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CODE OF ORDINANCES

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## CODE OF ORDINANCES

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## Chapter 1

### GENERAL PROVISIONS

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### **Sec. 1-1. How code designated and cited.**

The provisions embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances, City of Angus, Texas," and may be cited as the "Angus Code."

(Code 1982, ch. 1, § 1)

**State Law reference—** Authority of city to adopt a civil and criminal code of ordinances, V.T.C.A., Local Government Code § 53.001 et seq.

### **Sec. 1-2. Definitions and rules of construction.**

The following definitions and rules of construction shall apply to this Code and to all ordinances unless the context requires otherwise:

**City.** The term "city" means the City of Angus, Texas.

**City council.** The terms "city council" and "council" mean the City Council of the City of Angus, Texas.

**Code.** The term "Code" means this Code of Ordinances, City of Angus, Texas.

**Computation of time.** In computing any period of time prescribed or allowed by this Code the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

**State Law reference—** Computation of time for state procedures, V.T.C.A., Government Code § 311.014.

**County.** The term "county" means Navarro County, Texas.

**Delegation of authority.** A provision that authorizes or requires a city officer or city employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

**Gender.** A word importing the masculine gender only shall extend and be applied to females, firms, partnerships and corporations as well as to males.

**State Law reference—** Gender, V.T.C.A., Government Code §§ 311.012, 312.003.

**May.** The term "may" is to be construed as being permissive and not mandatory.

**State Law reference—** May, V.T.C.A., Government Code § 311.016.

**Number.** Terms in the singular include the plural. Terms in the plural include the singular.

**State Law reference—** Number, V.T.C.A., Government Code §§ 311.012, 312.003.

**Oath.** A solemn affirmation is the equivalent to an oath and a person shall be deemed to have sworn if such person makes such an affirmation. In such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

V.T.C.A., Government Code §§ 311.005, 312.011.

Whenever reference is made to officers, departments, boards, commissions or employees, etc., it shall mean and refer to those of the City of Angus, Texas.

**Or, and.** Unless the context clearly indicates the contrary, where a provision involving two or more items, conditions, provisions or events are connected by the conjunction "and," "or" or "either or," the conjunction shall be interpreted as follows:

- (1) The term "and" indicates that all the connected terms, conditions, provisions or events apply.
- (2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) The term "either or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

**Owner.** The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or part of such property.

**Person.** The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or other organization, joint stock company, joint adventure, any receiver, executor, trustee, conservator, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

**State Law reference—** Person, V.T.C.A., Government Code § 311.005.

**Personal property.** The term "personal property" means any property other than real property.

**Property.** The term "property" includes real property and personal property.

**State Law reference—** Property, V.T.C.A., Government Code §§ 311.005, 312.011.

**Real property.** The term "real property" includes land, tenements and hereditaments.

**Shall.** The term "shall" is to be construed as being mandatory.

**State Law reference—** Shall, V.T.C.A., Government Code § 311.016.

**Sidewalk.** The term "sidewalk" means any portion of a street between the curblinē or lateral line of the roadway and the adjacent property line intended for pedestrian use.

**State Law reference—** Sidewalk, V.T.C.A., Transportation Code §§ 316.001, 541.302.

**Signature and subscription by mark.** The terms "signature" and "subscription" include a mark when the signer or subscriber cannot write. In such situations, such person's name shall be written near the mark by a witness who writes his own name near such person's name.

**State Law reference—** Signature, V.T.C.A., Government Code §§ 311.005, 312.011.

**State.** The term "state" means the State of Texas.

**Street, highway.** The terms "street" and "highway" mean the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

**State Law reference—** Street, V.T.C.A., Transportation Code § 541.301(5).

ent tense shall also include the future.

A., Government Code §§ 311.012, 312.003.

**Vernon's Ann. Civ. St.** The abbreviation "Vernon's Ann. Civ. St." shall mean the latest edition or supplement to Vernon's Annotated Civil Statutes.

**State Law reference—** Statutory references, V.T.C.A., Government Code § 312.008.

**V.T.C.A.** The abbreviation "V.T.C.A." shall mean and refer to the latest edition or supplement of Vernon's Texas Code Annotated.

**State Law reference—** Statutory references, V.T.C.A., Government Code § 312.008.

**Written and in writing.** The terms "written" and "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(Code 1982, ch. 1, § 3)

**State Law reference—** Written, in writing, V.T.C.A., Government Code §§ 311.005, 312.011.

### **Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(Code 1982, ch. 1, § 2)

**State Law reference—** Headings of statutes, V.T.C.A., Government Code § 311.024.

### **Sec. 1-4. History notes.**

The history notes appearing in parenthesis after sections in this Code have no legal effect but are merely intended to indicate the legislative history of that section.

### **Sec. 1-5. References to chapters or sections.**

All references to chapters or sections are to the chapters or sections of this Code unless otherwise specified.

(Code 1982, ch. 1, § 3)

### **Sec. 1-6. References and editor's notes.**

Editor's notes, cross references and state law references that appear in this Code are provided as an aid and guide for the convenience of the user of the Code and are of no legal effect.

### **Sec. 1-7. Continuation of existing ordinances.**

The provisions of this Code, insofar as they are substantially the same legislation previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

ances.

ot revive any ordinances in force before or at the time the

- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed or cause of action arising under the ordinance repealed.

**State Law reference—** Effect of repeal of a repealing statute, V.T.C.A., Government Code, §§ 311.030, 312.007.

**Sec. 1-9. Certain ordinances not affected by Code.**

- (a) Nothing in this Code or the ordinance adopting this Code affects the validity of any of the following:
- (1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code.
  - (2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the city or any evidence of the city's indebtedness or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the city.
  - (3) Any administrative ordinances of the city not in conflict or inconsistent with this Code.
  - (4) Any right or franchise granted by any ordinance.
  - (5) Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street or public way.
  - (6) The ordinance adopting the budget or any appropriation ordinance.
  - (7) Any ordinance levying or imposing taxes.
  - (8) Any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zones.
  - (9) Any land use, development, zoning or rezoning ordinance or amendment to the zoning map.
  - (10) Any ordinance establishing and prescribing the street grades of any street.
  - (11) Any ordinance providing for local improvements and assessments for such improvements.
  - (12) Any ordinance regarding plats or subdivisions.
  - (13) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the city.
  - (14) Any ordinance establishing positions, classifying positions, establishing pension or employee benefits, setting salaries of city officers and employees or any personnel regulations or indemnifications policies, or otherwise related to employees.
  - (15) Any ordinance on investment and other financial policies.
  - (16) Any ordinance calling an election.
  - (17) Any ordinance authorizing street maintenance agreements.
  - (18) Any ordinance relating to the acquisition of lands by the city by condemnation proceedings.
  - (19) Any ordinance levying a fee, rate, deposit or charge.
  - (20) Any ordinance adopting or amending the comprehensive plan.
  - (21) Any ordinance adopted by reference by any section of this Code and not included in this Code.
  - (22) Any temporary or special ordinance.

as continuing in full force and effect to the same extent as if ordinances are on file in the city secretary's office.

**Sec. 1-10. Amendments to Code; effect of new ordinances; amendatory language.**

- (a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent ordinances may be excluded from this Code by omission from affected reprinted pages. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the city council.
- (b) Amendments to provisions of this Code shall be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances, City of Angus, Texas, is hereby amended to read as follows:õ ." The new provisions shall be set out in full.
- (c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language shall be used: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances, City of Angus, Texas, is hereby created to read as follows:õ ." The new provisions shall be set out in full.
- (d) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

(Code 1982, ch. 1, § 4)

**State Law reference—** Adoption of municipal ordinances, V.T.C.A., Local Government Code § 52.001 et seq.

**Sec. 1-11. Supplementation of Code.**

- (a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to this Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission from reprinted pages.

Code, the person authorized to prepare the supplement may es in ordinances and parts of ordinances included in the hem into a unified code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Provide appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections ;#rule; to ;#rule;" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code. In no case shall the codifier make any change in the meaning or effect of ordinance provisions included in the supplement or already embodied in the Code.

#### **Sec. 1-12. Severability.**

The city council declares that it is its intent to enact this Code and all provisions adopted by reference in this Code without invalid or unconstitutional provisions. The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code, or of any provision adopted by reference in this Code, is declared unconstitutional or invalid by judgement of a court of competent jurisdiction, such judgement shall not affect the validity of any other remaining section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code.

(Code 1982, ch. 1, § 6)

**State Law reference**— Intention in enactment of statutes, V.T.C.A., Government Code § 311.021; severability of statutes, V.T.C.A., Government Code § 311.032.

#### **Sec. 1-13. General penalty; continuing violations.**

- (a) Whenever in this Code or in any ordinance, resolution, rule, or police regulation of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any provision of this Code or any ordinance, resolution, rule, or police regulation shall be punished by a fine not exceeding \$500.00; provided, however, that the violation of any provision of this Code or any ordinance, resolution, rule, or police regulation that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, shall be punished by a fine not exceeding \$2,000.00. Where the offense is one for which a penalty is fixed by state law, the penalty for such offense shall be the same as fixed by state law. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance.
- (b) Except where otherwise provided in this Code, each day an offense continues shall constitute a separate offense.
- (c) In addition to the penalty prescribed in subsection (a) of this section, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudications, revocation of licenses or permits, or other equitable relief.





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ordinance violations, V.T.C.A., Local Government Code, §  
54.001; jurisdiction of municipal court, V.T.C.A., Government Code § 29.003.



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## Chapter 2

### ADMINISTRATION [\[1\]](#)

- ARTICLE I. - IN GENERAL
- ARTICLE II. - CITY COUNCIL
- ARTICLE III. - OFFICERS AND EMPLOYEES
- ARTICLE IV. - ELECTIONS
- ARTICLE V. - FINANCE
- ARTICLE VI. - CLAIMS AGAINST THE CITY
- ARTICLE VII. - MUNICIPAL RETIREMENT SYSTEM

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FOOTNOTE(S):

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--- (1) ---

**Editor's note**—The city having operated under chapters 1- 10, title 28, V.T.C.S., is designated as a type A general law municipality. [\(Back\)](#)

**Cross reference**— Any administrative ordinance of the city not in conflict or inconsistent with this Code saved from repeal, § 1-9(a)(3); civil emergencies, ch. 18; human relations, ch. 30; administration of subdivisions, § 46-51 et seq.; administration of traffic and vehicles, § 54-31 et seq.; administration and enforcement of zoning regulations, § 62-41 et seq. [\(Back\)](#)

[Secs. 2-1- 2-30. Reserved.](#)

## ARTICLE II. CITY COUNCIL <sup>121</sup>

[Sec. 2-31. Form of government.](#)

[Sec. 2-32. Meetings.](#)

[Sec. 2-33. Voting procedures.](#)

[Sec. 2-34. Mayor shall preside; quorum.](#)

[Sec. 2-35. Order of business.](#)

[Sec. 2-36. Procedural rules.](#)

[Sec. 2-37. Filling vacancy on city council or in other municipal office.](#)

[Sec. 2-38. Salary and expenses.](#)

[Sec. 2-39. Membership in North Central Texas Council of Governments.](#)

[Secs. 2-40- 2-70. Reserved.](#)

### **Sec. 2-31. Form of government.**

The city council shall be composed of a mayor and five councilmembers, all elected at large. The mayor and two councilmembers shall be elected in odd numbered years, and three councilmembers shall be elected in even numbered years. The terms of the mayor and councilmembers shall be two years.

(Code 1982, ch. 1, § 11)

**State Law reference—** Membership, V.T.C.A., Local Government Code § 22.031.

### **Sec. 2-32. Meetings.**

The regular meeting of the city council shall be held on the second Tuesday of each month at 7:00 p.m. in the city hall. The mayor, on his own motion, or on the application of three councilmembers may call special meetings by notice to each member of the city council and the city secretary served personally or left at their usual place of abode. Notice of all meetings shall be posted in accordance with the Texas Open Meeting Law, V.T.C.A., Government Code § 551.001 et seq.

(Code 1982, ch. 1, § 12)

**State Law reference—** Meetings, V.T.C.A., Local Government Code § 22.038.

except the mayor, shall be entitled to one vote in person at vote shall be voted on any occasion. The mayor shall only be allowed to vote in case of a tie vote on any matter, except one relating to an election.

(Code 1982, ch. 1, § 12(B))

**State Law reference**— Similar provisions, V.T.C.A., Local Government Code § 22.037(a).

### **Sec. 2-34. Mayor shall preside; quorum.**

The mayor shall be the president of the city council. At the first meeting of each new city council, or as soon as practicable, the city council shall elect one councilmember to serve as president pro tempore for a term of one year and to perform the duties of the mayor in the event of the mayor's failure, inability or refusal to act. Three councilmembers constitute a quorum for the transaction of business. The quorum has the power to appoint any councilmember as a presiding officer at any meeting at which the mayor and the president pro tempore are absent. The quorum shall have power to enact such resolutions and ordinances not inconsistent with the laws and constitution of this state as shall be deemed proper for the government of the city.

(Code 1982, ch. 1, § 12(C))

**State Law reference**— Similar provisions, V.T.C.A., Local Government Code §§ 22.037- 22.039.

### **Sec. 2-35. Order of business.**

The order of business at meetings of the city council shall be established by the mayor.

(Code 1982, ch. 1, § 12(D))

### **Sec. 2-36. Procedural rules.**

The procedure at all meetings of the city council shall be in accordance with the provisions of the latest edition of Robert's Rules of Order, Newly Revised.

(Code 1982, ch. 1, § 12(E))

### **Sec. 2-37. Filling vacancy on city council or in other municipal office.**

- (a) If for any reason a single vacancy exists on the city council, a majority of the remaining members, excluding the mayor, may fill the vacancy by appointment unless an election to fill the vacancy is required by article XI, section 11, of the state constitution. The mayor may vote on the appointment only if there is a tie.
- (b) The person appointed to fill the vacancy serves until the next regular municipal election.
- (c) In lieu of appointing a person to fill a vacancy on the city council, a special election may be ordered to elect a person to fill the vacancy.
- (d) If two or more vacancies on the city council exist at the same time, a special election shall be ordered to fill the vacancies.
- (e) If a vacancy exists in any other municipal office, the mayor or acting mayor shall appoint a person to fill the vacancy, subject to confirmation by the city council.

(Code 1982, ch. 1, § 12(F))

es, V.T.C.A., Local Government Code § 22.010.

**Sec. 2-38. Salary and expenses.**

The mayor and councilmembers shall serve without salary but the mayor shall receive \$75.00 per month for expenses and each councilmember shall receive \$25.00 per month for expenses. Additional expenses may be reimbursed when receipts are presented for approval by the city council.

(Code 1982, ch. 1, § 12(G))

**Sec. 2-39. Membership in North Central Texas Council of Governments.**

The city shall be a member of the North Central Texas Council of Governments for the purpose of joint planning and coordination of governmental services and policies as authorized by V.T.C.A., Local Government Code §§ 391.001- 391.015, and the city secretary is authorized to pay the annual dues required for membership in such council of governments.

(Code 1982, ch. 1, § 13)

**Secs. 2-40—2-70. Reserved.**

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FOOTNOTE(S):

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--- (2) ---

**State Law reference—** Form of government, V.T.C.A., Local Government Code § 22.001 et seq. ([Back](#))

**ARTICLE III. OFFICERS AND EMPLOYEES <sup>(3)</sup>**

DIVISION 1. - GENERALLY

DIVISION 2. - HEALTH OFFICER

DIVISION 3. - CITY SECRETARY

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FOOTNOTE(S):

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--- (3) ---

**Cross reference—** Any ordinance establishing positions, classifying positions, establishing pension or employee benefits, setting salaries of city officers and employees or any personnel regulations or indemnifications policies, or otherwise related to employees saved from repeal, § 1-9(a)(14); emergency management director, § 18-31; fire marshal, § 26-81 et seq. ([Back](#))

**DIVISION 1. GENERALLY**

**[Secs. 2-71—2-90. Reserved.](#)**

## ON 2. HEALTH OFFICER <sup>[4]</sup>

[Sec. 2-91. Office created.](#)

[Sec. 2-92. Qualifications.](#)

[Sec. 2-93. Appointment and term of office.](#)

[Sec. 2-94. Oath.](#)

[Sec. 2-95. Governed by state board of health rules and regulations.](#)

[Sec. 2-96. Powers and duties.](#)

[Sec. 2-97. Compensation.](#)

[Sec. 2-98. Enforcement.](#)

[Secs. 2-99- 2-120. Reserved.](#)

### **Sec. 2-91. Office created.**

There is created the office of the city health officer.

(Code 1982, ch. 6, § 1(A))

### **Sec. 2-92. Qualifications.**

The city health officer shall be a duly licensed medical doctor authorized to practice medicine in the state and be well trained in the science of preventative medicine.

(Code 1982, ch. 6, § 1(B))

### **Sec. 2-93. Appointment and term of office.**

The city health officer shall be appointed by a majority vote of the city council and shall hold office at the will of the city council.

(Code 1982, ch. 6, § 1(C))

### **Sec. 2-94. Oath.**

The city health officer shall qualify by taking the oath of office prescribed by the state constitution, a copy of which shall be filed by the city secretary with the state board of health.

(Code 1982, ch. 6, § 1(D))

### **Sec. 2-95. Governed by state board of health rules and regulations.**

The city health officer shall act under and be governed by the rules and regulations prescribed by the state board of health.

(Code 1982, ch. 6, § 1(E))

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- power to establish such rules and regulations as he may think the citizens of the city, and shall investigate all conditions within the city limits from which communicable disease may arise, and with the utmost care and diligence shall study such diseases and disorders; and shall institute and direct such measures as may be necessary to eradicate and destroy such conditions wherever found in the city.
- (b) The city health officer shall perform such duties as are required by state law, and other duties as the city council may prescribe.

(Code 1982, ch. 6, § 1(F))

**Sec. 2-97. Compensation.**

The city health officer shall receive such compensation as may be fixed by the city council.

(Code 1982, ch. 6, § 1(G))

**Sec. 2-98. Enforcement.**

Whenever it may be necessary to use any force to secure the observation and execution of any rule, regulation, or order issued by the health officer, under authority of this division, it shall be the duty of the city marshal to detail the necessary men and execute the same upon a requisition made by the health officer and approved by the mayor.

(Code 1982, ch. 6, § 1(H))

**Secs. 2-99—2-120. Reserved.**

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FOOTNOTE(S):

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--- (4) ---

**State Law reference—** Local health organization, V.T.C.A., Health and Safety Code § 121.001 et seq. [\(Back\)](#)

***DIVISION 3. CITY SECRETARY*** <sup>[5]</sup>

[Sec. 2-121. Creation of office.](#)

[Sec. 2-122. Powers and duties.](#)

[Sec. 2-123. Appointment and tenure.](#)

[Secs. 2-124- 2-140. Reserved.](#)

**Sec. 2-121. Creation of office.**

The office of city secretary is established. The city secretary shall receive such compensation as may be fixed by the city council.

**Sec. 2-122. Powers and duties.**

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

- (1) The city secretary shall serve as secretary to the city council, and shall perform such clerical duties as may be required by the city council.
- (2) The city secretary shall attest all commissions and licenses issued by the city.
- (3) The city secretary shall preserve and keep in order all books, papers, documents, and records of the city, and keep a record of such books, papers, and documents.
- (4) The city secretary shall have custody of all laws and ordinances of the city.
- (5) The city secretary shall have custody of the seal of the city and shall affix the same to obligations of the city only by order of the city council.
- (6) The city secretary shall perform such services and comply with such regulations as may be prescribed by any ordinance or resolution.
- (7) The city secretary, in order to comply with the open meeting law, shall post in a place readily accessible to the public and 72 hours preceding such meetings, notices of the meetings of the city council.
- (8) The city secretary shall be responsible for holding municipal elections as prescribed by state law.
- (9) The city secretary shall perform all other necessary duties that pertain to such office and all other duties as required by the city council.
- (10) The city secretary shall serve as and perform the duties of municipal court clerk.

(Code 1982, ch. 7, § 2(B))

**State Law reference—** Powers and duties of city secretary, V.T.C.A., Local Government Code § 22.073.

**Sec. 2-123. Appointment and tenure.**

The city secretary shall be appointed by the city council with no stated term of office, and may be removed from office by a majority vote of the city council.

