties under this chapter.

(4) The City Electrical Inspector may delegate any of his or her powers or duties to any of his or her assistants.

(Ord. 99-20, passed 11-18-99)

ELECTRICIANS

§ 151.20 QUALIFICATIONS.

Every person, firm, or corporation before engaging in the business of installing, repairing, or removal of electrical wiring and equipment shall comply with each and every division of this section except as otherwise provided.

(A) Secure a Master Electrician's Registration from the City Electrical Inspector, which registration shall be issued in the name of the person, firm or corporation who qualifies for it.

(B) Secure an Electrical Sign Manufacturer's Registration from the City Electrical Inspector which registration shall be issued in the name of the person, firm or corporation who qualifies for it.

(C) File a bond in the amount of \$5,000 payable to the city, which bond shall guarantee: all electrical work done and equipment or material installed by said Master Electrician or Electrical Sign Manufacturer will be done in accordance with the rules and regulations as set forth in this chapter; payment of any and all fees that may become due and owed by said Master Electrician or Electrical Sign Manufacturer; indemnify and protect any person, firm, or corporation with whom said Master Electrician or Electrical Sign Manufacturer shall thereafter contract to do work for damages sustained on account of the failure of said Master Electrician or Electrical Sign Manufacturer to perform the work so contracted for; shall indemnify and protect the city against all cost and expense which may in any way accrue against said city in consequence of the operation covered by any certificate issued by the City Electrical Inspector; and will comply in all respects with the provisions of the Building and Electrical Code of the city for the current year; payment of all damages for personal injuries to anyone on account of any excavation made or any obstruction placed upon any street or sidewalk in said city by anyone while engaged in and about the performance of said work; payment of all damages for injury in encroachment upon the property of abutting lot owners or other persons in doing the work constructing improvements herein mentioned; and will defend all suits and hold the city harmless against any and all loss or damage on account of either personal injuries or injuries to property. In lieu of the bond requirements stated in this division, the Master Electrician or Electrical Sign Manufacturer must provide proof of liability insurance coverage with liability insurance limits in at least the amount(s) required for licensure by the state.

(Ord. 99-20, passed 11-18-99; Am. Ord. 04-13, passed 10-14-04)

§ 151.21 (RESERVED)

§ 151.22 ELECTRICAL SIGN MANUFACTURER'S CERTIFICATE.

An electrical sign manufacturer's registration shall entitle the holder thereof to engage in the business of and secure permits for the installation and/or alteration of any electric sign, display, and/or outline lighting on what is known as the secondary or high voltage side of transformers. However, nothing herein shall change or affect the right of registered Master Electricians as otherwise provided herein to secure permits for and hang electric signs and do all wiring necessary therefor.

(Ord. 99-20, passed 11-18-99; Am. Ord. 04-13, passed 10-14-04)

§ 151.23 APPLICATION FOR REGISTRATION.

Any person, firm or corporation desiring a Master Electrician's Registration and/or Electrical Sign Manufacturer's Registration shall make application therefor in writing to the City Electrical Inspector. Fees as provided in the Building Code shall accompany the application.

(Ord. 99-20, passed 11-18-99; Am. Ord. 04-13, passed 10-14-04)

§ 151.24 (RESERVED)

§ 151.25 CONSTRUCTION BOARD OF APPEALS.

All appeals of a decision of the City Electrical Inspector shall be heard by the Construction Board of Appeals as specified in the building code of the city.

(Ord. 99-20, passed 11-18-99)

§ 151.26 RENEWAL OF REGISTRATION.

(A) Every Master Electrician and/or Electrical Sign Manufacturer shall renew his or her registration each year on the anniversary of said registration. The fee for Master Electricians and/or Electrical Sign Manufacturers, as required by the building code, shall accompany each request for renewal.

(B) Any Master Electrician and/or Electrical Sign Manufacturer who has not renewed his or her registration for a period in excess of one year, must comply with all requirements for obtaining an initial registration contained in this chapter.

(Ord. 99-20, passed 11-18-99; Am. Ord. 04-13, passed 10-14-04)

§ 151.27 REVOCATION OF REGISTRATION.

Any registration granted under this chapter may be revoked upon the recommendation of the City Electrical Inspector and approval of the City Council if the holder of same violates any ordinance or law relating to electrical wiring or is guilty of electrical construction which is hazardous to life or property, or for transferring or allowing, directly or indirectly, persons, firms or corporations other than the lawful holder to operate or obtain permits to do work under said registration provided the holder be found guilty by the City Council of such violation. When a registration is revoked, a new registration will not be granted to the same person, firm or corporation for a period of one year.

(Ord. 99-20, passed 11-18-99; Am. Ord. 04-13, passed 10-14-04)

§ 151.28 CORRECTION OF FAULTY WORK; RESPONSIBILITY OF ELECTRICIAN.

(A) Every person, firm, or corporation certified in accordance with this chapter shall be responsible for any defect of any construction, insofar as correction thereof is concerned, installed by him or her until such time as a certificate of approval has been issued; any and all defects that may have been concealed by such person, firm, or corporation and discovered by the City Electrical Inspector or his or her duly authorized agent after a certificate of approval has been issued by the City Electrical Inspector approving such construction. After the issuance of the certificate of approval, the person, firm, or corporation in whose name the meter is contracted shall be responsible for all defects caused by such person, firm, or corporation.

(B) Every Master Electrician or his or her qualified representative who shall be a Master Electrician shall direct and superintend all electrical work installed by him or her in the city.

(Ord. 99-20, passed 11-18-99) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation violating this chapter shall be guilty of a misdemeanor, and upon conviction be fined as specified in § 10.99 of this code. Each and every day or fraction of a day during which said chapter is violated shall be separate offence and punishable as such.
(Ord. 99-20, passed 11-18-99)

[Text continues on Pg. 27]

CHAPTER 152: FLOOD DAMAGE PREVENTION

Section

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GENERAL PROVISIONS**§ 152.01 STATUTORY AUTHORIZATION.**

The Legislature of the State of Texas has in the Flood Control Insurance Act, Tex. Water Code, § 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Gladewater, Texas does ordain as follows:

(Ord. O-14-12, passed 8-21-14)

§ 152.02 FINDINGS OF FACT.

(A) The flood hazard areas of Gladewater 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.

(B) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. O-14-12, passed 8-21-14)

§ 152.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter 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:

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(F) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(G) Insure that potential buyers are notified that property is in a flood area.
(Ord. O-14-12, passed 8-21-14)

§ 152.04 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter uses the following methods:

(A) 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;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging and other development which may increase flood damage;

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
(Ord. O-14-12, passed 8-21-14)

§ 152.04 DEFINITIONS.

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

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path

of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

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

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or **FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see "Flood Elevation Study."

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

FLOODPROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see Regulatory Floodway

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

SPECIAL FLOOD HAZARD AREA - see Area of Special Flood Hazard.

START OF CONSTRUCTION - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

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

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
(Ord. O-14-12, passed 8-21-14)

§ 152.06 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard with the jurisdiction of Gladewater.
(Ord. O-14-12, passed 8-21-14)

§ 152.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Gregg County, Texas and Incorporated Areas," dated September 3, 2014, with accompanying Flood Insurance Rate Maps (FIRM) dated September 3, 2014 plus "The Flood Insurance Study (FIS) for Upshur County, Texas and Incorporated Areas," dated October 19, 2010, with accompanying Flood Insurance Rate Maps (FIRM) dated October 19, 2010 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

(Ord. O-14-12, passed 8-21-14)

§ 152.08 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this chapter.

(Ord. O-14-12, passed 8-21-14)

§ 152.09 COMPLIANCE.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(Ord. O-14-12, passed 8-21-14)

§ 152.10 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. O-14-12, passed 8-21-14)

§ 152.11 INTERPRETATION.

In the interpretation and application of this chapter, 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.

(Ord. O-14-12, passed 8-21-14)

§ 152.12 WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this chapter 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 chapter 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 chapter 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 chapter or any administrative decision lawfully made hereunder.

(Ord. O-14-12, passed 8-21-14)

ADMINISTRATION

§ 152.20 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager or his designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. O-14-12, passed 8-21-14)

§ 152.21 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(A) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

(B) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(C) Review, approve or deny all applications for development permits required by adoption of this chapter.

(D) 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.

(E) 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.

(F) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(G) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(H) When base flood elevation data has not been provided in accordance with § 152.21, 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 §§ 152.30 through 152.34.

(I) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(J) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.
(Ord. O-14-12, passed 8-21-14)

§ 152.22 PERMIT PROCEDURES.

(A) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of § 152.31(B);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(5) Maintain a record of all such information in accordance with § 152.21(A);

(B) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) 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;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. O-14-12, passed 8-21-14)

§ 152.23 VARIANCE PROCEDURES.

(A) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.

(B) The Appeal Board 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 chapter.

(C) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(D) 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.

(E) 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 chapter.

(F) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ 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 § 152.22(B) have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.

(G) Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (§ 152.03).

(H) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(I) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(J) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) 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, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(K) 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 § 152.23(A) through (I); 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.

(Ord. O-14-12, passed 8-21-14)

PROVISIONS FOR FLOOD HAZARD REDUCTION**§ 152.30 GENERAL STANDARDS.**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(A) 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;

(B) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(C) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(D) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

(G) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. O-14-12, passed 8-21-14)

§ 152.31 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) § 152.07, (ii) § 152.23(H), or (iii) § 152.32(C), the following provisions are required:

(A) *Residential construction* - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in § 152.22(A)(1) is satisfied.

(B) *Nonresidential construction* - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including

basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(C) *Enclosures* - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than 1 foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

(D) *Manufactured homes:*

(1) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of division (D) of this section be elevated so that either:

(a) The lowest floor of the manufactured home is at or above the base flood elevation, or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(E) *Recreational vehicles* - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of § 152.22(A), and the elevation and anchoring requirements for "manufactured homes" in division (D) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. O-14-12, passed 8-21-14)

§ 152.32 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with §§ 152.02 through 152.04 of this chapter.

(B) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of §§ 152.08 and 152.22; and the provisions of §§ 152.30 through 152.34.

(C) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to § 152.07 or § 152.21(H) of this chapter.

(D) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(E) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. O-14-12, passed 8-21-14)

§ 152.33 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in § 152.07, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where

velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(B) All new construction and substantial improvements of non-residential structures:

(1) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(2) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, 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 of effects of buoyancy.

(C) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in § 152.22 are satisfied.

(D) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
(Ord. O-14-12, passed 8-21-14)

§ 152.34 FLOODWAYS.

Floodways - located within areas of special flood hazard established in § 152.07, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(A) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(B) If division (A) above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 152.30 through 152.34.

(C) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway

that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by 44 CFR Chapter 1, Section 65.12.
(Ord. O-14-12, passed 8-21-14)

§ 152.99 PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. O-14-12, passed 8-21-14)

CHAPTER 153: SUBDIVISIONS

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GENERAL PROVISIONS**§ 153.01 DEFINITIONS.**

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

COMMISSION. The Planning and Zoning Commission of the City of Gladewater, Texas.

COUNCIL. The City Council of the City of Gladewater, Texas.

PLAN. An expression of design concept which is subject to revision before the official approval.

PLAT. A legal instrument incorporating the plan and development in proper form and detail to be recorded.

STREET. A way of vehicular traffic whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place or however otherwise designated.

(1) Major thoroughfares or arterial streets are principal traffic arteries more or less continuous across the city which are intended to connect remote parts of the city which are used primarily for fast or heavy traffic.

(2) Collector streets are those which carry traffic from minor streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such developments.

(3) Lanes are short streets, cul-de-sacs, or courts whose primary purpose is to conduct traffic to an activity center or a higher classification street.

(4) Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

SUBDIVIDER and/or **DEVELOPER.** Synonymous and used interchangeably and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee, servant or trustee thereof who does, or participates in doing, any act toward the subdivision of land within the intent, scope, and purview of this chapter.

SUBDIVISION. The division of any lot, tract, or parcel of land into two or more parts, lots, or sites for the purpose, whether immediate or future, of sale or division of ownership. This definition also includes the resubdivision of land or lots which are part of a previously recorded subdivision. Divisions of land for agricultural purposes and where no building construction is involved in parcels of five acres or more shall not be included within this definition, unless any such subdivision of five acres or more includes the planning or development of a new street or access easement. An addition is a **SUBDIVISION** as is defined herein. ('60 Code, § 4-10-2)

§ 153.02 PLAT APPROVAL REQUIRED PRIOR TO SUBDIVISION.

Before any plan, plat, or re-plat of a subdivision or addition of land inside the city, or within one mile of the city limits thereof, shall be recorded with the County Clerk of Gregg County, it shall first be approved by the Planning and Zoning Commission of the city and the City Council in conformity with Tex. Loc. Gov't Code §§ 212.001 et seq., and the provisions of this chapter. The filing of any plan, plat, or re-plat without complying with the requirements of this chapter shall be deemed a violation of the provisions of this chapter.

('60 Code, § 4-10-1) Penalty, see § 153.99

PRELIMINARY PLAN; FINAL PLAT**§ 153.15 PRELIMINARY CONFERENCE.**

Prior to the submission of the preliminary plan, the subdivider shall confer with the City Manager and the City Building Inspector on an informal basis to discuss the proposed plat and its conformity to this chapter.

('60 Code, § 4-10-3A)

§ 153.16 PRELIMINARY PLAN.

(A) Following the pre-submission conference, all persons desiring to subdivide a tract of land within the area described in § 153.02 shall first prepare and submit to the Planning and Zoning Commission, not less than seven days prior to any meeting at which such plat is to be considered, information which shall be certified by a state professional engineer or by a state licensed or registered land surveyor, particularly, a plan showing the general features of the proposed development.

(B) The preliminary plan shall be drawn on a scale of 200 feet to one inch or larger, 100 feet to one inch is to be preferred, and the plan shall show the following:

(1) The outline of the tract that the plat is proposed to subdivide with principal dimensions.

(2) The proposed plan of subdivision, showing streets, blocks, alleys, easements, building lines and parks with principal dimensions. The preliminary plan shall cover all of the tract intended by the developer or developers to file plats and install improvements for said parts of said tract by section or unit.

(3) The location, width, and name of existing streets and any block, lots, alleys, easements, building lines, and watercourses or other natural features in the area affected with principal dimensions.

(4) The names of the proposed streets.

(5) The location of existing sewers, water and gas mains, power lines and other public or private utilities and proposed systems.

(6) The proposed general plan for storm sewer water drainage sufficiently detailed to indicate the location of drainage ditches or structures, the direction of flow and the proposed improvements to existing natural drainage channels within or abutting the area being platted.

(7) All zoning districts and proposed changes.

(8) The name of proposed subdivision, developer, North Point, scale and date.

(9) The name of the owner or owners and the engineer or surveyor.
(‘60 Code, § 4-10-3B)

§ 153.17 APPROVAL OF PLAN.

(A) Upon receipt of the preliminary plan and other information required by this chapter, the Planning and Zoning Commission shall approve or disapprove the plan within 30 days from the date of filing.

(B) The City Council shall act upon the plat within 30 days after approval by the Planning and Zoning Commission.
(‘60 Code, § 4-10-3C)

§ 153.18 REQUIRED IMPROVEMENTS.

(A) *General improvements.*

(1) When a plat of a subdivision has been approved by the City Council, the developer may submit to the City Manager, or his duly authorized agent, plans and specifications prepared by a registered professional engineer or surveyor for all improvements pertinent to said subdivision. The City Manager shall approve same if they conform to the requirements of this chapter, or disapprove same giving his reasons therefor in writing to the developer.

(2) Before beginning any construction of the improvements on proposed roadways or public utilities pertaining to any subdivision coming under the provisions of this chapter, a complete set of plans and specifications of such construction shall be filed with the City Manager.

(3) All materials used for construction of the subdivision, including water lines, sewer lines, gravel and asphalt, must be approved by the city prior to purchase by the subdivider.

(4) The developer and his professional engineer must certify that the plans and specifications do meet all requirements and ordinances of the city.

(5) The subdivision must be developed by sections or units and no residential construction within a section or unit may begin until all utility and street construction and installation is completed and approved by the city.

(6) All construction contracts between the developer and his contractors shall include a provision guaranteeing the contractor's materials and workmanship to the city.

(7) It shall be the responsibility of the developer to emplace permanent survey reference monuments and lot and block corner markers.
(‘60 Code, § 4-10-4)

(B) *Improvement standards.*

(1) *Streets and alleys.* The subdivider shall excavate, fill, and grade all new streets and alleys so that pavements may be constructed in accordance with city design standards and specifications. The subdivider will also install and construct all curbs and gutters in the subdivision.

(2) *Storm sewers.* Drains will be installed in accordance with city design standards and specifications.

(3) *Drainage.* The preliminary plan to be filed with the Commission shall be accompanied by drainage calculations and studies based upon full development of the drainage area and drawings showing the proposed grades of streets and drainage channels and proposed paving action. The developer certifies that the preliminary drainage design does meet the city's drainage design criteria and further certifies that the final design will be developed within those criteria.

(4) *Street name signs.* The subdivider shall install or shall arrange for the installation of street name signs satisfying the specifications of the city.

(5) *Street lighting.* The city will provide all street lighting in the subdivision.

(6) *Utilities.* Utilities required to be installed, or to be provided for, shall be designed and constructed in accordance with the design standards and specifications of the city or of the appropriate utilities franchised to serve the area in which the subdivision is located.

(a) *Sanitary sewers.* Sanitary sewers shall be installed to serve each lot, or tract, in every subdivision where connections are to be made immediately to a community disposal system.

1. Manholes will be built and installed by the developer.

2. Sewer taps will be installed by the city at a regular tap fee set forth in § 51.46 of this code to be paid to the city when the tap is put into use, unless the city grants permission for the developer to install the tap(s) at the developer's expense. Under circumstances where the developer installs the sanitary sewer taps, the city shall assess no sewer tap fee.

3. The subdivider will do all the necessary engineering for the installation of sewer lines.

(b) *Water lines.* Water lines adequate for domestic supply and fire protection needs shall be installed to serve each lot, or tract, in every subdivision where connection is to be made immediately to a community use water system.

1. Subdivider will provide for installation of all necessary fire hydrants and valves.

2. Water taps will be installed by the city at a regular tap fee as set forth in § 51.46 of this code to be paid to the city when the tap is put into use, unless the city grants permission for the developer to install the tap(s) at the developer's expense. Under circumstances where the developer installs the water taps, the city shall assess no water tap fee and instead shall assess a fee of \$25.00 for the setting of the water meter.

3. Subdividers will provide all easements and rights-of-way for installation.

4. Subdividers will do all necessary engineering for installation of all water mains and lines.

(c) *Installation expense.* The subdivider will install all water and sewer materials at his own expense. The city may, at its option advertise and take bids on all water and sewer materials in accordance with the city's design standards and specifications.

(C) *Design standards.* There are hereby adopted by reference and made a part of these regulations design standards and specifications which shall be controlling in design, construction, installation of street paving, curbs and gutters, utilities and other public improvements required herein. All specifications must be the city's design standards and must be inspected by the City Inspector before installation. All specifications must, as a minimum, meet the city's design standards and the responsibility for installation of the said materials is the responsibility of the developer or his agent and the city reserves the right to inspect and to reject any work found not fully to comply with the city standards.

('60 Code, § 4-10-5) (Ord. 1091, passed 10-14-76; Am. Ord. 81-23, passed 10-8-81; Am. Ord. 07-01, passed 2-15-07) Penalty, see § 153.99

§ 153.19 NOTICE OF INTENT.

Prior to the filing of a plat with the Commission, the subdivider shall deposit with the City Building Inspector an application and notice of his intent to subdivide.

('60 Code, § 4-10-3D)

§ 153.20 CONFORMANCE TO PRELIMINARY PLAN.

The final plat shall conform to the preliminary plan as approved by the Council.
(‘60 Code, § 4-10-6A)

§ 153.21 CONTENTS OF FINAL PLAT.

After the acceptance by the City Inspector of all required improvements within the subdivision, the subdivider shall prepare and file with the city the following information:

(A) The original copy on mylar or linen paper of the final plat of the subdivision or section to be developed.

(B) This plat shall be drawn to a scale of one inch equals 100 feet or larger, with all figures and letters legible and the whole proper for filing for record in the office of the County Clerk. The final plat shall contain the following information:

(1) Title or name of subdivision, the scale of the map, North Point and the name of the Texas State licensed land surveyor, registered professional engineer or registered public surveyor responsible.

(2) A definite legal description and identification of the tract being subdivided.

(3) The boundaries of the subdivided property, the location or designation of all streets, alleys, easements, rights-of-way and other areas intended to be dedicated or deemed to the public use with proper dimensions.

(4) The location of all adjacent streets and alleys.

(5) All headright survey boundary lines, city limit boundary lines, county boundary lines, school district boundary lines, and boundary lines of other developed subdivisions.

(6) Identification of all lot, block, and street boundary lines with block numbers and lots numbered consecutively. Building lines and easements shall be shown and shall be defined by dimensions. The actual width of all streets shall be shown.

(7) The location of all lot and block corners and permanent survey reference monuments.

(8) A certificate of ownership in fee of all land embraced in the subdivision.

(9) A certificate by the responsible Texas State registered surveyor or engineer in charge, duly authenticated, that the plat is true and correct in accordance with the determination of surveys actually made on the ground. The certificate should show whether or not the tract is within one mile of the city limits.

(‘60 Code, § 4-10-6B-1)

§ 153.22 FILING WITH COUNTY CLERK.

Upon approval of the plat by the City Manager, or his duly authorized agent, the Commission and the Mayor of the City of Gladewater, the same shall be allowed to be filed with the County Clerk. ('60 Code, § 4-10-6B-2)

MINOR PLATS AND REPLATS**§ 153.30 DELEGATION OF CERTAIN APPROVAL RESPONSIBILITY.**

(A) The City Manager shall have the authority to approve:

(1) Amending plats described by Tex. Loc. Gov't Code § 212.016;

(2) Minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or

(3) A replat pursuant to Tex. Loc. Gov't Code § 212.0145 that does not require the creation of any new street or the extension of municipal facilities.

(B) Plats processed under the provisions of this section shall be subject to all applicable regulations contained in this chapter and all other applicable and pertinent ordinances of the city.

(C) The City Manager may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.

(D) The City Manager shall not disapprove the plat and shall be required to refer any plat which he/she refuses to approve to the Planning and Zoning Commission within 30 days after the date the plat is filed.

(Ord. O-17-29, passed 11-16-17)

DESIGN STANDARDS**§ 153.35 STREETS.**

(A) The arrangement, character, extent, width, grade, and location of all streets shall conform to the specifications of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Specific consideration shall be given to producing desirable lots of maximum usability and streets of reasonable gradient.

(B) Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets.

(C) Where a subdivision borders on or contains a railroad right-of-way or limited access, the City Council may require a street approximately parallel to and on each side of such right-of-way.

(D) Local streets shall be designed and so arranged as to discourage their use by through traffic originating outside the neighborhood.

(E) Street right-of-way width shall be not less than as follows, except where excessive cuts and fills will require additional right-of-way: all major streets shall have a width of 60 feet and all other streets a width of 50 feet.

(F) A cul-de-sac street shall have a turn-around having an outside roadway diameter of at least 80 feet and a street property line of at least 100 feet. A cul-de-sac street shall be limited only to serving of low density residential development.

(G) Street grades shall be established with due regard being had for topography, contemplated land use, and proper drainage facilities.

('60 Code, § 4-10-7A) Penalty, see § 153.99

§ 153.36 ALLEYS.

(A) Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provisions are made for service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(B) The minimum width of an alley shall be 20 feet.

(C) Alley intersections and sharp changes in alignment shall be avoided but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

('60 Code, § 4-10-7B) Penalty, see § 153.99

§ 153.37 EASEMENTS.

Easements across lots or centered on the rear of side lot lines shall be provided for utilities where necessary and shall be least ten feet wide.

('60 Code, § 4-10-7C) Penalty, see § 153.99

§ 153.38 BLOCKS.

(A) Block lengths and widths shall be determined with due regard to:

- (1) Provision of sites suitable to the class of use contemplated;
- (2) Limitations and opportunities of topography;
- (3) Zoning requirements as to lot sizes and dimensions; and,
- (4) Needs of convenient access, circulation, control, and safety of street traffic.

(B) Block lengths shall be not longer than 1600 feet.

('60 Code, § 4-10-7D) Penalty, see § 153.99

§ 153.39 LOTS.

(A) Lots shall be consistent with zoning regulations.

(B) The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision.

(C) Corner lots for residential use shall have extra width to permit appropriate building setback and orientation to both streets.

(D) The subdivision of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

('60 Code, § 4-10-7E) Penalty, see § 153.99

§ 153.40 BUILDING LINES.

Building lines shall be shown on all lots in the subdivision and shall be consistent with zoning requirements. Building lines shall be shown along each street facing of corner lots and through lots.

('60 Code, § 4-10-7F) Penalty, see § 153.99

ADMINISTRATION AND ENFORCEMENT

§ 153.50 VARIANCES.

Where the City Council finds that extraordinary hardship may result from strict compliance of this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, that such variation shall not have the effect of nullifying the intent and purpose of these regulations. Such variances and modifications as may be granted shall be by at least a two-thirds majority vote of the City Council present.

('60 Code, § 4-10-8)

§ 153.51 APPEALS.

Any subdivider contesting any disapproval and/or the interpretation of any rule, standard, regulation, determination, requirements, or necessity set forth in this chapter directly or by delegation of authority shall have the right, after filing a written request with the Secretary of the Council, to have a hearing thereon before the City Council within 21 days after the date of filing such request. Any subdivider not satisfied with the ruling or decisions of the City Council shall have the right to appeal such rulings or decisions to the City Council by giving written notice to the City Secretary within 15 days after the hearing before the Council.