(Code 1982, ch. 7, § 2(C))

**Secs. 2-124—2-140. Reserved.**

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FOOTNOTE(S):

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--- (5) ---

**State Law reference—** City secretary, V.T.C.A., Local Government Code § 22.073. [\(Back\)](#)

**ARTICLE IV. ELECTIONS** <sup>61</sup>



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DIVISION 3. - CANDIDATES  
DIVISION 4. - EARLY VOTING

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FOOTNOTE(S):

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--- (6) ---

**State Law reference**— Elections, V.T.C.A., Election Code § 1.01 et seq. [\(Back\)](#)

## DIVISION 1. GENERALLY

[Sec. 2-141. Governed by state and federal law.](#)

[Sec. 2-142. Adoption of voting system.](#)

[Sec. 2-143. Election order.](#)

[Secs. 2-144- 2-160. Reserved.](#)

### **Sec. 2-141. Governed by state and federal law.**

All elections pertaining to municipal affairs shall be governed by the election laws of the state, V.T.C.A., Election Code § 1.01 et seq. Annual elections for city officials shall be held on the first Saturday in May of each year. Runoff elections required as a result of the election held on the first Saturday in May shall be held on the last Saturday in May. The election shall be held in accordance with the state election laws. The Federal Voting Rights Act is applicable to any change affecting voting including change of polling place, annexation and method of electing city councilmembers. Proposed changes affected by the Federal Voting Rights Act must be submitted to the U.S. Attorney General for approval.

(Code 1982, ch. 1, § 14(A))

**State Law reference**— Date of election, V.T.C.A., Election Code § 41.001.

### **Sec. 2-142. Adoption of voting system.**

The voting system to be used in city elections shall be the paper ballot unless otherwise designated by the city council.

(Code 1982, ch. 1, § 14(B))

### **Sec. 2-143. Election order.**

In all city elections, the city council shall order the election, give notice and appoint the presiding election judge to hold the election. The election order shall be issued at least 45 days prior to election.

(Code 1982, ch. 1, § 14(C))

to call election, V.T.C.A., Election Code § 3.004(a)(3); time for  
e § 3.005.

**Secs. 2-144—2-160. Reserved.**

## ***DIVISION 2. OFFICERS***

[Sec. 2-161. Early voting clerk.](#)

[Sec. 2-162. Election judge.](#)

[Sec. 2-163. Election clerks.](#)

[Sec. 2-164. Compensation.](#)

[Sec. 2-165. Qualifications.](#)

[Secs. 2-166- 2-190. Reserved.](#)

### **Sec. 2-161. Early voting clerk.**

The city secretary is the early voting clerk for all city elections. Deputy early voting clerks may be appointed to assist the early voting clerk and shall have the same authority as the early voting clerk in conducting early voting, subject to the early voting clerk's supervision.

(Code 1982, ch. 1, § 14(D)(1))

**State Law reference—** Early voting clerk, V.T.C.A., Election Code § 83.005.

### **Sec. 2-162. Election judge.**

A presiding election judge and an alternate presiding election judge shall be appointed for each election precinct in which an election is held. The appointment of election judges must be made by written order of the city council.

(Code 1982, ch. 1, § 14(D)(2))

**State Law reference—** Appointment of judge, V.T.C.A., Election Code § 32.005.

### **Sec. 2-163. Election clerks.**

The presiding election judge shall appoint the election clerks to assist the election judge in the conduct of an election at the polling place served by the judge. The city council shall prescribe the maximum number of clerks that each presiding judge may appoint for each election.

(Code 1982, ch. 1, § 14(D)(3))

**State Law reference—** Similar provisions, V.T.C.A., Election Code § 32.031.

### **Sec. 2-164. Compensation.**

An election judge or clerk is entitled to compensation for services rendered at a precinct polling place at the rate set by the city council which shall be an amount equal to the federal minimum wage. The election judge or clerk who delivers the precinct election records, keys to the ballot boxes, or

election supplies after an election, is entitled to compensation  
eed \$25.00.

(Code 1982, ch. 1, § 14(D)(4))

**State Law reference—** Compensation, V.T.C.A., Election Code § 32.091.

### **Sec. 2-165. Qualifications.**

Only a qualified voter and resident of the city may be appointed as an election officer. Such person shall not hold a public office or be running for public office, be employed by an opposed candidate for city office, be related to an opposed candidate for city office or be serving as a campaign treasurer of a candidate or be otherwise ineligible pursuant to state law.

(Code 1982, ch. 1, § 14(D)(5))

**State Law reference—** Eligibility, V.T.C.A., Election Code § 32.051 et seq.

**Secs. 2-166—2-190. Reserved.**

## **DIVISION 3. CANDIDATES** [\[7\]](#)

[Sec. 2-191. Application for place on ballot.](#)

[Sec. 2-192. Review of application.](#)

[Sec. 2-193. Order determined by city.](#)

[Sec. 2-194. Deadline for withdrawing.](#)

[Secs. 2-195- 2-220. Reserved.](#)

### **Sec. 2-191. Application for place on ballot.**

Any eligible person may file an application to have his name printed on the official ballot as a candidate for the office of mayor or councilmember. Such application must be filed in the office of the city secretary no later than 5:00 p.m. of the 45th day before the election. An application may not be filed earlier than the 30th day before the date of the filing deadline. The secretary of state is required to prescribe the design and content of the forms necessary for the administration of the election code including the application form.

(Code 1982, ch. 1, § 14(E)(1))

**State Law reference—** Application, V.T.C.A., Election Code § 141.031.

### **Sec. 2-192. Review of application.**

The city secretary shall review each application for office of mayor or councilmember to determine whether it complies with the requirements as to form, content and procedure it must satisfy for the candidate's name to be placed on the ballot. Such review shall be completed no later than the fifth day after the date the application is received. If an application does not comply, the city secretary shall reject the application and immediately deliver to the candidate written notice of the reason for the rejection.

A., Election Code § 141.032.

**Sec. 2-193. Order determined by city.**

The order in which the names of candidates are to be printed on the ballot shall be determined by a drawing to be conducted by the city secretary. Notice of the drawing must be posted conspicuously for at least 72 hours before the time set for the drawing.

(Code 1982, ch. 1, § 14(E)(3))

**State Law reference—** Order determined by city, V.T.C.A., Election Code § 52.093.

**Sec. 2-194. Deadline for withdrawing.**

Any candidate for a city office may withdraw his candidacy by filing a written, acknowledged withdrawal request with the city secretary. Such request must be acknowledged before a notary public. A withdrawal request must be received by the city secretary not later than 5:00 p.m. of the 36th day before the election day. In a runoff election, the withdrawal deadline is 5:00 p.m. of the third day after the main election.

(Code 1982, ch. 1, § 14(E)(4))

**State Law reference—** Deadline for withdrawing, V.T.C.A., Election Code § 145.092.

**Secs. 2-195—2-220. Reserved.**

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FOOTNOTE(S):

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--- (7) ---

**State Law reference—** Candidates, V.T.C.A., Election Code § 141.001 et seq. ([Back](#))

**DIVISION 4. EARLY VOTING <sup>[8]</sup>**

[Sec. 2-221. Eligibility.](#)

[Sec. 2-222. Ballot board.](#)

[Secs. 2-223- 2-240. Reserved.](#)

**Sec. 2-221. Eligibility.**

Any qualified voter is eligible to early vote by personal appearance. As provided in state law, a person is entitled to early vote by mail if such person is:

- (1) Expected to be absent from the county on election day;
- (2) Sick or physically disabled which prevents him from appearing at the polling place on election day;



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on election day; or

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(Code 1982, ch. 1, § 14(F)(1))

**State Law reference—** Eligibility for early voting, V.T.C.A., Election Code § 82.001 et seq.

**Sec. 2-222. Ballot board.**

The presiding election judge, or alternate presiding judge if the person appointed presiding judge cannot serve, and two election clerks appointed for the general election shall also serve as the early ballot board for the counting of the early ballots. The alternate judge shall serve on the board when the regular presiding judge serves at the election. Early voting ballots shall be delivered to the board by the early voting clerk on or before election day. The early ballot board shall count the early ballots and process the results on election day. The ballots and results of such early voting shall be kept separate from those ballots cast on election day.

(Code 1982, ch. 1, § 14(F)(2))

**Secs. 2-223—2-240. Reserved.**

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FOOTNOTE(S):

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--- (8) ---

**State Law reference—** Early voting, V.T.C.A., Election Code § 81.001 et seq. [\(Back\)](#)



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ARTICLE V. FINANCE <sup>91</sup>

- DIVISION 1. - GENERALLY
- DIVISION 2. - BUDGET

FOOTNOTE(S):

--- (9) ---

**Cross reference**— Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the city or any evidence of the city's indebtedness or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the city saved from repeal, § 1-9(a)(2); any ordinance adopting the budget or any appropriation ordinance saved from repeal, § 1-9(a)(6); taxation, ch. 50 [\(Back\)](#)

**State Law reference**— Finances, V.T.C.A., Local Government Code § 101.001 et seq. [\(Back\)](#)

**DIVISION 1. GENERALLY**

[Sec. 2-241. Fiscal year established.](#)

[Sec. 2-242. Official newspaper.](#)

[Sec. 2-243. Depository.](#)

[Sec. 2-244. Audit.](#)

[Secs. 2-245- 2-270. Reserved.](#)

**Sec. 2-241. Fiscal year established.**

The fiscal year of the city is designated as beginning with the first day of April of each year and ending the last day of March next ensuing thereafter.

(Code 1982, ch. 1, § 8)

**State Law reference**— Authority to prescribe fiscal year, V.T.C.A., Local Government Code § 101.042.

**Sec. 2-242. Official newspaper.**

Since there is no newspaper published in the city, the Corsicana Daily Sun, a daily newspaper published in Corsicana, Texas, is declared to be the official newspaper for required newspaper publications by the city.

(Code 1982, ch. 1, § 9)

**State Law reference**— Official newspaper to be designated, V.T.C.A., Local Government Code § 52.004.

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orsicana, Texas, is designated as the official depository of the accounts, as authorized by the city council, shall be established at such bank with the requirement that all checks written against any such account(s) shall be duly signed by at least two of the following officials: mayor, president pro tempore, or city secretary. It shall be the duty of the city secretary to forecast revenues and expenditures and invest all idle cash balances in excess of immediate needs in certificates of deposit with such bank.

(Code 1982, ch. 1, § 10)

**Sec. 2-244. Audit.**

An audit of the books of account of the city shall be made and filed annually in accordance with V.T.C.A., Local Government Code §§ 103.001- 103.004.

(Code 1982, ch. 1, § 16)

**Secs. 2-245—2-270. Reserved.**

**DIVISION 2. BUDGET <sup>(10)</sup>**

[Sec. 2-271. Required.](#)

[Sec. 2-272. Budget officer.](#)

[Sec. 2-273. Itemized budget; contents.](#)

[Sec. 2-274. Budget cooperation required.](#)

[Sec. 2-275. Proposed budget filed with city secretary; public inspection.](#)

[Sec. 2-276. Public hearing.](#)

[Sec. 2-277. Special notice by publication for budget hearing.](#)

[Sec. 2-278. Adoption of budget.](#)

[Sec. 2-279. Approved budget filed with city secretary.](#)

[Sec. 2-280. Levy of taxes and expenditure of funds under budget; emergency expenditure.](#)

[Sec. 2-281. Changes in budget for municipal purposes.](#)

[Secs. 2-282- 2-300. Reserved.](#)

**Sec. 2-271. Required.**

The budget officer shall, with the aid of the city secretary, annually prepare a budget to cover all proposed expenditures of the government of the city for the succeeding year, in accordance with V.T.C.A., Local Government Code §§ 102.001- 102.011.

(Code 1982, ch. 1, § 15(B))

**State Law reference**— Similar provisions, V.T.C.A., Local Government Code § 102.002.

(Code 1982, ch. 1, § 15(A))

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.001.

**Sec. 2-273. Itemized budget; contents.**

- (a) The budget officer shall itemize the budget to allow as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes made for the preceding year. The budget must show as definitely as possible each of the projects for which expenditures are set up in the budget and the estimated amount of money carried in the budget for each project.
- (b) The budget must contain a complete financial statement of the city that shows:
  - (1) The outstanding obligations of the city;
  - (2) The cash on hand to the credit of each fund;
  - (3) The funds received from all sources during the preceding year;
  - (4) The funds available from all sources during the ensuing year;
  - (5) The estimated revenue available to cover the proposed budget; and
  - (6) The estimated tax rate required to cover the proposed budget.

(Code 1982, ch. 1, § 15(C))

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.003.

**Sec. 2-274. Budget cooperation required.**

The mayor shall have the authority to require any officer or other unit of the city government to furnish such information as may, in the mayor's discretion, be necessary to afford proper preparation of the proposed budget.

(Code 1982, ch. 1, § 15(D))

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.004.

**Sec. 2-275. Proposed budget filed with city secretary; public inspection.**

- (a) The budget officer shall file the proposed budget with the city secretary before the 30th day before the date the city council makes its tax levy for the fiscal year.
- (b) The proposed budget shall be available for inspection by any taxpayer.

(Code 1982, ch. 1, § 15(E))

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.005.

**Sec. 2-276. Public hearing.**

- (a) The city council shall hold a public hearing on the proposed budget. Any taxpayer of the city may attend and may participate in the hearing.



g for a date occurring after the 15th day after the date the  
secretary, but before the date the city council makes its tax

- (c) The city council shall provide for public notice of the date, time, and location of the hearing.

(Code 1982, ch. 1, § 15(F))

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.006.

**Sec. 2-277. Special notice by publication for budget hearing.**

- (a) The city council shall publish notice before a public hearing relating to a budget in at least one newspaper of general circulation in the county.
- (b) Notice published under this section is in addition to notice required by other law, except that if another law requires the city council to give notice, by publication, of a hearing on a budget this section does not apply.
- (c) Notice under this section shall be published not earlier than the 30th or later than the tenth day before the date of the hearing.

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.0065.

**Sec. 2-278. Adoption of budget.**

- (a) At the conclusion of the public hearing required in section 2-276, the city council shall take action on the proposed budget.
- (b) The city council may make any changes in the budget that it considers warranted by the law or by the best interest of the city taxpayers.

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.007.

**Sec. 2-279. Approved budget filed with city secretary.**

On final approval of the budget by the city council, the city council shall file the budget with the city secretary.

(Code 1982, ch. 1, § 15(G))

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.008.

**Sec. 2-280. Levy of taxes and expenditure of funds under budget; emergency expenditure.**

- (a) The city council may levy taxes only in accordance with the budget.
- (b) After final approval of the budget, the city council may spend city funds only in strict compliance with the budget, except in an emergency.
- (c) The city council may authorize an emergency expenditure as an amendment to the original budget only in a case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention. If the city council amends the original budget to meet an emergency, the city council shall file a copy of its order or resolution amending the budget with the city secretary, and the city secretary shall attach the copy to the original budget.



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udget amendment, the budget officer shall provide for the filing  
or amendment in the office of the county clerk.

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.009.

**Sec. 2-281. Changes in budget for municipal purposes.**

This division does not prevent the city council from making changes in the budget for municipal purposes.

**State Law reference—** Similar provisions, V.T.C.A., Local Government Code § 102.010.

**Secs. 2-282—2-300. Reserved.**

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FOOTNOTE(S):

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--- (10) ---

**State Law reference—** Budget, V.T.C.A., Local Government Code § 102.001 et seq. [\(Back\)](#)

[Sec. 2-301. Notice required.](#)

[Sec. 2-302. Contents of notice.](#)

[Secs. 2-303- 2-330. Reserved.](#)

**Sec. 2-301. Notice required.**

Before the city shall be liable for property damages or for damages for the death or personal injury to any person, the person injured, if living, or his representative, if dead, shall give the city secretary notice in writing of such death or injury or property damage.

(Code 1982, ch. 1, § 17)

**State Law reference—** Notice, V.T.C.A., Civil Practices and Remedies Code § 101.101.

**Sec. 2-302. Contents of notice.**

- (a) A governmental unit is entitled to receive notice of a claim against it under this article not later than six months after the day that the incident giving rise to the claim occurred. The notice must reasonably describe:
- (1) The damage or injury claimed;
  - (2) The time and place of the incident; and
  - (3) The incident.
- (b) The notice requirements provided in subsection (a) of this section do not apply if the city has actual notice that death has occurred, that the claimant has received some injury, or that the claimant's property has been damaged.

(Code 1982, ch. 1, § 17)

**State Law reference—** Similar provisions, V.T.C.A., Civil Practice and Remedies Code § 101.101.

**Secs. 2-303—2-330. Reserved.**

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FOOTNOTE(S):

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--- (11) ---

**State Law reference—** Tort claims, V.T.C.A., Civil Practice and Remedies Code, § 101.001 et seq. [\(Back\)](#)

**ARTICLE VII. MUNICIPAL RETIREMENT SYSTEM** [\[12\]](#)



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[Municipal League.](#)

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**Sec. 2-331. Membership in Texas Municipal League.**

The city shall be a member of the Texas Municipal League for the purpose of better representation, information, advice, and other such services which may be provided. The city secretary is authorized to pay the annual dues required for membership in such league.

(Code 1982, ch. 1, § 18)

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FOOTNOTE(S):

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--- (12) ---

**State Law reference**— Texas Municipal Retirement System, V.T.C.A., Government Code § 851.001 et seq. [\(Back\)](#)

**Chapters 3—5**

**RESERVED**

[Sec. 6-1. Definitions.](#)

[Sec. 6-2. Wild animals restricted.](#)

[Sec. 6-3. Disposal of dead animals.](#)

[Sec. 6-4. Maintenance of stables, pens, houses, and yards.](#)

[Sec. 6-5. Reports of rabies.](#)

[Sec. 6-6. Cruelty to animals.](#)

[Sec. 6-7. Keeping of bees.](#)

[Sec. 6-8. Vaccination of dogs and cats required.](#)

[Sec. 6-9. Barking dogs.](#)

[Sec. 6-10. Vicious dogs.](#)

[Sec. 6-11. Fowl.](#)

[Sec. 6-12. Livestock.](#)

[Sec. 6-13. Multiple Ownership](#)

### **Sec. 6-1. Definitions.**

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

**Cat** means any cat of the species felis catus.

**Dog** means any animal of the species canis familiaris.

**Harboring** means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter, or care for a period of ten days.

**Owner** means any person, firm, or corporation who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of ten days.

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

**Vaccinated** means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

**Vicious animal** means any individual animal or any species that has on two previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which gives reason to believe it has a dangerous disposition likely to be harmful to humans or other animals.

**Wild animal** includes all species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

(Code 1982, ch. 2, § 1)

**Cross reference**— Definitions generally, § 1-2

maintain within the city limits the following animals: bats, skunks, whose normal natural weight exceeds 40 pounds. The owner shall keep any other wild animals under restraint at all times. The city council may grant exceptions to this section, by permit, for special events.

(Code 1982, ch. 2, § 2)

### **Sec. 6-3. Disposal of dead animals.**

The carcass of any animal, including fowl, not slaughtered for food but dead of disease or any other cause shall be removed and/or disposed of by the owner, if known, and, if not known, by the owner of the premises where such animal is found, at his own expense, within 24 hours after such death, according to such methods as may be approved by the county health officer.

(Code 1982, ch. 2, § 3)

### **Sec. 6-4. Maintenance of stables, pens, houses, and yards.**

All stables, pens, houses, and yards used for the keeping of animals or fowl within the city shall be kept in a clean and sanitary condition. All such stables, pens, houses, and yards shall be located at least 50 feet from any residence not occupied by the owner of such animals or fowl.

(Code 1982, ch. 2, § 4; Code 2024 Sec. 6-4 Amended 7/9/2024)

### **Sec. 6-5. Reports of rabies.**

- (a) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the county health officer. The report must include:
- (1) The name and address of the victim and of the animal's owner, if known; and
  - (2) Any other information that may help in locating the victim or animal.
- (b) The county health officer shall investigate a report filed under this section.

(Code 1982, ch. 2, § 5)

**State Law reference—** V.T.C.A., Health and Safety Code § 826.041.

### **Sec. 6-6. Cruelty to animals.**

It shall be unlawful for any person in the city to overdrive, override, or overload, or unnecessarily confine any animal, or fail to provide the animal with proper food, drink, and shelter, or in any way treat any animal with cruelty.

(Code 1982, ch. 2, § 6)

**State Law reference—** Cruelty to animals, V.T.C.A., Penal Code § 42.09.

### **Sec. 6-7. Keeping of bees.**

It shall be unlawful to keep bees in any area of the city except in those areas where the beehives will be located at least 300 feet or more from the nearest dwelling other than the dwelling of the owner of the bees. It shall further be unlawful to keep bees, regardless of the above limitation, in such

ssive numbers on property, other than that of the owner of the  
the peaceful occupancy of such other property.

(Code 1982, ch. 2, § 7)

**Sec. 6-8. Vaccination of dogs and cats required.**

- (a) Except as otherwise provided by state board of health rule, the owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by board rule.
- (b) A veterinarian who vaccinates a dog or cat against rabies shall issue to the animal's owner a vaccination certificate in a form that meets the minimum standards approved by the board and a tag. Such vaccination tag shall be of durable quality and stamped with the term "Rabies Vaccine Administered," or a similar phrase, and the date of vaccination, and shall be securely attached to a collar or harness around the neck of the dog.

(Code 1982, ch. 2, § 8(A))

**State Law reference**— Similar provisions, V.T.C.A., Health and Safety Code § 826.021.

**Sec. 6-9. Barking dogs.**

The act of permitting a dog to bark repeatedly in such a manner as to disturb the inhabitants of the neighborhood is declared to be a nuisance subject to abatement as provided for in section 22-71.

(Code 1982, ch. 2, § 8(B))

**Sec. 6-10. Vicious dogs.**

It shall be unlawful for any owner or person in control of any vicious or dangerous dog to keep or permit the animal in or about any public house, public place, street, or alley in the city.

(Code 1982, ch. 2, § 8(C))

**State Law reference**— Dangerous dog, V.T.C.A., Health and Safety Code § 822.042 et seq.

**Sec. 6-11. Fowl.**

It shall be unlawful for the owner or keeper of any geese, ducks, turkeys, chickens, or other domesticated fowl to permit such fowl to run at large in the city.

(Code 1982, ch. 2, § 9)

**Sec. 6-12. Livestock.**

- (a) Livestock not to run at large. It shall be unlawful for any person to allow or permit any cows, horses, mules, jacks, jennys, goats, sheep, swine, or any other livestock of any character to run at large upon the streets, alleys, public highways, public parks, public lands, or upon any vacant lot or lots within the city.
- (b) Herding or staking of livestock on streets prohibited. It shall be unlawful for any person to herd or stake any cows, horses, mules, jacks, jennys, goats, sheep, swine, or any other livestock of any character on any street, alley, public highway, public park, or public land within the city.

(Code 1982, ch. 2, § 10)



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keep or any household to have more than four (4) adult dogs and four (4) adult cats at any one residential location which is situated in an area of one-half (1/2) acres or less within the City of Angus, Texas. A litter under three (3) months shall not be counted for the purpose of this section.

(Code 2018, Ord. 159, ch. 6, 11-13-2018)

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Environment, ch. 22 [\(Back\)](#)

**State Law reference**— Animal care and control, V.T.C.A., Health and Safety Code § 821.001 et seq.; authority to prohibit running at large of animals, V.T.C.A., Local Government Code § 215.026. [\(Back\)](#)





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CODE OF ORDINANCES

**Chapters 7—9**

**RESERVED**

## CHAPTER 10. BUILDINGS AND BUILDING REGULATIONS <sup>[1]</sup>

- ARTICLE I. - IN GENERAL
- ARTICLE II. - BUILDING CODE
- ARTICLE III. - ELECTRICAL CODE
- ARTICLE IV. - PLUMBING CODE
- ARTICLE V. - SUBSTANDARD BUILDINGS
- ARTICLE VI. - MOVING STRUCTURES
- ARTICLE VII – RESIDENTIAL OCCUPANCY STANDARDS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Environment, ch. 22; fire prevention and protection, ch. 26; mobile homes, manufactured homes and parks, ch. 34; solid waste, ch. 38; streets, sidewalks and other public places, ch. 42; subdivisions, ch. 46; issuance of building, plumbing, electrical permit, § 46-8; utilities, ch. 58; zoning, ch. 62; nonconformances, § 62-171 et seq.; accessory building regulations, § 62-651 et seq. [\(Back\)](#)

**State Law reference**— Building regulations, V.T.C.A., Local Government Code § 214.001 et seq. [\(Back\)](#)

### ARTICLE I. IN GENERAL

[Secs. 10-1- 10-30. Reserved.](#)

### ARTICLE II. BUILDING CODE <sup>[2]</sup>

[Sec. 10-31. Adopted.](#)

[Sec. 10-32. Enforcement of building regulations.](#)

[Sec. 10-33. Appeals.](#)

[Sec. 10-34. Specific amendments to building codes.](#)

[Sec. 10-35. Liability of city.](#)

[Sec. 10-36. Building permits.](#)

[Sec. 10-37. Fees.](#)

[Sec. 10-38. Compliance with deed restrictions.](#)

[Secs. 10-39- 10-70. Reserved.](#)

establishing rules and regulations for the erection, construction, ng, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures the International Residential Code as required in V.T.C.A., Local Government Code § 214.212 and the International Building Code, 2000 edition. The codes are adopted, except as hereinafter amended, including all appendices. One copy of such codes are on file in the office of the city secretary. The codes are adopted and incorporated as fully as if set out at length in this article, and shall be controlling in the construction of all buildings and other structures within the city limits.

- (b) In the event of a conflict between the provisions of the building codes adopted by reference in subsection (a) of this section, and any provision of this chapter or any other ordinance, the more stringent provision shall prevail.

(Code 1982, ch. 3, § 1(A), (B))

### **Sec. 10-32. Enforcement of building regulations.**

Until the city shall appoint a building official or inspector, building regulations shall be enforced by a properly qualified person, as determined by the city council, who shall inspect and approve work, on an as-needed basis, under whatever arrangement the city council deems to be in the best interests of the city.

(Code 1982, ch. 3, § 1(C))

### **Sec. 10-33. Appeals.**

Any person aggrieved by any interpretation of the building regulations, or by any decision or ruling by the city's designated inspector, shall have the right to make an appeal to the city council. Such appeal shall be perfected by written notice submitted to the city secretary and addressed to the mayor and city council asking for a hearing by the city council, and the action of the city council thereon shall be final. Prior to rendering a decision on any appeal, the city council shall seek expert advice and counsel.

(Code 1982, ch. 3, § 1(D))

### **Sec. 10-34. Specific amendments to building codes.**

- (a) Generally. The building codes adopted in section 10-31 are amended as follows:
- (1) The section concerning fees is deleted.
  - (2) Sections concerning the board of adjustments and appeals are deleted as superseded by section 10-33
- (b) Specific amendments. The building codes adopted in section 10-31 are specifically amended in the following respects:

Chapter 2301.8(b) of the Standard Building Code shall be amended to read as:

"(b) From the effective date of this ordinance, no new billboard sign shall be erected or installed in the City of Angus, except that all lawful billboard signs currently in existence that are located within the city limits as of the effective date of this ordinance shall continue to be allowed.

"Also, any existing or newly permitted billboard sign that is lawfully in existence as of the effective date of this ordinance shall be allowed to be replaced or upgraded with another similar billboard sign, provided the new billboard sign complies with all ordinances and laws of the City of Angus and the State of Texas. No single billboard sign may be upgraded to a double billboard sign."



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**Sec. 10-35. Liability of city.**

Neither the city or any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

(Code 1982, ch. 3, § 1(F))

**Sec. 10-36. Building permits.**

- (a) Scope. The provisions in this section apply to any and all types of structures or additions including residences, buildings, trailers, house trailers, and portable buildings.
- (b) Permit required. It shall be unlawful for any person, firm, or corporation to erect, construct or locate upon any property, any building, structure, home, residence or commercial building in the city without first obtaining a permit from the city through the city's duly appointed building inspector and each permit must be approved by the city council.
- (c) Application for permit. Each application for a building permit of any type shall be accompanied by plans, drawings and a description showing the exact type of structure or building to be erected, improved or located upon property, and the purpose for which same is to be used.
- (d) Approval of permit. The city council and/or the duly appointed building inspector shall be the sole judge as to whether such residence, home, building, structure, addition, improvement or use shall be permitted and no appeal from such decision shall be made into any court except for the abuse of discretion and no exception can be made on any application or any use except by the city council which has made full authority to do so. The city council shall have the right to refuse any permit request if, in its judgment, the granting of such permit would result in any health or safety hazard to the general public or to any occupations of any structure, or for any other good cause shown. Such refusal may be based upon a failure to meet any building, safety, health, zoning, or other regulations hereafter adopted by the city council.

(Code 1982, ch. 3, § 2(A- D))

**Sec. 10-37. Fees.**

For every building permit issued for the erection or construction of any new building or structure, or for the alteration of any building or structure, the City Secretary shall collect a fee from the owner or contractor performing such work. Such fee shall cover the cost of permit and cost of inspection by the building inspector, or his assistants, at regular intervals until the work is complete, and shall be based on the total cost, including mechanical works, as follows:

PERMITS ONLY (DOES NOT INCLUDE INSPECTION FEES)

**Residential Building Permits** .....\$0.30 per square ft. for new build or remodel.

**Accessory Buildings/Porch/Decks**..... \$25.00

**Commercial Building Permits** will be:

if the building is valued at \$2,000.00 or less ..... \$20.00



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CODE OF ORDINANCES

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01 and \$15,000 (\$25.00 for the first 2,002 = \$6 for each add'l ..... \$25.00

if the building is valued between \$15,001 and \$50,000 (\$103.00 for first \$15,001 + \$5 for each add'l \$1,000 or fraction thereof)..... \$103.00

if the building is valued between \$50,001 and \$100,000 (\$285 for first 50,001 + \$4 for each add'l \$1,000 or fraction thereof)..... \$285.00

if the building is valued between \$100,001 and \$500,000 \$490 for first 100,001 + \$2 for each add'l \$1000 or fraction thereof)..... \$490.00

if the building is valued \$500,000 and up (\$1,550 for the first \$500,001 + \$1.50 for each add'l \$1,000 or fraction thereof) .....\$1,550.00

**The permit fee does not include any fees charged for inspections. Inspection fees are set by the designated building inspector and will be paid to the city in advance once a building permit is issued.**

All fees collected hereunder shall be paid directly to the city secretary.

(Code 1982, ch. 3, § 2(F)) Fees revised and adopted by Angus City Council on March 10, 2020

**Sec. 10-38. Compliance with deed restrictions.**

All restrictions in any subdivision or association in the Angus Heights Subdivision shall be recognized and each building must comply with such restrictions of any particular area and the building inspector is to confer with and work in cooperation with the developer and/or property owner's association in each subdivision.

(Code 1982, ch. 3, § 2(E))

**Secs. 10-39—10-70. Reserved.**

FOOTNOTE(S):

--- (2) ---

State Law reference— Required building code, V.T.C.A., Local Government Code § 214.212. [\(Back\)](#)

**ARTICLE III. ELECTRICAL CODE <sup>[31]</sup>**

[Sec. 10-71. Adopted.](#)

[Sec. 10-72. Application of article.](#)

[Sec. 10-73. Liability of city.](#)

[Sec. 10-76. Permit required.](#)

[Sec. 10-77. Application for permit.](#)

[Sec. 10-78. Issuance of permit.](#)

[Sec. 10-79. Installation restrictions.](#)

[Sec. 10-80. Permit fees.](#)

[Sec. 10-81. Separate permits.](#)

[Sec. 10-82. Aluminum wire prohibited.](#)

[Sec. 10-83. Master electrician's license required.](#)

[Secs. 10-84- 10-110. Reserved.](#)

### **Sec. 10-71. Adopted.**

The edition and all subsequent revisions required by V.T.C.A., Local Government Code § 214.214 of the National Electrical Code of the National Fire Protection Association, are adopted by reference and made part of this article as the general standard for electrical equipment and installations in the city, except such provisions thereof as may be in conflict with this article or other ordinances of the city. All electrical equipment installed or used in the city and all installations of electrical equipment shall be reasonably safe to persons and property in conformity with the standards provided in such National Electrical Code, and with the provisions of this article and applicable state statutes, and any rules and regulations issued by authority thereof. A copy of the National Electrical Code referred to in this section shall be kept on file in the office of the city secretary for reference and inspection.

(Code 1982, ch. 3, § 5(A))

### **Sec. 10-72. Application of article.**

The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, signs, fixtures, motors, generators, starters, controls, and raceways, hereinafter referred to as "electrical equipment," within or on public and private buildings and premises within the city.

(Code 1982, ch. 3, § 5(B))

### **Sec. 10-73. Liability of city.**

This article shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property which were caused by any defect in such equipment or in the installation thereof. Nor shall the city be held as assuming any liability by reason of the inspection, failure to inspect, or reinspection authorized in this article or any certificates of conformance or nonconformance issued by the city, or by reason of the approval or disapproval of any equipment authorized in this article.

(Code 1982, ch. 3, § 5(C))

**Electrical code.**

Electrical official or electrical inspector, the electrical code adopted by a properly qualified person, as determined by the city council, who shall inspect and approve work, or contract for the inspection of work, on an as-needed basis, under whatever arrangement the city council deems to be in the best interest of the city.

(Code 1982, ch. 3, § 5(D))

**Sec. 10-75. Appeals.**

Any person aggrieved by any interpretation of the electrical code adopted by reference in section 10-71, or by any decision or ruling by the city's designated inspector, shall have the right to make an appeal to the city council. Such appeal shall be perfected by written notice submitted to the city secretary and addressed to the mayor and city council asking for a hearing by the city council, and the action of the city council thereon shall be final. Prior to rendering a decision on any appeal, the city council shall seek expert advice and counsel.

(Code 1982, ch. 3, § 5(E))

**Sec. 10-76. Permit required.**

No electrical equipment shall be installed within or on any building, structure, or premises publicly or privately owned within the city, nor shall any alterations or additions be made to any such existing equipment without first securing a permit there for from the city secretary.

(Code 1982, ch. 3, § 5(F))

**Sec. 10-77. Application for permit.**

Application for the permit required by the provisions of this article, describing the work to be done, shall be made in writing to the city secretary. When required by the city secretary, the application shall be accompanied by such plans, specifications, and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this article.

(Code 1982, ch. 3, § 5(G))

**Sec. 10-78. Issuance of permit.**

If it shall be found that the installation of the electrical work as described in the application for the permit shall conform with all provisions of this article, and if the electrician agrees to comply with all provisions of this article, the permit for such electrical work shall be issued by the city secretary.

(Code 1982, ch. 3, § 5(H))

**Sec. 10-79. Installation restrictions.**

No deviation may be made from the electrical installation described in the permit required in this article without the written approval of the city.

(Code 1982, ch. 3, § 5(I))

**Sec. 10-80. Permit fees.**

Before any permit shall be issued under the provisions of this article, the applicant therefor shall pay a fee based upon the work to be done as follows: for each permits, \$15.00.

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**Sec. 10-81. Separate permits.**

Separate permits shall be required for each separate building, store space, or apartment, whether each unit is metered separately or conjunctively, and a separate permit shall be issued on all such units whether supplied from a central metering station or directly from an electrical supply agency, except that in mobile home parks, the individual trailer disconnect switches shall not be deemed services.

(Code 1982, ch. 3, § 5(K))

**Sec. 10-82. Aluminum wire prohibited.**

No aluminum wire shall be used in any mode or application in any electrical system or installation in the city.

(Code 1982, ch. 3, § 5(L))

**Sec. 10-83. Master electrician's license required.**

Any person, firm, or corporation desiring to engage in the business of electrical construction or of the installation of wiring and apparatuses for electrical lights, appliances, heating, or power in the city shall, before doing so, present a master electrician's license. The city shall recognize a license issued by any other city in the state.

(Code 1982, ch. 3, § 5(M))

**Secs. 10-84—10-110. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Utilities, ch. 58 ([Back](#))

**State Law reference**— Required code, V.T.C.A., Local Government Code § 214.214. ([Back](#))

**ARTICLE IV. PLUMBING CODE <sup>[4]</sup>**

[Sec. 10-111. Adopted.](#)

[Sec. 10-112. Enforcement of plumbing regulations.](#)

[Sec. 10-113. Appeals.](#)

[Sec. 10-114. Permit fees.](#)

[Sec. 10-115. Septic tanks.](#)

[Sec. 10-116. Specific amendments to plumbing code.](#)

[Sec. 10-117. Liability of city.](#)



**Sec. 10-111. Adopted.**

- (a) There is adopted, for the purpose of prescribing regulations governing installation, alteration, repair, and replacement of plumbing, piping, fittings, fixtures, and equipment which may be connected to any water and sewer system in the city, the International Plumbing Code, as required in Vernon's Ann. Civ. St. art. 6243-101, § 5B. One copy of such code is on file in the office of the city secretary, and the same is adopted and incorporated as fully as if set out at length in this article.
- (b) In the event of a conflict between the provisions of the plumbing code adopted by reference in subsection (a) of this section, and any provision of this article, or any other ordinance, the more stringent provision shall prevail.

(Code 1982, ch. 3, § 6(A), (B))

**Sec. 10-112. Enforcement of plumbing regulations.**

Until the city shall appoint a plumbing official or inspector, plumbing regulations shall be enforced by a properly qualified person, as determined by the city council, who shall inspect and approve work, on an as-needed basis, under whatever arrangement the city council deems to be in the best interests of the city.

(Code 1982, ch. 3, § 6(C))

**Sec. 10-113. Appeals.**

Any person aggrieved by any interpretation of the plumbing regulations, or by any decision or ruling by the city's designated inspector, shall have the right to make an appeal to the city council. Such appeal shall be perfected by written notice submitted to the city secretary and addressed to the mayor and city council asking for a hearing by the city council, and the action of the city council thereon shall be final. Prior to rendering a decision on any appeal, the city council shall seek expert advice and counsel.

(Code 1982, ch. 3, § 6(D))

**Sec. 10-114. Permit fees.**

The fee for all permits required by the plumbing code adopted in section 10-111 shall be \$10.00 each.

(Code 1982, ch. 3, § 6(E))

**Sec. 10-115. Septic tanks.**

Septic tanks shall be permitted only after complying with state requirements in accordance with state department of health procedures. Septic tanks shall be installed in accordance with the state department of health standards for construction of private sewage facilities.

(Code 1982, ch. 3, § 6(F))

to plumbing code.

Section 10-111 is amended as follows: The section concerning

(Code 1982, ch. 3, § 6(G))

**Sec. 10-117. Liability of city.**

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

(Code 1982, ch. 3, § 6(H))

**Secs. 10-118—10-150. Reserved.**

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FOOTNOTE(S):

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--- (4) ---

**State Law reference—** Standards, Vernon's Ann. Civ. St. art. 6243-101, §§ 5B, 15 ([Back](#))

**ARTICLE V. SUBSTANDARD BUILDINGS <sup>15</sup>**

[Sec. 10-151. Definitions.](#)

[Sec. 10-152. Abatement.](#)

[Sec. 10-153. Conditions for vacating, repairing, or demolishing dilapidated, substandard, and unfit for human habitation structures.](#)

[Sec. 10-154. Standards which may be followed in repairing, vacating, or demolishing.](#)

[Sec. 10-155. Owner's voluntary request for demolition or cleanup.](#)

[Sec. 10-156. Duty of city attorney to enforce orders.](#)

[Sec. 10-157. Liability of city.](#)

[Sec. 10-158. Minimum Standards: Habitability, Health and Welfare](#)

[Secs. 10-159- 10-190. Reserved.](#)

**Sec. 10-151. Definitions.**

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

**Dilapidated and substandard structures** means buildings and structures deemed to be dilapidated, substandard, or unfit for human habitation as follows:

- (1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail, or rain; or damage through fire to the

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and doors, or portions of the house, building, or structure which no longer reasonably protect from the weather.

- (2) All vacant buildings or structures which are unsecured, deteriorated, or contain accumulations of flammable materials, and as such represent a fire hazard to surrounding property.
- (3) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, of which cannot be expected to withstand the reasonably anticipated storms.
- (4) All buildings, structures, or premises permitted to exist that constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease.

**Menace to health and safety** means and includes weeds, underbrush, trash, debris, and personal property of no reasonable value.

Premises means all areas surrounding buildings and structures as well as vacant lots.

(Code 1982, ch. 3, § 8(A))

**Cross reference**— Definitions generally, § 1-2

### **Sec. 10-152. Abatement.**

Buildings or structures described in section 10-151 shall constitute dilapidated, substandard, and unfit for human habitation structures and buildings, and shall be ordered to be vacated, repaired, or demolished.