(‘60 Code, § 4-10-11)

§ 153.52 CONFLICTING ORDINANCES.

All ordinances or parts of ordinances found to be in direct conflict with this chapter are hereby repealed to the extent of the direct conflict only.

(‘60 Code, § 4-10-9)

§ 153.53 SAVING CLAUSE.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this chapter shall not be affected thereby, it being the intent of the City Council in adopting this chapter that no portion hereof, or provision or regulation contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase or provision of this chapter.

(‘60 Code, § 4-10-10)

§ 153.99 PENALTY.

Violations of any provision or provisions of this chapter shall constitute a misdemeanor and upon conviction shall be punishable by a fine not to exceed \$200, and each day that such violations continue shall constitute a separate offense and shall be punishable accordingly.

(‘60 Code, § 4-10-12) (Ord. 1091, passed 10-14-76)

CHAPTER 154: ZONING CODE

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GENERAL PROVISIONS**§ 154.001 TITLE.**

These regulations shall be known and may be cited as the “Zoning Ordinance” of the City of Gladewater, Texas.

(Ord. 1104, passed 10-13-77)

§ 154.002 INTERPRETATION; PURPOSE.

In their interpretation and application the provisions of these zoning regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, moral responsibility, and the general welfare of the city. They have been designed to lessen congestion on streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and to conserve the value of property and encourage the most appropriate use of land throughout the community. They have been made with reasonable consideration among other things, for the character of the district, and its peculiar suitability for the particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this chapter shall govern.

(Ord. 1104, passed 10-13-77)

§ 154.003 DEFINITIONS.

(A) Certain words in this chapter not herein defined are defined as follows: the word *building* includes the word *structure*, the word *lot* includes the words *plot* and *tract*.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

ALLEY. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

APARTMENT. A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

APARTMENT HOUSE. Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

AREA OF THE LOT. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

BASEMENT. A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A **BASEMENT** shall be counted as a story in computing building height.

BLOCK. An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said street.

BOARD. Zoning Board of Adjustment as provided for in §§ 154.100 through 154.105.

BOARDING HOUSE. A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

BREEZEWAY. A covered passage one story in height connecting a main structure and an accessory building.

BUILDING. Any structure built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

BUILDING LINE. A line parallel or approximately parallel to the street line at a specified distance therefrom, making the minimum distance from the street line that a building may be erected.

BUILDING OFFICIAL. The Building Inspector or person charged with the enforcement of the zoning and building codes of the city.

BUILDING, HEIGHT OF. The vertical distance measured from the sidewalk level or from the natural ground level if higher (or if no street grades have been established) to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and a ridge for a gable, hip, or gambrel roof. The measured **HEIGHT OF THE BUILDING** shall exclude chimneys, cooling towers, elevated bulk-heads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls less than four feet high.

BUSINESS. Includes the neighborhood shopping, commercial, light industry and heavy industrial uses and districts as herein defined.

CELLAR. A building story with more than one-half of its height below the average level of the adjoining ground. A **CELLAR** shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE. An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

CITY COUNCIL. The governing body of the City of Gladewater, Texas.

CITY MANAGER. Chief Administrative Officer of the City of Gladewater, Texas.

CITY PLANNING AND ZONING COMMISSION. The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning.

CLINIC. A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured out-patients who do not remain overnight.

CONVALESCENT HOME. Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

COURT. An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb or its equivalent for the purpose of this chapter.

DAY NURSERY. A place where children are left for care between the hours of 7:00 a.m. and 12:00 p.m.

DEPTH OF LOT. The mean horizontal distance between the front and rear lot lines.

DISTRICT. A section of the city for which the regulations governing the area, height, or use of the land and buildings are uniform.

DWELLING AREA. The total floor area of the dwelling proper, exclusive of accessory buildings, and shall be based on outside dimensions.

DWELLING, ONE-FAMILY. A detached building having accommodations for and occupied by not more than one family, or by one family and not more than four boarders and lodgers.

DWELLING, TWO-FAMILY. A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four boarders and lodgers per family.

DWELLING, MULTIPLE FAMILY. Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

DWELLING UNIT. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters, and includes facilities for food preparation and sleeping.

EFFICIENCY APARTMENT. An apartment having a combination living room and bedroom (with no separate bedroom).

FAMILY. Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

FARM. An area of six or more acres which is used for the growing of the usual farm products such as vegetables, fruits, grains, and trees, with the necessary accessory uses for treating and storing the produce on the area, as well as the raising thereon of the usual farm poultry and animals such as horses, cattle, sheep and swine, but specifically excluding dairy farms, and with the further provision that the operation of the accessory uses for treating and storing produce shall be secondary to that of the normal activities, and that the activities do not include the commercial feeding of offal or garbage to swine or other animals.

FLOOR AREA. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, or garages.

FRONTAGE. All the property abutting on one side of the street between two intersecting streets, measured along the street lines.

GARAGE, PUBLIC. A building other than a private garage used for the care, repair, or equipment of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

GRADE.

(a) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;

(b) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;

(c) For buildings having no wall adjoining the street it is the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.

(d) Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the City Engineer shall establish such a sidewalk level or its equivalent for the purpose of these regulations.

GROSS FLOOR AREA. The **GROSS FLOOR AREA** of an apartment house shall be measured by taking the outside dimensions of the apartment at each floor level excluding however, the floor area of basements or attics not used for residential purposes.

HEIGHT. See **BUILDING, HEIGHT OF.**

HOBBY SHOP. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

HOME OCCUPATION. Any occupation that is customarily performed at home by a member of the occupant's family that does not involve a structural change in the building, nor the employment of help, nor the installation of equipment other than that customary to household occupations, nor the display of a sign to advertise the occupation; and it shall not include beauty culture schools, beauty parlors, doctors' offices for treatment of patients, and which is not the cause of generating additional traffic in the street.

HOTEL AND MOTEL. A building or arrangement of buildings designed and occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are more than 12 sleeping rooms and no provisions made for cooking in any individual room or apartment.

HOSPITAL. An institution or place where sick or injured in-patients are given medical or surgical care either at public expense (charity) or private.

HOUSING PROJECT. An area of three or more acres arranged according to a site plan to be submitted to and to approved by the Planning and Zoning Commission and the City Council on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and the entire area is to be zoned as apartment MF-2, upon the recommendation of the City Planning and Zoning Commission and the action of the City Council, and in which it shall not be necessary to subdivide the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers and storm sewer inlets, shall be provided as required by the city and built in accordance with city specifications.

INSTITUTIONAL TRANSITIONAL HOUSING. Transitional housing provided to more than six residents, by more than two supervisory personnel, or in a structure designed to accommodate more than six residents or more than two supervisory personnel.

KINDERGARTEN. A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

LIVING UNIT. The room or rooms occupied by a family and must include cooking facilities.

LODGING HOUSE. Same as **BOARDING HOUSE**.

LOT. Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

LOT, CORNER. A lot situated at the junction of two or more streets.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH. The mean horizontal distance between lot side lines.

MAIN BUILDING. The building or buildings on a lot which are occupied by the primary use.

MANUFACTURED HOUSING. A transportable structure built on a permanent chassis:

(a) That is, when in traveling mode, at least eight feet wide or at least 40 feet long or, when erected on site, at least 320 square feet;

(b) That is designed for use as a dwelling when the structure is connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems of the home; but

(c) Does not include a recreational vehicle.

NONCONFORMING USE. A building, structure, or use of land lawfully occupied at the time of the effective date of this chapter or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

OCCUPANCY. The use or intended use of the land or buildings by proprietors or tenants.

OPEN SPACE. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

PARKING AREA, PUBLIC. An open area other than a street, alley, or place, used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING AREA, SEMI-PRIVATE. An open area other than a street, alley, or place, used for temporary parking of more than four self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals, and noncommercial clubs.

PLACE. An unoccupied space other than a street or alley permanently reserved for purposes of access to abutting property.

PRIVATE GARAGE. An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, is self-propelled or permanently towable by a light duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RESIDENCE. Same as dwelling, also when used with district, an area of residential regulations.

SIGN. An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or display on premises.

STABLE. An animal storage facility with a capacity for more than four horses or mules, kept for remuneration, hire, or sale.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor next above it, then the space between such floor and the ceiling above it.

STREET. A public thoroughfare which affords principal means of access to abutting property, and which has been dedicated for public use.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

TRANSITIONAL HOUSING. A residential facility providing temporary shelter for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help residents suffering from mental health or behavioral issues;
- (c) To help homeless persons or families achieve independence and obtain permanent housing; or

- (d) To provide temporary shelter for persons who are victims of domestic abuse.

VARIANCE. An adjustment in the applications of the specific regulations of the Zoning Code to a particular parcel of property, which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

YARD. An open space other than a court on the same lot with a building, unoccupied, and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT. A yard on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

YARD, REAR. A yard extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

YARD, SIDE. A yard situated between the building and a side lot line and extending through from the front yard to the rear yard. Any lot line that is not the rear line or the front line shall be deemed a side line.

ZONING DISTRICT MAP. The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Code.
(Ord. 1104, passed 10-13-77; Am. Ord. O-11-06, passed 2-17-11; Am. Ord. O-14-19, passed 12-11-14; Am. Ord. O-15-23, passed 11-19-15)

§ 154.004 COMPLIANCE.

All land, buildings, structures, or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered, removed, demolished, or converted shall be used, removed, placed, and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.005 APPLICATION PROCEDURES.

(A) The provisions of this chapter shall be administered and enforced by the Building Inspector of the city. All applications and permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built upon, the location and size of the proposed building, the location of proposed accessory buildings, all in relation to lot lines, and such other information as may be necessary to provide for the effective enforcement of this chapter. A complete and accurate record of such applications and permits shall be kept in the office of the Building Inspector of the city.

(B) Property owners or authorized agents must submit said applications for any change or request. Before the application can be considered, it must be submitted 15 working days prior to the second Thursday of the month, which is the regular meeting date set for the Planning and Zoning Commission. Prior to making its report to the City Council, the Commission shall hold a public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or, the person rendering the same for city taxes, located within 200 feet of any property affected thereby, within not less than ten days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll, and depositing the notice, postage paid, in the United States Mail. The applicant must be present at the public hearing before the request will be heard. The Commission, after the public hearing is closed, may either approve or deny the change. It shall prepare its report and recommendations on the proposed change and forward these findings to the Council. If the change is approved, it will automatically go to the second hearing by the Council. If the change is denied, it will be dropped from further consideration unless the applicant appeals the decision in writing within three days to the City Secretary. On appeal, it will go to the second hearing by the Council.

(C) The following schedule of fees and charges shall be collected by the city. Each of the fees and charges provided for herein shall be paid in advance, and no action of the Planning and Zoning Commission shall occur until the fee has been made valid and paid to the city.

(1) Zoning change request - \$125

(2) Subdivision request - \$125

(D) If the zoning change request is denied by the City Council, then the property owner or applicant shall not be allowed to refile an application for the same zoning request change that was denied for a period of three months.

(Ord. 1104, passed 10-13-77; Am. Ord. 00-16, passed 11-16-00)

§ 154.006 RESIDENTIAL CERTIFICATE OF OCCUPANCY.

(A) *Purpose.* The city recognizes the need for implementation of a policy that requires the issuance of a certificate of occupancy and performance of a life, health and safety inspection before water utility services can be connected or reconnected to structures in the city in an effort to monitor ownership and standards of all residential structures, thereby reducing the number of demolitions of dilapidated and/or abandoned residential structures within the city. The city also recognizes the need for an organized inspection program for new and aging residential rental units in order to ensure that all rental units meet city and state safety, health, fire and zoning codes and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The city recognizes that implementation of the certificate of occupancy and life, health and safety inspection policy is the most efficient system to monitor occupancy and standards of all residential rental units and thereby ensure that orderly inspection schedules can be maintained by city officials.

(B) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

APARTMENT COMPLEX means a building or buildings comprised of three or more consecutive rental units each.

BEDROOM means a room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio, or breezeway.

BUILDING INSPECTOR means a properly identified building official for the city, or his/her designee.

CERTIFICATE OF OCCUPANCY means a certificate issued by the city upon submission, review and approval of an executed residential occupancy application, which lists any and all occupants of the property, as well as the owner(s) of the property.

CITY means the City of Gladewater, Texas.

LIFE SAFETY INSPECTION means an inspection completed by the building inspector on all residential rental units which must be completed and submitted to the city prior to connection of water utility services to each respective residential rental unit.

OWNER means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five years.

PERSON means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

PREMISES means a lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

PROPERTY MANAGER means a person whom, for compensation, has control of the day-to-day operations of the residential rental unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the residential rental unit(s).

RESIDENTIAL RENTAL OCCUPANCY APPLICATION means an application to be completed by an owner of a residential rental unit to be submitted to the city prior to water utility services being connected by city.

RESIDENTIAL RENTAL UNIT means any building or portion thereof which is rented, leased or let to be occupied for compensation as a residence, including apartments.

RESIDENT MANAGER means a property manager or agent of a property manager who resides in the residential rental unit.

TENANT means any person who rents, leases, or occupies a dwelling unit for living or dwelling purposes with the consent of the owner, landlord, or property manager.

(C) *Application and issuance of certificate of occupancy.*

(1) Each owner of a residential rental unit within the city shall make application for occupancy for each residential rental unit therein, if applicable, with the building inspector once a change of occupancy occurs after passage of the ordinance, from which this article is derived, and shall renew such application per the terms of subsection (7).

(2) Each new owner of a residential rental unit shall make application for occupancy with the building inspector by submitting to the city a residential rental occupancy application prior to utility services being turned on.

(3) Application for occupancy shall be made upon a form provided by the city for such purpose, and shall include at least the following information:

(a) Owner's name, address, work and home telephone number of said property owner;

(b) If the owner does not live within 50 miles of the city, then in addition to the information in subsection (3)(a), the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to maintenance of the residential structure and all respective units therein, if applicable;

(c) If the owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;

(d) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the primary individual in charge of the property of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and the agent for service;

(e) Name, address, and telephone number of the property manager, if applicable;

(f) Street address of the residential structure;

(g) Street and mailing address of the residential rental unit, if applicable; and

(h) Signature of the owner or owner's agent.

(4) A separate residential rental occupancy application is to be completed and submitted for each residential rental unit within a residential structure.

(5) The building inspector shall either issue a certificate of occupancy or notify the owner that the premises does not comply with the requirements of this article.

(6) A certificate of occupancy for residential rental units shall be valid for a period of 12 calendar months following issuance thereof or a change of occupancy has occurred, whichever is later, and renewal shall be applied for prior to city utilities being turned on.

(7) It is an offense for an owner to fail to register or fail to renew application of any structure or unit within the city, and each and every day that the owner continues to fail to register or renew the application of each respective structure or unit shall constitute a separate offense.

(8) It shall be unlawful for any person to file a false residential occupancy application with the city.

(9) Residential rental units owned or managed by a housing authority that is subject to HUD inspections shall be exempted from this ordinance upon submission of inspection reports to the City within 90 days of inspection.

(D) Life, health and safety inspections.

(1) The building inspector, or his/her designee, shall inspect each residential rental unit therein at the time of application to determine compliance with minimum housing standards and interior safety, city ordinances, international property maintenance code, city code, all applicable state and local laws, and other conditions as determined by the city. Inspections shall be conducted in accordance with subsection (7) of the Certificate of Occupancy section for residential rental units, or at any other time deemed necessary by the building inspector to maintain compliance with minimum housing standards.

(2) Grandfathering of original installations that were approved at the time of installation may be allowed, if the inspector determines that the original installation does not pose an imminent threat to life, safety, and/or health.

(3) Fees.

(a) Residential Rental Units Inspection on all residential structures and residential rental units therein shall have a fee of \$25.00, respectively, with said fee covering an initial inspection and one follow-up inspection, if needed. This fee will be assessed per residential rental unit at each change-of-occupancy inspection. If additional inspections are conducted on any one residential structure or residential rental unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$50.00 for each additional inspection.

(4) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in subsection (1), the city shall issue an inspection slip/report to the owner.

(5) Failure to give the city building inspector or his/her designee access to any individual rental unit(s) therein shall constitute a violation and grounds for denying a passing inspection for each said unit, and the fees associated for said inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

(E) *Registration of Rental Properties.* Owners of rental units shall provide the city with a full listing of all rental properties owned within the city limits of Gladewater on or before October 1, 2016. This listing shall be updated on or before October 1st of each subsequent year in the event that the listing of properties owned has changed.

(F) *Offenses and penalties.* If any person commits an offense, knowingly performs an act prohibited by this article or knowingly fails to perform an act required by this article shall be in violation of this article and is subject to a fine of not more than \$500.00 for each offense, and each and every day such offense or violation shall continue shall be deemed a separate offense and fined accordingly.

(G) *Effective date.* This ordinance shall take effect on October 1, 2016.

(Ord. 1104, passed 10-13-77; Am. Ord. O-15-24, passed 11-19-15; Am. Ord. O-16-24, passed 7-21-16)
Penalty, see § 154.999

§ 154.007 AMENDMENTS.

(A) *Purpose.* The Council declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- (1) To correct a manifest error in the regulations or map;
- (2) To recognize changes or changed conditions or circumstances in a particular locality; or,

- (3) To recognize changes in technology, the style of living, or manner of doing business.

(B) *Authority.* The Council may from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning district. Any amendment, supplement or change may be ordered for consideration by the Council, be initiated by the Commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of the owner.

(C) *Procedure.*

(1) The Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to Council. Written notice of all public hearings before the Commission on a proposed amendment or change shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice shall be given not less than ten days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved city tax roll.

(2) A public hearing shall be held by the governing body before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in the local newspaper stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.

(3) Unless a proposed amendment, supplement, or change has been approved by the Commission, or if a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of 20% or more of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths vote of the governing body.

(Ord. 1104, passed 10-13-77)

ESTABLISHMENT OF DISTRICTS; BOUNDARIES AND MAP

§ 154.015 DISTRICTS AND BOUNDARIES ESTABLISHED.

(A) The city is hereby divided into types of districts. The use, height, and area regulations are uniform in each district. These districts shall be known as:

SF-1	Single-Family District
SF-2	Single-Family District
SF-3	Single-Family District
SF-4	Single-Family District
SF-5	Single-Family District
SF-6	Single-Family District

SF-7	Single-Family District
RVP	Recreational Vehicle Park District
MH	Manufactured Housing District
TF-1	Two-Family District
TF-2	Two-Family District
MF-1	Multi-Family District
MF-2	Multi-Family District
NS	Neighborhood Shopping District
LC	Light Commercial District
HC	Heavy Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
O	Oil Industrial District

(B) No land shall be used for and no building shall be erected for or converted to any use other than that provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. O-15-23, passed 11-19-15)
Penalty, see § 154.999

§ 154.016 ZONING MAP.

The Districts set forth in § 154.015 above and the boundaries of such Districts are shown upon the Zoning Map accompanying and made a part of Ordinance 1104, on file in the office of the City Secretary, and said map and all the notations, references, and other information shall be as much a part of this chapter as if the matters and information set forth by said map were all fully described herein.
(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80)

§ 154.017 INTERPRETATION OF BOUNDARIES.

Where uncertainty exists with respect to the boundaries of the various districts shown on the map made a part of this chapter, the following rules shall apply:

(A) The district boundaries are street, alley, and property lines unless otherwise shown, and where the districts designated on the map made a part of this chapter are bounded approximately by street, alley, or property lines and/or extensions of same, the street, alley, or property line and/or boundary of same shall be construed to be the boundary of the district.

(B) Where the district boundaries are otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be property lines, and where the districts designated on the map. Where district boundaries are fixed by dimensions, individual owners of lots split by such district lines will be permitted a 25 leeway in the use of said lots.

(C) In unsubdivided property, the district boundary lines on the map made a part of this chapter shall be determined by use of the scale appearing on the map.

(D) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

(E) Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.

(F) Boundaries indicated as approximately following city limits shall be construed as following city limits.
(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80)

§ 154.018 USES IN NEWLY ANNEXED AREAS.

Uses in all territory hereafter annexed to the city shall be subjected to the regulations of such district as established by the Council. The Commission shall, as soon as practicable after annexation of any territory, institute proceedings on its own motion to establish original zoning districts throughout the newly annexed territory, and the procedure to be followed and shall be the same as is provided by law for the adoption of original zoning districts governing other parts of the municipality.
(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80)

DISTRICT REGULATIONS

§ 154.025 SINGLE-FAMILY DISTRICTS (SF-1 THROUGH SF-7).

(A) In the Single-Family Districts (SF-1 through SF-7), no land shall be used and no building shall be erected for or converted to any use other than:

- (1) One-family dwellings
- (2) Schools
- (3) Churches
- (4) Fire Stations
- (5) Water reservoirs and towers; water and sewage pump stations

(6) Museums, libraries, parks, playgrounds, or neighborhood recreation centers owned and operated by the city.

(7) Golf courses, except miniature courses, driving tees and the like, operated for commercial purposes.

(8) Farm, truck garden, orchard or nursery for the growing of plants, shrubs and trees, provided that no retail or wholesale business sales office is maintained on the premises.

(9) Accessory buildings, including one private garage and servants quarters, when located not less than 60 feet from the front lot line nor less than 20% of the lot width from any other street line; provided, however, that servants quarters may be erected above private garages, and a private garage may be constructed as part of the main building or attached to it by a covered passage.

(10) Uses customarily incidental to any of the above uses when situated in the same building.

(11) Name plates not exceeding one square foot in area, containing the name and occupation of the occupant of the premises; and signs not exceeding eight square feet in area appertaining to the sale or rental of property on which they are located; provided however, that no name plate, nor advertising sign of any other character shall be permitted in any Single-Family District except bulletin boards and signs for churches and schools, not exceeding 18 square feet in area when attached to a building or erected in front yards behind the building line.

(12) The renting of rooms or lodgings, or the serving of meals for compensation to not more than four persons, where all utilities are under the control of the permitted family unit.

(B) *Height regulations.* In the Single Family Districts, the height shall be limited to 2½ stories for a dwelling and 35 feet for any other building.

(C) *Area regulations.* In the Single Family Districts, the area regulations shall be as follows:

(1) *Front yard.*

(a) There shall be a front yard along each street line of the lot, and the minimum depth of a front yard shall be as stated below.

SF-1 = 40 ft.

SF-2 = 35 ft.

SF-3 = 35 ft.

SF-4 = 30 ft.

SF-5 = 25 ft.

SF-6 = 25 ft.

SF-7 = 25 ft.

(b) If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of the street, this line shall establish the minimum depth of the front yard.

(2) *Side yards.* There shall be a side yard on each side of the lot as stated below:

SF-1 = 15 ft. or 10% of the average width of the lot, whichever is smaller, except that the side yard shall be no less than 10 feet.

SF-2 = 10 ft.

SF-3 = 10 ft.

SF-4 = 10 ft.

SF-5 = 6 ft.

SF-6 = 5 ft.

SF-7 = 5 ft.

(3) *Rear yards.* There shall be a rear yard having a depth of not less than 20% of the average depth of the lot.

(4) *Area of the lot.*

(a) The minimum area of the lot shall be as stated below:

SF-1 = 20,000 sq. ft.

SF-2 = 14,000 sq. ft.

SF-3 = 12,000 sq. ft.

SF-4 = 10,000 sq. ft.

SF-5 = 7,500 sq. ft.

SF-6 = 6,000 sq. ft.

SF-7 = 5,000 sq. ft.

(b) However, a lot having an area of less than hereinafter required for the Single Family Districts that was a record prior to October 14, 1976 may be used for any purpose permitted in this section, provided that the requirements for front, side, and rear yards are the same requirements as specified in this section.

(5) *Width of lot.* The minimum width of the lot shall be as stated below:

SF-1 = 120 ft.

SF-2 = 80 ft.

SF-3 = 75 ft.

SF-4 = 70 ft.

SF-5 = 60 ft.

SF-6 = 50 ft.

SF-7 = 50 ft.

(6) *Area of dwellings.*

(a) The minimum first floor area of dwellings shall be as follows:

- SF-1 = 1,600 sq. ft.
- SF-2 = 1,200 sq. ft.
- SF-3 = 1,100 sq. ft.
- SF-4 = 1,000 sq. ft.
- SF-5 = 850 sq. ft.
- SF-6 = 700 sq. ft.
- SF-7 = 600 sq. ft.

(b) The above area regulations apply to the SF-1, SF-2, SF-3, SF-4, SF-5, SF-6, and SF-7 Single Family Districts, and do not apply to lots which may be the same size or larger in other districts.

(D) *Parking regulations.* For all Single Family Districts parking space shall be provided on the lot to accommodate one motor car. Such space shall not be located on any part of the required front yard.

(E) *Mobile homes prohibited.* Mobile homes shall not be located within any Single-Family District. This division shall apply prospectively only. Mobile homes located within the corporate limits of the city as of November 21, 1991 are exempt from the terms hereof as nonconforming uses and may continue to be so located unless and until the same are destroyed or removed, at which time their nonconforming status shall terminate.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. 91-13, passed 11-21-91; Am. Ord. 01-09, passed 6-18-01) Penalty, see § 154.999

§ 154.026 MANUFACTURED HOUSING DISTRICT (MH).

(A) *Use regulations.* In the Manufactured Housing district (MH) no land shall be used and no building shall be erected or converted to any use other than manufactured housing.