(Code 1982, ch. 3, § 8(B))

### **Sec. 10-153. Conditions for vacating, repairing, or demolishing dilapidated, substandard, and unfit for human habitation structures.**

Substandard buildings or structures may be ordered to be, and shall be, vacated, repaired, or demolished under the following conditions, regulations, and procedures:

- (1) When it shall come to the notice of the city council that a building or structure in the city is substandard under the terms of this article, the city council may cite the owner of such building or structure, or his authorized agent or representative, to appear and show cause why such building should not be declared to be a substandard building and why he should not be ordered to vacate, repair, or destroy such building or structure. The date of such hearing shall be not less than ten days after citation shall have been made.
- (2) Such citation may be served by delivery of a copy thereof to the owner or the person in possession or depositing such citation to the address of the owner as shown on the county appraisal district tax rolls in the U.S. mail by certified or registered letter, or, if such premises are unoccupied, and the ownership is unknown, by attaching a copy to such building or structure, and advertising same by publication thereof in a newspaper of general circulation in the city.
- (3) On the day set in such citation for hearing, hearing shall be had and on the basis of such hearing, the city council shall determine whether or not such building or structure is a substandard building or structure. Upon making a determination that such building or structure is substandard, the city council shall instruct the city attorney to institute a suit, within 30 days after determination and failure by the appellant to comply with such decision, in the appropriate court of the state, to show that such structure is a hazard and thereby enforce the action taken by the city council. Upon final judgment by the court that such structure is a hazard, and on a failure of such owner to take steps to remedy same, within 30 days after rendering such final judgment, then the city is authorized to proceed with the necessary repair, vacating, or demolishing of such building or structure, and the costs of such repair, vacation, or demolition shall be a lien charged against the land on which such structure existed, in favor of the city.

**Sec. 10-154. Standards which may be followed in repairing, vacating, or demolishing.**

The following standards may be followed in substance by the city council in ordering repair, vacation, or demolition of dilapidated, substandard, and unfit for human habitation structures:

- (1) If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this article, it shall be ordered repaired.
- (2) If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, or of the public it shall be ordered to be vacated.
- (3) If the substandard building or structure is in such deteriorated condition that it cannot be reasonably repaired, then it shall be demolished.
- (4) In any case, where a substandard building or structure is 50 percent damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this article, it shall be demolished.

(Code 1982, ch. 3, § 8(D))

**Sec. 10-155. Owner's voluntary request for demolition or cleanup.**

The owner of a substandard building, structure, or premises may voluntarily execute an agreement requesting the demolition of such building or the cleanup of such premises. If the city council authorizes such demolition or cleanup, then the procedures set forth in this article for notice and hearing shall not be required. The city council may authorize the expenditure of public funds for such demolition and/or cleanup if, in its judgment, the same is justified and necessary.

(Code 1982, ch. 3, § 8(E))

**Sec. 10-156. Duty of city attorney to enforce orders.**

It shall be the duty of the city attorney to enforce the orders of the city council pursuant to this article, by filing action in the appropriate court of this state, when so authorized by the city council.

(Code 1982, ch. 3, § 8(F))

**Sec. 10-157. Liability of city.**

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

(Code 1982, ch. 3, § 8(G))

**Sec. 10-158. Minimum Standards: Habitability, Health and Welfare**

Buildings must be in compliance with the following standards:

- (a) All buildings must be in compliance with applicable building codes, plumbing codes, electrical codes, fire prevention codes and sanitation codes or ordinances theretofore adopted by the City of Angus or which are adopted hereafter unless specifically exempted therefrom.
- (b) All buildings must meet applicable state sanitation standards.
- (c) No building shall be allowed to exist in a state of neglect or non-maintenance which results in creating an environment or habitat conducive to the infestation and breeding of rodents, insects or other pests in and around the building.

- or refuse shall be allowed to exist in the building or on its yard or creates an environment which facilitates pest infestation. for authorized permanent or temporary occupancy shall have at least one sink installed in compliance with the plumbing code adopted by the City and be connected to water service provided by the Angus Water Supply Corp. where such service is available, or to another water supply if Angus Water Supply Corp. service is not available.
- (f) All buildings occupied or used for authorized permanent or temporary occupancy must have at least one functional restroom containing a toilet installed and connected to the municipal sewage system if connection to the municipal sewage system is available, or if municipal sanitary sewer service is not available, connected to an on-site sewer system which complies with the applicable OSSF regulations of the Texas Commission on Environmental Quality. Commercial buildings that are otherwise exempt by the applicable codes adopted by the City from having a restroom are unaffected by this provision.
  - (g) All buildings occupied or used for authorized permanent or temporary occupancy shall have a safe and unobstructed means of egress leading to safe and open space at ground level, as required by the building/safety code(s) adopted by the City of Angus.
  - (h) All buildings occupied or used for authorized permanent or temporary occupancy shall have adequate windows and systems for ventilation.
  - (i) No building occupied or used for authorized permanent or temporary occupancy shall be maintained in a condition which does not offer reasonable protection from the elements to its inhabitants.
  - (j) To the extent allowed by municipal code, any septic tank system must be constructed and maintained in accordance with the applicable code adopted by the City and applicable state standards.

**Secs. 10-159—10-190. Reserved.**

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FOOTNOTE(S):

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--- (5) ---

**State Law reference**— Substandard buildings, V.T.C.A., Local Government Code § 214.001 et seq. [\(Back\)](#)

**ARTICLE VI. MOVING STRUCTURES <sup>[6]</sup>**

[Sec. 10-191. Definitions.](#)

[Sec. 10-192. Permit required.](#)

[Sec. 10-193. Application for permit.](#)

[Sec. 10-194. Investigation of application by building official.](#)

[Sec. 10-195. Issuance of permit.](#)

[Sec. 10-196. Issuance of certificate of occupancy and compliance.](#)

[Sec. 10-197. Liability of city.](#)

**Sec. 10-191. Definitions.**

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

**Building official** means a person authorized by the city council to perform the duties prescribed in this article.

**Permittee** means a person to whom a permit to move or relocate any old or used house, building, or structure, or portion thereof, within the corporate limits of the city has been issued.

**Person** means any individual, corporation, or legal entity.

(Code 1982, ch. 3, § 9(A))

**Cross reference**— Definitions generally, § 1-2

**Sec. 10-192. Permit required.**

It shall be unlawful for any person to move from or into or to relocate any old or used house, building, structure, or portion thereof, within the corporate limits of the city, for the purpose of placing such house, building, or structure upon any lot or tract of ground for any use or occupancy of any nature whatsoever without first obtaining a permit from the city council.

(Code 1982, ch. 3, § 9(B))

**Sec. 10-193. Application for permit.**

Any person desiring to move or relocate any old or used house, building, or structure within the corporate limits of the city shall file an application with the city secretary requesting that he be permitted to do so. Upon filing an application for a permit, the applicant shall pay a fee of \$10.00 to help defray the cost of processing the permit application. The application shall contain the following information:

- (1) Name, address, and telephone number of applicant.
- (2) Description and size of the house, building, or structure to be moved, together with a picture thereof.
- (3) Legal description of the lot and the local address upon which the house, building, or structure is to be moved or relocated on if a permit is granted by the city council.
- (4) A drawing or plot plan showing the dimensions of the lot or tract of land upon which the house, building, or structure is to be moved or relocated, and the location of existing buildings or structures upon the lot, if any, together with the location of existing buildings or structures upon adjoining lots.
- (5) The proposed route, including the time and date, when the applicant proposes to move or relocate the house, building, or structure.

(Code 1982, ch. 3, § 9(C))

**Sec. 10-194. Investigation of application by building official.**

Upon filing of the application required in section 10-193, the building official shall investigate the application by inspecting the house, building, or structure to be moved or relocated upon the lot or tract of land, and the lot or tract of land upon which the house, building, or structure is to be located. He shall then advise the city council as to whether the house, building, or structure meets the

pted in section 10-31, and other applicable ordinances of the  
house, building, or structure, if allowed to be moved onto the  
meet all of the requirements of the building code and other

applicable regulations of the city.

(Code 1982, ch. 3, § 9(D))

**Sec. 10-195. Issuance of permit.**

- (a) After receiving the application and report of the building official required in this article, the city council shall set a date for a public hearing on the application. After such public hearing, the city council shall either grant or deny the request taking into consideration the location and size of the lot upon which the house, building, or structure is to be located, the size and construction of the house, building, or structure to be moved, the population density of the area, the location and use of buildings, structures, and land in the area, the condition that the premises is to be left in; provided that no request shall be granted if the city council shall find:
- (1) The house, building, or structure to be moved does not meet all of the requirements of all applicable ordinances of the city.
  - (2) The lot or tract of land with the house, building, or structure thereon would not meet all of the requirements of the applicable ordinances of the city.
  - (3) The house, building, or structure to be moved has deteriorated more than 50 percent of its original value by virtue of fire or by virtue of age or normal wear and tear or other elements.
  - (4) The moving of such house, building, or structure upon or from the lot or tract of land would cause injury to persons or property or damage to the streets or other public improvements.
  - (5) The applicant cannot ensure that he has the financial resources to bring the building up to city standards within 90 days after completion of the move.
- (b) If the city council shall grant the request to move such house, building, or structure, the city council shall cause a special permit to be issued authorizing the moving of such house, building, or structure upon or from the lot or tract of land under such conditions, requirements, or restrictions as the city council shall determine.

(Code 1982, ch. 3, § 9(E))

**Sec. 10-196. Issuance of certificate of occupancy and compliance.**

No person shall occupy such house, building, or structure permitted to be moved pursuant to this article until the city secretary issues the permittee a certificate of occupancy and compliance. No certificate of occupancy and compliance shall be issued until the house, building, or structure complies with all conditions of the permit and all requirements of all applicable ordinances of the city.

(Code 1982, ch. 3, § 9(F))

**Sec. 10-197. Liability of city.**

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

(Code 1982, ch. 3, § 9(G))

**ARTICLE VII, RESIDENTIAL OCCUPANCY STANDARDS**

**Sec. 10. – 197 Basis for Concern**

Over-occupancy of dwelling units creates health and safety dangers to home occupants and their neighbors. These dangers include fire hazards, spread of disease to occupants and the general population, an opportunity for domestic violence and abuse, effects to mental health, and other adverse impacts on the peace, comfort, and safety of residents. To protect against these dangers, the City has established regulations limiting the number of occupants in a residence. These regulations are intended to ensure a good living environment in residential neighborhoods and reduce vehicle congestion, noise, and overwhelming of public utilities.

**Sec. 10. – 198 Occupancy Standards Based on the Size of the Residence**

The City limits the number of adult occupants in a house based upon the size of the entire dwelling unit. The following table outlines these limits for single family and two-family dwellings.

**\*Adult occupant means any individual 18 years of age or older, living or sleeping in a dwelling, or having possession of space within a dwelling.**

Living Floor Area of Dwelling Unit (in square feet)	Maximum Number of Adult Occupants
Up to 1,200	4 Adult Occupants
1,201 . 1,750	5 Related Adult Occupants
1,751 to 2,400	6 Related Adult Occupants
2,401 to 3,150	7 Related Adult Occupants
3,151 to 4,000	8 Related Adult Occupants
4,001 . 4,500	9 Related Adult Occupants

**\*Related Adult Occupant means one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit.**

(Code 2018, Ord. 158, Ch. 10, Ar. VII, 11-13-2018)

FOOTNOTE(S):

--- (6) ---

Cross reference— Streets, sidewalks and other public places, ch. 42 ([Back](#))





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**Chapters 11—13**

**RESERVED**

## Chapter 11 BUSINESS REGULATIONS [11](#)

- ARTICLE I. - IN GENERAL
- ARTICLE II. - OIL AND GAS
- ARTICLE III. - MASS GATHERINGS
- ARTICLE IV. - PEDDLERS AND SOLICITORS
- ARTICLE V. - SEXUALLY ORIENTED BUSINESSES
- ARTICLE VI. - RENDERING PLANTS
- ARTICLE VII. - METAL RECYCLING ENTITIES
- ARTICLE VIII. - HOTELS AND MOTELS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Taxation, ch. 50; utilities, ch. 58; c commercial district, § 62-391 et seq.; I-1 light industrial district, § 62-421 et seq.; I-2 heavy industrial district, § 62-451 et seq.; home occupations, § 62-571 et seq.; franchises, app. A. [\(Back\)](#)

**State Law reference**— Regulation of businesses and occupations, V.T.C.A., Local Government Code § 215.001 et seq.; professions, occupations, businesses, V.T.C.A., Occupations Code § 1.001 et seq. [\(Back\)](#)

## ARTICLE I. IN GENERAL

[Sec. 14-1. Certain businesses prohibited.](#)

[Sec. 14-2. Local fee for alcoholic beverage fee authorized.](#)

[Secs. 14-3- 14-30. Reserved.](#)

### **Sec. 14-1. Certain businesses prohibited.**

Within the limits of the city it shall be unlawful for any business to locate or operate in such business if it includes any of the following:

- (1) A slaughtering establishment;
- (2) A hide house;
- (3) An establishment for making soap;
- (4) An establishment for steaming or rendering lard, tallow, offal, or any other substance that may be rendered; and
- (5) Any other establishment or place at which any nauseous, offensive, unwholesome business may be conducted.

Such prohibition shall be effective immediately and shall apply to all businesses currently operating, or who may intend to locate in the city in the future.

(Ord. No. 92, art. 1, 1-9-1996)

**State Law reference—** Authority to prohibit certain businesses, V.T.C.A., Local Government Code § 215.024.

### **Sec. 14-2. Local fee for alcoholic beverage fee authorized.**

- (a) From the effective date of this section, the City Council of Angus hereby desires to levy and collect a fee equal to one-half of the state fee for each permit issued or renewed for premises located within the city limits of the City of Angus, Texas.
- (b) The mayor and/or city secretary is hereby directed to submit all required documents and information to the Texas Alcoholic Beverage Commission in order to ensure that the city receives and collects such fee.

(Ord. No. 123, art. 1, 3-22-2006)

**Secs. 14-3—14-30. Reserved.**

## ARTICLE II. OIL AND GAS [\[2\]](#)

[Sec. 14-31. Permit required.](#)

[Secs. 14-34- 14-60. Reserved.](#)

**Sec. 14-31. Permit required.**

It shall be unlawful for any person to drill or commence to drill a well for oil or gas within the limits of the city, or to work upon or assist in any way in the prosecution of the drilling of any such well without a permit for the drilling, completion, and operation of such well having been first issued by authority of the city council.

(Code 1982, ch. 4, § 2(A))

**Sec. 14-32. Conditions for issuance.**

As a condition for the issuance of a drilling permit required by this article, the city council shall establish such location, insurance and bonding requirements, drilling regulations, and operation rules as shall be deemed appropriate to protect the health and safety of the citizens of the city.

(Code 1982, ch. 4, § 2(B))

**Sec. 14-33. Permit fee.**

The fee for oil and gas well permits required by this article shall be \$100.00.

(Code 1982, ch. 4, § 2(C))

**Secs. 14-34—14-60. Reserved.**

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FOOTNOTE(S):

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--- (2) ---

**State Law reference—** Oil and gas, V.T.C.A., Natural Resources Code § 81.001 et seq. [\(Back\)](#)

**ARTICLE III. MASS GATHERINGS <sup>[3]</sup>**

[Sec. 14-61. Definitions.](#)

[Sec. 14-62. Restroom facilities required.](#)

[Sec. 14-63. Garbage containers required.](#)

[Sec. 14-64. Compliance with traffic control ordinances and laws required; parking.](#)

[Sec. 14-65. Notice and permit required.](#)

[Sec. 14-66. Exemptions.](#)

[Secs. 14-67- 14-100. Reserved.](#)

phrases, when used in this article, shall have the meanings where the context clearly indicates a different meaning:

Large public gathering means any organized gathering of 50 or more persons for any purpose whatsoever. Examples of such gatherings include political rallies, outdoor stage performances, civic group or club meetings, etc. The reasonable expectation of 50 or more persons at such a gathering shall subject persons to the provisions of this article.

(Ord. No. 80, § I, 8-2-1993)

**Cross reference—** Definitions generally, § 1-2

**Sec. 14-62. Restroom facilities required.**

- (a) Individual restroom facilities shall be provided on site for both male and female attendees at any large public gathering. Facilities provided shall be deemed adequate if there exists at least one restroom facility for each sex for every 50 persons attending the public gathering.
- (b) Should permanent restroom facilities not be available on site or if available restroom facilities are not sufficient to comply with the requirement in subsection (a) of this section, portable restroom facilities shall be required.

(Ord. No. 80, § II, 8-2-1993)

**Sec. 14-63. Garbage containers required.**

- (a) In order to properly contain the inordinate amount of trash and garbage likely to be created at any large public gathering, sufficient garbage containers and receptacles shall be required to be kept on site for the duration of the gathering. It shall be the duty of the property owner or his agent, or lessee, to provide and at all times to maintain containers or receptacles of sufficient capacity and in sufficient numbers to accommodate and securely keep the garbage and rubbish that may accumulate from a large public gathering. Containers and receptacles shall be conveniently located on the premises for the attendees' use.
- (b) At least one four-cubic-yard refuse container shall be provided for every 50 persons expecting to attend or attending a large public gathering.
- (c) The property owner, or his agent or lessee, shall deposit or be responsible for ensuring that all trash, garbage and debris generated and collected at the gathering be transported to and deposited in a duly permitted municipal landfill or recycling center.

(Ord. No. 80, § III, 8-2-1993)

**Sec. 14-64. Compliance with traffic control ordinances and laws required; parking.**

- (a) Attendees of any large public gathering shall at all times remain subject to all ordinances and laws of the city and the state regarding traffic control.
- (b) The property owner, or his agent or lessee, shall provide adequate off-street parking space to accommodate all vehicles of persons attending the gathering.

(Ord. No. 80, § IV, 8-2-1993)

quired.

- ed large public gathering, the person owning the property upon his duly authorized agent, shall notify the city of the gathering and obtain a permit. Notice shall be given to either the mayor or city secretary.
- (b) A permit shall be issued by the mayor prior to any large public gathering and may be obtained at the time notice of the gathering is provided to the city.
  - (c) Upon applying for the permit required in this section, the applicant shall give assurances of compliance with the provisions of this article. The failure to comply with the provisions of this article shall be deemed an automatic forfeiture of the permit and grounds for the mayor or any peace officer to stop the public gathering.
  - (d) There shall be no fee charged for the permit required in this section.

(Ord. No. 80, § V, 8-2-1993)

### **Sec. 14-66. Exemptions.**

Large public gatherings sponsored or otherwise held by schools or churches shall not be subject to the provisions of this article.

(Ord. No. 80, § VI, 8-2-1993)

### **Secs. 14-67—14-100. Reserved.**

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FOOTNOTE(S):

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--- (3) ---

**State Law reference**— Mass gatherings, V.T.C.A., Health and Safety Code § 751.001 et seq. [\(Back\)](#)

## **ARTICLE IV. PEDDLERS AND SOLICITORS <sup>141</sup>**

[Sec. 14-101. Purpose.](#)

[Sec. 14-102. Definitions.](#)

[Sec. 14-103. Permit required.](#)

[Sec. 14-104. Application for permit.](#)

[Sec. 14-105. Investigation of applicant.](#)

[Sec. 14-106. Issuance and duration of permit.](#)

[Sec. 14-107. Permit fees.](#)

[Sec. 14-108. Permit to be carried on person and presented on request.](#)

[Sec. 14-109. Revocation of permit.](#)

[Sec. 14-110. Permit not transferable.](#)

[Sec. 14-111. Consumers right to cancel.](#)

[Sec. 14-112. Permission to enter private premises required.](#)



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[regulations; state sales tax permits.](#)

[Secs. 14-115- 14-150. Reserved.](#)

### **Sec. 14-101. Purpose.**

This article is and shall be deemed an exercise of the police powers of the state and of the city for the public safety, comfort, convenience, and protection of the city and the citizens thereof, and all of the provisions of this article shall be constructed for the accomplishment of that purpose.

(Ord. No. 98, § 3(A), 2-20-1996)

### **Sec. 14-102. Definitions.**

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

**Peddler and solicitor** mean any person, partnership, firm, or corporation going from house to house or from place to place in the city soliciting, exhibiting, selling, canvassing for or taking orders for, or offering to sell or take orders for any goods, wares, merchandise, meats, fish, food and subscriptions to magazines, publications, newspapers, or photographs. The same shall also include any persons, partnerships, firms, or corporations soliciting, exhibiting, selling, taking orders for, or offering to sell or take orders for such goods, wares, merchandise, meat, fish, food, publications or services upon or from a truck, trailer or other vehicle on the streets of the city or who hire, rent, lease, or occupy any room or space in any building, structure, other enclosure, vacant lot, or any other property whatever in the city. Also anyone who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade these provisions shall be deemed a peddler or solicitor. The terms "peddler" and "solicitor" shall also be synonymous with the terms "itinerant merchant" and "transient vendor."

(Ord. No. 98, § 3(B), 2-20-1996)

**Cross reference—** Definitions generally, § 1-2

### **Sec. 14-103. Permit required.**

It shall be unlawful for any person, partnership, firm, or corporation to peddle, sell, solicit, exhibit, or take orders for or offer to take orders for any goods, wares, merchandise, meat, fish, food, or subscriptions to magazines, publications, newspapers, photographs, or services without first having obtained a permit to do so from the city.