(B) *Site selection.* Site selection is to be governed by the following considerations:

(1) *Location.*

(a) The site should be bounded on at least one side by a public street or highway.

(b) The site must not be:

1. Close to swamps or other potential breeding places for insects or rodents.
2. Subject to flooding, fire, or safety hazards.
3. Exposed to chronic nuisances, such as noise, smoke, fumes, or odors.

(2) *Topography.* The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance.

(3) *Availability of utilities.* The site must be readily accessible to public utilities including water, sewerage, and electricity.

(4) *Necessary land area.* The area of the manufactured home court must be sufficient in size to accommodate:

(a) The number of manufactured home spaces desired;

(b) Roads and parking areas for motor vehicles; and

(c) On-site utilities where public utilities are not available.

(C) *Site improvements.* The physical improvements of the site must be arranged to provide:

(1) A convenient means of pedestrian and vehicular access to each manufactured home space, parking areas, and accessory buildings.

(2) An adequate supply of potable water.

(3) A safe method of sewage disposal.

(4) Electrical service for lighting and power.

(5) A diversion of surface water away from buildings, manufactured home spaces, and its disposal from the site.

(D) *Site planning.* A plan of the proposed manufactured home court must be developed for approval by the City Engineer indicating the layout of the manufactured home spaces, roads, walks, utilities, and necessary grading. Determination must be made in the initial planning stage on the number of manufactured homes to be accommodated, which shall not be less than 20 manufactured homes.

(E) *Manufactured home space sizes.* Each manufactured home space shall be no less than 2,175 square feet in area and at least 72 feet in length.

(F) *Spacing of manufactured homes.* The minimum spacing between manufactured homes must be:

(1) Twenty feet side-to-side spacing and 15 feet end-to-end spacing.

(2) At least 25 feet from the right-of-way line of a highway, and at least ten feet from the manufactured home space property line.

(G) *Roads, walks, and parking areas.*

(1) *General circulation.* Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the manufactured home court. All roads must be continuous.

(2) *Servicing.* Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.

(3) *Width of road area.* Main access roads, excluding parking, must be at least two lanes and 20 feet wide.

(4) *Number of parking spaces.* Two motor vehicle parking spaces must be provided at the site of each manufactured home space. Additional parking may be provided in designated areas.

(5) *Walks*. The trailer park walk system must include a walk from the entrance of each manufactured home to service facilities with the following minimum widths:

(a) Public walks - four feet.

(b) Entrance walks from public walk to manufactured home door - two feet.

(H) *Plumbing*. All plumbing installations shall conform to the requirements of the Plumbing Code (See Chapter 150).

(I) *Electrical*. All electrical installations shall conform to the requirements of the Electrical Code (See Chapter 151).

(J) *Refuse collection*. Refuse must be stored in fly-tight and rodent-proof containers. Six gallons of refuse storage capacity per day per manufactured home must be provided. If refuse container stations are used, a station should be located within 150 feet from every manufactured home space unless it is infeasible to do so; in no event shall a manufactured home space be more than 200 feet from a refuse container station.

(K) *Site engineering*. Grading and drainage must be performed so that water will drain away from the manufactured home spaces, buildings, and off the site in a manner in which will provide reasonable freedom from erosion. Walks, driveways, and retaining walls must be so constructed as not to interfere with drainage.

(L) *Drainage requirements*.

(1) Manufactured home spaces must be graded toward an abutting roadway to prevent surface water draining across adjacent home spaces. Grading under manufactured homes must be provided to prevent the puddling of water.

(2) Where swales for the carriage of storm water are needed between the manufactured home space and the roadway, they must be of a shallow type (generally no more than eight inches deep) to permit the parking of the manufactured home without damage to the undercarriage.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-14, passed 11-13-80; Am. Ord. O-15-23, passed 11-19-15)
Penalty, see § 154.999

§ 154.027 TWO-FAMILY DISTRICTS (TF-1 AND TF-2).

(A) *Use regulations.* In the Two-Family Districts (TF-1 and TF-2) no land shall be used and no building shall be erected or converted to any use other than:

(1) Any use permitted in the Single-Family Districts (SF-1 - SF-7).

(2) Two family dwellings.

(3) Accessory uses which shall include lots within the Two-Family Districts that abut on Commercial or Industrial Districts that may be used for:

(a) An office such as that of a musician, artist, or similar professional person when located within or directly attached to his or her dwelling which is used primarily as a dwelling.

(b) Home occupations such as dressmaking, millinery, or beauty culture engaged in by persons of the immediate family within their own dwelling and employing not more than one outside person not a member of the immediate family and residing on the premises.

(c) A day nursery.

(4) Neighborhood Transitional Housing, with a specific use permit.

(B) *Height regulations.* In the Two-Family Districts the height limit shall be 2½ stories for dwellings and 35 feet for any other buildings.

(C) *Area regulations.* In the Two-Family Districts the area regulations shall be as follows:

(1) *Front yard.* There shall be a front yard along each street line of the lot. The minimum depth of a front yard shall be 25 feet. If a building line has been established by ordinance or by two or more buildings on the same side of a street for a distance of a block, this line shall establish the minimum depth of the front yard.

(2) *Side yards.* There shall be a side yard on each side of the lot, having a width of not less than ten feet or 10% of the average width of the lot, whichever is smaller, except that the side yard adjacent to a side street shall be less ten feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 20% of the average depth of the lot.

(4) *Area of the lot.*

(a) The minimum area of the lot shall be as follows:

TF-1 = 7,500 square ft.

TF-2 = 6,000 square ft.

(b) However, a lot having an area less than hereinabove required, that was of record prior to October 14, 1976 may be used for any use permitted in this section; provided that the requirements for front, rear, and side yards are the same requirements as specified in this section.

(5) *Width of lot.* The minimum width of the lot shall be as follows:

TF-1 = 60 ft.

TF-2 = 50 ft.

(6) The above area regulations apply to the TF-1 and TF-2 Two-Family Districts, and do not apply to lots which may be of the same size or larger in other districts.

(7) *Parking regulations.* Parking space shall be provided on the lot to accommodate one motor car for each dwelling unit. Such space shall not be located on any part of the required front yard. (Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. O-14-19, passed 12-11-14) Penalty, see § 154.999

§ 154.028 MULTI-FAMILY DISTRICTS (MF-1 AND MF-2).

(A) *Use regulations.* In the MF-1 and MF-2 Multi-Family Districts, no land shall be used and no building shall be erected for or converted to any use other than:

(1) Any use permitted in the TF-1 and TF-2 Two-Family Districts.

(2) Multiple-family dwellings.

(3) Apartment buildings in which rooms and apartments are rented to resident guests and in which no retail businesses are permitted.

(4) Lots with apartment districts that abut commercial and industrial districts may be used for boarding and lodging houses, hotels, museums, greenhouses, private clubs, business offices for professionals, institutions of a religious, educational, or philanthropic nature, hospitals, clinics, convalescent homes, maternity homes, except insane, liquor, narcotics, feeble minded, animal hospitals and clinics.

(5) Accessory buildings and uses incidental to any of the above uses when located on the same lot and not involving the conduct of business, including a storage garage and bona fide servants quarters, not for rent but for use of servants employed on the premises, when located not less than 60 feet from the front and not less than ten feet from any other street line.

(B) *Height regulations.* In the MF-1 and MF-2 Multi-Family Districts, the height limit shall be 2½ stories for one- and two-family dwellings, and three stories or 40 feet for an apartment or other building.

(C) *Area regulations.* In the MF-1 and MF-2 Multi-Family Districts, the area regulations shall be as follows:

(1) *Front yard.* There shall be a front yard along each street line of the lot. The minimum depth of a front yard shall be 25 feet. If a building line has been established by ordinance or by two or more buildings on the same side of a street for a distance of a block, this line shall establish the minimum depth of the front yard.

(2) *Side yards.* There shall be a side yard on each side of the lot having a width of not less than ten feet or 10% of the average width of the lot, whichever is smaller, except that the side yard adjacent to a side street shall not be less than ten feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 20% of the average depth of the lot.

(4) *Area of the lot.* The minimum area of the lot shall be as follows:

MF-1 = 7,500 square ft.

MF-2 = 6,000 square ft.

(5) *Width of the lot.* The minimum width of the lot in any MF-1 or MF-2 Multi-Family District shall be 50 feet.

(D) *Parking regulations.*

(1) Parking spaces shall be provided on the lot but not in the required front yard for each dwelling unit in all of the MF-1 and MF-2 Multi-Family Districts. No parking garage or no structure shall be erected in a required side yard, and no open parking shall be located nearer than two feet to the side lot line.

(2) Where lots in the MF-1 and MF-2 Multi-Family District abut commercial or industrial districts, the parking regulations as specified in subsection (1) of this division above are required, and in addition thereto, the following parking regulations are required:

(a) Private clubs and lodges shall provide off-street parking space in a ratio of one space for each 150 square feet of floor area in the club or lodge, exclusive of storage area.

(b) Public assembly, including among other buildings, assembly halls, auditoriums and churches, stadiums, gymnasiums, and similar institutions shall provide off-street parking space on the lot sufficient to accommodate one automobile for each ten seats.

(c) Hospitals shall provide off-street parking space on the lot sufficient to accommodate one automobile for each four beds.

(d) Clinics shall provide off-street parking at a ratio of one space for each 250 square feet of floor space within the structures, but in no case shall less than five off-street parking spaces be provided.

(e) Hotels shall provide one parking space for each two guest bedrooms in the building.

(f) Rooming and lodging houses shall provide off-street parking spaces at a ratio of one space for each three guests for whom accommodations are provided.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see § 154.999

§ 154.029 NEIGHBORHOOD SHOPPING DISTRICT (NS).

(A) *Use regulations.* In the NS Neighborhood Shopping District, no land shall be used and no building shall be erected for or converted to any use other than:

(1) Any use permitted in the MF-1 and MF-2 Multi-Family Districts.

(2) Any of the following:

Antique shop

Art gallery

Automobile service stations for the sale of fuel, lubricants, accessories, minor repairs,
but no major repairs or painting

Banks and loan associations

Barber shop

Beauty shop

Book or stationary store

Cleaning, dying and altering

Day nursery

Department store

Household and office furniture, furnishings and appliances, retail

Laundry pick-up station

Library, public or rental

Professional office building

Public parking, provided that parked cars do not project beyond the required front yard
line except where there is head-on parking on private property in front of buildings

Photographer's or artist's studios

Seamstress, or dressmakers shop

Studios for display and sale of glass, china, art objects, cloth and draperies

Stores for retail sales only, as follows:

- Bakery
- Candy
- Cigars and tobacco
- Clothing
- Dancing school or studio
- Drug store
- Dry goods and notions
- Electric appliances and repair shop, including radio and television
- Florist
- Grocery
- Hardware
- Jewelry
- Meat market
- Newsstand
- Paints
- Shoe repair
- Sporting goods
- Toys
- Wallpaper
- Washateria equipped with automatic washing machines
- Wholesale sales office or sample room

(3) Manufacture or repair shop of any kind not listed in a less restricted use district, provided that the mechanical power in the operation of any machine does not exceed five horse-power and further provided such use is not noxious or offensive by the reason of the emission of odors, dust, smoke, gas, fumes, noise or vibration, and traffic congestion.

(4) Any other retail use provided that such use is not included in any other class, provided that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, vibration, or traffic congestion.

(B) *Height regulations.* In the NS Neighborhood Shopping District the height limit shall be 2½ stories.

(C) *Area regulations.* In the NS Neighborhood Shopping District, the area regulations shall be as follows:

(1) *Front yard.* There shall be a front yard along the front line of the lot. Such a front yard shall comply with the front yard regulations as set forth herein for the dwelling or apartment district adjoining the said Neighborhood Shopping District on the side, and for higher uses if both adjoin.

(2) *Side yard.* No side yard shall be required for the Neighborhood Shopping District except for a corner lot, in which case a side yard of ten feet shall be required on the side street; and also except where the lot is adjacent to a residential or apartment district, or used for a dwelling or apartment, in which case a side yard shall be required on the side adjacent to the residential or apartment district, or on each side of the lot where used for residence or apartment, as the case may be. The minimum width of such side yard shall be ten feet or 10% of the average width of the lot, whichever is smaller, except that the side yard adjacent to a side street shall not be less than ten feet.

(3) *Rear yard.* No rear yard shall be required for a Neighborhood Shopping District except where a lot is adjacent to or abuts a residential or apartment district and is not separated therefrom by an alley, in which event, there shall be a rear yard having a depth of not less than 25 feet.

(4) *Area of the lot.* Where the lot is used for a dwelling or apartment, the minimum area of the lot shall comply with the minimum lot area regulations for the MF Multi-Family Districts. Where dwelling facilities are provided above or behind stores, the lot area requirements shall be the same as those required for multiple dwelling units in the MF Multi-Family District. There are no other area restrictions for NS Neighborhood Shopping Districts.

(5) *Width of the lot.* Where the lot is used for dwelling or apartments, the minimum width of the lot shall be 50 feet. For other uses, the width may be less than 50 feet.

(D) *Parking regulations.*

(1) The parking regulations for single-family, two-family, and multi-family dwellings, clinics, hospitals, hotels, clubs, lodges, places of public assembly, rooming and lodging houses are the same as those required in the MF-1 and MF-2 Multi-Family Districts.

(2) Lots in the NS Neighborhood Shopping District used for local retail or personal service use shall provide off-street parking space at the following ratio:

(a) Buildings having less than 5,000 square feet of floor area shall provide one space for each 500 square feet of ground floor building area.

(b) Buildings having over 5,000 but not more than 10,000 square feet of ground floor area shall provide ten spaces for the first 5,000 square feet plus one additional space for each 333 square feet of ground floor area above 5,000 square feet.

(c) Buildings having over 10,000 square feet of ground floor area shall provide 25 parking spaces for the first 10,000 square feet of floor area, plus one additional space for each 200 square feet of ground floor area in excess of 10,000.

(d) Buildings having local retail or professional office uses on floors above the ground floor shall provide off-street parking spaces at a ratio of one space for each 500 square feet of floor area above the ground floor.

(e) Where more than one building is located upon a lot, the parking requirements shall be based upon the total floor area of all such structures.

(f) Professional offices, other than medical or dental clinics, shall provide off-street parking space at a ratio of one parking space for each 500 square feet of floor area.

(g) Establishments for the sale and consumption on the premises of food or refreshments shall provide off-street parking at a ratio of one space for each 150 square feet of floor area. (Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see § 154.999

§ 154.030 LIGHT COMMERCIAL DISTRICT (LC).

(A) *Use regulations.* In the LC Light Commercial District no land shall be used and no building shall be erected or converted to any use other than:

(1) Any use permitted in the NS Neighborhood Shopping District.

(2) Any of the following uses:

- Ambulance service
- Automobile or truck retailing
- Automobile seat covers and seat cover repairing
- Bird and pet-shop
- Book binding
- Cafeteria
- Commercial billboard and advertising signs
- Commercial college
- Dyeing and cleaning works
- Electric substation
- Engraving
- Frozen food lockers, retail
- Hospital
- Household appliance repair and service
- Ice cream manufacturing but not milk, wholesale
- Ice delivery station
- Job printing
- Moving picture theater
- Mortuary
- Multilithing
- Newspaper printing
- Nursery, retail sale of plants and trees
- Piano and musical instruments, retail sales only
- Plumbing shop, retail sales only, without warehouse facilities (to include storage for ordinary repairs, but not materials for contracting work)
- Publishing company

Seed company
Studios (dance, health, reducing, and music)
Tailor
Taxi stand
Telegraph office
Telephone exchange building

(3) Manufacture or repair shop of any kind not listed in a less restricted use district, provided that the mechanical power in the operation of any machine does not exceed five horse-power and further provided such use is not noxious or offensive by the reason of the emission of odors, dust, smoke, gas, fumes, noise or vibration, and traffic congestion.

(4) Institutional Transitional Housing, with a specific use permit.

(5) Any other retail use provided that such use is not included in any other class, provided that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise vibration, or traffic congestion.

(6) Accessory buildings and uses customarily incident to the above uses when located on the same lot.

(B) *Height regulations.* In the LC Light Commercial District no building shall exceed six stories or 75 feet in height unless set back from all street lines one foot for each two feet of height above such six-story or 75-foot limit. And further, provided that, if at any level the building does not cover in excess of 25% of the area of the lot, a tower of unlimited height may be erected above such level. Such tower shall not be located closer than 15 feet to any lot line, and no street wall of such tower shall occupy more than 60% of the frontage of the lot on which it faces. When the lot is used for dwelling or apartment, the height limit shall be 2½ stories for dwellings and six stories or 75 feet for apartments.

(C) *Area regulations.* In the LC Light Commercial District the area regulations shall be as follows:

(1) *Front yard.* No front yard shall be required except where a higher use district adjoins the LC Light Commercial District on the side in the same block, in which case the front yard shall conform to the more restricted use district front yard regulations.

(2) *Side yard.* No side yard shall be required for commercial uses. Where the lot is used for a dwelling or apartment, there shall be a side yard on each side of the lot not less than ten feet or 10% of the average width of the lot, whichever is smaller, except that the side yard adjacent to a side street shall not be less than ten feet.

(3) *Rear yard.* No rear yard shall be required for commercial uses except where an LC Light Commercial District abuts on a more restricted use district, in which case there shall be a rear yard of not less than ten feet. Where the lot is used for a dwelling or apartment, there shall be a rear yard of not less than 20% of the average depth of the lot.

(4) *Area of the lot.* For uses other than for dwelling or apartments, there are no area restrictions. Where the lot is used for dwellings or apartments, the minimum lot area shall be 7,500 square feet. For more than four families or four dwelling units the area of the lot shall be increased by 900 square feet per family or dwelling unit.

(5) *Width of the lot.* Where the lot is used for dwellings or apartments, the minimum width of the lot shall be 50 feet; for other uses, the width may be less than 50 feet.

(D) *Parking regulations.*

(1) The parking regulations for single-family, two-family, and multi-family dwellings are the same as those in the MF-1 and MF-2 Multi-Family Districts.

(2) The parking regulations for clinics, hospitals, hotels, clubs, lodges and places of public assembly, rooming and lodging houses, are the same as those in the MF-1 and MF-2 Multi-Family District.

(3) The parking regulations for retail, personal service, professional offices and restaurant uses are the same as those in the NS Neighborhood Shopping District.

(4) Business offices shall provide off-street parking space at a ratio of one space for each 500 square feet of floor area.

(5) Bowling alleys shall provide off-street parking space at a ratio of three spaces for each alley.

(6) Motor vehicles salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each 1,000 square feet of sales floor or lot area.

(7) Retail, office, and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movements of traffic on the public streets. Such space shall consist of a minimum area of ten feet by 25 feet for each 20,000 square feet of floor or lot area or fraction thereof used for retail, storage, or service purposes.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. O-14-19, passed 12-11-14) Penalty, see § 154.999

§ 154.031 HEAVY COMMERCIAL DISTRICT (HC).

(A) *Use regulations.* In the HC Heavy Commercial District no land shall be used and no building shall be erected for or converted to any use other than:

(1) Any use permitted in the LC District.

(2) Any of the following uses:

Automobile laundry
Automobile painting
Automobile upholstery
Bakery, wholesale
Blacksmith shop
Body works
Bottling works
Bowling alley
Builders supply
Bus terminal
Cabinet making: carpenter or woodwork shop
Clothing manufacturer
Cold storage plant
Commercial amusement park
Creamery and milk distribution station
Electric contractor
Farm implements
Fix-it shops; bicycle repair, saw and lawn mower sharpening, and similar work, retail
Florist, wholesale
Heavy equipment, retail
Insulation contractor
Laundry
Liquor store
Lumber yard
Machine and welding shop, machine manufacturing
Mattress factory
Miniature golf course
Monument works
Motor freight terminal
New or used car lots
Oil field service; supply
Poultry processing, for retail sale on premises
Pool hall
Public garage, auto repairs
Sign manufacturer and service
Shooting gallery
Skating rink
Small animal hospital, veterinarian
Stone monument works, retail
Taxi garage
Tire recapping and retreading

Trade school
Upholstery manufacture or repair shop
Warehouse for particular retail business
Wholesale grocery

(B) *Height regulations.* In the HC Heavy Commercial District, the height limit shall be 2½ stories for one- and two-family dwellings and three stories or 40 feet for an apartment or any other building.

(C) *Area regulations.* In the HC Heavy Commercial District the area regulations are as follows:

(1) *Front yard.* The minimum depth of the front yard shall be 20 feet except where a higher use district adjoins the HC Heavy Commercial District on the side in the same block, in which case the front yard shall conform to the more restricted use district front yard regulations.

(2) *Side yard.* No side yard shall be required for commercial uses. Where the lot is used for a dwelling or apartment, there shall be a side yard on each side of the lot not less than ten feet, or 10% of the average width of the lot, whichever is smaller except that the side yard adjacent to a side street shall not be less than ten feet.

(3) *Rear yard.* No rear yard shall be required for commercial uses except where an HC Heavy Commercial District abuts on a more restricted use district, in which case there shall be a rear yard of not less than ten feet. Where the lot is used for a dwelling or apartment, there shall be a rear yard of not less than 20% of the average depth of the lot.

(4) *Area of the lot.* For uses other than dwellings or apartments, there are no area restrictions. Where the lot is used for dwelling or apartments, the minimum lot area shall be 7,500 square feet. For more than four families of dwelling units the area of the lot shall be increased 900 square feet per each additional family or dwelling unit.

(5) *Width of the lot.* Where the lot is used for dwelling or apartment the minimum width of the lot shall be 50 feet. For other uses the width be less than 50 feet.

(D) *Parking regulations.*

(1) The parking regulations for single-, two-, and multi-family dwellings are the same as those in the MF-1 and MF-2 Multi-Family Districts.

(2) The parking regulations for clinics, hospitals, hotels, clubs, lodges and places of public assembly, rooming and lodging houses are the same as those in the MF-1 and MF-2 Multi-Family Districts.

(3) The parking regulations for retail, personal service, professional offices and restaurant uses are the same as those in the NS Neighborhood Shopping District.

(4) Business offices shall provide off-street parking space at a ratio of one space for each 500 square feet of floor area.

(5) Bowling alleys shall provide off-street parking space at a ratio of three spaces for each alley.

(6) Motor vehicle salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each 1,000 square feet of sales floor or lot area.

(7) Retail, office, and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of ten by 25 feet for each 20,000 square feet or fraction thereof of floor or lot area used for retail, storage, or service purposes.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see § 154.999

§ 154.032 RESTRICTED COMMERCIAL DISTRICT (RC).

(A) In the RC Restricted Commercial District no land shall be used and no building shall be erected or converted to any use other than dance halls, night clubs, and any other business establishment serving alcoholic beverages for on-premises consumption.

(B) When the use of any property is made under specifications outlined in division (A) of this section, and which use has been discontinued for a period of one year, then such property shall lose its classification of RC Restricted Commercial District, and shall be reclassified at said time by the Commission with final approval by the City Council.

(C) Height and Area Regulations for the RC Restricted Commercial District must meet all standards as set forth in the HC Heavy Commercial District.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see § 154.999

§ 154.033 LIGHT INDUSTRIAL DISTRICT (LI).

(A) *Use regulations.* In the LI Light Industrial Districts no land shall be used and no building shall be erected or converted to any use other than:

(1) Any use permitted in the HC Heavy Commercial Districts.

(2) Any of the following uses:

Bag manufacturing

Broom factory

Building materials, machinery, or supply storage yard

Box and crate manufacturing other than paper

Canning factory

Cap and hat factory

Carting, express, hauling or storage yard

Carpet or rug cleaning and fumigating if dust-proof room and dust-catching equipment are provided
Cereal mill
Cheese factory
Contractor's plant or storage yard
Coal, coke, or wood yard
Condensed milk manufacturing
Cooperage works
Cotton gin, cotton compress, or cotton oil mill
Creamery, wholesale
Dairy, bottling, depot and wholesale
Electronic component manufacturing
Electroplating
Feed mill
Flour mill
Food processing
Furniture manufacture, all kinds
Gasoline or petroleum storage tanks
Galvanizing
Grain elevators
Ice plant or storage house
Killing, dressing and storage of poultry
Light and power plant, central station
Light agricultural implements manufacturing
Livery stable
Riding academy
Pecan processing
Planing mill
Plastic products manufacturing
Poultry slaughtering and processing
Railway passenger and freight terminals
Railway round-house or shop
Railway yards
Rock wool manufacture
Stable
Stone cutting works
Storage warehouse
Textile manufacturing
Truck and bus service and repairs
Milk depot, wholesale
Millinery manufacturing
Paper products manufacturing
Sheet metal shop
Transfer and baggage storage

Truck manufacturing
Warehouse, general
Water distillation
Wood products

(B) *Height regulations.* In the LI Light Industrial District no building shall exceed six stories or 75 feet unless set back from all lot lines one foot for each foot above such height limit. Where a building is located on a lot adjoining a single-family district, two-family district, or multi-family district, it shall not exceed 40 feet in height unless it is set back one foot from all required yard lines for each one foot of additional height above 40 feet. Where the lot is used for dwelling or apartment, the height limit shall be 2½ stories for dwellings and six stories or 75 feet for apartments.

(C) *Area regulations.* In the LI Light Industrial District the area regulations are as follows:

(1) *Front yard.* No front yard shall be required for light industrial uses unless the street is less than 60 feet in width, in which case the light industrial structure shall be placed not less than 30 feet from the center of said street. A 25-foot minimum front yard shall be required where the lot is used for a dwelling or apartment.

(2) *Side yard.* No side yard shall be required for light industrial uses except as required in division (B) of this section. Where the lot is used for dwelling or apartment, there shall be a side yard on each side of the lot not less than ten feet or 10% of the average width of the lot whichever is smaller, except that the side yard adjacent to a side street shall not be less than ten feet and need not exceed 15 feet.

(3) *Rear yard.* No rear yard shall be required for a light industrial use, except as required in division (B) of this section, except where a LI Light Industrial district abuts on a more restricted district requiring a rear yard, in which case there shall be a rear yard of not less than ten feet. Where the lot is used for dwelling or apartment, there shall be a rear yard of not less than 20% of the average depth of the lot.

(4) *Area of the lot.* For uses other than for dwellings or apartments there are no restrictions. Where the lot is used for dwellings or apartments, the minimum lot areas shall be 6,000 square feet for dwellings and 7,500 square feet for apartments. For more than four families or dwelling units the area of the apartment lot of 7,500 square feet shall be increased 750 square feet per additional family or dwelling unit.

(5) *Width of the lot.* Where the lot is used for dwellings or apartments, the minimum width of the lot shall be 50 feet. For other uses, the width may be less than 50 feet.

(D) *Parking regulations.*

(1) The parking regulations for single-, two-, and multi-family dwellings are the same as those on the MF-1 and MF-2 Multi-Family District.

(2) The parking regulations for clinics, hospitals, hotels, clubs, lodges and places of public assembly, rooming and lodging houses, are the same as those in the MF-1 and MF-2 Multi-Family District.

(3) The parking regulations for retail, personal service, professional offices and restaurant uses are the same as those in the NS Neighborhood Shopping District.

(4) Business offices shall provide off-street parking space at a ratio of one space for each 500 square feet of floor area.

(5) Bowling alleys shall provide off-street parking space at a ratio of three spaces for each alley.

(6) Motor vehicles salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each 1,000 square feet of sales floor area.

(7) Retail, office, and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum of ten feet by 25 feet for each 20,000 square feet or fraction thereof of floor or lot area used for retail, storage, or service purposes.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. 96-11, passed 8-15-96) Penalty, see § 154.999

§ 154.034 HEAVY INDUSTRIAL DISTRICT (HI).

(A) *Use regulations.* In the HI Heavy Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

(1) Any use permitted in the LI Light Industrial Districts.

(2) Any of the following:

- Abattoir
- Acetylene gas manufacture
- Acid manufacture
- Ammonia manufacture
- Air products manufacture
- Asbestos products manufacture
- Ash dumps
- Asphalt manufacturing, refining and storage
- Automobile wrecking yard
- Bag cleaning
- Blast furnace
- Bleachery

Bleaching powder manufacture
 Can manufacture
 Car manufacture
 Car wheel foundry
 Carborundum manufacture
 Carpet or rug cleaning without dust-proof room or dust filtering system being used
 Casein manufacture
 Cast iron pipe manufacture
 Casting foundry
 Cattle shed and pens
 Caustic soda manufacture
 Cement manufacture
 Chalk manufacture
 Chlorine manufacture
 Clay products
 Concrete mixing
 Concrete products company
 Cordage mill
 Corrugated metal manufacture
 Crematory
 Creosote treatment and manufacture
 Culvert manufacture
 Dextrine manufacture
 Distillation of liquors, spirits, and the like
 Dumping station
 Egg drying plant
 Electrical supply manufacture
 Emery cloth manufacture
 Engine manufacture
 Fat rendering
 Felt manufacture
 Fertilizer manufacture
 Forge works
 Foundry
 Fur curing and tanning
 Furnace manufacture
 Glass manufacture
 Glucose manufacture
 Glue and fertilizer manufacture
 Graphite manufacture
 Hair products factory (other than human)
 Heating supplies and appliances manufacture
 Hide treating and tallow processing
 Hydrochloric acid and its derivatives manufacture
 Insulating materials manufacture
 Iron foundry

Iron (ornamental) works
Japanning and shellacking works
Junk yard
Jute manufacture
Kalsomine manufacture
Kerosine manufacture or storage
Lard rendering
Leather curing or tanning
Linseed oil manufacture
Lubricating oil manufacture
Lumber mill
Machinery manufacture
Malleable casting manufacture
Marble working and finishing
Meat packing plant
Monument works
Oil compounding and barrelling
Oil refinery
Oilcloth manufacture
Oxygen gas manufacture
Packing (meat, poultry) establishment
Paint mixing and manufacture
Paper and paper pulp manufacture
Petroleum refining
Petroleum storage, wholesale
Pipe (concrete) manufacture
Planing mill
Plaster of Paris manufacture
Rag treatment or manufacture of products from rags
Raw hides and skins, treatment and storage
Reduction of ore, garbage, offal, and the like
Refuse dump
Sale of used automobile parts
Salvage storage yard
Scrap iron storage yard
Scrap metal reduction
Shellac manufacture
Smelting metals
Soap manufacture from vegetable and animal products
Starch manufacture
Steel mill
Steel fabricating
Stock yards
Stock auction barns
Stone crushing
Stove and range manufacture

Tanning and curing of hides
Tar products manufacture
Terra cotta manufacture
Used car junk areas
Varnish manufacture
Waste paper products manufacture
Wood distillation including manufacture of tar, charcoal, turpentine and similar products
Wood preserving treatment
Wrecking material yard

- (3) Any manufacturing or industrial process not heretofore listed and not prohibited by law.
- (4) Accessory buildings and uses incident to the above.

(B) *Height regulations.* In the HI Heavy Industrial District no building shall exceed six stories or 75 feet unless set back from all lot lines one foot for each foot above such height limit. Where a building is located on a lot adjoining a single-family district, two-family district, or multi-family district, it shall not exceed 40 feet in height unless it is set back one foot from all required yard lines for each one foot of additional height above 40 feet. Where the lot is used for dwelling or apartment uses, the height limit shall be 2½ stories for dwellings and six stories or 75 feet for apartments.

(C) *Area regulations.* In the HI Heavy Industrial District the area regulations shall be as follows:

(1) *Front yard.* No front yard shall be required for heavy industrial uses unless the street is less than 60 feet in width, in which case the heavy industrial structure shall be placed not less than 30 feet from the center line of said street. A 25-foot minimum front yard shall be required where the lot is used for a dwelling or apartment.

(2) *Side yard.* No side yard shall be required for heavy industrial uses except as required in division (B) of this section. Where the lot is used for dwelling or apartment, there shall be a side yard on each side of the lot not less than ten feet or 10% of the average width of the lot, whichever is smaller, except that the side yard adjacent to a side street shall not be less than ten feet.

(3) *Rear yard.* No rear yard shall be required for heavy industrial use except as required in division (B) of this section, except where an HI Heavy industrial District abuts on a more restricted use district requiring a rear yard, in which case there shall be a rear yard of not less than ten feet. Where the lot is used for dwelling or apartment, there shall be a rear yard of not less than 20% of the average depth of the lot.

(4) *Area of the lot.* For uses other than for dwellings or apartments, there are no restrictions. Where the lot is used for dwelling or apartment use, the minimum lot area shall be 6,000 square feet for dwellings and 7,500 square feet for apartments. For more than four families or dwelling units the area of the apartment lot shall be increased 750 square feet per each additional family or dwelling unit, in addition to the 7,500 basic requirement.

(5) *Width of the lot.* Where the lot is used for dwellings or apartments the minimum width of the lot shall be 50 feet. For other uses, the width may be less than 50 feet.

(D) *Parking regulations.*

(1) The parking regulations for single-family, two-family, and multi-family dwellings are the same as those in the MF-1 and MF-2 Multi-Family Districts.

(2) The parking regulations for clinics, hospitals, hotels, clubs, lodges, and places of public assembly, rooming and lodging houses are the same as those in the MF-1 and MF-2 Multi-Family District.

(3) The parking regulation for retail, personal service, professional offices and restaurant uses are the same as those in the NS Neighborhood Shopping Districts.

(4) Business offices shall provide off-street parking space at a ratio of one space for each 500 square feet of floor area.

(5) Bowling alleys shall provide off-street parking space at a ratio of three spaces for each alley.

(6) Motor vehicle salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each 1,000 square feet of sales floor or lot area.

(7) Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of ten by 25 feet for each 20,000 square feet or fraction thereof of floor area or lot area used for retail, storage, or service purpose.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see § 154.999

§ 154.035 OIL INDUSTRIAL DISTRICT (O).

(A) *Use regulations.*

(1) In the O Oil Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

- Oil compounding and barrelling
- Oil pipeline and storage reservoirs
- Oil production industry
- Oil refinery
- Single family dwelling

(2) Also, the following uses east of Glade Creek and south of the Texas and Pacific Railroad tracks and East of Moody Creek: any use permitted in the LI Light industrial District.

(B) *Height regulations.* In the O Oil Industrial District, no building shall exceed six stories or 75 feet unless set back from all lot lines one foot for each foot above such height limit. Where a building is located on a lot adjoining a single-family district, it shall not exceed 40 feet in height unless it is set back one foot from all required yard lines for each one foot of additional height above 40 feet. Where the lot is used for dwelling or apartment, the height limit shall be 2½ stories for dwellings and six stories or 75 feet for apartments.

(C) *Area regulations.* In the O Oil Industrial District the area regulations shall be as follows:

(1) *Front yard.* No front yard shall be required for oil industrial uses unless the street is less than 60 feet in width, in which case the oil industrial structure shall be placed no less than 30 feet from the center line of said street. A 25-foot minimum front yard shall be required where the lot is used for a dwelling or apartment.

(2) *Side yard.* No side yard shall be required for oil industrial uses except as required in division (B) of this section. Where the lot is used for dwelling or apartment use, there shall be a side yard on each side of the lot of not less than ten feet or 10% of the average width of the lot, whichever is smaller, except that the side yard adjacent to a side street shall not be less than ten feet.

(3) *Rear yard.* No rear yard shall be required for oil industrial uses except as required in division (B) of this section, except where an O Oil Industrial District abuts on a more restricted use district requiring a rear yard, in which case there shall be a rear yard of not less than ten feet. Where the lot is used for dwelling or apartment use, there shall be a rear yard of not less than 20% of the average depth of the lot.

(4) *Area of the lot.* For uses other than dwellings or apartments, there are no restrictions. Where the lot is used for dwellings, the minimum lot area shall be 6,000 square feet; where it is used for apartments the minimum lot area shall be 7,500 square feet. If there are more than four families or dwelling units, the minimum apartment area of 7,500 square feet shall be increased 750 square feet for each additional family or dwelling unit.

(5) *Width of the lot.* Where the lot is used for dwellings or apartments, the minimum width of the lot shall be 50 feet. For other uses, the width may be less than 50 feet.

(D) *Parking regulations.*

(1) The parking regulations for single-family, two-family, and multi-family dwellings are the same as those in the MF-1 and MF-2 Multi-Family Districts.

(2) The parking regulations for retail, personal service, professional offices and restaurant uses are the same as those in the NS Neighborhood Shopping District.

(3) Business offices shall provide off-street parking space at a ratio of one space for each 500 square feet of floor area.

(4) The parking regulations for clinics, hospitals, hotels, clubs, lodges and places of public assembly, and rooming and lodging houses are the same as those in the MF-1 and MF-2 Multi-Family Districts.

(5) Bowling alleys shall provide off-street parking space at a ratio of three spaces for each alley.

(6) Motor vehicle salesrooms and used car lots shall provide off-street parking space at a ratio of one space for each 1,000 square feet of sales floor or lot area.

(7) Retail, office, and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum of ten by 25 feet for each 20,000 square feet or fraction thereof of floor or lot area used for retail, storage, or service purposes.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. 94-01, passed 2-17-94; Am. Ord. 99-02, passed - -; Am. Ord. O-12-05, passed 3-15-12) Penalty, see § 154.999

§ 154.036 RECREATIONAL VEHICLE PARK DISTRICT (RVP).

(A) *Use regulations.* In the Recreational Vehicle Park District (RVP) no land shall be used and no building shall be erected or converted to any use other than a park for recreational vehicles.

(B) *Site selection.* Site selection is to be governed by the following considerations:

(1) *Location.*

(a) The site should be bounded on at least one side by a public street or highway.

(b) The site must not be:

1. Close to swamps or other potential breeding places for insects or rodents;
2. Subject to flooding, fire, or safety hazards; and/or
3. Exposed to chronic nuisances, such as noise, smoke, fumes, or odors.

(2) *Topography.* The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance.

(3) *Availability of utilities.* The site must be readily accessible to public utilities including water, sewerage, and electricity.

(4) *Necessary land area.* The area of the recreational vehicle park must be sufficient in size to accommodate:

- (a) The number of recreational vehicle spaces desired;
- (b) Roads and parking areas for motor vehicles; and
- (c) On-site utilities where public utilities are not available.

(C) *Site improvements.* The physical improvements of the site must be arranged to provide:

(1) A convenient means of pedestrian and vehicular access to each recreational vehicle space, parking areas, and accessory buildings.

(2) An adequate supply of potable water.

(3) A safe method of sewage disposal.

(4) Electrical service for lighting and power.

(5) A diversion of surface water away from buildings, recreational vehicle spaces, and its disposal from the site.

(D) *Site planning.* A plan of the proposed recreational vehicle park must be developed for approval by the City Engineer indicating the layout of the recreational vehicle spaces, roads, walks, utilities, and necessary grading. Determination must be made in the initial planning stage on the number of recreational vehicle to be accommodated, which shall not be less than ten recreational vehicles.

(E) *Recreational vehicle space sizes.* Each recreational vehicle space shall be no less than 2,175 square feet in area and at least 72 feet in length.

(F) *Spacing of recreational vehicles.* The minimum spacing between recreational vehicles must be:

(1) Twenty feet side-to-side spacing and 15 feet end-to-end spacing.

(2) At least 25 feet from the right-of-way line of a highway, and at least ten feet from the recreational vehicle space property line.

(G) *Roads, walks, and parking areas.*

(1) *General circulation.* Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the park. All roads must be continuous.

(2) *Servicing*. Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.

(3) *Width of road area*. Main access roads, excluding parking, must be at least two lanes and 20 feet wide.

(4) *Number of parking spaces*. The same number of motor vehicle parking spaces must be provided as the number of recreational vehicle spaces. Additional parking spaces may be provided in designated areas.

(5) *Walks*. The trailer park walk system must include a walk from the entrance of each trailer to service facilities with the following minimum widths:

(a) Public walks - four feet.

(b) Entrance walks from public walk to recreational vehicle door - two feet.

(H) *Plumbing*. All plumbing installations shall conform to the requirements of the Plumbing Code (See Chapter 150).

(I) *Electrical*. All electrical installations shall conform to the requirements of the Electrical Code (See Chapter 151).

(J) *Refuse collection*. Refuse must be stored in fly-tight and rodent-proof containers. Six gallons of refuse storage capacity per day per recreational vehicle must be provided. If refuse container stations are used, a station should be located within 150 feet from every recreational vehicle space unless it is infeasible to do so; in no event shall a recreational vehicle space be more than 200 feet from a refuse container station.

(K) *Site engineering*. Grading and drainage must be performed so that water will drain away from the recreational vehicle spaces, buildings, and off the site in a manner in which will provide reasonable freedom from erosion. Walks, driveways, and retaining walls must be so constructed as not to interfere with drainage.

(L) *Drainage requirements*.

(1) Recreational vehicle spaces must be graded toward an abutting roadway to prevent surface water draining across adjacent home spaces. Grading under recreational vehicles must be provided to prevent the puddling of water.

(2) Where swales for the carriage of storm water are needed between the recreational vehicle space and the roadway, they must be of a shallow type (generally no more than eight inches deep) to permit the parking of the recreational vehicle without damage to the undercarriage.
(Ord. O-15-23, passed 11-19-15)

CONSTRUCTION REGULATIONS AND EXCEPTIONS**§ 154.045 VISION CLEARANCE.**

On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view, and when topography presents a clear view, this bank shall be removed.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.046 FRONT YARD.

Open and unenclosed terraces or porches and eave or roof extensions may extend not to exceed four feet into the front yard. An unenclosed canopy for gasoline filling station or similar business may extend beyond the building line but shall never be closer to the property line than 12 feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy or the columns supporting the same.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.047 SIDE AND REAR YARDS.

The space in side or rear yards shall be open and unobstructed except for a porte-cochere and the ordinary projections of window sills, belt courses, eaves and other ornamental features projecting not to exceed 12 inches. Eaves and awnings on main residential structures may not be erected closer than three feet to a side lot line. (Accessory buildings may be built in the rear yard except that when such accessory building is located closer than 15 feet to the main building, it shall observe the same side yard as required for the main building. Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues into rear yards may be permitted by the Building Inspector into the required rear yard for a distance not to exceed 3½ feet. (Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.048 LOT DESIGNATIONS.

On a lot or on unplatted property, only one structure and accessory building for a single-family or two-family use shall be permitted. However, permits for private housing projects may be issued in unplatted areas if recommended by the City Planning and Zoning Commission and approved by the City Council.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.049 AREAS NOT TO BE DIMINISHED.

The lot, open space, or yard area required by this chapter for a particular building shall not be diminished and shall not be included as a part of the required lot, open space, or yard required by this chapter for any other building. If the lot, open space, or yard area of a particular building is diminished to less than that required by this chapter, the continued existence of such building shall be deemed a violation of this chapter.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.050 EXCEPTIONS TO PARKING REGULATIONS.

Requirements for parking space for places of public assembly in all districts, for commercial buildings in LC and HC Districts, and industrial buildings in LI and HI and O Districts, shall not apply to any unimproved lots or tracts of land remaining in a block in any such districts that are partly developed and improved with buildings designed for public assembly, commercial or industrial use on the effective date of this chapter.

(Ord. 1104, passed 10-13-77)

§ 154.051 LOCATION OF DWELLINGS AND BUILDINGS ON LOT.

Only one main building for one-family, two-family, or multi-family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which means of access shall have a minimum width of 30 feet. Where a lot is used for retail, commercial, industrial purposes, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot, but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts and when all such main buildings face upon a public street other than alley. Whenever two or more main buildings, or portions thereof, are desired to be placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the Commission so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use. (Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.052 TEMPORARY CONSTRUCTION BUILDINGS.

Temporary buildings and temporary building storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the Building Inspector and subject to periodic renewal by the Inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Building Inspector.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.053 STREETS AND RIGHT-OF-WAYS; BOUNDARIES OF DISTRICTS.

All streets, alleys, and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad right-of-ways. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property.

(Ord. 1104, passed 10-13-77)

§ 154.054 BUILDINGS TO BE ERECTED ABUTTING STREETS OR EASEMENTS.

No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street, which easement shall have a minimum width of 25 feet unless an easement of lesser width has been approved prior to the adoption of this chapter. A dwelling shall not be erected in the LI and HI Industrial Districts other than necessary for sleeping quarters for employees, except upon approval of the Commission and the Council. (Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.055 HEIGHT RESTRICTIONS.

(A) Public or semi-private buildings, churches, or hospitals may be erected to a height not exceeding 75 feet, provided that the side yards are increased an additional one foot for each four feet that such buildings exceed the standard height regulations for the particular use district in which such buildings are located.

(B) One-family dwellings in the 35-foot height districts may be increased in height by not more than ten feet when the two side yards of not less than 20 feet each are provided. Such dwellings, however, shall not exceed three stories in height.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.056 SPECIAL STRUCTURES; TOWERS, MONUMENTS, AND THE LIKE.

Parapet walls, chimneys, water towers, penthouses, scenery lofts, monuments, cupolas, domes, spires, standpipes, false mansards, similar structures and the necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted city ordinances.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.057 STRUCTURES IN DISTRICTS OTHER THAN DESIGNATED DISTRICT.

(A) Any single family construction in a district zone other than a Single-Family District shall comply with the SF-1 District regulations.

(B) Any two-family construction in a district zone other than a Two-Family District shall comply with the TF-1 District regulations.

(C) Any multiple-family construction in a district zone other than a Multiple-Family District shall comply with the MF-1 District regulations.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.058 CONSTRUCTION BEGUN PRIOR TO ADOPTION.

Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which the actual construction was lawfully begun prior to the adoption of this chapter, and upon which building actual construction has been diligently carried on and provided further that such building shall be completed within one year.

(Ord. 1104, passed 10-13-77)

MOBILE HOMES**§ 154.065 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MODULAR HOME is defined as any residential unit, portions of which have been pre-constructed or assembled off-site and delivered to the site to be assembled into a package which upon completion resembles conventional construction.

(Ord. 1104, passed 10-13-77; Am. Ord. 86-11, passed 11-13-86) Penalty, see § 154.999

§ 154.066 USE, HEIGHT, AND AREA REGULATIONS FOR MOBILE HOMES.***(A) Area regulations.***

(1) *Front yard.* There shall be a front yard along each street line of the lot, and the minimum depth of a front yard shall be 25 feet. If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of a street, this line shall establish the minimum depth of the front yard.

(2) *Side yards.* There shall be a side yard on each side of the lot having a width of not less than 12 feet or 10% of the average width of the lot, whichever is smaller except that the side yard shall not be less than ten feet.

(3) *Rear yard.* There shall be a rear yard having a depth of a minimum of 15 feet.

(4) *Area of the lot.* The minimum area of the lot shall be 5,000 feet.

(5) *Width of the lot.* The minimum width of the lot shall be 50 feet.

(6) *Area of dwellings.* The minimum first floor area of a dwelling shall be 720 square feet.

(7) *Exemptions.* The regulations of this division apply to single lots for mobile homes and do not apply to lots which may be the same or larger in other districts.

(B) Parking regulations. Parking space shall be provided on the lot to accommodate one motor car. Such space shall not be located on any part of the required front yard.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see § 154.999

§ 154.067 REQUIRED MOBILE HOME STANDARDS.**(A) *Minimum foundation.***

(1) Concrete blocks or pads of at least 16 inches by 16 inches by four inches, to be buried a minimum of 12 inches in the ground.

(2) The pads must be a maximum distance of five feet apart down each side of the mobile home.

(3) All blocks under the mobile home must be of concrete no smaller than eight inches.

(B) *Anchoring requirements.*

(1) All mobile homes must be anchored to the ground with approved anchors and installed by acceptable and recommended methods as approved by the Building Inspector.

(2) All mobile homes must be underpinned with acceptable skirting material as approved by the Building Inspector.

(3) Any wood framing for the underpinning or skirts must be at least 12 inches from the ground.

(C) *Air conditioning.* Air conditioning must be installed by a bonded air conditioning or appliance dealer, and an air conditioning permit be obtained before any work has begun. The air conditioning installer shall install low voltage wires only. All necessary house current and wiring is to be installed by a licensed electrician according to the National Electric Code.

(D) *Drainage.* Condensate drain shall be trapped and tied to house sewer lines unless the Building Inspector is convinced that water will not cause a nuisance.

(E) *Plumbing and gas.*

(1) Plumbing and gas is to be installed by a licensed plumber or home owner according to city and Southern Standard Plumbing Codes.

(2) All gas piping in the mobile home must be pressure tested and inspected by the City Inspector.

(3) All gas fired appliance vents must be exposed for visual inspection by the City Inspector.

(F) *Utilities.*

(1) All mobile homes must be tied on to their own water and sewer taps, and gas and electric meters.

(2) No utilities are to be turned on, nor is the mobile home to be lived in until all these regulations are fully complied with.

(G) *Compliance with single-family dwelling.* Each mobile home shall comply with the zoning requirements as to minimum lot area for a single-family dwelling except those placed in a mobile home park.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-14, passed 11-13-80) Penalty, see § 154.999

NONCONFORMING USES

§ 154.075 DEFINITION.

(A) Any use of property at the date of adoption of this Zoning Code that does not conform to the regulations prescribed in this chapter shall be a nonconforming use.

(B) Any legal duplex or apartment building existing at the date of adoption of this Zoning Code shall thereafter be deemed a conforming use.

(Ord. 1104, passed 10-13-77)

§ 154.076 NONCONFORMING USES TO BE AVOIDED.

The general public, the Commission and the Council are directed to take note that non-conformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible except when necessary to preserve property rights established prior to the date these regulations become effective as to the property in question, and when necessary to promote the general welfare and to protect the character of surrounding property. It shall be the responsibility of the Commission and the Board to assist the Council in achieving this goal by advising the Council of their recommendations thereon.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.077 EXISTING NONCONFORMING USES.

(A) The lawful use of a building existing at the time of the passage of this chapter may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If such nonconforming building is removed, every future use of this premises shall be in conformity with the provisions of this chapter.

(B) The lawful use of land existing at the time of the passage of this chapter, although such use does not conform to the provisions hereof, may be continuing, but if such nonconforming use is discontinued, any future use of such premises shall be in conformity with the provisions of this chapter.
(Ord. 1104, passed 10-13-77)

§ 154.078 EXTENSION OF NONCONFORMING USE PROHIBITED.

Subject to all limitations herein set forth, any nonconforming structure may be occupied and operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions herein established for structures in the district in which the nonconforming structure is located.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.079 RECONSTRUCTION OF NONCONFORMING USE PROHIBITED.

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In case of partial destruction by fire or other causes, not exceeding 50% of its value, the Building Inspector shall issue a permit for reconstruction. If greater than 50% and less than total, the Board of Adjustment may grant permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.080 PENDING LEGAL PROCEEDINGS.

A violation of this chapter and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit which may be filed in any court.
(Ord. 1104, passed 10-13-77)

§ 154.081 ABANDONED NONCONFORMING USES.

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease, and the use of the premise shall henceforth be in conformance to this chapter. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for a period of six months shall be considered to have been abandoned.

(Ord. 1104, passed 10-13-77)

§ 154.082 SPECIFIC USE PERMITS.