(Ord. No. 98, § 3(C), 2-20-1996)

### **Sec. 14-104. Application for permit.**

- (a) Every person desiring to obtain a permit as required by this article shall make written application to the city secretary, which application shall show at least the following:
- (1) The full name and post office address of the applicant.
  - (2) The state, county, town, or city in which the applicant permanently resides.
  - (3) The applicant's date of birth, height, weight, color of hair and color of eyes, social security number, and driver's license number, if available.
  - (4) The occupation in which the applicant desires to engage and for which he desires a permit.

of the goods, wares, meat, fish, food, merchandise or other  
significant desires to sell, which description shall give in detail the  
party to be sold.

- (6) Whether the applicant has ever been convicted of a felony or a misdemeanor involving theft, fraud, bribery, sexual crime or perjury or crimes involving moral turpitude.
- (b) In addition to the information required in subsection (a) of this section, there shall also be attached to each application for a permit the following:
  - (1) A recent photographic likeness of the applicant's face.
  - (2) A certificate or letter from the president, vice-president, general manager, sales manager, assistant sales manager, or district or area manager of the company for which the applicant works, sells, or solicits, stating that the applicant is an employee and/or agent of such company. If the applicant is an individual who is not working, selling, or soliciting for any firm or company, letters of recommendation from two citizens of the applicant's permanent residence shall be submitted.
  - (3) A copy of the state sales tax permit, if applicable.

(Ord. No. 98, § 3(D), 2-20-1996)

#### **Sec. 14-105. Investigation of applicant.**

It shall be the duty of the city secretary to investigate each applicant for a permit required by this article. The city secretary shall as promptly as possible make a report of his investigation to the mayor before a permit is issued.

(Ord. No. 98, § 3(E), 2-20-1996)

#### **Sec. 14-106. Issuance and duration of permit.**

Upon completion of the investigation of an applicant for a permit required by this article, the mayor shall issue or refuse to issue a permit. Such permit shall either be issued or denied no later than two weeks from the date of such application. All permits issued shall be valid for a period of either ten days, 90 days or six months, unless sooner revoked. If the permit is denied, the applicant may appeal such denial to the city council. Renewal of permits are handled like a new permit.

(Ord. No. 98, § 3(F), 2-20-1996)

#### **Sec. 14-107. Permit fees.**

The city secretary shall collect the following permit fees at the time of application for a permit required by this article:

- (1) Ten-day permit .....\$ 25.00
- (2) Ninety-day permit .....\$ 50.00
- (3) Six-month permit .....\$100.00

Such fee shall not be prorated nor refunded to the applicant regardless of whether a permit is issued or not.

(Ord. No. 98, § 3(G), 2-20-1996)

#### **Sec. 14-108. Permit to be carried on person and presented on request.**

It shall be unlawful for any peddler or solicitor to be doing business within the city unless he carries the permit required by this article on him at all times. Every peddler or solicitor shall display his



and failure to so display such permit shall be grounds for this section.

(Ord. No. 98, § 3(H), 2-20-1996)

**Sec. 14-109. Revocation of permit.**

After the permit as required in this article has been issued and the city finds that the permit was obtained by false representation in the application, or that the permit holder has committed any act or practice that violates V.T.C.A., Business and Commerce Code § 17.46 et seq., otherwise known as the Texas Deceptive Trade Practice Act; any act or practice which violates the Home Solicitation Sales Act; the commission, during the term of the permit, of any crime or misdemeanor involving moral turpitude; or any violation of this article or any city ordinance or state or federal law, such permit may be revoked.

(Ord. No. 98, § 3(I), 2-20-1996)

**Sec. 14-110. Permit not transferable.**

No permit issued under this article shall be transferable or assignable nor give authority to more than one person to engage in the business as a peddler or solicitor, but any person having obtained such permit may have the assistance of one or more persons in conducting such business.

(Ord. No. 98, § 3(J), 2-20-1996)

**Sec. 14-111. Consumers right to cancel.**

All peddlers or solicitors shall provide to the consumer in writing the right to cancel a solicitation transaction made in person or by telephone until midnight of the third business day after the day on which the consumer signs an agreement or offer to purchase any goods, wares, merchandise, meat, fish, food, photographs, publications, or services. For the purpose of telephone solicitation, the date of transaction means the day the consumer receives the

goods, wares, merchandise, meat, fish, food, photographs, publications, or services purchased in a solicitation transaction. If the consumer chooses to cancel the solicitation transaction, notification by mail shall be considered given at the time mailed, as evidenced by the postmark; notification by telegram shall be considered given at the time filed for transmission; and notification by any other writing shall be considered given at the time delivered to the merchants designated place of business. It shall be unlawful for any peddler, solicitor, or company represented to refuse to allow the customer to cancel the solicitation transaction.

(Ord. No. 98, § 3(K), 2-20-1996)

**State Law reference—** Consumer's right to cancel contract, V.T.C.A., Business and Commerce Code § 39.003.

**Sec. 14-112. Permission to enter private premises required.**

It shall be unlawful for any peddler or solicitor to go in and upon the premises of a private residence or property in the city unless requested or invited to do so by the owner or occupant of such private residence or property.

(Ord. No. 98, § 3(L), 2-20-1996)

**Health regulations; state sales tax permits.**

of food or beverages shall also be required to comply with all health regulations and licensing requirements. Additionally, all peddlers and solicitors shall be required to have a state sales tax permit if required by law.

(Ord. No. 98, § 3(M), 2-20-1996)

**Sec. 14-114. Exemptions.**

The provisions of this article shall not apply to the following:

- (1) Sales of goods, wares, food, merchandise, publications, and/or services by any bona fide charitable, religious, educational, or philanthropic organization or when donated by owners or merchants of which the proceeds are to be used and applied to some charitable, religious, educational, or philanthropic purposes.
- (2) Sale of milk, dairy products, bakery products, vegetables, poultry, eggs, and other farm and garden products which have been raised or produced by the vendor.
- (3) Daily deliveries of milk, bakery and other food products or newspaper deliveries.
- (4) Insurance salesmen, real estate salesmen, and other professionals licensed by the state.
- (5) Persons engaged in interstate commerce. The term "interstate commerce" means soliciting, selling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, publications, or services, or acting in any function as a peddler or solicitor, as the terms are used in this article, which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than this state, and shipped or introduced into this city in the fulfillment of such orders.
- (6) Garage, carport, and yard sales by residents.

(Ord. No. 98, § 3(N), 2-20-1996)

**Secs. 14-115—14-150. Reserved.**

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FOOTNOTE(S):

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--- (4) ---

**Cross reference**— Streets, sidewalks and other public places, ch. 42 ([Back](#))

**State Law reference**— Authority to regulate hawkers or peddlers, V.T.C.A., Local Government Code § 215.031. ([Back](#))

**ARTICLE V. SEXUALLY ORIENTED BUSINESSES <sup>151</sup>**

[Sec. 14-151. Adoption of preamble.](#)

[Sec. 14-152. Purpose and intent.](#)

[Sec. 14-153. Findings.](#)

[Sec. 14-154. Definitions.](#)

[Sec. 14-155. Prohibitions.](#)

### **Sec. 14-151. Adoption of preamble.**

The findings contained in the preamble of this article are determined to be true and correct and are adopted as a part of this article.

(Ord. No. 133, § 2, 1-13-2009)

### **Sec. 14-152. Purpose and intent.**

It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(Ord. No. 133, § 2, 1-13-2009)

### **Sec. 14-153. Findings.**

Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearings and in reports made available to the council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41(1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S. Ct. 1382 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 295 F.3d 471 (5th Cir. 2002); *LLEH, Inc. v. Wichita County, Texas*, 289 F.3d 358 (5th Cir. 2002); *Mitchell v. Commission on Adult Entertainment*, 10 F.3d 123 (3rd Cir. 1993); *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir. 2000); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5<sup>th</sup> Cir. 1995); *2300, Inc. v. City of Arlington*, 888 S.W.2d 123 (Tex. App. - Fort Worth, 1994); *Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998), cert denied, 529 U.S. 1053 (2000); *Key, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *DLS, Inc. v. Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Jake's, Ltd., Inc. v. Coates*, 384 F.3d 884 (8th Cir. 2002); and on studies, reports and/or testimony in other communities including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Dallas, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; St. Croix County, Wisconsin; Kitsap County, Washington; Los Angeles, California Police Department (dated August 12, 2003); Arlington, Texas, License and Amortization Appeal Board hearings, 2001 and 2002; Arlington Community Health Profile (dated July 2003); a summary of land use studies compiled by the National Law Center for Children and Families; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the council finds:

- (1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, absent municipal regulation aimed at reducing adverse secondary effects there is no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (2) Certain employees of sexually oriented businesses, defined in this article as sexually oriented theater, nude model business, escort agency, and sexually oriented cabaret, engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

oriented businesses, especially those which provide private or  
rooms for viewing films, videos, or live sex shows.

- (4) Offering and providing private or semiprivate areas in sexually oriented businesses encourages such sexual activities, which creates unhealthy conditions.
- (5) Persons frequent certain sexually oriented theaters, sexually oriented arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS (acquired immunodeficiency syndrome) caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985, and 253,448 through December 31, 1992.
- (8) As of December 31, 2001, there have been 57,199 reported cases of AIDS in the State of Texas.
- (9) Since the early 1980s and to the present, there has been an increasing cumulative number of persons testing positive for the HIV antibody test in Tarrant County, Texas and across the State of Texas.
- (10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982, and 45,200 through November, 1990. According to Texas Department of Health records there were 1,175 cases of early syphilis reported in the State of Texas during 2000 and an additional 972 cases reported in 2001.
- (11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990. Again, according to Texas Department of Health records there were 32,895 cases of gonorrhea reported in the State of Texas during 2000 and an additional 30,116 cases reported in 2001. During the same time period there were also 138,692 cases of chlamydia reported in the State of Texas. [Arlington Community Health Profile (dated July 2003)]
- (12) In his report of October 22, 1986, the Surgeon General of the United States has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "sexually oriented" films.
- (16) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect substantial governmental concerns.
- (17) It is reasonably believed by the city council that the general welfare, health, and safety of the citizens of the city will be promoted by the enactment of this article.
- (18) The findings noted above raise substantial governmental concerns.

**Sec. 14-154. DEFINITIONS.**

**Sexually oriented business** means:

- (1) A sexually oriented arcade, sexually oriented bookstore or sexually oriented video store, sexually oriented cabaret, sexually oriented motel, sexually oriented theater, sexually oriented motion picture theater, escort agency, nude model business or sexual encounter center; and/or
- (2) Any establishment whose principal business is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, 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 whose employees or customers appear in a state of nudity.
- (3) The term "sexually oriented business" shall not be construed to include:
  - a. Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing the normal and customary functions authorized under the license held;
  - b. Any business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts;
  - c. Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live models; or
  - d. An activity conducted or sponsored:
    1. By a proprietary school licensed by the State of Texas or a college, junior college or university supported entirely or partly by taxation; or
    2. By a private college or university which maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
    3. Any activity conducted or sponsored by an entity identified in subparagraph 1. or 2. must be situated in a structure:
      - i. Which has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and
      - ii. Where in order to participate in a class, a student must enroll at least three days in advance of the class; and
      - iii. Where no more than one nude model is on the premises at any one time.

**Sexually oriented arcade** means any commercial establishment to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**Sexually oriented bookstore** or **sexually oriented video store** means a commercial establishment to which the public is permitted or invited which, as its principal business purpose, 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

ornalia which are designed for use in connection with "specified  
include items used for birth control or for prevention of sexually

**Sexually oriented cabaret** means a nightclub, bar, restaurant or similar commercial establishment which regularly has:

- (1) Persons who appear in a state of nudity; or
- (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, closed-circuit television transmissions, cable television transmissions, subscriber programming, any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission or other method, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Sexually oriented motel** means 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, cable television transmissions, subscriber programming, any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission or other method, 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 type of material; or
- (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.

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 business is a sexually oriented motel.

**Sexually oriented motion picture theater** means a commercial establishment to which the public is permitted or invited where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions, any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission or other method, are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Sexually oriented theater** means a theater, concert hall, auditorium or similar commercial establishment to which the public is permitted or invited which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(Ord. No. 133, § 2, 1-13-2009)

#### **Sec. 14-155. Prohibitions.**

All sexually oriented businesses, sexually oriented arcades, sexually oriented bookstores or sexually oriented video stores, sexually oriented cabarets, sexually oriented motels, sexually oriented motion picture theaters and sexually oriented theaters are prohibited within the city limits and ETJ of the City of Angus, Texas.

(Ord. No. 133, § 2, 1-13-2009)

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FOOTNOTE(S):

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**Editor's note**—Ordinance No. 133, adopted January 13, 2009, was not specifically amendatory of the Code. The editor has treated these new provisions as superseding article V, §§ 14-151- 14-164, which contained similar provisions and derived from Ord. No. 88, adopted April 24, 1995. ([Back](#))

**Cross reference**— Zoning, ch. 62 ([Back](#))

**State Law reference**— Authority to regulate, V.T.C.A., Local Government Code § 243.001 et([Back](#))

## ARTICLE VI. RENDERING PLANTS <sup>[6]</sup>

[Sec. 14-201. Requirements for plants located within one mile of city limits.](#)

[Secs. 14-202- 14-300. Reserved.](#)

### **Sec. 14-201. Requirements for plants located within one mile of city limits.**

- (a) Rendering plants are not permitted in the city.
- (b) The following requirements shall apply to any rendering plant which is or may be located within one mile of the city limits that process for commercial usage the proteins and fats from animal and poultry sources, in whole or in part, such as their byproducts:
  - (1) The plant and grounds shall be kept in a sanitary manner.
  - (2) The materials coming into the plant and the waste products from the plant shall be handled in such a manner as to prevent stream, water or soil pollution.
  - (3) The arrangement of the rendering plant and the operational procedures shall be such that there shall be no contamination of any finished product.
  - (4) The plant shall have an emergency response team whose function is to clean up spillage of animal byproducts and grease within one mile of the city limits. Those hauling the animal byproducts and grease shall be required by the plant to report any spills to the plant immediately, and the response team shall clean up the spill within two hours of the spill. The team shall also respond to any citizen and city complaints regarding a spill within two hours.
  - (5) The rendering facility shall be operated to control mosquitos, flies and rodents as public health hazards.
  - (6) Trucks carrying animal byproducts shall be covered with nonpermeable truck covers to contain odors and prevent spillage.
  - (7) Barrels of grease coming into the plant shall be tightly sealed to prevent spillage.
  - (8) Trucks and railroad cars carrying inedible animal byproducts and/or grease shall not be parked outside the indoor receiving area for more than two hours.
  - (9) Trucks and railroad cars waiting to make delivery outside the plant shall not create an odor intensity in the ambient air over a period of 30 minutes with a geometric average OIRS (odor intensity referencing scale) value of 3.0 or greater. The OIRS is found in ATSM E544-75, 88,

g Suprathreshold Odor Intensity, American Society of Testing  
April 1988.

- (10) Local soil conditions and groundwater shall be considered in all operational practices such as truck washing, machinery washing, wastewater treatment, solids storage and disposal and materials handling. Spillage of all raw materials, solids, dust and liquids shall be immediately contained and collected with appropriate methods.
- (11) The plant shall use machinery that complies with all federal and state health and environmental requirements.
- (12) Inedible animal byproducts and/or restaurant grease shall only be unloaded after the truck(s) or railroad car(s) shipping the byproducts and/or grease have entered the entirely closed and tightly closed building after the doors of the building have been closed. The entirely closed and tightly closed building in which the byproducts and grease are received shall be ventilated so that:
  - a. All air, gases, and airborne or gasborne material are treated by incineration or other effective means (two stages of chemical scrubbing) before being emitted into the open air through a well defined exhaust stack of sufficient height to comply with the U.S. Environmental Protection Agency's Good Engineering Practice stack height design;
  - b. The number of room air changes per hour (ventilation rate) in the receiving area exceeds 15; and
  - c. The negative pressure within the building is sufficient to confine odor-bearing gases, vapors, fumes, or dust arising from materials on the trucks, in barrels, and in the receiving hoppers, vessels, and conveyors.
- (13) Trucks shall be thoroughly washed, scrubbed and sterilized within 30 minutes of unloading materials and before leaving the facility's immediate property.
- (14) Barrels shall be thoroughly washed, scrubbed and sterilized within the entirely closed and tightly closed building, and all odor-bearing gases, vapors, fumes, or dust arising from the barrel washing shall be treated by incineration or other effective means (two stages of chemical scrubbing) before being emitted into the open air through a well defined exhaust stack of sufficient height to comply with the U.S. Environmental Protection Agency's Good Engineering Practice stack height design.
- (15) No person shall operate or use any device, machine, equipment, or other contrivance for the thermal reduction of animal matter (cookers) unless all noncondensable gases, vapors, and gas-entrained effluents (high intensity odors) from such processes are incinerated at a temperature of not less than 1,500 degrees Fahrenheit for a period of not less than 0.3 seconds, or at a temperature of not less than 1,200 degrees Fahrenheit for a period of not less than 1.0 seconds. Devices for indicating temperature, pressure and other operating conditions shall be provided, properly installed and maintained in good working order and in operation.
- (16) No person shall operate or use any device, machine, equipment, or other contrivance for the processing of thermally reduced animal matter (cooked material) unless all gases, vapors, and gas-entrained effluents arising from such processes are confined at the point of origin and effectively treated in three stages of wet chemical absorption (venturi scrubber followed by two stages of packed tower scrubbers) before being emitted to the atmosphere through a well defined exhaust stack of sufficient height to comply with the U.S. Environmental Protection Agency's Good Engineering Practice stack height design.
- (17) The room air of the entirely closed and tightly closed building shall be ventilated in accordance with the following ventilation schedule for rendering plant process areas so that all air, gases, and airborne or gasborne material are treated by a single-stage wet chemical absorber (packed tower scrubber) before emission to the atmosphere through a well defined exhaust stack of sufficient height to comply with the U.S. Environmental Protection Agency's Good Engineering Practice stack height design:



Module for Rendering Plant Process Areas

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Process Area Category	Number of Room Air Changes Per Hour
Batch rendering system area	40
Continuous rendering system area	20
Grease melting and processing	20
Raw material storage and handling	15
Fat processing	10
Protein meal milling and conveying	10
Fat storage	5
Protein meal storage	5

- (18) Wastewater produced by the rendering processing shall be pretreated using appropriate methods and operations (dissolved air flotation) to remove grease, oil and solid materials before biological treatment in properly designed basins. The pretreatment machinery and operations shall be conducted within the entirely closed and tightly closed building with all odor-bearing gases, vapors, fumes, or dust treated by a two-stage wet chemical absorber (packed tower scrubber) before being emitted to the atmosphere through a well defined exhaust stack of sufficient height to comply with the U.S. Environmental Protection Agency's Good Engineering Practice stack height design.
- (19) The residual odorous emissions from exhaust stacks and all treatment devices shall not exceed a detection threshold value of 50 as defined by ASTM (American Society for Testing and Materials) Designation E679-91, Standard Practice for Determination of Odor and Taste Thresholds By a Forced-Choice Ascending Concentration Series of Limits using an IITRI (Dravnieks) Dynamic Dilution Forced-Choice Triangle Olfactometer. The odor evaluation panel shall be managed in accordance with ASTM STP 758, Guidelines for the Selection and Training of Sensory Panel Members and ANSI/ASQC Q2-1991, Quality Management and Quality System Elements for Laboratories.
- (20) In order to prevent contaminated rainwater runoff or runoff from wastewater from overirrigation, rendering plants that dispose of wastewater by using irrigation must design, construct and maintain berms adequate to prevent runoff of contaminated rainfall and wastewater from getting into the watercourse. Any contaminated rainwater or wastewater collected by the berm shall be returned to the lagoon as quickly as possibly so as to prevent runoff into the watercourse.
- (21) Effective devices and measures shall be installed and operated on machinery such that no vent, exhaust pipe, blowpipe, or opening of any kind shall emit into the outdoor air any untreated odorous matter, vapors, gases, dust, or any combination thereof which create odors or other nuisances off the property of the plant or which create an odor intensity in the ambient air over a period of 30 minutes with a geometric average OIRS (odor intensity referencing scale) value of 3.0 or greater. The OIRS is found in ATSM E544-75, 88, Standard Practice for Referencing Suprathreshold Odor Intensity, American Society of Testing and Materials, Philadelphia, PA, April 1988.
- (22) Effective devices and measures shall be installed and operated on the wastewater treatment process such that no wastewater treatment or irrigation shall emit into the outdoor air any untreated odorous matter, vapors, gases, dust, water or any combination thereof which create odors or other nuisances off the property of the plant or which create an odor intensity in the

30 minutes with a geometric average OIRS (odor intensity  
r greater. The OIRS is found in ATSM E544-75, 88, Standard  
threshold Odor Intensity, American Society of Testing and  
Materials, Philadelphia, PA, April 1988.

(Ord. No. 94, art. 1, 2-20-1996)

**Secs. 14-202—14-300. Reserved.**

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FOOTNOTE(S):

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**State Law reference—** Regulations within one mile of city limits authorized, V.T.C.A., Local Government Code § 215.003. ([Back](#))

## ARTICLE VII. METAL RECYCLING ENTITIES

[Sec. 14-301. Authority.](#)

[Sec. 14-302. Definitions.](#)

[Sec. 14-303. License required; posting.](#)

[Sec. 14-304. Bond or letter of credit from a financial institution.](#)

[Sec. 14-305. Application and issuance or refusal of license.](#)

[Sec. 14-306. License fee, term and renewal.](#)

[Sec. 14-307. Revocation or suspension of license; appeals.](#)

[Sec. 14-308. Facsimile, telecopier, or similar equipment required.](#)

[Sec. 14-309. Restrictions on the purchasing regulated materials from the general public.](#)

[Sec. 14-310. Purchasing or receiving goods from minors.](#)

[Sec. 14-311. Records to be kept by metal recycling entities.](#)

[Sec. 14-312. 72-hour hold on regulated metal property; segregation, labeling, and inspection of regulated metal property; exceptions.](#)

[Sec. 14-313. Hold on stolen regulated metal property; hold notice.](#)

[Sec. 14-314. Penalty.](#)

[Sec. 14-315. Severability.](#)

**Sec. 14-301. Authority.**

This article is adopted pursuant to the authority of V.T.C.A., Texas Occupations Code § 1946.003 and shall be interpreted with reference to that code. It is the intent of this article to impose standards that are in addition to and more stringent than the requirements of V.T.C.A., Occupations Code Chapter 1956 but which do not conflict with such state law.

**Sec. 14-302. Definitions.**

In this article:

**Licensee** means a person who holds a metal recycling business license issued under this article.

Metal recycling entity has the meaning given that term by V.T.C.A., Texas Occupations Code § 1956.001(7).

**Minor** means any person under 18 years of age.

**Personal identification document** means a photo identification document that is:

- (1) A valid driver's license issued by a state in the United States;
- (2) A U.S. military identification card; or
- (3) A personal identification certificate issued under V.T.C.A., Texas Transportation Code § 521.101 or a corresponding card or certificate issued by another state.

**Regulated material** has the meaning given that term by V.T.C.A., Texas Occupations Code § 1956.001(9), and includes, but is not limited to wiring, pipe, or conduit that is composed of or contains aluminum, copper, bronze or brass.

(Ord. No. 130, 7-8-2008)

**Sec. 14-303. License required; posting.**

A person may not act as a metal recycling entity or represent to the public that the person is a metal recycling entity unless the person has a valid metal recycling business license issued under this article. The license shall be posted in a conspicuous place upon the licensed premises.

(Ord. No. 130, 7-8-2008)

**Sec. 14-304. Bond or letter of credit from a financial institution.**

- (a) The City of Angus shall require than an applicant for a metal recycling business license file a bond or letter of credit with the application. The bond or letter of credit must be:

- (1) Satisfactory to the city;
- (2) In the amount of \$5,000.00 for each license;
- (3) Issued by a United States surety company or financial institution, in the case of the letter of credit authorized to do business in the state; and
- (4) Valid at the time of the application and remain in effect during the entire term of the license.

- (b) The aggregate liability of the surety or letter of credit may not exceed the amount of the bond.

The bond or letter of credit must be in favor of the city for the use of the city and the use of a person who has a cause of action under this article against the metal recycling entity.

- (c) The bond or letter of credit must be conditioned on:

- (1) The metal recycling entity's compliance with this article and rules adopted under this article; and
- (2) The payment of all amounts that become due to the city or to another person under this article.

(Ord. No. 130, 7-8-2008)

**License or refusal of license.**

by this article shall make application therefore in writing to the  
provided for that purpose. On the application the applicant shall

set forth:

- (1) The full name and residential address of the applicant;
  - (2) A statement indicating whether the applicant is a citizen of the United States or an alien legally residing in the United States;
  - (3) The applicant's social security number or business Federal tax identification number;
  - (4) The full name and address of each partner if the applicant is a partnership;
  - (5) The full name and address of each officer and director if the applicant is a corporation;
  - (6) The fixed and permanent location where the business is to be conducted and proof of his ownership of the private property or a written statement including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the business at the proposed location where his business will be in operation. If the property owner is a partnership or corporation, the statement shall include the name, address and the telephone number of one of the partners or one of the principals prior to issuance of any license;
  - (7) The regular days and hours of operation;
  - (8) The applicant's date of birth, place of birth, and each address where he has resided in the five years immediately preceding his application;
  - (9) A statement of whether the individual applicant, any partner in a partnership, or any officer or director of a corporation, has been arrested, charged, or convicted for any criminal offense in this state or any other state or country. If he has been arrested or jailed for any such offense, he shall set out the offense for which he was arrested, jailed or imprisoned, the date of the arrest or confinement, and the place, court and case number of the case;
  - (10) A statement that neither the applicant nor any business partner, nor, in the case of a corporation, any corporate officer or director, has had a license governing the businesses described herein revoked;
  - (11) The signature of the applicant;
  - (12) A sworn and notarized statement that all matters stated in the application are true and correct;
  - (13) Evidence that he is at least 18 years of age by presentation of valid identification, including a photograph showing the fact of the applicant, in the form of:
    - a. A current driver's license from Texas or another state within the United States;
    - b. An identification card issued by the Texas Department of Public Safety; or a corresponding card or certificate issued by another state; or
    - c. A United States military identification card; and
  - (14) Such other information as the city finds relevant.
- (b) The City of Angus shall review and approve the application and issue a license unless it finds:
- (1) The information provided in the application is incomplete, materially false, or incorrect or the application has failed in any material way to comply with this article and applicable rules and regulations; and
  - (2) The applicant has had a license raveling during the preceding one-year period.

(Ord. No. 130, 7-8-2008)

**d renewal.**

cycling business license is \$250.00. A license shall be valid for  
d shall be subject to bi-annual renewal. The renewal fee will be

\$250.00.

(Ord. No. 130, 7-8-2008)

**Sec. 14-307. Revocation or suspension of license; appeals.**

- (a) The city may revoke or suspend a metal recycling business license for any conduct that is contrary to this article or an applicable state law or regulation concerning the metal recycling business, including but not limited to the failure to maintain any records required by this article.
- (b) No license issued under this article may be revoked or suspended without a hearing. Written notice of the hearing, the administrative action to be taken, and the grounds therefore shall be given to the license holder by certified or registered mail at least ten days prior to the hearing. Mailing of such notice to the last known business address of the license holder shall constitute sufficient notice. A record of such hearing shall be made. Within ten days of the hearing, the city council shall make a written decision setting forth the reason or grounds for such administrative action. Such decisions shall be mailed by certified or registered mail to the license holder affected by the decision. The effective date of any revocation shall be stated in the decision. The decision of the city shall be final.
- (c) At the discretion of the city, both criminal prosecution and suspension or revocation, may be pursued, provided, however, unsuccessful or no criminal prosecution shall not preclude suspension or revocation.

(Ord. No. 130, 7-8-2008)

**Sec. 14-308. Facsimile, telecopier, or similar equipment required.**

A metal recycling entity shall maintain at its place of business or otherwise have immediate access to, a facsimile, telecopier, or other equipment of similar function on which notifications of stolen property or other notifications relating to regulated metal property may be expeditiously received from the police department. The equipment must be operable at all times during the usual and customary business hours of the metal recycling entity. The metal recycling entity shall maintain the facsimile number or other access number of the equipment on file with the city and shall notify the city within 24 hours after any change in the number.

(Ord. No. 130, 7-8-2008)

**Sec. 14-309. Restrictions on the purchasing regulated materials from the general public.**

- (a) A metal recycling entity may not purchase regulated materials from the general public except between the hours of 7:00 a.m. and 7:00 p.m. All payments for purchased materials shall be by check. Cash payments are prohibited. Exception: Cash payments may be made for up to \$20.00 for aluminum cans only.
- (b) A metal recycling entity may not purchase any item of regulated metal property from an individual who appears intoxicated.
- (c) A metal recycling entity may not purchase any of the following items of regulated metal property without obtaining proof that the seller owns the property (such as by a receipt or bill of sale), or proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business, or entity owning the property and the seller is authorized to sell the item or regulated metal property on behalf of the person, business, or entity owning the property:

es and hardware.

- (3) A guard rail.
  - (4) A street sign, traffic sign, or traffic signal and its fixtures and hardware.
  - (5) Communication, transmission and service wire.
  - (6) A funeral marker or funeral vase.
  - (7) An historical marker.
  - (8) Railroad equipment, including but not limited to a tie plate, switch plate, E clip, or rail tie junction.
  - (9) Any metal item that is marked with any form of the name, initials, or logo of a governmental entity, utility company, cemetery, or railroad.
  - (10) A copper or aluminum condensing or evaporator coil from a heating or air conditioning unit.
  - (11) An aluminum or stainless steel container or bottle designed to hold propane for fueling forklifts.
- (d) A metal recycling entity shall maintain on file the information required by subsection (c) of this section for not less than one year from the date of the purchase of the item of regulated metal property. A metal recycling entity shall make these records available for inspection by any police officer, upon request, at the metal recycling entity's place of business during the usual and customary business hours of the metal recycling entity.
- (e) The requirements of subsections (c) and (d) of this section do not apply to purchase transaction involving regulated metal property composed solely of the following nonferrous metal materials for which definitions, record keeping requirements, and other regulations are provided by Chapter 1956, Subchapter A of the Texas Occupations Code, as amended.
- (1) Cooper or brass material in excess of 50 pounds.
  - (2) Bronze material.
  - (3) Aluminum material in excess of 40 pounds.

(Ord. No. 130, 7-8-2008)

**Sec. 14-310. Purchasing or receiving goods from minors.**

- (a) No metal recycling entity shall purchase or otherwise receive in the course of business, any item, ownership of which is claimed by any minor, or which may be in the possession or under control of a minor, unless:
- (1) The only items offered for sale by the minor are aluminum cans.
  - (2) Not to exceed \$20.00.

(Ord. No. 130, 7-8-2008)

**Sec. 14-311. Records to be kept by metal recycling entities.**

- (a) Each metal recycling entity shall maintain a record of the following information with respect to each transaction in which regulated materials are purchased or received by the entity:
- (1) The date and time of receipt of any item;
  - (2) The full name and current address of the person or place of business from whom each item was received;

ification document reflecting that the person is at least 18 years

- (4) A description of the motor vehicle and/or trailer or other mode of transportation on which the item was delivered, including the license plate information;
  - (5) Information concerning the origin of the regulated materials;
  - (6) Each item received together with a description of the size, weight, material, and other information customarily employed in the sale and purchase of such items;
  - (7) A copy of the check, or can produce an electronic copy of the check at a later date issued by the recycling entity as payment for the purchase of the regulated materials.
- (b) The records required by this section shall be maintained in English and must be completed no later than the end of the business day in which the transaction occurs. The recycling business entity shall maintain paper records of the required information.
- (c) The records required by this section shall be maintained for a period of at least three years following the date of the transaction.

(Ord. No. 130, 7-8-2008)

**Sec. 14-312. 72-hour hold on regulated metal property; segregation, labeling, and inspection of regulated metal property; exceptions.**

- (a) A metal recycling entity shall retain possession of purchased copper at the metal recycling entity's local place of business and withhold the property from alteration, processing, resale, or salvage use for 72 hours after purchase, unless the property is released sooner by written order of the city or by order of a court of competent jurisdiction.
- (b) While in possession of purchased regulated metal property, a metal recycling entity shall make the property available for inspection by any police officer at the metal recycling entity's place of business during the usual and customary business house of the metal recycling entity.

(Ord. No. 130, 7-8-2008)

**Sec. 14-313. Hold on stolen regulated metal property; hold notice.**

- (a) Whenever a peace officer has reasonable cause to believe that certain items of regulated metal property in the possession of a metal recycling entity are stolen, the city may issue a hold notice. The hold notice must:
- (1) Identify those items of regulated metal property alleged to be stolen and subject to hold; and
  - (2) Inform the metal recycling entity of the restrictions imposed on the regulated metal property under subsection (b) of this section.
- (b) A metal recycling entity may not, for 60 days from the date of receiving a hold notice under this section, process or remove from the metal recycling entity's place of business any regulated metal property identified in the hold notice, unless the property is released sooner by the city or by order of a court of competent jurisdiction. At the expiration of the hold period, the hold is automatically released, and the metal recycling entity may dispose of the regulated metal property unless otherwise directed by a court of competent jurisdiction.
- (c) This section does not apply to items of regulated metal property composed solely of the following nonferrous metal materials for which definitions and hold notice requirements are provided by Chapter 1956, Subchapter A of the Texas Occupations Code, as amended:
- (1) Copper or brass material in excess of 50 pounds.
  - (2) Bronze material.

**Sec. 14-314. Penalty.**

- (a) A person who violates any provision of this chapter, or who fails to perform a duty required of him under this chapter, commits an offense. A person is guilty of a separate offense for each item of regulated metal property involved in a violation of this chapter. An offense under this chapter is punishable by a fine not to exceed \$500.00.
- (b) It is a defense to prosecution under this chapter that the regulated metal property involved:
  - (1) Was purchased from a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organization or association or from any organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended;
  - (2) Was purchased from any public officer acting in an official capacity as a trustee in bankruptcy, executor, administrator, or receiver, from any public official acting under judicial process or authority; or from a sale on the execution or by virtue of, of any process issued by a court;
  - (3) Consists of aluminum food or beverage containers, used food or beverage containers, or similar food or beverage containers for the purpose of recycling, other than beer or beverage kegs; or
  - (4) Was purchased from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

(Ord. No. 130, 7-8-2008)

**Sec. 14-315. Severability.**

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

(Ord. No. 130, 7-8-2008)

**ARTICLE VIII. HOTELS AND MOTELS**

**Sec. 14-316. Definitions.**

For the purposes of this chapter, certain words and phrases shall have the meanings set out in this section, except in cases where the context clearly indicates a different meaning.

**Motel and hotel** mean a building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture. A hotel/motel shall also include on the site a lobby, clerk's desk, or counter and facilities for registration and keeping of records relating to visitors.

**Law enforcement personnel** means any law enforcement officer, fire marshal or any of his assistants, fire inspector, or sworn special conservator of the peace employed by the city or health department.



an 18 years of age.

room, owner, sole proprietorship, partnership, corporation, and unincorporated association governmental body, municipal corporation, executor, administrator, guardian, agent, occupant or other legal entity.

**Records** mean the name and home address of each guest or person renting or occupying a room, including adults and minors, kept electronically or in a book/register inscribed with ink or indelible pencil.

**Transient Lodging** means space or room furnished any visitor, including the cost of all meals, food and other services when furnished with such space or room for a unit price.

**Visitor** means any person who, for a period of not more than 29 consecutive days, secures transient lodging at any hotel/motel for a consideration, provided that the visitors principal place of residents is not the room or suite occupied by the visitor.

#### **Sec. 14-317. Penalties**

Any person violating any provision of this article shall be guilty of a Class 1 misdemeanor. Each day a violation continues constitutes a separate offense. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for the violation to correct the violation, and each day's default in such correction shall constitute a violation of and a separate offense under this chapter.

#### **Sec. 14-318. Severability.**

Severability is intended throughout and within all provisions of this chapter. If any provision (including inter alia any word, phrase, sentence, paragraph, subsection or section), or the application thereof to any person or circumstance, is judicially declared to be invalid, the remaining provisions and their application shall not be affected thereby.

#### **Sec. 14-319. Numbering of rooms or units.**

Each unit in any hotel/motel located in the city shall be numbered in a plain, conspicuous manner. Such numbers shall be at least three inches high and shall be placed at eye level on the outside of the outer door of each unit, and not two units shall bear the same number.

#### **Sec. 14-320. Registration Required.**

- (a) The operator of each hotel/motel located in the city shall at all times keep and maintain, or cause to be kept and maintained, a register containing the following information regarding each room rented in its hotel/motel for each day:
  - (1) The name and home or business address and telephone number of each visitor in whose name the room is rented, the number of occupants registered to occupy the room, and the description of the motor vehicle parked on the premises in connection with such occupancy. In the case of a room rented by a third party who is not an occupant thereof, the name and home or business address and telephone number of the third party, and the name of the visitor for whom the room is rented, the number of occupants registered to occupy the room, and the description of the motor vehicle parked on the premises in connection with such occupancy. In the case of group rentals of more than two rooms on the same day, the business address and telephone number of the group organizer together with a list provided by the group organizer which identifies the members of the group, and the room numbers that are occupied by the group.

is occupied by employee(s) of the hotel/motel, an on-site as described in section 14-323), the name of each person

- (3) Until all information required by this section has been obtained, no occupancy of such room shall be permitted. The records required to be kept under subparagraphs (1) and (2) above shall be retained by the operator for the remainder of the calendar year in which the room was occupied by the same occupants(s), and for the next succeeding year.
- (b) The register required by this section shall be subject to inspection by any law enforcement personnel or by the zoning administrator or the zoning administrator's designee in the performance of their duties.
- (c) The guest vehicle parking area of every lodging place shall be accessible upon request to any public safety officer in the performance of their duties.

**Sec. 14-321. Renting or occupying room for illegal or unlawful purposes.**

It shall be unlawful for any person to rent or occupy any room in any hotel/motel for illegal or unlawful purposes, or for the proprietor, manager or other person in charge of any such hotel/motel to rent, assign to or permit any person to occupy any such room with knowledge that they intend to use it for illegal or unlawful purposes.

**Sec. 14-322. Letting same room more than once a night.**

It shall be unlawful for any person to let any room in any hotel/motel in the city more than once between the hours of 9:00 p.m. and 6:00 a.m. of the next day, except in the case of a prescheduled and documented business contract.

**Sec. 14-323. Length of stay in hotel or motel.**

- (a) It shall be unlawful for any person to put up or stay at any hotel/motel in the city for longer than 29 days in a 60 day period. It shall also be unlawful for the owner, operator, manager, or person in charge of a hotel/motel to allow a person to stay at a hotel/motel in excess of 29 days in a 60 day period.
- (b) Notwithstanding subsection (a) of this section, a stay in excess of 29 days in a 60 day period may occur in the following situations:
  - (1) Where there is a written contract or document between a hotel/motel and a business, corporation, firm, college or university or government agency either as an employee or as an independent contractor pursuant to a written contract. The written contract, document, and authorization noted above shall be kept on file and must be available for inspection.
  - (2) Where there is a written contract between the hotel/motel and the City of Angus to house families in crisis who are receiving temporary housing assistance from a government, charitable or insurance agency. The written contract, document, and authorization noted above shall be kept on file and must be available for inspection.
  - (3) Where rooms or suites are occupied by employees of the hotel/motel (not to exceed five percent of the total number of rooms at the facility), which may be occupied with no maximum length of stay. Employees must work at least 20 hours per week for the hotel/motel while residing at the facility. Occupancy shall be limited to employees only, and not to include dependents or guests of employees.

Employee rooms or suites described above, a room or suite with  
be occupied by the owner or on-site manager, and their family,  
with no maximum length of stay.

## ARTICLE IX – JUNK AND SALVAGE YARDS

### Sec. 14. – 324 – Definitions

### Sec. 14. – 325 – Location

### Sec. 14 – 32 – General Operating Requirements

#### Sec. 14-324. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

**Business premises, premises:** The area of a junkyard as that term is defined herein.

**Junk:** Old iron, scrap metal, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics, old rubber, old bottles or other glass; bones, wastepaper and other waste or discarded material which might be prepared to be used again in some form; but junk shall not include materials or objects accumulated by persons as by-products, waste, or scraps from the operation of their own business or materials or objects held and used by manufacturer as an integral part of its own manufacturing processes.

**Junk dealer:** A person who operates a junkyard or salvage yard, as defined here, within the City.

**Junkyard or salvage yard:** a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk and/or salvage as defined herein, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such acts are to be used for charity.

**Salvage:** motor vehicles no longer used as such, including wrecked automobiles incapable of being operated; motor vehicles to be used for scrap metal or parts stripped from motor vehicles.