(A) *Authorization of permits.* The City Council, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission, may authorize the issuance of specific use permit.

(B) *Application for permits; requirements.* The Planning and Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance with this chapter, establish conditions of operation, location, arrangement, and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions.

(C) *Validity of permit.* The specific use permit shall be valid as long as the purpose or the circumstances under which it was issued has not varied or changed. If said purpose or circumstances varies or changes, then that specific use permit shall become invalid, at which time the property can only be used as prescribed by its zoning district regulations.

(D) *Revocation of permit.* The City Council after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission may revoke specific use permits previously issued for noncompliance with the regulations under which the permits were issued.

(E) *Conditions of specific use permits.* The City Council upon approval of said request shall issue a specific use permit which shall outline the conditions of operation, location, arrangement and construction, with said document being signed by the city and the applicant agreeing to such regulations. ('60 Code, Art. 4, Ch. 4) (Ord. 1104, passed 10-13-77; Am. Ord. 1114, passed 12-14-78)

Editor's Note:

The Schedule of Special Uses, which was omitted from the 1960 Code and subsequently amended by Ordinance 92-05, is on file in the office of the City Clerk and available for public inspection.

ACCESSORY USES AND STRUCTURES**§ 154.090 TEMPORARY AND ACCESSORY USES AND BUILDINGS.**

The regulations and development controls of the various districts shall be modified by and be subject to the provisions and limitations of this subchapter.

(A) *Construction buildings and security fences.* Nothing herein shall prohibit the placement of temporary portable buildings providing office space, sanitary facilities or storage of supplies or materials, or the erection of security fences on the site and during the period of any construction project. However, no manufacturing operation shall be conducted within a temporary or portable building when the product of such operation is to be transported off the site for use in construction at another location.

(B) *Mechanical equipment.* Air conditioning and similar mechanical equipment shall not be mounted in minimum yard spaces. Equipment shall be so placed as to direct motor and fan noise away from the nearest property line.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.091 SWIMMING POOLS.

It is the purpose of these provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the public safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

(A) *Permits and approvals.* No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State Health Department regulations.

(B) *Requirements.* A swimming pool may be constructed and operated when:

(1) The pool is not located in any minimum yard space.

(2) A wall or fence, not less than four feet in height, with self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area.

(3) All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from the adjacent properties.

(4) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of the swimmers.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.092 SIGN REGULATIONS.

Signs shall be permitted by right in each district in conjunction with any permitted principal use or authorized special exception according to the standards set forth in the following section:

(A) Sign placement and measurement.

(1) *Location.* All signs shall be placed within the buildable area of a lot except that directional signs, facility identification signs, and subdivision identification signs may be placed in any yard, but not closer than ten feet to any street line.

(2) *Height.* The height of signs located in required yards shall not exceed the height limits for walls or fences in these same yards. Signs located in the buildable area of a lot shall not exceed 40 feet in height above grade level measured at the nearest point on the nearest property line; provided that any sign on top of a building may have a height of ten feet above the top of such a building.

(3) *Sign area measurement.* The allowable sign area shall be the combined area of exposure of all sign message faces.

(4) *Real estate sales sign.* Temporary signs announcing the sale or rental of the real estate on which placed shall be permitted in any district may be placed in any yard. The sign shall not exceed four square feet in area and shall be removed within one week following the close of the sale or lease.

(B) Sign lighting and symbols.

(1) *Symbols.* Symbols are designed as an integral part of the building structure, and symbols and signs which are not visible or readable from the public street shall not be limited by the sign regulations of the zoning district.

(2) *Traffic control conflicts.* No sign or lighting permitted under these regulations shall be erected, placed, or allowed to remain whereby such sign creates confusion, impairs hearing or vision, or otherwise distracts the automotive driver using any public street. Specifically prohibited are:

(a) High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable at the normal viewing range by a driver on a public street.

(b) Signs duplicating colors of traffic signs or signals which distract or cause confusion in reading such traffic signs or signals at the normal viewing range.

(c) Signs or equipment which produce noises simulating sirens, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling the public streets.

(C) *Residential area nuisance.* No sign or lighting permitted under these regulations shall be authorized whereby such sign or lighting by reason of placement, lack of shielding, noise generation or character of operation would be adverse to the normal sensibilities of a person residing on adjacent property or would interfere with the reasonable use, enjoyment, or right of privacy on his property, specifically:

(1) The source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure.

(2) The noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including air conditioning and kitchen refrigerators.

(3) Flashing signs and intermittent lighting of signs or area shall not be permitted where they are located within 200 feet of or are directly visible from residential property.

(D) *Uniform sign regulations for types of signs by principal use of the property in the district.*

(1) *Residential uses.* When the principal use of the property in the district is for residential uses, the following types of signs are permitted:

(a) Business identification signs are not permitted.

(b) Directional signs are limited to four square feet per sign.

(c) Facility identification signs have a minimum sign area of 12 square feet, and a combined allowable sign area of one square foot for every ten lineal feet of street frontage.

(d) Subdivision identification signs have a combined allowable sign area of one square foot for every ten square feet of lineal street frontage.

(2) *Nonresidential uses.* When the principal use of the property in the district is for nonresidential uses, the following types of signs are permitted:

(a) Business identification signs are permitted within the buildable area or mounted upon the building, whether flat or 24 inches from the face of the building.

(b) Directional signs are limited to four square feet per sign.

(c) Facility identification sign have a minimum sign area of 12 square feet, and a combined allowable sign area of one square foot for every three lineal feet of street frontage.

(d) Subdivision identification sign have a combined allowable sign area of one square foot for every three lineal feet of street frontage.

(Ord. 1104, passed 10-13-77) Penalty, see § 154.999

§ 154.093 CENTRAL BUSINESS DISTRICT SIGN REGULATIONS.

(A) *Purpose.* It is declared that the regulation of signs within the Central Business District of the city is necessary and in the public interest; (a) to protect the property values within the Central Business District; (b) to preserve the beauty and unique character of the Central Business District; (c) to promote and aid in the tourist industry which is declared to be of importance to the economy of the city; (d) to protect pedestrians, motorists and the general public from damage and injury which may be caused by the faulty and uncontrolled construction, design or placement of signs within the Central Business District; and (e) to promote a positive image of the Central Business District thereby strengthening the economic stability and historical value of the city's Central Business District.

(B) *Definitions.* The following words, phrases, and terms when used in this section have the meanings ascribed to them in this section except when the context clearly indicates a different meaning:

A-FRAME SIGN. A sign which is made from two pieces of material which are attached at the top and spread apart at the bottom to create a base on which it stands.

ABANDONED SIGN. A sign:

- (1) Which, for at least 90 consecutive days, has not identified or advertised a bona fide business, lessor, service, owner, product, or activity or advertised a time which has passed or an event which has occurred; or
- (2) Which has been dilapidated for 90 days or more; or
- (3) For which the city can not determine the identity of a legal owner.

ADVERTISING SIGN. A sign which constitutes a primary use of land (not an accessory use) and which directs attention to a business, product, activity, or service which is not conducted, sold, offered, or located on the premises on which the sign is located. The phrase includes billboards and those signs whose message spaces are available for lease, rent, or hire separate and apart from any business, product, activity, or service which is located on the premises where the signs are located.

ADVERTISING VEHICLE. Any vehicle on which has been placed, painted, or attached symbols or verbiage:

- (1) Advertising a product, service, or business and
- (2) Which may be either operable or inoperable, or
- (3) Which may or may not have a valid Texas motor vehicle inspection sticker, or
- (4) Which may or may not have a valid Texas vehicle registration tag.

AWNING. A shelter supported entirely from the exterior wall of a building.

AWNING SIGN. A sign whose message is directly applied to an awning of a building.

BANNER SIGN. A sign designed to be hung with or without a frame, and which has characters, letters, illustrations, or ornamentation applied to cloth or flexible material of any kind.

BILLBOARD. An advertising sign.

CAN. The cabinet or frame which holds the face or faces of a sign.

CANOPY. A roof-like structure designed to provide protection for objects, pedestrians and vehicles.

CANOPY SIGN. A sign mounted on or attached to a canopy.

CENTRAL BUSINESS DISTRICT. The area within the boundaries as follows: Main Street from the intersection of Sabine Street to the intersection of Upshur Street (two blocks). Sabine Street from the intersection of Dean Street to Center Street (two blocks). Glade Street from the intersection of Dean Street to Center Street (two blocks). Commerce Street from the intersection of Ferry Street to Stuart Street (two blocks). Pacific Street from the intersection of Dean Street to Center Street (two blocks). Quitman Street from the intersection of Dean Street to Center Street (two blocks).

CITY. The City of Gladewater, Texas

CITY INSPECTOR. The City Inspector of the city and his or her designee.

COMMUNITY SERVICE SIGN. Sign which is placed over a road or street identifying a special event.

DESTROYED. With regard to a sign, that the sign is damaged or deteriorated to the extent that the cost of repairing the sign is more than 51% of the cost of erecting a new sign of the same type at the same location.

DETERIORATED SIGN. A dilapidated sign.

DILAPIDATED BUILDING. A building, which is decayed, deteriorated, or fallen into partial ruin.

DILAPIDATED SIGN. A sign which is decayed, deteriorated, or which has fallen into partial ruin that:

(1) Has any portion of the finished material or surface of the message portion of the sign that is visibly faded, flaked, broken off, missing, cracked, splintered, or defective or that is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or

(2) Has elements or structural support or frame members that are visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected.

FLAG. Any cloth or flexible fabric with or without displaying an emblem, symbol, design, or insignia.

FLASHING SIGN. A sign which is intermittently illuminated.

FRONT SIDE. With respect to a building canopy means any side parallel to or more nearly parallel to than perpendicular to the building wall to which the canopy is attached.

GOVERNMENTAL SIGN. A sign required, authorized, or installed by a governmental entity.

GROUND SIGN. A sign resting on the ground immediately below it or with the bottom of the sign within eighteen inches of the ground immediately below it.

LATERAL SIDE. With respect to a building canopy means any side perpendicular to or more perpendicular to than parallel to the building wall to which the canopy is attached.

LIGHTING. The illumination of a sign face by a hidden source of light interior to the sign or by a source of light exterior to and not a part of the sign.

MARQUEE. A permanent roofed structure attached to and supported by the building and projecting over an entrance to a building

MENU BOARD SIGN. A sign utilized by the public patronizing a business as to a bill of fare or other products or services

MESSAGE CENTER. A sign, which provides information through electronically controlled intermittent light impulses.

MOTION. The moving or rotating of a sign or portion of one, or the giving of the perception of motion through lighting changes, other than on a message center.

PENNANT. A cloth or other flexible fabric attached to a line or lines and which has on it no wording, emblems or insignias.

PERSON. Any individual, corporation, partnership, joint venture, association, group of individuals, or other legal entity.

POLE OR STANDARD MOUNTED BANNER SIGN. A sign designed to be hung in a frame from a light standard or pole and used for the promotion of a special event or season promoting the city or the Central Business District but not for private advertising.

POLE SIGN. A sign which is supported by one or more columns, poles, uprights, or braces in or upon the ground and which is not part of a building. The phrase includes billboards and pole signs supported by and placed on a single pole or standard.

PORTABLE SIGN. A sign which can be easily moved from place to place.

PRE-EXISTING NONCONFORMING SIGN. Any sign erected or under construction before the effective date of this section which does not meet all the requirements of this section.

PROJECTING SIGN. A sign which is attached or affixed perpendicularly, or more perpendicularly than parallel to a building wall or structure other than a pole and extends or projects from it more than 12 inches.

REAL ESTATE SIGN. A sign which advertises a parcel of land or a structure for rent, lease, or sale. The phrase includes subdivision signs and model home signs.

ROOF SIGN. A sign which is erected, constructed, or maintained on or over the roof of a building.

SETBACK. The distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located to the part of the sign closest to the property line or right of way line.

SHINGLE SIGN. A small, free swinging sign suspended from a building or canopy.

SIGN. A lettered surface or other physical display used to identify, advertise, warn, direct, inform, or propound.

SIGN CONTRACTING. Engaging in the business of erecting, maintaining, constructing, or reconstructing signs.

SIGN CONTRACTOR. A person who, for remuneration, erects, maintains, constructs, or reconstructs a sign on the premises of another. It does not mean the owner or an employee of the owner who owns or leases the premises on which the sign is located when the sign advertises the business on whose property the sign is located.

SIGN ENVELOPE. The area of the sign on which any message, graphic, illustration, etc. extends. The total overall height times the total overall width equals the total square footage of the sign envelope.

SIGN STRUCTURE. Any part of a sign including the base, supporting columns or braces, display surface, or any other of its appendages.

STREAMER. A narrow free-floating strip of cloth, paper, plastic, or similar material.

WALL SIGN. A sign which is painted, attached, or affixed to the wall, canopy, or face of a parapet, mansard, or marquee of a building, or is an integral part of the wall of a building, with the exposed face of the sign in a plane parallel to the wall, canopy, mansard, or marquee and which does not project more than 12 inches from the wall.

WINDOW SIGN. A sign, which is applied on or over a window or is designed primarily to be visible through a window from the exterior of a building.

(C) *General requirements.* It is unlawful for any person to own, operate, use, erect, benefit from, permit, or maintain any sign that is not in compliance with each of the following general provisions:

(1) Each sign shall pertain to the identification of the primary uses and/or primary services provided or primary products sold on the premises on which the sign is located.

(2) Each sign shall be erected and maintained in compliance with the building and electrical code and all other applicable laws in effect when the sign was installed.

(3) No sign's copy, face, lettering, or location shall be altered by changing the message or by renovating an existing message until a sign permit for the work has been issued by the City Inspector. It is an affirmative defense to this section that the sign is altered only by changing a temporary message made from interchangeable characters attached to tracts or grooves on the signboard or by changing the message on a message center. It is an affirmative defense to this section that the sign does not require a permit.

(4) No person shall erect a sign until a sign permit for the work has been issued by the City Inspector if a permit is required by this section.

(5) No sign, sign structure, or sign support shall project over any public right of way except as follows:

(a) The sign is placed on a wall of a building, which is on a property line adjacent to the public right of way;

(b) The sign projects no more than 60 inches over the right-of-way or closer than one foot from the curb;

(c) The right of way contains a sidewalk of at least 60 inches in width;

(d) The right of way is not a roadway or lane for traffic; and

(e) The sign is not less than 8½ feet above the pavement or ground, immediately below the sign.

(6) No sign shall be in the direct line of vision of any driver or pedestrian looking at any signal light or traffic control sign or other such device.

(7) No sign display or device used to attract attention shall include a revolving beam or beacon of light resembling an emergency vehicle light including lights visible to traffic which are mounted inside or outside a building. It is an affirmative defense to this section that the display or device is required or permitted by law to include a beam or beacon of light.

(8) No light illuminating a sign shall shine directly on a public right of way or on property adjacent to the property on which the sign is located. It is an affirmative defense to this subsection that the light backlights a sign by passing all the light through a translucent material and is not bright enough to interfere with the vision of a driver on any adjacent roadway.

(9) No sign shall be erected in a sight easement.

(10) No portion of any sign shall be nearer than ten feet from any above ground telephone cable, power line, or street light.

(11) No sign shall be nearer than six feet from any part of a fire escape, required fire exit, or from any supporting member of a fire escape. No sign shall be guyed to or supported by any part of a fire escape.

(12) No sign shall interfere with traffic visibility. The Chief of Police of the city has the final authority to determine whether or not a sign interferes with traffic visibility.

(13) It is unlawful for any person to own, operate, use, maintain, display, erect, locate, relocate, or keep any dilapidated or deteriorated sign. It is an affirmative defense that:

(a) The sign is used only for historical display purposes; and

(b) The sign does not advertise the business or goods for sale or service on or off the property on which it is located; and

(c) The sign does not create a hazard.

(14) It is unlawful for any person to own, operate, use, maintain, display, erect, locate, relocate, or keep any sign whose sign envelope exceeds the allowable area set forth in this section. It is an affirmative defense to this subsection that the sign was legally constructed prior to the effective date of this section.

(15) Not more than three signs are allowed for each property or business with street frontage. A building with multiple street frontages may have three signs per street frontage but not more than three signs on any given frontage. It is an affirmative defense that the sign is a single A-frame sign and/or a single shingle sign.

(16) Sign envelope size measurements are as follows:

- (a) Height equals the maximum height of the sign envelope in feet.
- (b) Width equals the maximum width of the sign envelope in feet.
- (c) Area in square feet equals height times width.

(17) It is unlawful for any person to fail to maintain a sign in sound structural condition.

(D) *Specific requirements.* It is unlawful for any person to own, operate, use, erect, benefit from, permit or maintain any sign that is not in compliance with each of the following special provisions:

(1) A-Frame signs:

- (a) Shall not exceed eight square feet in size; and
- (b) Shall not exceed four feet in height nor more than two feet in width; and
- (c) Shall at all times leave four feet of sidewalk clear; and
- (d) Shall not exceed more than one per business or storefront.

(2) Awning signs:

- (a) Shall be constructed of material as required by the building code;
- (b) Shall not exceed 70% of the length of the awning to which it is attached;
- (c) Shall not extend above the roofline;
- (d) An awning sign shall not exceed 30 inches in height when placed on a one-story building; and

(e) An awning sign shall be limited to single story buildings or to the first level only of multi-story buildings.

(3) A canopy sign attached to a canopy, which is attached to a building:

(a) Envelope shall not exceed in length 70% of the length of the wall to which the face of the canopy is parallel;

(b) Shall not project beyond the width of the canopy, nor more than three feet above the top of the canopy;

(c) On the roof of a building canopy, a sign shall comply with the requirements of a roof sign in addition to other requirements as specified herein;

(d) On the roof of a building canopy and which is parallel to or more nearly parallel than perpendicular to the front side of the canopy shall not project beyond the width of the canopy, nor more than three feet above the top of the canopy;

(e) On the roof of a building canopy which is parallel to or more nearly parallel to than perpendicular to a lateral side of the canopy shall not project beyond the width of the canopy and shall not be more than three feet high;

(f) Attached to and suspended from the underside of a building canopy shall comply with the following restrictions:

1. No more than one per business;
2. Shall not be used for off premises advertising;
3. Has an envelope area not exceeding six square feet;
4. Has a bottom edge not more than one foot below the bottom edge of the canopy and not less than 8½ feet above the ground or pavement below;
5. Shall be perpendicular to the front wall of the building; and
6. Shall not extend below the bottom edge of a service station canopy.

(4) Canopy signs on freestanding canopies or detached accessory island canopies:

(a) Shall not project beyond the width or length of the canopy or more than two feet above the canopy; and

(b) Shall not be less than 8½ feet from the ground or pavement below.

(5) A ground sign:

- (a) Shall have a minimum setback from the property line of 15 feet;
- (b) Shall not be more than seven feet in height nor more than 7 feet in length;
- (c) Shall not exceed one per property.

(6) A community service sign:

- (a) Shall not be displayed prior to three weeks or after five days of an event;
- (b) Shall be securely attached;
- (c) Shall not create a hazard to traffic;

(7) A pole or standard vertically mounted-banner sign:

- (a) Envelope shall not exceed 8 feet vertically by 35 inches horizontally with a 4½ inch sleeve at the top and bottom;
- (b) Shall have the bottom edge of the banner no closer than 8½ feet from the surface below it;
- (c) Shall be maintained in good condition;
- (d) Shall not be sagging, tattered, torn dirty or faded;

(8) Projecting signs.

- (a) The outer edge shall not extend more than 9½ feet from the building face nor closer than one foot from the back of the curb;
- (b) The inner edge shall not extend more than 24 inches from the face of the building;
- (c) If the sign is nearer than 12 inches to the face of the building, the space between the building and the sign shall be completely enclosed;
- (d) The maximum height of the sign shall not exceed 12 feet from the bottom of the sign to the top of the sign and in no case shall extend more than 3 feet above the roof line; and
- (e) The bottom edge of the sign shall be no less than 8½ feet above the ground or pavement below.

(9) A shingle sign shall

height (a) Have an envelope that does not exceed 4 feet in length nor more than 16 inches in

(b) Have a minimum clearance of 7½ feet to the sidewalk below it.

(10) Wall signs:

(a) Shall be constructed entirely of non-combustible material;

(b) Shall not have the exposed face more than 12 inches from the wall, canopy, mansard, marquee, or wall of the building. It is an affirmative defense to this section that the wall sign is an electric wall sign which projects not more than 18 inches from the wall;

(c) Shall not extend above or beyond the parallel face of the wall to which the sign is attached;

(d) Shall be attached or installed in the upper one-third of the building face;

(e) On the front of a building or lease space shall not exceed 70% of the length of the front of the building nor more than 30 inches in height.

(f) On the side or rear of a building shall not exceed 25% of the width of the wall on which it is installed and shall not exceed 30 inches in height

(g) Shall have a clear distance of at least 8½ feet from the bottom edge of the sign to the ground or pavement below the sign, if the sign is over a walking or parking surface. It is an affirmative defense to this section that the sign is painted on the wall; and

(h) Shall have any lighting exterior to the sign at a clear distance of at least 10 feet from the bottom of the light structure to the pavement or ground below it.

(11) A window sign envelope shall not extend to more than 30% of the area of the window in which, on which, or through which the sign is intended to be viewed.

(E) *Permit required.*

(1) It is unlawful for any person to erect or repair an outdoor sign without having first obtained a permit for it from the City Inspector and paying the applicable permit fee. It is an affirmative defense that the repair is routine maintenance.

(2) It is unlawful for any person to suffer, allow, permit, maintain or use any sign erected without a permit required by this section on any premises owned, controlled, or used by that person.

(3) Any person erecting, repairing, maintaining, suffering, permitting, allowing, or using a sign for which this section requires a permit, for which a permit has not been obtained, shall pay an investigation fee whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this section. The payment of an investigation fee does not exempt any person from compliance with all provisions of this section nor from any penalty prescribed by law.

(4) To obtain a permit, the applicant shall first file an application for one in writing on a form furnished by the City Inspector. Every such application shall:

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

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

(c) If it is for a marquee, mansard, roof or projecting sign, be accompanied by plans, diagrams, specifications and computations sealed by a State of Texas licensed engineer or architect and other data and information as may be required by the City Inspector;

(d) Include the approximate date the sign will be erected and a drawing showing its prospective location.

(e) Every sign permit issued by the City Inspector expires if the sign authorized by the permit is not completed within 180 days from the date of issuance. Before work can be recommenced, a permittee shall first obtain a new permit to do so, and pay a fee for it equal to one half the amount required for a new permit for the work, provided no changes have been made or will be made in the original plans and specifications; and provided further that the suspension or abandonment has not exceeded one year.

(f) Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The director may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

(g) The City Inspector may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied, or when the permittee is in violation of any ordinance or regulation.

(F) *Signs not requiring a permit.* Although the signs must meet the requirements of this section, the following signs do not require a permit:

- (1) Shingle signs;
- (2) Window signs;
- (3) A-Frame signs; and
- (4) Community service signs.

(G) *Prohibited signs.* Any sign not specifically authorized in this section is prohibited. It is unlawful for any person to own, operate, use, erect, benefit from, maintain, or permit any of the following signs on any public or private premises:

(1) Any sign placed in the median of any street, road or highway. It is an affirmative defense to this section that the sign is required or erected by a governmental authority.

(2) Any sign placed on the right-of way of a public road that is not maintained by the city. It is an affirmative defense to this section that the placement is authorized by state law.

(3) Any sign placed on the right-of-way of a road or highway maintained by the city and that is not in the state highway system. It is an affirmative defense to this section that the placement was authorized by state law. It is an affirmative defense to this section that the sign is over a sidewalk or right-of-way where the building sits on the front property line and the sign extends no closer than one foot from the face of the curb and meets all other requirements of this section. It is an affirmative defense to this section that the sign is on a commercial vehicle or commercial trailer lawfully operated or parked. This defense does not legitimate the use of advertising vehicles and trailers prohibited or regulated by this section or other law.

(4) Any sign or structure with flashing, blinking, or revolving beam, beacon, or traveling lights, regardless of wattage. It is an affirmative defense to this section that the sign is specifically authorized elsewhere in this section.

(5) Balloons or other gas or air filled objects with an envelope greater than 24 inches in any dimension.

(6) Any sign which, by reason of its size, location, motion, content, coloring, or manner of illumination may, in the opinion of the Chief of Police of the city, be a distraction to traffic or confused with or construed as an official traffic control device, or the light of an emergency or road equipment vehicle, or which hides from view any traffic or street sign, signal, or device.

(7) Portable or wheeled signs, sidewalk or curb signs, including those resting on legs, axles, or other structures except for A-frame signs as provided by this section. It is an affirmative defense to this section that the sign is any sign required, authorized, or erected by a municipal, state, or federal government; public utility; or public transportation authority. It is an affirmative defense that the sign is an A-Frame as allowed in this section.

(8) Any sign which emits sound, odor, or visible matter, which may, in the opinion of the City Inspector, be a distraction to persons within the public right-of-way.

(9) Any sign on a trash container or dumpster. It is an affirmative defense to this section that the sign contains only the company name and related information of the company servicing the dumpster or trash container.

(10) Any poster, sign, banner, or flag placed on public utility poles or supports.

(11) Any rotating sign.

(12) Any sign which is or becomes deteriorated, dilapidated or in danger of falling or otherwise unsafe.

(13) Any sign which does not comply with any applicable provision of a building code, electrical code or other applicable code or ordinance of the city.

(14) Pennants.

(15) Billboards.

(16) Streamers.