#### Sec. 14-325 – Location

Junkyards and Salvage Yards shall be permitted in areas zoned for such businesses as set forth in the City of Angus Zoning Ordinances only after a Public Hearing and with approval by the Angus City Council of the required Specific Use Permit. It shall be an offense for a Junk Dealer to operate a Junkyard or Salvage Yard within the city limits of Angus, Texas without first applying for and being granted approval by the Angus City Council.

#### Sec. 14-326 – General operating requirements

It shall be an offense for a Junk Dealer to operate a Junkyard or Salvage Yard in violation of the following general operating requirements:

ings kept therein, shall at all times be maintained in a sanitary

- (b) No water shall be allowed to stand in any place on the premises in such a manner as to afford a breeding place for mosquitoes.
- (c) Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four (4) inches.
- (d) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises unless such refuse is junk as defined herein and is in use in the junkyard business.
- (e) No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
- (f) Junk shall be stored in piles not exceeding eight (8) feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.
- (g) No combustible material of any kind not necessary or beneficial to the business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
- (h) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises and disposed of properly.
- (i) No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the building code; and no junk or other material shall be burned on the premises in the open.
- (j) No noisy processing of junk or other noisy activity shall be carried on in connection with the business after 6:00 p.m. or before 7:00 a.m.
- (k) Outdoor storage areas on the premises shall be enclosed on all four sides with a solid opaque fence eight (8) feet in height. Unacceptable fence materials include, but are not limited to, plywood, metal, and chain link fence with weave. Fencing materials shall be further limited to solid wood made of treated pine, cedar or redwood, and masonry walls, and comply with all other requirements in the City Code.
- (l) Junkyards and Salvage Yards located within the City of Angus must comply with all state and federal regulations and requirements.

(Code 2018 . Ord. 151, Ch. 14, Ar. IX, 08-08-2017)



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**Chapters 15—17**

**RESERVED**

## Chapter 18 CIVIL EMERGENCIES <sup>[1]</sup>

ARTICLE I. - IN GENERAL

ARTICLE II. - EMERGENCY MANAGEMENT

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Administration, ch. 2; fire prevention and protection, ch. 26 ([Back](#))

### ARTICLE I. IN GENERAL

[Secs. 18-1. 18-30. Reserved.](#)

### ARTICLE II. EMERGENCY MANAGEMENT <sup>[2]</sup>

[Sec. 18-31. Emergency management director.](#)

[Sec. 18-32. State of disaster.](#)

[Sec. 18-33. Functions and responsibilities.](#)

#### **Sec. 18-31. Emergency management director.**

The mayor of the city is the emergency management director and is responsible for ensuring that coordinated and effective emergency response systems are developed in accordance with V.T.C.A., Government Code §§ 418.101- 418.109. The mayor, as emergency management director, shall request outside help and assistance from other political jurisdictions or volunteer groups, to be used as adjunct to existing city services, when outside assistance is necessary.

(Code 1982, ch. 1, § 20(B))

**Cross reference**— Officers and employees, § 2-71 et seq.

#### **Sec. 18-32. State of disaster.**

Under V.T.C.A., Government Code § 418.108, the mayor is authorized to declare a state of disaster when necessary and, pursuant to V.T.C.A., Local Government Code § 41.011, may summon a special police force to protect lives and property of the inhabitants of the city.

(Code 1982, ch. 1, § 20(A))

#### **Sec. 18-33. Functions and responsibilities.**

The assignment of emergency functions and responsibilities shall be as follows:

primary responsibility for the following:  
policy when required.

- b. Implementing the emergency powers of local government.
  - c. Making emergency policy.
  - d. Providing emergency information to the citizenry.
  - e. Requesting outside assistance from state or federal governments.
  - f. Appointing the emergency preparedness coordinator, who shall be the fire chief unless otherwise designated.
- (2) The city secretary has primary responsibility for the following:
- a. Directing the emergency operational response of city services.
  - b. Coordinating the activities of outside agencies called in to assist.
  - c. Acting as a staff advisor to the mayor and city council on emergency matters.
  - d. Supporting the overall preparedness program in terms of its budgetary and organizational requirements.
  - e. Implementing the policies and decisions of the city council.
  - f. Serving as controller of the EOC during its activation.
  - g. Ensuring that all city departments develop, maintain, and exercise their respective services during an emergency.
- (3) The emergency preparedness coordinator is responsible for the following:
- a. Serving as a staff assistant to the mayor, city council, and city secretary on emergency matters.
  - b. Coordinating the primary and general preparedness activities of the city.
  - c. Serving as liaison between the city and state preparedness organizations.
  - d. Ensuring the operation of the EOC.
  - e. Maintaining an emergency plan which shall be periodically updated and distributed to all city officials and employees.
  - f. Keeping the mayor, city council, and city secretary advised of the city's current preparedness status and future needs.
  - g. Initiating and monitoring the increased readiness actions among the city services when disaster threats occur.
  - h. Preparing and maintaining a resource inventory.
  - i. Maintaining liaison with volunteer groups and private groups.
  - j. Analyzing the emergency training needs of the city and arranging for the training necessary.

(Code 1982, ch. 1, § 20(D))

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FOOTNOTE(S):

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ment, Government Code § 418.001 et seq. [\(Back\)](#)





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**Chapters 19—21**

**RESERVED**

## Chapter 22 ENVIRONMENT <sup>(1)</sup>

- ARTICLE I. - IN GENERAL
- ARTICLE II. - NUISANCES
- ARTICLE III. - NOISE
- ARTICLE IV. - ABANDONED AND JUNKED VEHICLES

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Animals, ch. 6; buildings and building regulations, ch. 10; mobile homes, manufactured homes and parks, ch. 34; solid waste, ch. 38; streets, sidewalks and other public places, ch. 42; subdivisions, ch. 46; utilities, ch. 58; zoning, ch. 62 ([Back](#))

### ARTICLE I. IN GENERAL

[Sec. 22-1. Definitions.](#)

[Sec. 22-2. Prohibitions.](#)

[Secs. 22-3- 22-30. Reserved.](#)

#### **Sec. 22-1. Definitions.**

**Changeable electronic variable message sign (CEVMS)** shall mean a sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity or color at all times which such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

**Off-premises sign** shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

**On-premises sign** shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

**Sign code application area** shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code § 42.021.

(Ord. No. 129, 5-13-2008)

signs. From and after the effective date, no new construction of a new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the sign code application area.

(Ord. No. 129, 5-13-2008)

**Secs. 22-3—22-30. Reserved.**

## ARTICLE II. NUISANCES <sup>121</sup>

[Sec. 22-31. Mosquito control.](#)

[Sec. 22-32. Unlawful to litter.](#)

[Sec. 22-33. Offensive odors prohibited.](#)

[Sec. 22-34. Unlawful for businesses to litter through negligence.](#)

[Sec. 22-35. Junk.](#)

[Sec. 22-36. Weeds and grass unlawful.](#)

[Sec. 22-37. Duty of owner or occupant to abate nuisance.](#)

[Sec. 22-38. Work or improvements by city.](#)

[Sec. 22-39. Assessment of expenses; lien.](#)

[Secs. 22-40- 22-70. Reserved.](#)

### **Sec. 22-31. Mosquito control.**

It shall be unlawful to have, keep, maintain, cause, or permit within the city, any collection of standing or stagnant water in which mosquitoes breed or are likely to breed, unless such collection of water is so treated as effectually to prevent such breeding. Collections of water shall be held to be those contained in ditches, pools, ponds, excavations, holes, depressions, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, automobile tires, or other similar water containers.

(Code 1982, ch. 6, § 2(A))

### **Sec. 22-32. Unlawful to litter.**

It shall be unlawful to throw, drop, or deposit in any manner, any paper, glass, metal, or other article upon the sidewalks, streets, alleys, or other public places within the city or upon private property.

(Code 1982, ch. 6, § 3(A))

### **Sec. 22-33. Offensive odors prohibited.**

It shall be unlawful to permit water, sewerage, or other wastes or refuse to accumulate on any premises in such an unsanitary manner so as to create offensive odors which disturb occupants of surrounding premises and buildings.

**Sec. 22-34. Unlawful for businesses to litter through negligence.**

It shall be unlawful to conduct any business or enterprise upon any premises or within any building which, through negligence, allows paper, paper cups, or other refuse or debris to escape from such premises or building and litter any sidewalk, alley, street, public property, or other private property. Businesses which cater to customers who are likely to dispose of refuse on the premises such as restaurants and grocery stores shall provide conveniently located waste receptacles for the customer's use.

(Code 1982, ch. 6, § 3(B))

**Sec. 22-35. Junk.**

It shall be unlawful for a person to store junk such as used automobiles and parts thereof, or used building materials upon any property in the city in an unsightly and unsanitary manner so as to permit the harboring of rats, snakes, and mosquitoes, and to interfere with the orderly mowing of weeds and grass on the premises.

(Code 1982, ch. 6, § 5)

**Sec. 22-36. Weeds and grass unlawful.**

- (a) It shall be unlawful for any person having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the city limits to suffer or permit weeds, grass, or uncultivated plants to grow to a height exceeding 12 inches on an average or to grow in rank profusion upon such premises.
- (b) It shall be unlawful for any person having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the city limits to suffer or permit weeds, grass, or any uncultivated plants to grow along the sidewalk or street adjacent to the same between the property line and the curb or if there is no curb, within ten feet outside that property line to a height exceeding 12 inches on an average or to grow in rank profusion upon such premises.

(Code 1982, ch. 6, § 6(A))

**Sec. 22-37. Duty of owner or occupant to abate nuisance.**

It shall be the duty of any person or anyone having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the city to remove or cause to be removed all nuisances described in this article and to cut and remove all weeds, grass, or uncultivated plants as may be necessary to comply with section 22-36.

(Code 1982, ch. 6, §§ 2, 6(B))

**Sec. 22-38. Work or improvements by city.**

- (a) If the owner of property on which a nuisance as described in this article exists does not comply with the requirement under this article within seven days of notice of a violation, the city may:
  - (1) Do the work or make the improvements required; and
  - (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.
- (b) The notice must be given:
  - (1) Personally to the owner in writing;

or at the owner's address as recorded in the appraisal district  
which the property is located; or

- (3) If personal service cannot be obtained:
- a. By publication at least once;
  - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
  - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (c) If the city mails a notice to a property owner in accordance with subsection (b) of this section, and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.
- (d) In a notice provided under this section the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by subsections (a)(1) and (2) of this section and assess its expenses as provided by section 22-39

(Code 1982, ch. 6, §§ 2(B)- (D), 6(B)- (D))

**State Law reference—** Similar provisions, V.T.C.A., Health and Safety Code § 342.006.

**Sec. 22-39. Assessment of expenses; lien.**

- (a) The city council may assess expenses incurred under section 22-38 against the real estate on which the work is done or improvements made.
- (b) To obtain a lien against the property, the mayor or municipal official designated by the mayor must file a statement of expenses with the county clerk. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.
- (c) The lien obtained by the city council is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city.
- (d) The lien is inferior only to:
  - (1) Tax liens; and
  - (2) Liens for street improvements.
- (e) The city council may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.
- (f) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.
- (g) The remedy provided by this section is in addition to the remedy provided by section 1-13
- (h) The city council may foreclose a lien on property under this article in a proceeding relating to the property brought under V.T.C.A., Tax Code ch. 33.

(Code 1982, ch. 6, § 6(C), (D))

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FOOTNOTE(S):

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--- (2) ---

**State Law reference**— Regulation of sanitation, V.T.C.A., Health and Safety Code § 342.001 et seq. [\(Back\)](#)

## ARTICLE III. NOISE

[Sec. 22-71. Unreasonable noise prohibited.](#)

[Sec. 22-72. Enumeration.](#)

[Secs. 22-73- 22-100. Reserved.](#)

### **Sec. 22-71. Unreasonable noise prohibited.**

The creation of any unreasonable, loud, disturbing, and unnecessary noises in the city is prohibited. 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.

(Code 1982, ch. 6, § 7(A))

### **Sec. 22-72. Enumeration.**

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article; provided, however, that such enumeration shall not be construed to be exclusive to other noises:

- (1) Horns and signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control; or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time, except as the same may be used by authorized emergency vehicles while on emergency calls, or as may be otherwise required while on duty, shall be deemed as unnecessary noise.
- (2) Radios, phonographs, and musical instruments. The playing of any radio, phonograph, or any musical instrument in such a manner, or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m., so as to create a noise such as reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances, residing in a dwelling or other type of residence in the vicinity shall be deemed a violation of this article.
- (3) Automobiles and motorcycles. The use of any automobile, motorcycle, or other vehicle so out of repair, or loaded or operated in such manner as to create loud or unnecessary noises, such as spinning or squealing of tires, grating, grinding, rattling, or other noises, shall be deemed a violation of this article.

es. The erection (including excavation), demolition, alteration,  
lential or business district other than between the hours of 7:00  
se of urgent necessity in the interest of public safety and then

only with a permit from the mayor, shall be deemed a violation of this article.

- (5) Shouting or crying by peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood shall be deemed unnecessary noise and a violation of this article.
- (6) Drums, loudspeakers, etc. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, or sale of merchandise by creation of noise shall be deemed unnecessary noise and a violation of this article. The use of loudspeakers and amplifiers on trucks or other vehicles, except where specific license is granted by the city, shall be deemed unnecessary noise and a violation of this article.

(Code 1982, ch. 6, § 7(B))

**Secs. 22-73—22-100. Reserved.**

## ABANDONED AND JUNKED VEHICLES <sup>[3]</sup>

DIVISION 1. - GENERALLY  
DIVISION 2. - ABANDONED VEHICLES  
DIVISION 3. - JUNKED VEHICLES

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FOOTNOTE(S):

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--- (3) ---

Cross reference— Traffic and vehicles, ch. 54 ([Back](#))

### DIVISION 1. GENERALLY

[Secs. 22-101. 22-120. Reserved.](#)

### DIVISION 2. ABANDONED VEHICLES <sup>[4]</sup>

[Sec. 22-121. Definitions.](#)

[Sec. 22-122. Effect on other laws.](#)

[Sec. 22-123. Authority to take abandoned motor vehicle into custody.](#)

[Sec. 22-124. Taking abandoned motor vehicle into custody; notice.](#)

[Sec. 22-125. Storage fees.](#)

[Sec. 22-126. Auction or use of abandoned items; waiver of rights.](#)

[Sec. 22-127. Auction proceeds.](#)

[Sec. 22-128. Law enforcement agency use of certain abandoned motor vehicles.](#)

[Secs. 22-129. 22-150. Reserved.](#)

#### **Sec. 22-121. Definitions.**

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

**Abandoned motor vehicle** means a motor vehicle that the motor vehicle:

- (1) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;



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ly without the consent of the owner or person in charge of the

(4) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; or

(5) Has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the state turnpike authority or a controlled access highway.

**Controlled access highway** has the meaning assigned by V.T.C.A., Transportation Code § 541.302.

**Garagekeeper** means an owner or operator of a storage facility.

**Law enforcement agency** means that entity designated by the city council.

**Motor vehicle** means a vehicle that is subject to registration under V.T.C.A., Transportation Code ch. 501.

**Motor vehicle demolisher** means a person in the business of:

- (1) Converting motor vehicles into processed scrap or scrap metal; or
- (2) Wrecking or dismantling motor vehicles.

**Outboard motor** means an outboard motor subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31.

**Storage facility** includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

**Watercraft** means a vessel subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31.

**Cross reference**— Definitions generally, § 1-2

**State Law reference**— Similar provisions, V.T.C.A., Transportation Code §§ 683.001, 683.002.

**Sec. 22-122. Effect on other laws.**

- (a) This division may not be read as conflicting with division 3 of this article.
- (b) This division does not affect a law authorizing the immediate removal of a vehicle left on public property that is an obstruction to traffic.

**State Law reference**— Similar provisions, V.T.C.A., Transportation Code § 683.003.

**Sec. 22-123. Authority to take abandoned motor vehicle into custody.**

- (a) A law enforcement agency may take into custody an abandoned motor vehicle, watercraft, or outboard motor found on public or private property.
- (b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this division.

**State Law reference**— Similar provisions, V.T.C.A., Transportation Code § 683.011.

**Sec. 22-124. Taking abandoned motor vehicle into custody; notice.**

- (a) A law enforcement agency shall send notice of abandonment to:

of each motor vehicle, watercraft, or outboard motor taken into  
ch a report is received under V.T.C.A., Transportation Code §

- (2) Each lienholder recorded under V.T.C.A., Transportation Code ch. 501 for the motor vehicle or under V.T.C.A., Parks and Wildlife Code ch. 31 for the watercraft or outboard motor.
- (b) The notice under subsection (a) of this section must:
  - (1) Be sent by certified mail not later than the tenth day after the date the agency:
    - a. Takes the abandoned motor vehicle, watercraft, or outboard motor into custody; or
    - b. Receives the report under V.T.C.A., Transportation Code § 683.031;
  - (2) Specify the year, make, model, and identification number of the item;
  - (3) Give the location of the facility where the item is being held;
  - (4) Inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:
    - a. Towing, preservation, and storage charges; or
    - b. Garagekeeper's charges and fees under V.T.C.A., Transportation Code § 683.032; and
  - (5) State that failure of the owner or lienholder to claim the item during the period specified by subsection (b)(4) of this section is:
    - a. A waiver by that person of all right, title, and interest in the item; and
    - b. Consent to the sale of the item at a public auction.
- (c) Notice by publication in one newspaper of general circulation in the area where the motor vehicle, watercraft, or outboard motor was abandoned is sufficient notice under this section if:
  - (1) The identity of the last registered owner cannot be determined;
  - (2) The registration has no address for the owner; or
  - (3) The determination with reasonable certainty of the identity and address of all lienholders is impossible.
- (d) Notice by publication:
  - (1) Must be published in the same period that is required by subsection (b) of this section for notice by certified mail and contain all of the information required by that subsection; and
  - (2) May contain a list of more than one abandoned motor vehicle, watercraft, or outboard motor.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.012.

#### **Sec. 22-125. Storage fees.**

A law enforcement agency or the agent of a law enforcement agency that takes into custody an abandoned motor vehicle, watercraft, or outboard motor is entitled to reasonable storage fees:

- (1) For not more than ten days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and
- (2) Beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, watercraft, or outboard motor is removed.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.013.

**Abandoned items; waiver of rights.**

Watercraft, or outboard motor is not claimed under section 22-124

- (1) The owner or lienholder:
  - a. Waives all rights and interests in the item; and
  - b. Consents to the sale of the item by public auction.
- (2) The law enforcement agency may sell the item at a public auction or use the item as provided by section 22-128
- (b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.
- (c) The purchaser of a motor vehicle, watercraft, or outboard motor:
  - (1) Takes title free and clear of all liens and claims of ownership;
  - (2) Shall receive a sales receipt from the law enforcement agency; and
  - (3) Is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.126.

**Sec. 22-127. Auction proceeds.**

- (a) A law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, watercraft, or outboard motor for:
  - (1) The cost of the auction;
  - (2) Towing, preservation, and storage fees resulting from the taking into custody; and
  - (3) The cost of notice or publication as required by section 22-124
- (b) After deducting the reimbursement allowed under subsection (a) of this section, the proceeds of the sale shall be held for 90 days for the owner or lienholder of the vehicle.
- (c) After the period provided by subsection (b) of this section, proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage, and notice and publication fees resulting from taking other vehicles, watercraft, or outboard motors into custody if the proceeds from the sale of the other items are insufficient to meet those fees.
- (d) A municipality or county may transfer funds in excess of \$1,000.00 from the account to the municipality's or county's general revenue account to be used by the law enforcement agency.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.015.

**Sec. 22-128. Law enforcement agency use of certain abandoned motor vehicles.**

- (a) The law enforcement agency that takes an abandoned motor vehicle into custody that is not claimed under section 22-124 may use the vehicle for agency purposes.
- (b) The law enforcement agency shall auction the vehicle as provided by this section if the agency discontinues use of the vehicle.
- (c) This section does not apply to an abandoned vehicle on which there is a garagekeeper's lien.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.016.

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FOOTNOTE(S):

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--- (4) ---

State Law reference— Abandoned vehicles, V.T.C.A., Transportation Code §§ 683.001-683.057. [\(Back\)](#)

### DIVISION 3. JUNKED VEHICLES <sup>61</sup>

[Sec. 22-151. Definitions.](#)

[Sec. 22-152. Junked vehicle declared to be public nuisance.](#)

[Sec. 22-153. Offense.](#)

[Sec. 22-154. Notice.](#)

[Sec. 22-155. Hearing.](#)

[Sec. 22-156. Inapplicability of division.](#)

[Sec. 22-157. Appeals.](#)

[Sec. 22-158. Reconstruction.](#)

[Sec. 22-159. Cancellation of title.](#)

[Sec. 22-160. Removal upon order.](#)

[Sec. 22-161. Disposal of junked vehicles.](#)

[Sec. 22-162. Authority to enforce.](#)

[Sec. 22-163. Proceeds of sale.](#)

#### **Sec. 22-151. Definitions.**

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

**Junked vehicle** means a vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it an unexpired license plate, or a valid motor vehicle inspection certificate.
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or inoperable and has remained inoperable for more than:
  - a. Seventy-two consecutive hours, if the vehicle is on public property; or
  - b. Thirty consecutive days, if the vehicle is on private property.