(17) Any window sign with an envelope exceeding 30% of the exterior window through which the signs are intended to be viewed in commercial establishments.

(18) Projected signs (cyberlights).

(19) Roof signs.

(20) Signs on utility boxes.

(21) Any sign draped over a vehicle.

(22) Banners signs.

(23) Message centers.

(24) Pole Signs.

(25) Free standing menu boards.

(H) *Pre-existing non conforming signs.*

(1) It is unlawful for any person to own, operate, maintain, suffer, permit, or use any pre-existing, nonconforming sign on any premises. It is an affirmative defense to this section that the pre-existing, nonconforming sign was not in violation of any applicable city ordinance at the time of its erection and is not dilapidated.

(2) It is unlawful for any person to maintain, suffer, permit, use, allow, erect, re-erect, or repair any pre-existing, nonconforming sign that has blown down; been destroyed or been dismantled. It is an affirmative defense to this subsection that in the opinion of the City Inspector the repairs would substantially improve the appearance of the sign. It is an affirmative defense to this subsection that only a face or faces of the sign have been blown down or otherwise been destroyed or dismantled.

(3) It is unlawful for any person to repair, renovate, or alter a pre-existing, nonconforming sign without a permit.

(4) The City Inspector may issue a permit to alter a preexisting, nonconforming sign if the proposed alteration would not cause the sign to exceed the applicable area, height, setback or illumination regulations of this section and other applicable laws in effect at the time the permit is sought.

(I) *Abandoned signs and supporting structures.*

(1) The owner of any premise on which there is displayed or maintained an abandoned sign or abandoned supporting structure shall comply with the following requirements:

(a) Any sign that is abandoned on or before the effective date of this section shall be removed by the owner within 90 days after the effective date of this section.

(b) For any sign that is abandoned after the effective date of this section, the owner shall remove the sign within 90 days of the date it becomes abandoned.

(c) If a supporting structure used or designed to be used with a sign is abandoned on or before the effective date of this section, the owner of the premises shall remove the supporting structure within 90 days after the effective date of this section. If a supporting structure is abandoned after the effective date of this section, the owner shall remove the supporting structure within 90 days of the date the supporting structure becomes abandoned.

(d) If an abandoned supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, and such a part or face or sign is placed on the supporting structure, the effective area of the sign or blank face placed on the supporting structure shall not exceed the requirements of this section.

(e) No abandoned sign or supporting structure which is altered under the provisions of this section shall be made more nonconforming.

(f) No person shall alter, put a blank face, or put a sign on a supporting structure which is abandoned after the effective date of this section the cost of which exceeds 51% of the cost of reproducing the existing abandoned sign or supporting structure except in a way that makes the sign and structure comply with this section.

(g) Any abandoned sign or abandoned supporting structure displayed or maintained, or not removed, modified, or relocated in compliance with this section by the owner is a violation of this section, is an unlawful sign and may be removed by the city in compliance with section removal of signs in violation and the owner may be prosecuted or be enjoined from continuing such violation.

(h) If an attached sign that conforms to the regulations of this section is abandoned, the owner, user, and persons who benefit from the sign and the owner, operator, and tenants of the property on which the sign is located shall remove it, paint out or cover the message portion of the sign, put a blank face on the sign, or otherwise bring it into compliance with this section so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within 90 days of the date it becomes abandoned.

(2) The following are required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned.

(a) Like material. Only the same, like, or better quality material as that being replaced or that was last installed and used as a face on or in the abandoned sign or supporting structure may be allowed as the sign face, or that part of the structure that carries the sign message or that is blanked. The face of the supporting structure must be one which the supporting structure is designed to support. Painting over a face is allowed to blank the sign face. Examples: Plastic face replaces plastic face, metal face replaces metal face, wood replaces wood face, etc.

(b) Routed, embossed, or raised messages or sign copy must not be visible to the ordinary observer, if the face or message is blanked.

(c) Blank faces must be of one color.

(d) Covered messages.

1. Painting. Abandoned signs may be painted in order to “blank” the face. However, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.

2. Covered sign faces must be of a material or substance which renders the resulting sign face completely blank, opaque, and resistant to deterioration. It is a violation of this section to allow a covered message to bleed or show through the paint or covering.

(e) The City Inspector shall not issue a permit for the use of a sign that is in an unabated dilapidated or deteriorated condition.

(3) No person shall altar an abandoned sign or supporting structure without first obtaining a permit for it from the City Inspector.

(J) Removal of signs in violation.

(1) The City Inspector may order a person to abate any violation of this section or to remove any sign that is in violation of this section within a period of time specified by the City Inspector.

(2) If the person ordered by the City Inspector to correct a violation of this section fails to do so, fails to remove the sign that is in violation, or fails to remove a sign the City Inspector ordered him or her to remove, within the time specified, the City Inspector may remove or cause the removal of the unlawful sign.

(3) Notwithstanding any other provision of this section, the City Inspector may summarily remove any unlawful sign which, because of its location or condition, clearly constitutes an immediate hazard or danger to the public. Prior to removing the sign, the City Inspector may make a reasonable attempt to locate the owner of the hazardous sign or person responsible for its display, placement or maintenance to give written notice of the violation, the action necessary to correct the violation and the time period in which the correction must be made. The notice may be delivered to the owner of the sign, the owner of the premises or the person responsible for the sign’s display, placement or maintenance, if located; otherwise, the notice may be affixed to the sign or other prominent place on the premises likely to come to the attention of the owner of the sign or premises. The City Inspector may remove the sign if no corrective action is taken in the time specified and may assess net costs to the owner of the property.

(4) Upon removing an unlawful sign, the City Inspector shall send notice to the owner of the premises where such sign was located, requesting payment of the removal and hauling costs plus an administrative fee of \$150, less any amount received in disposal of the sign. Any net costs remaining unpaid after 30 days from the date the notice is mailed are delinquent and incur interest at 10% per annum. The City Inspector may assess the unpaid and delinquent amount plus interest against the owner of the premises from which the sign was removed and may file and perfect a lien in that amount plus interest against the premises.

(K) *Variance*. If it can be shown that special conditions and/or circumstances exist that causes this section to create a hardship or that the sign has historical value and will be a benefit to the Central Business District and that a variance to the section would alleviate such hardship, a request for a variance may be submitted in writing to the City Inspector. The request will be heard by the Main Street Board at the next regular Main Street Board meeting that falls five working days after the request for a variance is made. The Main Street Board may vary the application of this section under the following conditions:

- (1) That a legitimate hardship exists;
 - (2) That the variance will be in harmony with the general intent of the Central Business District sign ordinance;
 - (3) That the variance granted is the minimum variance to alleviate the hardship; and
 - (4) That the variance will not create a hazard to vehicular traffic.
- (Ord. 99-22, passed 11-18-99) Penalty, see § 10.99

BOARD OF ADJUSTMENT

§ 154.100 ORGANIZATION.

(A) The Board of Adjustments shall consist of seven members, each to be nominated by Board with the approval of a majority of the City Council for a term of two years.

(B) Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause. The terms of three members shall expire in each even-numbered year, and the terms of four members shall expire in each off-numbered year, or until their successors are appointed.

(C) Four members of the Board of Adjustments constitute a quorum.

(D) Every member shall complete Open Meetings Act training within 90 days of taking office as prescribed by Tex. Gov't Code § 551.005.

(Ord. 1104, passed 10-13-77; Am. Ord. 03-17, passed 10-16-03; Am. Ord. O-13-08, passed 8-15-13)

accessary accessory

§ 154.101 PROCEDURES.

The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this chapter or the statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

(Ord. 1104, passed 10-13-77)

§ 154.102 DUTIES AND POWERS.

The Board shall have the powers and exercise the duties of a Board in accordance with Tex. Rev. Civ. Stat., Art. 1011g. Board members are representatives of the city and shall have the right to inspect premises where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of this city. The Board's jurisdiction shall extend to and include the hearing and deciding of the order of appeals from the Council and shall have the necessary authority to ensure continuing compliance with its decisions.

(Ord. 1104, passed 10-13-77)

§ 154.103 ACTIONS OF THE BOARD.

(A) *Interpretation.* To hear and decide all appeals and to render an interpretation of the zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement, or determination made by the Building Inspector in the administration of such provisions.

(B) *Special exceptions.* To hear and decide upon those applications for a special exception to use or develop property when the same is authorized under these regulations subject to the Board's approval.

(C) *Variance.* To authorize upon appeal in specific cases such variance from these zoning regulations set forth in this chapter as not to be contrary to the public interest. Any variance granted by the Board shall terminate automatically:

(1) When the specific period of use has expired.

(2) When the use ceases to be in full compliance with any condition imposed by the Board.

(3) When the use has been abandoned.

(Ord. 1104, passed 10-13-77)

§ 154.104 JURISDICTION.

When in its judgement, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:

(A) Permit the reconstruction, extension, or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.

(B) Permit such modifications of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modifications.

(C) Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any nonconforming use within the city.

(D) Any special exceptions authorized by the Board of Adjustment, either under the provisions of this subchapter, or under the authority granted to the Board of Adjustment under the statutes of the State of Texas, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action on the part of the Board of Adjustment, unless said Board in its minutes shall, at the same time, grant a longer period. If the building permit or certificate of occupancy shall not have been issued within the said 90-day period, or such extended period as the Board may specifically grant, then the special exceptions shall be deemed waived, and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to said Board of Adjustment in accordance with the rules and regulations regarding appeals.
(Ord. 1104, passed 10-13-77)

§ 154.105 APPEALS TO THE BOARD.

(A) The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within 200 feet of the property on which the appeal is made and by publishing notice of such hearing

in a newspaper in general circulation in the City of Gladewater. Both the posted and published notice shall be given at least ten days prior to the date set for the hearing. Upon the hearing, any party may appear in person or by attorney or agent.

(B) Appeals to the Board of Adjustment can be taken by any person aggrieved or by an officer, department, or board of the municipality affected by the decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(C) An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown.

(D) The Board of Adjustment shall authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. Any person, or persons, jointly or severally aggrieved by any decision of the city may present any such matter to a court of record for review, after the final action of the Board thereon, and in the manner and upon the terms provided by the general law.

(E) Every decision of the Board on any appeal shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings.

(F) Nothing herein contained shall be construed to empower the Board to change the terms of these regulations, or to effect changes in the adjoining districts. The powers of the Board shall be so applied that the terms of these regulations will be strictly enforced.

(G) In exercising its powers, the Board, in conformity with the provisions of Tex. Rev. Civ. Stat., Arts. 1011a through 1011j may modify in whole or in part any order, requirement, decision, or determination as ought to be made.

(H) The concurring vote of four members of the Board shall be necessary to revise any order, requirement, decision, or determination of any such Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variance in said chapter.

(I) Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the City Secretary and not thereafter.
(Ord. 1104, passed 10-13-77; Am. Ord. 86-11, passed 11-13-86)

TELECOMMUNICATIONS

§ 154.106 PURPOSE.

The purpose of this subchapter is to establish regulations governing the installation of wireless communications in the city and to create a rational policy for the siting of wireless communications systems within the city while protecting the public against adverse impacts on the public welfare and the city's aesthetic resources.
(Ord. 99-01, passed - -)

§ 154.107 DEFINITIONS.

COMMUNICATION TOWER. A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.

HEIGHT OF TOWER. The distance from the ground elevation of the base of the structure to the top of the structure or any attached Wireless Transmission or Relay Equipment.

RESIDENTIAL SETBACK. The distance from the property line of any residential use to the base of the tower of a Wireless Facility.

TELECOMMUNICATIONS. The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

WIRELESS COMMUNICATION SITE. The property or land owned or leased for use by a telecommunications carrier for the purpose of operating a wireless facility, and all other improvements thereon, including parking, ingress and egress and any other related easements.

WIRELESS FACILITY. The tower, antennae, relay equipment, perimeter fence and any other equipment or buildings necessary for the operation of wireless reception and transmission.

WIRELESS TRANSMISSION AND RELAY EQUIPMENT. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of telecommunication signals external to, inside or attached to the exterior of any building or other structures.

WIRELESS SITE PLAN. Any documentation required to support an application for location of a Wireless Communication site, set forth in § 154.109, and § 154.110, of this subchapter.
(Ord. 99-01, passed - -)

§ 154.108 ADMINISTRATION.

(A) A Communications Tower and/or antenna, or Wireless Transmission and Relay Equipment may be permitted upon determination that all of the applicable conditions in the code are met.

(B) Every permit issued for a Communications Tower and/or antenna, Wireless Transmission and Relay Equipment and a Wireless Facility shall become invalid unless the work authorized by such permit is commenced within six months after the date of issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time work is commenced. One extension of time, for a period not to exceed six months, may be allowed for the permit. The extension shall be requested in writing to the City Manager and justifiable cause demonstrated. Extensions shall be determined by the Planning and Zoning Commission.

(C) Wireless Transmission and Relay Equipment located in or on existing structures are exempt from the following height and residential setback requirements.

(D) Zones in which uses are permitted through Planning Approval of a Wireless Site Plan are:

<i>Zones</i>	<i>Maximum Height (feet)</i>	<i>Minimum setback to property line of residential use (feet)</i>
O	None	200
HI	None	200
LI	260	200
HC	85	200

(Ord. 99-01, passed - -)

§ 154.109 APPLICATION REQUIREMENTS.

(A) The applicant for a Building Permit for construction of a Communications Tower, Wireless Facility, Wireless Communication Site, or for location or co-location on an existing structure must file an application for Certificate of Occupancy with the City Building Inspector.

(B) An application for location and/or co-location on an existing structure, or replacement of an existing tower, Wireless Facility, or Wireless Communication Site will be reviewed by the Planning and Zoning Commission. For such an application to be approved, all requirements outlined in this chapter must be met to the fullest extent possible by the owner/lessor of the Wireless Communication Site, and/or the owner/lessor of the Wireless Facility.

(C) The applicant for a Wireless Site Plan approval by the Planning and Zoning Commission will file an application for Planning Approval with the Planning and Zoning Commission.

(D) The following documents must be included in all applications submitted, to the extent applicable:

(1) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

(2) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, required parking, fences, and landscape plan. A survey from a licensed land surveyor or civil engineer should indicate the distance from any existing residential land uses on adjacent property to the Wireless Facility.

(3) A current map, or update of an existing map on file with the city, showing locations of the applicant's antennae, facilities, and existing towers serving any property within the city.

(4) A certificate from a licensed structural engineer of tower capacity by type and number of the Communication Tower, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222, latest revision, standards.

(5) Identification of the owners of all antenna and equipment to be located on the site.

(6) Written authorization from the site owner, or authorized agent, allowing applicant to submit the application.

(7) If required, certification by the applicant that the proposed activity is in compliance with Federal Aviation Administration (FAA) requirements.

(Ord. 99-01, passed - -)

§ 154.110 CONDITIONS.

Applicants for a new Wireless Facility must show that all applicable conditions are met.

(A) The proposed Communications Tower, antenna or accessory structure will be placed in a location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements. Priority shall be given applications which desire locations on existing structures and property zoned for industrial and oilfield use.

(B) Prior to consideration of a permit for location on private property, applicant must show that available sites dedicated for public use and available privately owned sites occupied by towers or existing structures, within the search area that the new site would serve, are unsuitable for operation of the facility under applicable communication regulations and applicant's technical design requirements.

(C) Applicant must show that a proposed Communications Tower to be located in Zoning District HC for which a height variance has been applied, is designed to accommodate additional antennae and Wireless Transmission and Relay Equipment for similar telecommunication services of another provider, and must make space available on the proposed tower when technically feasible. Applicant must cooperate and negotiate fairly with other telecommunications providers regarding co-location lease agreements, and must offer available space to other telecommunications providers at a reasonable rate.

(D) A permit for a proposed Communications Tower within 1,000 feet of an existing tower or a permitted Communication Tower site shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and/or applicant's technical design requirements, that there are other limiting factors that render existing towers and structures unsuitable, or that a co-location agreement could not be obtained.

(E) All Wireless Facilities must adhere to regulations contained in this code, including, but not limited to site development regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, and storage. In addition, the applicant must verify that a sign will be posted on the Wireless Facility in a reasonably visible location no larger in size than that which is necessary to list the name, address, local telephone number and an emergency response number of the applicant or subsequent owner of the facility. In no circumstances shall any advertizing signs or displays be allowed on any Wireless Facility. No lighting shall be allowed except for aesthetic purposes or as required by FAA regulations or other applicable authorities.

(F) Wireless Facilities shall not be located within any residential subdivision or zone which allows residential usage without prior variance approval.

(G) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(H) The entire facility must be aesthetically and architecturally compatible with its environment.

(I) Walls or fences constructed of wood, brick, or masonry at least six feet in height shall be used to secure the site and provide an opaque barrier. Such walls or fences shall be used in combination with landscaping to provide security or increase the buffer to other land uses. Other types of fences shall be allowed only if used in conjunction with evergreen shrubs or hedges when upon maturity are equal to or greater than the height of the fence and are a minimum of four feet in height at planting, for the purposes of providing an opaque barrier.

(J) The Communications Tower, Wireless Transmission and Relay Equipment, antennas, and support structures shall be constructed of a material with neutral color and shall be designed to blend in with the surrounding landscape, building and uses, unless otherwise required by Federal or State laws.

(Ord. 99-01, passed - -)

§ 154.111 NOTIFICATION.

The Planning and Zoning Commission will notify all property owners within 300 feet of the site for any proposed new facility or application for structural additions to any existing facility, and will notify all other telecommunications providers which have registered with the Planning and Zoning Commission. The Planning Commission must post signs similar to rezoning signs at least ten days prior to the required public hearing on the application and advertize the public hearing in the newspaper as required in zoning cases.

(Ord. 99-01, passed - -)

§ 154.112 ABANDONMENT.

In the event the use of any Communication Tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Director of Planning who shall have the right to request documentation and/or affidavits from the Communication Tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower for the purpose intended, or (2) dismantle and remove the tower and associated facilities. At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, all permits issued for the Communication Towers and Wireless Facilities shall expire and a penalty in the amount of \$250 a day shall be imposed upon the record owner of the tower until the date of removal.

(Ord. 99-01, passed - -)

§ 154.113 VARIANCES.

Variances from the conditions of the Telecommunications subchapter, including but not limited to setback, height, fencing, and zoning, may be granted only after hearing and joint approval of the City Council through a Wireless Site Plan for Wireless Facilities review. Applications should be submitted to the Planning and Zoning Commission six weeks prior to the City Council hearing date.

(Ord. 99-01, passed - -)

HISTORIC PRESERVATION**§ 154.125 HISTORIC LANDMARKS.**

(A) The City Council finds that the recognition and preservation of historic landmarks is in the public interest and serves to promote the welfare of the community. The purpose of this subchapter is to preserve the historic structures of the community through a voluntary program of owner participation.

(B) A “historic landmark” is defined as any site or area of historic or cultural importance or significance as designated by the City Council. Historic landmarks shall include historic structures, sites, districts or areas:

(1) Within which the buildings, structures, appurtenances and places exemplify the cultural, political, economic or social history of the nation, state, region or community;

(2) That are identified with the lives of historic persons or with important historical events; and

(3) That embody the distinguishing characteristics of an architectural type or specimen as to color, proportion, form, details, materials and craftsmanship.

(Ord. 05-13, passed 8-18-05)

§ 154.126 GLADEWATER HISTORIC PRESERVATION LIAISON.

(A) There is hereby appointed by the City Council a person to be known as the “Gladewater Historical Preservation Liaison.” The Liaison shall serve at the pleasure of the City Council for a two

(2) year term, and may be reappointed to unlimited consecutive terms. The Liaison shall be:

(1) An architect, planner, or design professional; or

(2) A historian, archeologist, or related profession; or

- (3) A real estate professional; or
- (4) An attorney; or
- (5) An owner of historic landmark or property in historic district; or
- (6) A member of a local historical or preservation organization.

(B) Additionally, the Liaison shall have a demonstrated interest, competence or knowledge in historic preservation within the city.

(C) The duties of the Liaison are:

- (1) To work with the federal and state governments, City Planning Department, the historical society and other boards or organizations to help coordinate restoration or preservation projects;
- (2) To educate the community about its rich historical legacy and to encourage historical preservation as inspiration for future generations;
- (3) To study and research the necessity for historical districts for the city;
- (4) To conduct comprehensive studies into the field of historical preservation in this community, including programs now being offered, what still needs to be done, and cooperative efforts among various groups which could be effected toward a common goal;
- (5) To provide for the community an overall view of historical preservation and provide data for individuals or organizations interested in historical preservation;
- (6) To recommend to the City Council historic landmarks, which should be included in the Gladewater Historic Landmark Register;
- (7) To thoroughly familiarize himself/herself with buildings, structures, sites, districts, areas, places and lands within the city, which may be eligible for designation as historical landmarks;
- (8) To establish criteria and make recommendations to the City Council to be used in determining whether certain buildings, districts, and areas should be designated as historical landmarks;
- (9) To establish guidelines and review requests for certificates of appropriateness and certificates of demolition for buildings, structures and sites designated as historical landmarks;
- (10) To formulate plans and programs for public and private action for encouraging and promoting the preservation of historical landmarks;

(11) To suggest sources of funds for preservation and restoration activities and acquisitions, including federal, state, local, private and foundation sources;

(12) To provide information and counseling to owners of historical landmarks;

(13) To prepare annual reports to the Texas Historical Commission and City Council that summarize preservation activity during the previous year; and

(14) To prepare design guidelines for review of historical landmarks and districts.

(D) The powers and duties of Liaison are:

(1) Act in an advisory capacity and make recommendations to the City Manager, the Planning Board and the City Council concerning establishment of any location, structure, building or area as an official historical site and shall make future recommendations regarding preservation and restoration of such areas or buildings, subsequent to their establishment as official historical sites or districts.

(2) Conduct meetings and research for the purpose of determining the feasibility of recommending to the City Manager, the Planning Board and City Council locations, sites and structures to preserve and restore as official historic sites or districts.

(3) The authority of the Liaison shall be limited to making recommendations, and he/she shall in no way have authority to designate or establish areas, buildings or structures as historical sites or districts.

(Ord. 05-13, passed 8-18-05)

§ 154.127 DESIGNATION OF HISTORIC LANDMARKS.

(A) There shall be maintained a document designated as the “Gladewater Historic Landmark Register.”

(B) A structure, site or area may be nominated by the owner or by any interested third party, but may not be placed on the Gladewater Historic Landmark Register without the express consent of the property owner.

(C) An application form shall be required as prescribed by the Liaison. The Liaison shall conduct public meetings to consider applications for inclusion of sites, structures or areas on the Gladewater Historic Landmark Register and shall make a recommendation to the City Council. The City Council may designate historic structures, sites or areas for inclusion on the register, after considering the report and recommendation of the Liaison.

(D) In considering a structure or place for designation in the Gladewater Historic Landmark Register, the Liaison and City Council shall consider one or more of the following:

- (1) Character, interest or value as part of the development, heritage or cultural characteristics of the city, state or United States;
- (2) Recognition as a recorded Texas historic landmark, a national historic landmark, or entered into the National Register of Historic Places;
- (3) Distinguishing characteristics of an architectural type or specimen;
- (4) Elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation;
- (5) Relationship to other distinctive buildings, sites, districts or areas which are eligible for preservation according to a plan based on architectural, historic or cultural motif;
- (6) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style;
- (7) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or United States;
- (8) Location as the site of a significant historic event;
- (9) Identification with a person(s) who significantly contributed to the culture and development of the city, state or United States;
- (10) Value as an aspect of community sentiment or public pride;
- (11) Identification as the work of a designer, architect or builder whose work has influenced city growth or development;
- (12) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city; and
- (13) Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

(E) The Liaison shall cause the designation of any structure, site, area, or district on the Gladewater Historic Landmark Register to be recorded in the Gregg County deed records.
(Ord. 05-13, passed 8-18-05)

§ 154.999 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter for which no other penalty is provided shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded by a violation of the terms of the chapter, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners. (Ord. 1104, passed 10-13-77)

CHAPTER 155: AIRPORT RULES AND REGULATIONS

Section

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GENERAL PROVISIONS

§ 155.01 USE OF AIRPORT RESTRICTED.

No person, partnership, firm, association, corporation or entity, incorporated or otherwise, shall use the Airport for any commercial activity, unless approved by a written permit from the City Council or its duly authorized agent.
(Ord. O-13-14, passed 11-21-13)

§ 155.02 GENERAL RULES AND REGULATIONS.

The following rules and regulations shall be observed in the use, operation and conduct of the Airport:

(A) *Rule 1.* Federal Air Traffic Rules of the Federal Aviation Administration (FAA) for aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.

(B) *Rule 2. Safeguard of Persons and Property.* The Airport Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport.

(C) *Rule 3.* Hangars and other buildings or structures owned by the city may be rented to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary aircraft equipment only, or to conduct a commercial Fixed Base Operation (FBO).

(D) *Rule 4. Lease of Airport Property.* The city may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with the approved Airport Master Plan/Airport Layout Plan. All leased property and all buildings or structures erected on the leased property must be utilized for aviation-related activity only. Storage of non-aviation equipment or conduct of non-aviation business in any privately-owned hangar or structure is prohibited.

(1) No leases will be written for a primary period in excess of 20 years, without the written approval of the City Council and then only for the length of a mortgage in excess of 20 years obtained from a lending institution by the mortgagee/FBO to construct such building(s) or hangar(s) on the Airport for which the mortgage was obtained.

(2) Any private structure or hangar not in use for aviation purposes for a period in excess of 90 days or not available for rent or subleased for aviation purposes, unless so authorized by the city must be removed after due notice to the owner in writing by registered mail or the city will consider such structures or hangars abandoned and title will pass to the city.

(3) Leased land from which any building, hangar, or structure is removed after due notice or expiration of the lease will be cleared, cleaned, and put back in its original condition, or condition acceptable to the city.

(4) Leased property on the Airport may be subleased by the lessee only with written approval of the city.

(5) No hangars or structures may be erected beyond the building restriction line or in conflict with the FAA and/or Texas Department of Transportation, Division of Aviation approved airport layout plan.

(6) All construction must be authorized by the city council and must be of compatible standard capable of withstanding winds of 85 mph, with doors open or closed. Furthermore, all structures must comply with the Gladewater city building codes and Airport hazard zoning (and compatible land use) ordinance(s).

(7) *Through the fence operations prohibited.* No private individual, partnership, FBO, company, corporation, or body politic shall be permitted direct ground access to the Airport by their aircraft, customers' aircraft, or private vehicle from private property adjacent to or in the immediate area of the Airport. Further, no private individual, partnership, company, corporate, body politic, or

customers' aircraft or vehicle shall be permitted direct ground access to private property from the Airport, a practice commonly known as a "through the fence operation."

(E) *Rule 5. Lien for Charges.* To enforce the payment of any charge made for repairs, improvements, storage, or care of any personal property, made or furnished by the City of Gladewater or its agents, in connection with the operation of the Airport, the City of Gladewater shall have a lien upon such personal property, which shall be enforceable as provided by law.

(F) *Rule 6. Lien Possessory Right.* To enforce the payment of any such charge, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation shall have been paid in full.

(G) *Rule 7. Unauthorized Signs.* No signs, non-aeronautical equipment, portable buildings, or house trailers may be erected, moved-in, or installed on the Airport property, except as may be specifically authorized by the Airport Manager.

(H) *Rule 8. Surreptitious Activities.* Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport Manager, police, officers of the Department of Public Safety, or other peace officers.

(I) *Rule 9. Wrecked Aircraft.* Every aircraft owner, his/her pilot, or agents, shall be responsible for notifying FAA, and promptly removing disabled or wrecked aircraft from the operational areas of the Airport, under the direction of the Airport Manager.

(J) *Rule 10. Repairs to Aircraft.* No aircraft shall be repaired on any part of the landing or take-off area, and all outside repairs shall be made at the places designated by the Airport Manager for such purpose. Major engine or airframe repairs, or avionics repairs shall be conducted by a licensed, paid mechanic within a hangar or building rented, leased, or owned for commercial aircraft engine, airframe, avionics, etc. maintenance or repair purposes.

(K) *Rule 11. Agricultural Spraying Operations.* Agricultural spraying operations will be conducted in accordance with procedures approved by the Airport Manager and made known to all persons conducting agricultural spraying operations. Said operations shall be conducted only on the designated Airport areas, and shall not include reckless flying or careless chemical handling. Chemicals used in agricultural flying operations shall be dispersed, maintained, stored, the dispensing area cleaned, and empty chemical containers stored, and promptly disposed of in accordance with the rules and regulations established by the Environmental Protection Agency, Texas Water Commission, Texas Department of Agriculture, Texas Department of Health, and the Airport Manager. Washing of agricultural (Ag) aircraft and flushing of Ag aircraft spray tanks or hoppers will be accomplished in accordance with the standards of the Environmental Protection Agency and the Texas Water Commission in an area so designated by the Airport Manager. Each Ag operator shall carry liability insurance in the amount of * dollars, payable to the city for the cleanup of any hazardous chemical spills on Airport property caused by the Ag operator. Ag aircraft operators shall not exceed the maximum gross hopper weights stamped on the Ag aircraft's hopper by the aircraft manufacturer or listed in the aircraft's specifications, corrected for field elevation and current temperature. Ag aircraft shall not takeoff or land on the dirt or grass between the runway lights and the property line fence(s), nor takeoff or land down wind. Takeoff and landing procedures in accordance with § 155.04, "Takeoff and Landing Rules" contained herein will be observed at all times. Note: Because of the hazard of such agricultural spraying operations, the city may require each agricultural spray operator to post a bond, the bond amount to be

determined by the city considering the financial risk to which the city could be exposed by an Ag operator accident resulting in environmental damage, the number of Ag aircraft owned or leased and used by the Ag operator, etc.

Note (*) – whatever limits that City Council sets.

(L) *Rule 12. Damage to Airport.* Any person, individual, corporation, or the owner of any aircraft causing damage of any kind to said Airport, whether through violation of any of these rules or through vandalism or any act of negligence, shall be liable therefore in and to said City of Gladewater.

(M) *Rule 13. Injury to Person.* Persons entering upon the Airport ground side property by automobile, other vehicular conveyance, or pedestrian traffic (does not include persons in aircraft using approved air side facilities i.e. runways or taxiways) do so at their own risk and with no liability incurring to the City of Gladewater, the Airport Authority, the Airport Manager, or any Airport employee for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all valid laws, resolutions, orders, rules, and regulations promulgated and enforced by the city or by any other Authority having jurisdiction over the conduct and operation of the Airport including the FAA and the Texas Department of Transportation, Division of Aviation.

(N) *Rule 14. Licensed Pilots.* Only properly registered aircraft and persons holding current airman and medical certificates issued by the FAA shall be authorized to operate aircraft upon the Airport except as provided in this chapter. This limitation shall not apply to students in training under licensed instructors nor to public aircraft of the federal government or of a state, territory, or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

Note: Use of the Airport by ultralight vehicles shall be subject to approval by the Airport Authority and shall be in accordance with FAR Part 13 and any other rules established by the city or Airport Authority.

(O) *Rule 15. Registration.* Every person owning an aircraft based at the Airport, employed, or receiving instructions at the Airport shall register at the office of the City Manager, with their name, address, telephone number, aircraft model, aircraft registration “N” number, and name, address, and telephone number of their next of kin or person to be notified in case of an accident.

(P) *Rule 16. Intoxicants and Narcotics Prohibited.* No person under the influence of an intoxicant, narcotic, or other illicit drugs shall operate or fly in any aircraft upon, from, or over the Airport; provided however, such prohibition shall not apply to a passenger when accompanied by a nurse or caretaker in an aircraft apart from the pilot.

(Q) *Rule 17. Foreign Objects.* No foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft shall be left upon the floor of any building or upon any part of the surface area of the Airport. Individuals are encouraged to pickup such foreign object when observed and place them in a trash receptacle.

(Ord. O-13-14, passed 11-21-13)

§ 155.03 GROUND OPERATIONS.

(A) *Rule 18. Air and Ground Traffic - Vehicular Traffic.* All vehicular traffic shall be confined to streets, roads, and avenues of passage designated and provided for that purpose by the Airport Authority, and shall not be operated at a speed in excess of 15 miles per hour. Official vehicles only will be driven on the landing area. Such vehicles will have a ground to air radio transceiver tuned to the local UNICOM frequency and a flashing, yellow beacon light mounted on the roof of the car or a checkered orange and white flag mounted on the front bumper of the vehicle. Special use vehicles such as an ambulance, hearse, delivery van, or pickup vehicle may be driven on the apron with the permission of the Airport Manager to load-unload a patient, body, or special cargo. An aircraft owner that rents, leases, or owns his/her private hangar may park his/her automobile in the hangar while on a trip in his/her airplane.

(B) *Rule 19. Fueling of Aircraft.*

(1) Aircraft shall not be fueled while the engine is running or while in a hangar.

(2) *Bonding.* Prior to making any fueling connection to an aircraft, the fueling equipment (fuel pump, hydrant servicer, fuel truck) shall be bonded to the aircraft by use of a cable, thus providing a conductive path to equalize static electrical potential between the fueling equipment and the aircraft. The bonding cable resistance shall not exceed 10,000 ohms. The bond shall be made prior to fueling and maintained until fueling is completed and fuel connections have been removed, thus permitting the reuniting of separated static electrical charges that could be generated during the fueling operation. In addition, when fueling overwing, the fueling nozzle shall be bonded with a nozzle bond cable having a clip or a male plug to a metallic component of the aircraft that is metallically connected to the aircraft fuel tank filler port or a female receptacle designed to accommodate the male plug. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the static electrical potential between the nozzle and the filler port. The nozzle spout shall be kept in contact with the filler neck until the fueling is completed. When a funnel is used in aircraft fueling, it shall be kept in contact with the filler neck as well as the fuel spout or the fuel supply container to avoid the possibility of a spark at the fill opening. Only metal funnels shall be used for fueling. Bonding and fueling connections shall be disconnected in the reverse order of connection after fueling is completed. Grounding during aircraft fueling is no longer required because "National Fire Protection Association" testing has disclosed that no amount of bonding or grounding will prevent static electrical discharges from occurring inside of a fuel tank.

(3) All aircraft shall be fueled clear of all hangars, other buildings, and aircraft.

(4) Fueling trucks shall not be parked within any building or hangar or within 50 feet distance of a building, hangar, or parked aircraft. Fuel trucks shall be parked with at least ten feet separation between vehicles.

(5) Aircraft fuel storage tanks for below-ground or above-ground use, will be constructed and installed according to federal and state standards, registered with the state, monitored, checked for leakage, operated, and maintained in accordance with the federal and state statutes, rules, and regulations promulgated by the Environmental Protection Agency and the Texas Water Commission.

(6) Aviation or auto fuels shall not be stored within a hangar or building.

(7) Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first obtain permission from the Airport Manager. Private fueling facilities must be located on leased property and the fueling system installed and fuel dispensed in accordance with all rules appertaining to aircraft fueling and fire safety contained in these Rules and Regulations.

(8) Public sale of automobile gas for use in aircraft will not be permitted on the Airport without written approval of the city. Aircraft authorized by the FAA to use auto gas may be privately fueled by their owner in a location designated by the Airport Manager in accordance with all rules appertaining to aircraft fueling and fire safety contained in these Rules and Regulations.

(9) All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters upon them, including octane if aviation gasoline, the aviation fuel code, and "no smoking." This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction.

(10) All aircraft fueling, fuel equipment, and procedures will be in accordance with Manual 407 "Aircraft Fuel Servicing, 1990," or as revised, published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, telephone 1-800-735-0100.

(C) Rule 20. Tiedown of Aircraft.

(1) All aircraft not hangared shall be tied down and the wheels chocked at night and during inclement weather.

(2) All aircraft owners or their agents are responsible for the tiedown or security of their aircraft at all times and particular during inclement weather.

(D) Rule 21. Running Aircraft Engines.

(1) Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means for removing them.

(2) No airplane will be hand propped, started, or left running without qualified personnel at the controls.

(3) No aircraft engine shall be started or run inside any building or hangar.

(4) No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, and groups of people.

(E) *Rule 22. Damage to Runway Lights.* Any person damaging any runway or taxiway light or fixture by operation of an aircraft, or otherwise, shall immediately report such damage to the Airport Manager. Persons causing damage to runway and taxiway lights as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in § 155.99(B), herein.

(F) *Rule 23. Taxiing Aircraft.*

(1) No person shall taxi an aircraft until he/she has ascertained there will be no danger of collision with any person or object in the immediate area.

(2) Aircraft will be taxied at a safe and prudent speed, and in such manner as to be under the control of the pilot at all times.

(3) Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.

(4) Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land, or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to takeoff or land will remain behind the runway holding position markings.

(5) Aircraft shall not be taxied by engine power into or out of a hangar.

(G) *Rule 24. Parking Aircraft.* Unoccupied aircraft shall not be parked or tied down within [select appropriate "Airplane Design Group (ADCp)" for the most critical airplane expected to use your visual or nonprecision runway:

(1) ADCp I, 200 feet of the centerline of the runway or 44.5 feet from the centerline of a parallel taxiway;] and all aircraft not hangared shall be parked in the areas designated by the Airport Manager for that purpose.

(2) Aircraft shall not be parked within 50 feet of an aircraft fuel pump or fuel service truck parking area.

(3) Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.

(4) It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set and/or that the plane is properly chocked and/or tied down.

(H) *Rule 25. Loading/Unloading Aircraft.* Pilots are prohibited from loading or unloading aircraft with the engine running.

(Ord. O-13-14, passed 11-21-13)

§ 155.04 LANDING AND TAKEOFF RULES.

(A) *Rule 26. Authority to Suspend Operations.* The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety, provided operations under instrument meteorological conditions (IMC) may be continued by properly instrument-rated pilots following appropriate flight rules.

(B) *Rule 27. Active Runway.* If the winds are calm or at a 90 degree crosswind to Runway 13-31, takeoff and land on Runway preferred by pilot.

(C) *Rule 28. Clearing Street.* No aircraft shall land or takeoff in such manner as to clear any public street or highway at an altitude of less than 15 feet, or 17 feet over an interstate highway, 23 feet over a railroad, or 27 feet over a coastal water way, or the clearance height of the tallest bridge over the water way, nor land or takeoff on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators.

(D) *Rule 29. UNICOM.* All pilots with radio equipped aircraft shall call on the local UNICOM frequency 122.8 kHz to determine the active runway and to announce their position and intentions for takeoff or landing. Pilots of radio equipped aircraft taking off or landing at the Airport when the local UNICOM radio is not being monitored (or if the facility does not have a UNICOM radio) should report their traffic intentions on the MULTICOM Frequency 122.9 kHz.

(E) *Rule 30. Emergency Locator Transmitter (ELT).*

(1) Immediately after takeoff and after landing, prior to engine shut down, pilots should turn their aircraft radios to the emergency frequency (121.5 kHz or 243.0 MHz) and listen to determine if their aircraft's emergency locator transmitter (ELT) has accidentally turned on as the result of a rough takeoff or landing. If the ELT turned on and transmitted after a takeoff or landing, as soon as possible after turning it off, advise the FAA Automated Flight Service Station for the area at telephone number 1-800-WX-BRIEF, that your ELT accidentally turned on at the approximate time and coordinates, if known, and the time and coordinates it was turned-off. This should prevent the USAF Rescue and Coordination Center from directing the Civil Air Patrol to commence a search and rescue operation resulting from the false ELT transmission for an airplane that has not crashed.

(2) If a pilot lands his/her aircraft at Gladewater Municipal Airport, parks and locks or hangars his/her aircraft with the ELT transmitting and the Airport Manager determines such has occurred, the Airport Manager shall take immediate action to telephone and/or locate the pilot of the aircraft, advise him/her of the situation, and request that he/she return to the Airport immediately and turn off the ELT. Should the Airport Manager be unable to locate the pilot or if the pilot is unable to return to the Airport within a reasonable time to turn off the ELT, the Airport Manager, accompanied by a local peace officer, a Civil Air Patrol officer, or an FAA representative, shall take the necessary action to turn off the ELT, provided the action does not result in damage to the aircraft. The aircraft owner shall be responsible for all charges associated with turning off the ELT.

(F) *Rule 31. Takeoffs on Apron.* Takeoff or landings shall not be made on the apron, parking ramp, or taxiway by fixed-wing, rotary-wing, or ultralight aircraft except by special permission of the Airport Manager.

(G) *Rule 32. Takeoffs Allowed.* Touch and go landings may be made at the discretion of the pilot. Pilots remaining in the pattern making touch and go landings should broadcast on the Common Traffic Advisory Frequency (CTAF) their pattern turns and their touch and go intentions after turning final. All aircraft shall clear for landing and takeoff traffic before taxiing into takeoff position.

(H) *Rule 33. Takeoff Climb.* On takeoff, all aircraft shall climb straight out to a level of 400 feet above ground level (ACL), clear the Airport boundary, and execute a 90 degree turn to the left. To leave traffic, the aircraft shall climb to 1,000 feet ACL then execute a 45 degree climbing turn to the right out of traffic.

(I) *Rule 34. Traffic Pattern Altitude.* Traffic pattern elevation at 296 Airport is 1,000 feet above ground level (ACL), which is 1,300 feet mean sea level (MSL) altitude for Gladewater Airport.

(J) *Rule 35. Common Courtesy.* Aircraft entering the traffic pattern shall exercise caution and practice courtesy so as not to cause aircraft already in the pattern to deviate from their course.

(K) *Rule 36. Aircraft Turn.* Any aircraft within three nautical miles of the Airport at an altitude of less than 1,500 feet AGL shall conform to the flow of traffic. All aircraft shall establish their pattern altitude before entering the traffic pattern and shall not deviate from this altitude (except in an emergency) until descent for landing is necessary.

(L) *Rule 37. Traffic Pattern Flow.* All aircraft landing at the Gladewater Municipal Airport shall fly a left hand traffic pattern, as displayed on the segmented circle or as directed by the Airport Advisory on CTAF, at an altitude of 1,000 feet AGL. Pattern entry shall be made at an angle of 45 degrees to the active runway with the runway to the pilot's left at all times. Entry shall be made at the midpoint of either the upwind or downwind leg.

(M) *Rule 38. Attitude and Noise of Engines.* No aircraft shall be operated over the City of Gladewater at an altitude of less than 1,000 feet AGL. Aircraft engines shall not be accelerated nor decelerated while over said city in such manner as to distract, excite, or disturb persons on the ground, regardless of altitude.

(N) *Rule 39. Straight-in Approaches.* Straight-in approaches shall not be permitted under Visual Flight Rule conditions at Gladewater Municipal Airport unless the pilot establishes radio contact with the Airport Advisory from at least five nautical miles out and permission is granted for a straight-in approach.

(O) *Rule 40. Student Training and Practice Flying.*

(1) Flight instructors shall inform students and themselves on all rules and regulations in effect at the Airport.

(2) By notices posted in his office, the Airport Manager may designate limited areas of the Airport and local areas approved by the FAA for practice flying and training of students.

(3) Aircraft shall not be permitted to remain on the landing or takeoff areas for the purpose of instruction.

(P) *Rule 4l. Special Procedures.*

(1) The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows, agricultural operations, gliders, ultralights, etc.

(2) Parachute jumping on the Gladewater Municipal Airport property shall not be permitted without the recommendations of the City Airport Advisory Board and the written approval of the Gladewater City Council. The sponsor of an approved parachuting event shall be required to provide proof to the city of liability insurance for the event in the amount of at least dollars, with the city co-insured. A copy of the insurance policy shall be provided to the City Manager.

Note (*) - Whatever limits that the City Council sets.

(Q) *Rule 42. Flying of Model Airplanes.* Model, gasoline-engine powered airplanes, free flight or radio controlled, or model gliders shall not be permitted to be operated or controlled, takeoff or launched from, flown over, flown in the terminal area of, or land at Gladewater Municipal Airport.
(Ord. O-13-14, passed 11-21-13)

§ 155.05 FIRE REGULATIONS.

Rule 43. Fire Regulations.

(A) Every person going upon or using the Airport or its facilities in any manner, shall exercise the greatest care and caution to avoid and prevent fire.

(B) Smoking or open flame within fifty (50) feet of any aircraft, above-ground fuel tank, fuel pump, or fuel truck is prohibited.

(C) Compressed flammable gas shall not be kept or stored upon the Airport, except at such work place as may be designated by the Airport Manager or Authority.

(D) No highly volatile flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or building.

(E) No one shall smoke or ignite a match or lighter in any building or hangar, except in posted “designated smoking areas”.

(F) Hangar entrances shall be kept clear at all times.

(G) The floors in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning the floors.

(H) No boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash or other litter shall be permitted to accumulate in or about a hangar or building. If such trash and litter is permitted to accumulate around a private owned, rented, or leased hangar/building, the Airport Manager shall notify the hangar/building owner, renter, or lessee by registered letter to remove the offending litter. If within ten work days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Airport Manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.

(I) Prior to the fueling of any aircraft, the aircraft shall be bonded to the fuel pump, hydrant service, or fuel truck to equalize the static electrical potential between the fueller and the aircraft. Bonding shall be accomplished in the interest of fire safety as described in § 155.03(B)(2), “bonding.”

(J) At least two 20B portable fire extinguishers will be available within 50 feet of the fuel pumps where the open hose discharge capacity of the fuel pump is not more than 200 gallons per minute; at least one wheeled 80B fire extinguisher where the open hose discharge capacity is more than 200 gallons per minute, but not more than 350 gallons per minute; at least two wheeled 80B fire extinguishers where the open hose discharge capacity is greater than 350 gallons per minute.

(K) Aircraft fuel service trucks shall have two 20B fire extinguishers, located at the rear of and on each side of the fuel service truck.

(L) Aircraft fuel service trucks shall have an “emergency cut-off” valve, clearly identified and painted red.

(M) All aviation fuel nozzles shall have “dead man” controls which will shut off the fuel flow when the nozzle hand control is released. Automatic fuel cut off nozzles will not be permitted for fueling aircraft.

(N) The pilot and passengers will exit the aircraft and the aircraft will be unoccupied during fueling operations.

(O) In all matters related to aircraft fueling safety the provisions of the National Fire Protection Association, Manual 407 “Aircraft Fuel Servicing 1990” or as revised, published, and available from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, telephone 1-800-735-0100, shall prevail.

(Ord. O-13-14, passed 11-21-13)

§ 155.06 KNOWLEDGE OF RULES IMPLIED.

By publication of this chapter as required by law, all persons shall be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the chapter printed and posted where appropriate. Copies shall be available at all times in the City-Manager's office, and copies shall be furnished to all owners and operators of aircraft based on the Airport.
(Ord. O-13-14, passed 11-21-13)

§ 155.07 CONFLICT OF RULES AND REGULATIONS.

If and where there is conflict in the rules and regulations promulgated by this chapter and the Federal Aviation Regulations (FARs), the latter shall prevail. Where there exists a conflict between any of the rules or regulations prescribed in this chapter and any other city rules applicable to the same area, the more stringent limitation or requirement shall govern and prevail.
(Ord. O-13-14, passed 11-21-13)

FEE SCHEDULE**§ 155.20 MUNICIPAL AIRPORT FEE SCHEDULE.**

Enclosed (C1 -C6) Hangars	\$110.00 per month
Open (T1 -T10) Hangars	\$ 80.00 per month
Ground Space	\$0.15 per square foot annually

(Ord. O-17-14, passed 7-20-17)

§ 155.99 PENALTY.

(A) Any person operating, using, or handling an aircraft in violation of any of these rules or refusing to comply therewith, may, at once, be ejected from the Airport, or may for any period of time, not exceeding 15 days, be denied use of the Airport by the City Manager, and upon a hearing by the City Council of the City of Gladewater, Texas may be deprived of the further use of the Airport and its facilities for such period of time as may appear necessary for the protection of life and property.

(B) Any violation of this chapter shall be a misdemeanor, punishable by fine not exceeding \$200.00, and each day a violation continues to exist shall constitute a separate violation. This section is cumulative of all other penalties for violation of federal, state, and local laws, rules, regulations, ordinances, and orders. Citation of violation or issuance of a violation ticket of any of these rules and regulations shall be made by any local authorized city police officer. Payment of such fine imposed or "plea of not guilty" shall be made at the Gladewater City Court Clerk's office.
(Ord. O-13-14, passed 11-21-13)

CHAPTER 156: LAKE GLADEWATER HOUSING AND PROPERTY

Section

- 156.01 Development of parks and picnic areas
- 156.02 Acquisition of lots on rental basis
- 156.03 Lease renewal
- 156.04 Lease transfer
- 156.05 Housing and sanitation requirements
- 156.06 Boathouses, docks and piers
- 156.07 Fencing
- 156.08 Approval of alterations
- 156.09 Water supply
- 156.10 Supervision of lake property

§ 156.01 DEVELOPMENT OF PARKS AND PICNIC AREAS.

Certain areas adjacent to Lake Gladewater shall be set aside and developed by the city as public parks and picnic areas for use by the public. Other areas shall be subdivided into lots and leased to persons desiring a location for the construction of buildings and boat stalls.
(Ord. O-17-10, passed 5-18-17)

§ 156.02 ACQUISITION OF LOTS ON RENTAL BASIS.

Lots at Lake Gladewater shall be on rental basis as follows. A charge of \$50 shall be paid by the lessee on each lot leased per year. Any lot prepaid as of June 4, 2003, will not be subject to the \$50 annual fee until such time as it is no longer prepaid. Any transferred lot is subject to \$50 annual rental fee.
(Ord. O-17-10, passed 5-18-17)

§ 156.03 LEASE RENEWAL.

Each lease shall automatically be renewed by the payment, in advance, of each annual rental, provided lessee has at all times conformed to the rules and regulations governing the lake and property. Upon failure to pay the rental of any lot within 30 days from due date, the lease will terminate, the lessee shall be notified in writing and given a maximum of 60 days in which to move any Improvements. In case lessee falls to act within the specified time, the improvements thereon will revert to the City of Gladewater. Violations of any rules and regulations will authorize the city to cancel the lease and fishing and hunting privileges, however issued.

(A) Lots shall be leased from maps prepared by the Engineering Department. Applications for lots shall be honored on a first come, first served basis.

(B) No company, group, club, or corporation shall have lease on more than three lots and said lots must be adjacent.

(C) No group or club house shall be maintained on any lot of residences. Lots will be provided in certain areas for group or club houses at the same rental rates as provided for residential lots, said rates to be fixed by the City Council. All rules and regulations herein set forth with reference to individual residence lots shall apply insofar as applicable to lots set apart for group or club houses.

(D) No mobile homes will be allowed on any lake lot.

(E) All main roads around the lake on city property, within the city limits, shall be constructed and maintained by the city and all driveways leading to lots shall be constructed by the lessee.
(Ord. O-17-10, passed 5-18-17)

§ 156.04 LEASE TRANSFER.

The City Council must approve all transfers of leases. Any improvements on such lease may be sold at a price agreed upon by lessee and prospective new lessee, as the city will not enter into this transaction. The amount paid for the lease on any lot will cover public boat ramp privileges for lessee and his immediate family residing in the same household. If two or more parties made joint lease on any one lot, public boat ramp privileges will be granted one party only, and the other interested party in the lease must pay an annual permit fee. A copy of all leases and lease transfers shall be filed with the City Clerk's office before becoming effective. Transfer fee shall be \$200, payable to the City of Gladewater.
(Ord. O-17-10, passed 5-18-17)

§ 156.05 HOUSING AND SANITATION REQUIREMENTS.

(A) *Construction.*

(1) No house shall be erected containing less than 1,600 square feet of heated and cooled living area. The exterior plans shall be submitted to the City Inspection Department for approval before construction is begun. No more than one residence and one boathouse may be built on one lot; however, this does not include lots leased to corporations, clubs, groups or companies. Plans for the boathouse or fishing pier must be submitted to the City Inspection Department for approval prior to construction.

(2) The street address of each lot in the Lake Gladewater subdivision shall be prominently posted at the lessee's expense so as to be clearly visible from Lake Gladewater. The numbers/lettering of said posting shall be a minimum of five inches in height.

(B) *Sanitation.*

(1) Plans and specifications for all residences or buildings shall make provision for proper sanitation subject to the approval of the Gladewater Health Officer. An aerobic system permitted by the state shall be employed as a method of sewage disposal within 500 feet from the lake water surface, and a distance of at least 100 feet from the lake water surface at spillway elevation where city sewer is not accessible.

(2) Aerobic systems shall have a minimum capacity of 200 gallons, as permitted by the state.

(3) All garbage shall be collected and removed from the lake shore at least once weekly. No dump ground or garbage incinerator shall be maintained on the water shed.

(4) No one shall be allowed to maintain livestock or fowls on city property without special permission of the City Council.

(5) No special privileges of any kind or sort shall be issued any person or group that will deviate from rules and regulations set forth by the City Council.

(Ord. O-17-10, passed 5-18-17) Penalty, see § 10.99

§ 156.06 BOATHOUSES, DOCKS AND PIERS.

(A) No building shall be erected within 50 feet (or 305 elevation), measured horizontally of the edge of the water at elevation 300, except boathouses or piers. Drawings of all structures must be submitted to the City Inspection Official for approval prior to construction.

(1) A dock must be designed and constructed in a manner that does not pose a hazard to navigation safety;

(2) The dock must be braced to withstand pressure of wind and water when boats are tied to the dock; and

(3) If the dock is a floating dock, it must be supported by solid displacement flotation devices, with durable nonferrous protective coverings that are securely attached to the dock and capable of withstanding prolonged exposure to wave action and weather.

(B) A dock or similar structure must comply with the requirements of this division.

(1) If lake at that point is less than a depth of four feet, then it shall be at the discretion of the Building Official to allow the dock to extend to a safer draft depth, or a cove that is not wide enough for a dock to extend 65 feet.

(2) A dock may not be constructed closer than ten feet to the side property line, regardless of the side-yard setback generally applicable within the base zoning district.

(C) The width of a dock, measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, may not exceed:

- (1) Twenty percent of the shoreline frontage, if the shoreline width exceeds 70 feet;
- (2) Fourteen feet, if the shoreline frontage is no greater than 70 feet.

(3) A dock may not exceed 30 feet in height, as measured from the highest point of the structure above the normal pool elevation of the lake.

(D) No person shall own or control an abandoned dock or dilapidated dock. A ***DILAPIDATED DOCK*** is defined as a dock that;

(1) Has any structural members, roofing, decking, floatation or walkways that are not securely attached and could pose an immediate safety or navigation hazard;

(2) Is submerged;

(3) Is not floating upright;

(4) Has decks or floors below the waterline;

(5) Is in a state of disrepair; or

(6) Is otherwise not in compliance with these standards.

(Ord. O-17-10, passed 5-18-17) Penalty, see §10.99.

§ 156.07 FENCING.

(A) A fence may not extend into the water.

(B) Any fence that extends to the shoreline shall be see through from a point of 50 feet from the shoreline. Fence shall be kept free of vines or other materials that may impair or obstruct the view of the lake.

(Ord. O-17-10, passed 5-18-17) Penalty, see § 10.99.

§ 156.08 APPROVAL OF ALTERATIONS.

(A) No trees or brush maybe cut on any city property without approval of the City Inspection Official. No sod shall be disturbed unnecessarily.

(B) No drainage ditch shall be constructed without approval of the City Inspection Official.

(C) Retaining walls may be constructed at lessee's expense and shall be constructed and maintained to prevent the erosion of land.

(D) Retaining walls shall not modify the existing natural shore line and cannot be used to increase lot size. No retaining wall shall be constructed without the prior written consent of the City Inspection Official.

(Ord. O-17-10, passed 5-18-17) Penalty, see §10.99.

§ 156.09 WATER SUPPLY.

Lot lease owners may obtain water from Lake Gladewater, provided that not over a two-horsepower motor pump is used in obtaining said water for yard or lawn usage.

(Ord. O-17-10, passed 5-18-17)

§ 156.10 SUPERVISION OF LAKE PROPERTY.

Supervision of the entire lake property shall be under the City Council, and all funds derived from any source connected with the operation of the lake shall be turned over to the City Treasurer. All rules and regulations apply to all leases.

(Ord. O-17-10, passed 5-18-17)

TABLE OF SPECIAL ORDINANCES

Table

- I. ANNEXATIONS**
- II. STREET NAME CHANGES**
- III. STREET AND ALLEY CLOSINGS**
- IV. FRANCHISES**
- V. CONTRACTS AND AGREEMENTS**
- VI. ZONING CHANGES**

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
—	5-24-57	Ordinance annexing certain territory situated in Gregg County, consisting of 1129.2 acres of land.
—	9-10-57	Ordinance annexing certain territory situated in both Gregg and Upshur Counties, excluding all that area which constitutes the legal corporate bodies of Clarksville and Warren Cities.
—	5-1-58	Ordinance annexing certain territory situated in Gregg County, containing 60 acres of land.
1039	5-24-71	Ordinance annexing certain territories situated in Gregg County, containing 41.5 acres and 15 acres.
83-6	7-14-83	Ordinance providing for the extension of certain boundary limits of the city, and the annexation of certain territory consisting of 409.16 acres.
89-12	11-16-89	Ordinance disannexing a certain tract of land consisting of 61.95 acres of land located on Jas. M. Tallant Survey in Upshur County.
91-14	12-19-91	Ordinance disannexing a certain tract of land consisting of 112.11 acres situated on the W.W. Avery Survey in Gregg County.
O-11-03	3-17-11	Ordinance annexing a 0.037 acre portion of land from the south portion of Lot 30A proposed to be acquired by Lot 30, and a 0.011 acre portion of land from the southwest portion of Lot 30 proposed to be acquired by Lot 29, Section E1, Lake Gladewater Subdivision, as shown on the Plat Record of Upshur County, Book 3, Page 472.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-14-20	12-23-14	Ordinance adopting a service plan and annexing certain adjacent territory, being 200 acres and all acreage located in the WW Avery Survey AB 231, into the City of Gladewater for all purposes.

TABLE II: STREET NAME CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
84-4	6-7-84	Ordinance naming a certain street “Lakeshore Drive.”
92-2	3-19-92	Ordinance naming a certain street “Pouncy Street.”
95-7	6-15-95	Ordinance changing the street name “Pine Street.”
04-06	7-15-04	Ordinance changing the street name “Asbury Street” to “Mable Street.”
05-07	5-26-05	Ordinance changing the street name “Clair Street” to “McNeece Street.”
06-11	11-16-06	Ordinance changing the street name “Stuart Street” to “Walter Derrick Avenue.”
07-16	11-15-07	Ordinance changing the street name “South Main Street” to “Coach Cooksey Street.”
O-13-13	11-21-13	Ordinance establishing street names at the Gladewater Municipal Airport.
O-16-08	5-19-16	Ordinance changing the street name “Harold Street” to “Elijah Street.”
O-17-30	11-16-17	Ordinance changing the street name “South Rodeo Street” (running from U.S. Highway 80 southward to the Gregg County Line) to “Greggory Lane”.

TABLE III: STREET AND ALLEY CLOSINGS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
84-3	6-10-84	Ordinance closing and vacating a portion of Stuart Street from Quitman Street to Pacific Street.
85-1	1-10-85	Ordinance closing and vacating a certain Alley in Block 32, Original Townsite.
85-6	5-23-85	Ordinance closing and vacating a certain Alley in Block 29, Original Townsite.
93-8	5-20-93	Ordinance closing and vacating a portion of Harold Street.
93-7	5-20-93	Ordinance closing and abandoning a portion of an Alley in Block 16, Original Townsite.
94-7	8-18-94	Ordinance closing and abandoning an Alley between the west Lee Addition and the T.W. Lee Addition.
95-8	6-15-95	Ordinance closing and abandoning an Alley between Hwy. 271 and Dean Street.
95-11	7-27-95	Ordinance closing and abandoning an Alley and a portion of Hampton Street.
95-12	7-27-95	Ordinance closing and abandoning a portion of an Alley behind lots 10 and 11, Block 3 of the Hillcrest Addition.
97-01	2-20-97	Ordinance closing, abandoning, and vacating as a public right-of-way a triangular portion of the public right-of-way at the southeast corner of Walton Avenue and Tenery Street.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
98-05	8-20-98	Ordinance closing and abandoning a portion of an Alley behind lots 12 through 19, Block 3 of the Hillcrest Addition.
99-16	8-19-99	Ordinance closing and abandoning an alley between Wood Street and Cotton Street, being Lots 1-29, Block 1 of Hillcrest Addition on the north and Lots 1-3 of Morgan Acres and Lot 3 of NCB 33 on the south of the city.
00-03	3-16-00	Ordinance closing and abandoning an alley between Glade Avenue and Sabine Avenue, laying north and south being 20 feet in width beginning at Sabine Avenue and extending approximately 350 feet long to Glade Avenue, being Lots 1-21 in New City Block 61 of the Original Town Site.
00-05	7-20-00	Ordinance closing and abandoning a portion of an alley between Dean Street and Ferry Street from Highway 80 to Quitman Street, being 20 feet in width extending from the south boundary of Lot 5 approximately 40 feet north, encompassing the southern 15 feet of Lot 6, Block 16 of the Original Town Site.
00-11	9-21-00	Ordinance closing and abandoning an alley between Glade Avenue and Sabine Avenue, laying north and south being 20 feet in width beginning at Sabine Avenue and extending approximately 350 feet to Glade Avenue, being Lots 1-28 in New City Block 63 of the Original Town Site.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
00-18	11-16-00	Ordinance closing and abandoning 15 foot alleys running east and west and north to south located in Block 54 of the city, bounded on the south by Glade Avenue, on the east by South Stuart Street, and on the west by South Center Street.
01-07A	5-17-01	Ordinance closing and abandoning a portion of an alley, being approximately 16 feet wide and 125 feet long, lying in a southeasterly direction from Stuart Street and lying between Lot 10, Block 5 and Lots 11-15, Block 5 of Malloch Addition.
02-03	02-21-02	Ordinance closing and abandoning a portion of an alley, being approximately 16 feet wide and 100 feet in length, lying in a northwesterly direction from Center Street to Stuart Street between Lot 12 and Lots 13-16, Lock 4 of the Malloch Addition.
02-08	9-16-02	Ordinance closing and abandoning an alley, lying north and south and being approximately 20 feet wide, beginning at Sabine Avenue and extending approximately 350 feet long to Glade Avenue, being Lots 1-14 in New City Block 64 of the Original Town Site.
02-14	11-21-02	Ordinance closing and abandoning Foshee Street lying in an easterly direction from Tenery Street south of Lots 1-9 and north of Lots 10-18 of Block 2 of the Park View addition.
02-15	11-21-02	Ordinance closing and abandoning an alley lying in a northerly direction from Hull Avenue, east of Lot 10 Block 2 of the Park View Addition and west of Abstract 95 Tract 28 of the H.R. Hokit Survey.
02-16	11-21-02	Ordinance closing and abandoning an alley lying in an easterly direction from Tenery Street south of Lot 18 and north of Lots 19 and 20 to the west of Lot 17, Block 2 of the Park View Addition.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
02-21	12-19-02	Ordinance closing and abandoning an alley lying in a south-westerly direction from Sabine Avenue south of Lots 4-6 and north of Lots 1A-3 of New City Block 80.
07-04	3-15-07	Ordinance closing and abandoning an alley in NCB 18, lying in a northeasterly direction from Quitman Avenue to Upshur Avenue, being approximately 20 feet wide and 350 feet in length.
07-06	4-23-07	Ordinance closing and abandoning an alley lying in a southwesterly direction from Miller Avenue, being approximately 10 feet wide and 105 feet in length.
O-09-04	4-16-09	Ordinance closing and abandoning an alley in Block 2, Paradise Hill subdivision, lying in an northwesterly direction from First Street to Second Street, being approximately 20 feet wide and 350 feet in length.
O-09-08	6-18-09	Ordinance closing and abandoning an alley between Lots 1-71, Block 1 of the Morningside Heights addition, lying in an easterly direction from Walnut Street to Gay Avenue, being approximately 10 feet wide and 925 feet in length.
O-09-13	8-20-09	Ordinance closing and abandoning an alley/street lying in an easterly direction from Rodeo Street to Lakeview Street between Blocks 2 and 3 of the New Lake Addition and the proposed street north of Block 3, New Lake Addition, being approximately 40 feet wide and 439 feet in length.
O-10-09	8-19-10	Ordinance closing and abandoning an alley in Block 31, original townsite, lying in a northeasterly direction from Upshur Avenue to Gregg Avenue, being approximately 20 feet wide and 340 feet in length.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-11-04	4-21-11	Ordinance closing and abandoning an alley in NCB 13, Abstract 95, lying in a southwesterly direction from Upshur Avenue to Lot 11B of NCB 13.
O-11-05	4-21-11	Ordinance closing and abandoning a portion of Honeysuckle Drive going east perpendicular to Primrose Street between Blocks 7 and 8 of the Bettiewood Gardens Addition, and a portion of Carnation Street between Blocks 5 and 6 of the Bettiewood Gardens Addition.
O-11-19	12-15-11	Ordinance closing and abandoning an alley in NCB 65, lying in a southwesterly direction from Glade Avenue to Sabine Avenue, being approximately 20 feet wide and 400 feet in length, and an alley in NCB 78, lying in a southwesterly direction from Sabine Avenue to Perry Street, being approximately 20 feet wide and 225 feet in length.
O-12-16	7-19-12	Ordinance closing and abandoning Wright Street running in a northerly direction on the east boundary of Blocks 3 and 4 of the Bellwood Addition from Rivers Avenue to Eddy Avenue, and closing and abandoning Rivers Avenue running in a westerly direction from Wright Street to White Street on the southern boundary of Lots 12 and 24, Block 4, Bellwood Addition.
O-13-16	12-19-13	Ordinance closing an undeveloped portion of Matthews Street lying in a southerly direction from Godfrey Street between Lot 1, Block 4, Norton and Olson Subdivision, and Lot 7, Block 1, Norton and Olson Subdivision.
O-14-10	7-17-14	Ordinance closing and abandoning an undeveloped portion of Marshall Avenue lying in a westerly direction from Dean Street contiguous to the northeast part of NCB 35, within the City of Gladewater, Texas.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-14-11	7-17-14	Ordinance closing and abandoning undeveloped alley ways contiguous to Lots 1 through 11, NCB 2, lying in a northeasterly direction from Pacific Avenue continuing in a northwesterly direction to North Mill Street, within the City of Gladewater, Texas.
O-15-06	5-21-15	Ordinance closing and abandoning undeveloped alley ways contiguous to Lots 1-6,11-32, Block 2, Mallock Addition, Tracts 59-64 of Abstract 56, M. Dillard survey and Lot 3 NCB 80, lying in a westerly direction approximately 150 feet from Center Street continuing in a northerly direction for approximately 450 feet, then in an easterly direction for approximately 90 feet back to the intersection of Center Street, within the City of Gladewater, Texas.
O-16-09	6-16-16	Ordinance closing and abandoning an alley in NCB 5, lying in a southwesterly direction from Quitman Street to the alley extending from Center Street to Broadway Avenue, within the City of Gladewater, Texas.
O-17-17	7-20-17	Ordinance closing and abandoning the unconstructed roadway platted as Evergreen Drive, lying in a northerly direction from U.S. Highway 80 to Phillips Drive, within the City of Gladewater, Texas.
O-17-18	3-17-16	Ordinance closing and abandoning the unconstructed portion of Phillips Springs Road, contiguous to the eastern boundary of Lot 55 E-1 of the Lake Gladewater Subdivision, Robert Raiford Survey, A-427, which is hereby incorporated into Lot 55 E-1 of the Lake Gladewater Subdivision, within the City of Gladewater, Texas.

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-18-05	2-15-18	<p>Ordinance closing and abandoning:</p> <ol style="list-style-type: none">1) An undeveloped portion of North Pine Street, lying in a northern direction from East Pacific Avenue to the northern boundary of Lot 1 NCB 1; and2) An undeveloped portion of Quitman Avenue, lying in a southeasterly direction along the northern boundary of NCB 1 and NCB 2, within the City of Gladewater, Texas.

TABLE IV: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
83-9	6-2-83	Ordinance granting franchise to General Telephone Company of the Southwest to maintain and operate telephone and other communication service.
89-4	4-20-89	Ordinance amending Ordinance 1046 and granting to TCA Cable T.V. a franchise to maintain and operate a cable television service.
99-07	4-15-99	Ordinance approving, ratifying, confirming, and accepting the Marketchoice Pilot Program, a modified version of the Real-Time Pricing Tariff, and the Selectchoice Pilot Program, filed by Southwestern Electric Power Company for the furnishing of electrical service within the city.
99-23	12-16-99	Ordinance granting Reliant Energy Entex, a division of Reliant Energy Resources Corp., its successors and assigns, the right, privilege and franchise for a period of 20 years to construct, lay, maintain, operate, extend, remove, replace and repair a system of pipelines, gas mains, laterals and attachments and all desirable instrumentalities in, under, over, across and along any and all streets, avenues, parkways, squares, alleys and all other public places in the city.
01-17	12-20-01	Ordinance granting Southwestern Electric Power Company (SWEPCO) a franchise for a period of two years, beginning January 1, 2002, and ending December 31, 2003, the right to distribute and transmit electric energy in, through and beyond the city.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
03-15	9-18-03	Ordinance terminating the existing franchise with Southwestern Electric Power Company (SWEPCO) and granting Southwestern Electric Power Company (SWEPCO) a franchise to remain in affect until December 31, 2005, the right to distribute and transmit electric energy in, through and beyond the city.
05-09	6-27-05	Ordinance granting Southwestern Electric Power Company (SWEPCO) a franchise, for a period of 30 years, beginning January 1, 2006 and ending December 31, 2035, including the right to distribute and transmit electric energy in, through and beyond the city and the right to erect, maintain, operate, repair, remove, and replace electric equipment and appurtenances in, over, under, across, along and through any of the streets, alleys, avenues, sidewalks, bridges, public grounds and public places of the city.

TABLE V: CONTRACTS AND AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
83-3	5-12-83	Ordinance providing for approval of agreement between the State of Texas and the City of Gladewater for the installation, construction, maintenance and use of certain highway signal projects.
91-1	1-17-91	Ordinance approving the agreement between the State of Texas and the City of Gladewater for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the city.
93-15	11-18-93	Ordinance providing for an agreement between the City of Gladewater and GTE Southwest Inc. for the construction and building of posts, poles, cables and the like over and under the public ways of the city for the use and maintenance of its telecommunication business.
97-06	8-21-97	Ordinance approving the agreement between the State of Texas and the City of Gladewater for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the city.
97-07	8-21-97	Ordinance providing for the maintenance of certain state highways and/or portions of state highways in the City of Gladewater, referred to as Municipal Maintenance Project.
98-08	9-17-98	Ordinance authorizing execution of the Texas Municipal League Group Benefits Risk Pool interlocal agreement.
98-09	9-17-98	Ordinance authorizing execution of the Texas Municipal League Group Benefits Risk Pool Continuation of Coverage agreement.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
02-01	1-17-02	Ordinance authorizing the City Mayor to execute for and on behalf of the city an agreement to contribute funds to the state for proper development and construction of the state highway system.
02-19	12-19-02	Ordinance ratifying the boundary agreement executed February 11, 1991, for boundary adjustments to Lots 32 and 34 of the lake Gladewater Subdivision.
02-20	12-19-02	Ordinance ratifying the boundary agreement executed February 18, 1991, for boundary adjustments to Lots 34 and 35 of the Lake Gladewater Subdivision.
03-01	1-16-03	Ordinance approving the agreement between the State of Texas and the City of Gladewater, for the maintenance, control, supervisions and regulation of certain state highways in the city.
O-16-14	9-15-16	Ordinance approving the agreement between the State of Texas and the City of Gladewater, for the maintenance, control, supervision and regulation of certain state highways and/or portions of state highways in the city of Gladewater.
O-17-16	7-25-17	Ordinance ratifying the plat of survey described as Work Order No. 170629 by Hardin Surveying for boundary adjustment between Lots 44 and 46 of Lake Gladewater Subdivision.

TABLE VI: ZONING CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
82-4	1-14-82	Ordinance changing the zoning of real property (Section E-2 of Lake Gladewater) from SF-3 to SF-5.
82-5	1-14-82	Ordinance changing the zoning of real property generally bounded by Melba on the south, Canfield on the east, Gay Avenue on the north, and Virginia, Jeanette, and Tenery on the west.
96-7	5-16-96	Ordinance changing the zoning of the 700 Block of East Glade Street between Cooper and Willow Streets from Residential to Light Industrial.
96-8	8-15-96	Ordinance changing the zoning of property located on State Loop 485, just east of U.S. 271, from Single-Family (5) to Light Industrial.
96-13	9-19-96	Ordinance changing the zoning of the “Tejas Chili Pepper” on 1414 E. Broadway in Sadia Plaza from Commercial to Restricted Commercial.
96-14	10-17-96	Ordinance changing the zoning of 428 N. Main from Residential to Restricted Commercial.
97-14	12-18-97	Ordinance creating a reinvestment zone over the area described in Exhibit “A” and depicted in Exhibit “B”, to be identified as the Commercial/Industrial Reinvestment Zone Number 10, Sampson Industries, Inc.

Gladewater - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
98-03	5-4-98	Ordinance creating a reinvestment zone over the area described in Exhibit "A" and depicted in Exhibit "B", to be identified as the Commercial/Industrial Reinvestment Zone Number 11, Buffalo Roehm, L.L.C., dba Chicken Express.
O-16-13	7-16-98	Ordinance to ratify the plat of survey described as Job No. 161155 by land surveying services for boundary adjustment between Lots 13 and 14 of Lake Gladewater Subdivision, Section W-1 shown on plat thereof recorded in Volume 3, page 472 of the plat records of Upshur County, Texas.
98-10	10-20-98	Ordinance creating a reinvestment zone over the area described in Exhibit "A" and depicted in Exhibit "B", to be identified as the Commercial/Industrial Reinvestment Zone, Number 4, Caddx Controls, Inc., 1420 N. Main.
98-11	11-19-98	Ordinance creating a reinvestment zone over the area described in Exhibit "A", and depicted in Exhibit "B", to be identified as the Commercial/Industrial Reinvestment Zone, Number 4, Texas Die Casting, Inc., 600 S. Loop 485.
99-03	1-21-99	Ordinance creating a reinvestment zone over the area described in Exhibit "A", and depicted in Exhibit "B", to be identified as the Commercial/Industrial Reinvestment Zone, Number 12, Lewis L. Wright and Toni L. Wright, dba Breco, 603 E. Pacific.
03-06	5-15-03	Ordinance designating a certain area as a commercial/industrial reinvestment zone.
08-05	8-21-08	Ordinance designating a certain area as a commercial/industrial reinvestment zone number 5.

PARALLEL REFERENCES

References to Texas Statutes
References to 1960 Code
References to Ordinances

REFERENCES TO TEXAS STATUTES

ALCOHOLIC BEVERAGE CODE

<i>State Cite</i>	<i>Code Section</i>
11.38	112.38

BUSINESS AND COMMERCE CODE

<i>State Cite</i>	<i>Code Section</i>
Chapter 36	124.06

CODE OF CRIMINAL PROCEDURE

<i>State Cite</i>	<i>Code Section</i>
Article 2.12	131.06
Article 102.017	33.03
Article 102.0172	33.04
Chapter 62	130.02

*EDUCATION CODE**State Cite**Code Section*

51.212

131.06

51.214

131.06

FAMILY CODE

<i>State Cite</i>	<i>Code Section</i>
51.08	131.05
Chapter 31	131.05

GOVERNMENT CODE

<i>State Cite</i>	<i>Code Section</i>
418.001 et seq.	35.03
Ch. 442	98.04
551.005	30.11, 30.21, 30.31, 30.41, 30.60, 30.75, 96.02, 154.100
Chapter 552	32.083

HEALTH AND SAFETY CODE

<i>State Cite</i>	<i>Code Section</i>
342.007, 342.008	150.40
481.001 et seq.	131.06
481.002	131.06
483.001	131.06

LOCAL GOVERNMENT CODE

<i>State Cite</i>	<i>Code Section</i>
1.001 et seq.	Charter, Art. II, § 8
54.001	10.99
54.005	150.52
54.017	10.99
Chapters 201 - 205	32.083
201.001 et seq.	33.03
212.001 et seq.	30.42, 30.47, 153.02
212.016	153.30
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