(Code 1982, ch. 8, § 3(A))

**Sec. 22-152. Junked vehicle declared to be public nuisance.**

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

(Code 1982, ch. 8, § 3(B))

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.072.

**Sec. 22-153. Offense.**

- (a) A person commits an offense if the person maintains a public nuisance described by section 22-152
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the nuisance on conviction.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.073.

**Sec. 22-154. Notice.**

- (a) When it shall come to the notice of the mayor that there is a junked vehicle under the terms of this division located within the corporate limits of the city, which is a public nuisance, the mayor shall give notice to appear before the municipal court and show cause why such junked vehicle should not be declared a public nuisance and why the owner should not be ordered to remove same from the premises. The date of such hearing shall not be less than ten days after such notice has been made. The notice must be personally delivered or sent by certified mail with a five-day return requested to:
  - (1) The last known registered owner of the nuisance;
  - (2) Each lienholder of record of the nuisance; and
  - (3) The owner or occupant of:
    - a. The property on which the nuisance is located; or
    - b. If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state that:
  - (1) The nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed; and
  - (2) Any request for a hearing must be made before that ten-day period expires.

known registered owner of the nuisance is unknown, notice may be served on the owner if the owner is located, personally delivered.

- (d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

(Code 1982, ch. 8, § 3(C)(1))

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.075.

### **Sec. 22-155. Hearing.**

- (a) The city council, or official designated by the city council, shall conduct hearings under the procedures adopted under this division.
- (b) If a hearing is requested by a person for whom notice is required under section 22-154, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:
- (1) Description;
  - (2) Vehicle identification number; and
  - (3) License plate number.

(Code 1982, ch. 8, § 3(C)(3))

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.076.

### **Sec. 22-156. Inapplicability of division.**

- (a) Procedures adopted under this division may not apply to a vehicle or vehicle part:
- (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
  - (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
    - a. Maintained in an orderly manner;
    - b. Not a health hazard; and
    - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.
- (b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Antique vehicle means a passenger car or truck that is at least 25 years old.
- Motor vehicle collector means a person who:
- (1) Owns one or more antique or special interest vehicles; and

of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest

Special interest vehicle means a motor vehicle of any age that has not been changed from the original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.077.

#### **Sec. 22-157. Appeals.**

The owner or occupant of the premises upon which a junked vehicle is located, may appeal a decision under this division by giving notice within ten days from the date of the hearing required in section 22-155 and file with the city secretary a fee of \$10.00. Such appeal shall be to the city council, and upon perfection of appeal, the city council shall set a date for hearing before it and such appeal shall be by trial de novo.

(Code 1982, ch. 8, § 3(C)(4))

#### **Sec. 22-158. Reconstruction.**

Upon removal of a junked vehicle as provided in this division, such vehicle shall not be reconstructed or made operable.

(Code 1982, ch. 8, § 3(C)(5))

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.074.

#### **Sec. 22-159. Cancellation of title.**

Upon removal of a junked vehicle as provided in this division, the mayor shall, within five days after the date of removal, give notice to the state department of transportation identifying such vehicle or part thereof, whereupon the department shall forthwith cancel the certificate of title to such vehicle.

(Code 1982, ch. 8, § 3(C)(6))

**State Law reference—** Similar provisions, V.T.C.A., Transportation Code § 683.074.

#### **Sec. 22-160. Removal upon order.**

If, upon the hearing provided in this division, there is an order to remove such junked vehicle, the removal may be accomplished by a duly authorized person.

(Code 1982, ch. 8, § 3(E))

#### **Sec. 22-161. Disposal of junked vehicles.**

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 scrap or salvage or the city may transfer such vehicle or parts to another site, provided such disposal shall be only as scrap or salvage, consistent with section 22-158.

(Code 1982, ch. 8, § 3(F))



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Authorized representative may enter upon private property for the purpose of examining 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 division.

(Code 1982, ch. 8, § 3(G))

**Sec. 22-163. Proceeds of sale.**

If any junked vehicle is sold to a demolisher, the proceeds shall be used to reimburse the city for the expense of removing the junked vehicle from the premises upon which it was located. Any remainder from the proceeds of a sale shall be held for the owner of the junked vehicle or entitled lienholder for 90 days, and then shall be deposited but remain available for the payment of removal costs which result from removal of other junked vehicles, whenever the proceeds from a sale of such other junked vehicles are insufficient to meet these expenses and costs.

(Code 1982, ch. 8, § 3(H))

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FOOTNOTE(S):

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--- (5) ---

State Law reference— Junked vehicles, V.T.C.A., Transportation Code § 683.071 et seq. [\(Back\)](#)





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**Chapters 23—25**

**RESERVED**

## Chapter 26 FIRE PREVENTION AND PROTECTION [11](#)

ARTICLE I. - IN GENERAL  
ARTICLE II. - FIRE DEPARTMENT  
ARTICLE III. - FIREWORKS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Buildings and building regulations, ch. 10; civil emergencies, ch. 18 [\(Back\)](#)

### ARTICLE I. IN GENERAL

[Secs. 26-1. 26-30. Reserved.](#)

### ARTICLE II. FIRE DEPARTMENT

DIVISION 1. - GENERALLY  
DIVISION 2. - VOLUNTEER FIRE DEPARTMENT  
DIVISION 3. - FIRE MARSHAL

#### DIVISION 1. GENERALLY

[Secs. 26-31. 26-50. Reserved.](#)

**Secs. 26-31—26-50. Reserved.**

#### DIVISION 2. VOLUNTEER FIRE DEPARTMENT

[Sec. 26-51. Authorized.](#)  
[Sec. 26-52. Bylaws and regulations.](#)  
[Sec. 26-53. Officers.](#)  
[Sec. 26-54. Duties of the chief.](#)  
[Sec. 26-55. Purchases.](#)

**Sec. 26-51. Authorized.**

A volunteer fire department, to be hereafter known as the Angus Volunteer Fire Department, is authorized for the prevention of fire and the protection of life and property from the hazard of fire within the city.

(Code 1982, ch. 5, § 1(A))

**Sec. 26-52. Bylaws and regulations.**

The volunteer fire department may establish its own bylaws and regulations provided they are not in conflict with any provision contained in this division.

(Code 1982, ch. 5, § 1(D)(7))

**Sec. 26-53. Officers.**

The volunteer fire department shall consist of a fire chief and other officers as the city council and fire department may deem necessary for the effective operation of the department. The fire chief and other officers, except the fire marshal, shall be recommended by the membership of the volunteer fire department and approved by the city council. The fire chief shall be technically qualified by training and shall have the ability to command the volunteers and hold their respect and confidence.

(Code 1982, ch. 5, § 1(B))

**Sec. 26-54. Duties of the chief.**

The fire chief shall formulate a set of rules and regulations, as approved by the city council, to govern the volunteer fire department. The fire chief shall conduct suitable drills and/or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of the buildings in the city, fire prevention, water supplies, and all other matters generally considered essential to good fire prevention and safety of life and property from fire. The fire chief shall keep the city council informed concerning fire department activities, membership, training, financial condition, and condition of equipment.

(Code 1982, ch. 5, § 1(C))

**Sec. 26-55. Purchases.**

All monies collected by the volunteer fire department shall go into a fund for the exclusive benefit of the fire department. The fire chief or his designated representative shall present all requests for payments to the city council for approval except for the purchase or payment of single or cumulative items under \$100.00 or when an emergency exists, e.g., required repairs to keep the truck running, replace blown-out tires, etc. For single or cumulative purchases of items under \$100.00 or when such emergency exists, requests for payments will be submitted directly to the city secretary for payment after approval of the mayor or president pro temore. The city secretary shall keep sufficient records to properly document and account for all expenditures. The city secretary is directed to establish a bank account for the fire department in which at least two signatures are required to draw upon the account. Officials authorized to sign checks shall be the mayor, president pro temore, and the city secretary.

(Code 1982, ch. 5, § 1(D)(6))

### DIVISION 3. FIRE MARSHAL <sup>[2]</sup>

[Sec. 26-81. Creation of office.](#)

[Sec. 26-82. Investigations.](#)

[Sec. 26-83. Witnesses.](#)

[Sec. 26-84. Authority to enter premises.](#)

[Sec. 26-85. Enforcement.](#)

[Secs. 26-86- 26-110. Reserved.](#)

#### **Sec. 26-81. Creation of office.**

The office of fire marshal is created. Such office shall be independent of other city departments, the fire marshal reporting directly to the mayor and city council. Such office shall be filled by appointment by the mayor, by and with the consent of the city council. The fire marshal shall be properly qualified for the position.

(Code 1982, ch. 5, § 2(A))

#### **Sec. 26-82. Investigations.**

- (a) The fire marshal shall investigate the cause, origin, and circumstances of every fire occurring within the city by which property has been damaged or destroyed, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within 20 hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires, together with all facts, statistics, and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this section.
- (b) The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.
- (c) All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(Code 1982, ch. 5, § 2(B), (C), (F))

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- to summon witnesses before him, to testify in relation to any this division a subject of inquiry and investigation, and may require the production of any book, paper, or document deemed pertinent thereto. The fire marshal is authorized and empowered to administer oaths and affirmations to any person appearing as witnesses before him.
- (b) Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper, or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of such investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor, and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted.

(Code 1982, ch. 5, § 2(D), (E))

#### **Sec. 26-84. Authority to enter premises.**

The fire marshal shall have the authority at all times of the day or night, when necessary in the performance of the duties imposed upon him by the provisions of this division, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be executed only with reason and good discretion.

(Code 1982, ch. 5, § 2(G))

#### **Sec. 26-85. Enforcement.**

It shall be the duty of the fire marshal to enforce the fire prevention regulations of this article as the city council may adopt.

(Code 1982, ch. 5, § 2(H))

#### **Secs. 26-86—26-110. Reserved.**

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FOOTNOTE(S):

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--- (2) ---

**Cross reference**— Officers and employees, § 2-71 et seq. [\(Back\)](#)

### **ARTICLE III. FIREWORKS <sup>[3]</sup>**

[Sec. 26-111. Definitions.](#)

[Sec. 26-112. Sale of fireworks prohibited.](#)

[Sec. 26-113. Exceptions; displays.](#)

[Sec. 26-114. Seizure of fireworks.](#)

phrases, when used in this article, shall have the meanings where the context clearly indicates a different meaning:

Fireworks means and includes any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of 0.25 of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(Ord. No. 84, § I(A), 6-14-1994)

**Cross reference**— Definitions generally, § 1-2

**Sec. 26-112. Sale of fireworks prohibited.**

No person shall manufacture, assemble, store, exhibit, or have in his possession, with intent to give away or sell or offer for sale or sell within the city limits, any fireworks of any kind in the city.

(Ord. No. 84, § I(B), 6-14-1994)

**Sec. 26-113. Exceptions; displays.**

Nothing in this article shall be construed to prohibit the sale or use of fireworks by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for a show or theater; or for signal or ceremonial purposes in athletics or sports; or for use by military organizations or to the sale, storage, or use of flashlight composition by photographers or dealers in photographic supplies; or to prevent any public or private demonstration or display of fireworks of any kind if conducted under the supervision of the fire marshal after application is made and written permit is issued by the fire marshal for such demonstration or display. Such permit shall not be granted until written application therefor has been filed with the fire marshal, nor unless such demonstration or display shall be of such character, and so located, discharged or fired as in the opinion of the fire marshal, shall not be hazardous to property or endanger the public safety.

(Ord. No. 84, § I(C), 6-14-1994)

**Sec. 26-114. Seizure of fireworks.**

The fire marshal, or his designate, shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner or person in charge of fireworks offered or exposed for sale, stored, or held in violation of this article. The fire marshal shall dispose of in a safe way any such fireworks confiscated.

(Ord. No. 84, § I(D), 6-14-1994)

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FOOTNOTE(S):

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, Occupations Code § 2154.001 et seq. [\(Back\)](#)



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**Chapters 27—29**

**RESERVED**



## Chapter 30 HUMAN RELATIONS <sup>[1]</sup>

ARTICLE I. - IN GENERAL  
ARTICLE II. - FAIR HOUSING

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FOOTNOTE(S):

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--- (1) ---

Cross reference— Administration, ch. 2 ([Back](#))

### ARTICLE I. IN GENERAL

[Secs. 30-1. 30-30. Reserved.](#)

### ARTICLE II. FAIR HOUSING <sup>[2]</sup>

[Sec. 30-31. Declaration of policy.](#)

[Sec. 30-32. Definitions.](#)

[Sec. 30-33. Violations.](#)

[Sec. 30-34. Interpretation and effect.](#)

[Sec. 30-35. Discrimination in the sale or rental of housing.](#)

[Sec. 30-36. Discrimination in housing financing.](#)

[Sec. 30-37. Discrimination in providing brokerage service.](#)

[Sec. 30-38. Unlawful intimidation.](#)

[Sec. 30-39. Exemptions and exclusions.](#)

[Sec. 30-40. Enforcement.](#)

[Sec. 30-41. Complaints.](#)

[Sec. 30-42. Investigation and conciliation.](#)

#### **Sec. 30-31. Declaration of policy.**

- (a) It is declared to be the policy of the city to bring about through fair, orderly and lawful procedures, the opportunity of each person to obtain housing without regard to race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age.
- (b) It is further declared that such policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, age; and further that the denial of such

on race, color, creed, religion, sex, national origin, physical or  
condition, or age is detrimental to the health, safety and welfare of  
prohibits an unjust denial or deprivation of such inalienable rights  
which is within the power and the proper responsibility of government to prevent.

(Ord. No. 87, § 1, 2-14-1995)

### **Sec. 30-32. Definitions.**

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

**Age** means the calendar age of an individual 18 years of age or over.

**Creed** means any set of principles, rules, opinions and precepts formally expressed and seriously adhered to or maintained by a person.

**Director** means the director of the human relations department or his authorized assistant.

**Discriminatory housing practice** means an act which is unlawful under this article.

**Dwelling** means any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more persons and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure or portion thereof.

**Family** means a single individual or a group of individuals living together under one common roof.

**Major life activities** means 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** means an individual's status as a single, married, divorced, widowed or separated person.

**Parenthood** means a person's status as a parent or legal guardian of a child or children under the age of 18.

**Person** means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

**Physical or mental disability** means 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; or
- (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Senior adult means 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. No. 87, § 2, 2-14-1995)

**Cross reference—** Definitions generally, § 1-2

...ion of this article, or knowingly obstruct or prevent compliance

(Ord. No. 87, § 9, 2-14-1995)

### **Sec. 30-34. Interpretation and effect.**

This article 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 USC 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 article, it is the intent of the city council that the court 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. No. 87, § 3, 2-14-1995)

### **Sec. 30-35. Discrimination in the sale or rental of housing.**

Except as exempted in this article, it shall be unlawful to:

- (1) 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, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age.
- (2) Discriminate against any person in the terms, conditions, or privileges of a sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age.
- (3) Make, print or publish or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or an intention to make any such preference, limitation or discrimination.
- (4) Represent to any person because of race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) 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, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age.

(Ord. No. 87, § 4, 2-14-1995)

### **Sec. 30-36. Discrimination in housing financing.**

It shall be unlawful for any bank, building and loan association, insurance company, or other person whose business consists in whole or in part in the making of commercial 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 him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age of such person or such persons associated therewith or

...gion, sex, national origin, physical or mental handicap, marital  
...ent or prospective owners, lessees, tenants or occupants of the  
...an or other financial assistance is to be made or given.

(Ord. No. 87, § 5, 2-14-1995)

**Sec. 30-37. Discrimination in providing brokerage service.**

It shall be unlawful for any person to deny another person access to membership in, or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling and renting dwellings or to discriminate against another person in the terms or conditions of such access, membership or participation, on account of race, color, creed, religion, sex, national origin, physical or mental handicap, marital status, parenthood, or age.

(Ord. No. 87, § 6, 2-14-1995)

**Sec. 30-38. Unlawful intimidation.**

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because such individual, group or business has complied with the provisions of this article or has exercised in good faith rights under this article, or has enjoyed the benefits of this article, or because such individual, group, or business has made a charge in good faith, testified in good faith or assisted in good faith in any manner in any investigation, or in any proceeding under this article or has made any report to the director.

(Ord. No. 87, § 7, 2-14-1995)

**Sec. 30-39. Exemptions and exclusions.**

(a) Nothing in this article shall apply to:

(1) Any single-family house sold or rented by an owner, provided that:

- a. Such private individual owner does not own more than three single-family houses at any one time;
- b. If the owner does not reside in the house at the time of the sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period;
- c. Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such person's behalf, under any express voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental of more than three such single-family houses at any one time;
- d. 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 of dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
- e. The sale or rental is made without the publication, posting or mailing of any advertisement or written notice in violation of this article; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(2) Rooms or 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 living quarters as his residence.

- in this section, a person shall be deemed to be in the business of
- (1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
  - (2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
  - (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
- (c) Nothing in this article shall prohibit a religious organization, association or society or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, 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, sex, national origin, physical or mental handicap, marital status, parenthood, or age.
- (d) Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings 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.
- (e) Nothing in this article shall bar any person from owning and operating a housing accommodation in which rooms are leased, subleased or rented only to persons of the same sex, which such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.
- (f) Nothing in this article 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.
- (g) Nothing in this article 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; however, if the reserved area is completely leased or rented, the person owning, operating, or controlling such 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 article.

(Ord. No. 87, § 8, 2-14-1995)

#### **Sec. 30-40. Enforcement.**

The director of the human relations department shall have the responsibility of administering and implementing this article. The director may delegate the authority to investigate and conciliate complaints to other designated city employees.

(Ord. No. 87, § 10, 2-14-1995)

#### **Sec. 30-41. Complaints.**

- (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereinafter referred to as the "charging party") may file a complaint with the director. 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

ased. The director shall prepare complaint forms and furnish  
on request.

- (b) The director shall receipt 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, PL 90-284, and shall treat such complaints under this article in the same manner as complaints filed pursuant to subsection (a) of this section.
- (c) All complaints shall be filed within 180 days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the director shall provide notice of the complaint by furnishing a copy of such complaint to the person named therein (hereinafter referred to as the "respondent") who allegedly committed or was threatening to commit an alleged discriminatory housing practice. The respondent may file an answer to the complaint within 15 days of receipt of the written complaint.
- (d) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.
- (e) If at any time the director shall receive or discover credible evidence and shall have probable cause to believe that any person or persons have committed a discriminatory housing practice as to which no complaint has been filed or is about to be filed, the director 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.

(Ord. No. 87, § 11, 2-14-1995)

#### **Sec. 30-42. Investigation and conciliation.**

- (a) Upon the filing or referral of a complaint as provided in section 30-41, the director shall cause to be made a prompt and full investigation of the matter stated in the complaint; however, before any charge becomes accepted for investigative purposes, the director or an investigator shall have personally reviewed with the charging party the allegations contained therein and shall have determined that such charge comes within the provisions of this article. If such review results in the determination that a particular charge does not come within the provisions of this article, the charging party shall be given a clear and concise explanation of the reasons why it does not.
- (b) If the director determines that there is not probable cause to believe that a particular alleged discriminatory housing practice has been committed, the director 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 complaint, the director 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 to obtain adequate assurance of future voluntary compliance with provisions of this article. Nothing said or done in the course of such informal endeavors may be made public by the director, the commission, the investigator, the conciliator, the charging party, or the respondent, or be used as evidence in a subsequent proceeding without the written consent of all persons concerned.
- (d) Upon completion of an investigation where the director has made a determination that a discriminatory housing practice has in fact occurred, if the director is unable to secure from the respondent an acceptable conciliation agreement, then the human relations commission of the city must, upon a majority vote, refer the case to the city attorney for prosecution in municipal court or to other agencies as appropriate. With such recommendation of the director and the referral of the human relations commission, the director shall refer his entire file to the city attorney. The city attorney shall, after such referral, make a determination as to whether to proceed with prosecution of such complaint in municipal court.

(Ord. No. 87, § 12, 2-14-1995)



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FOOTNOTE(S).

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**State Law reference**— Fair housing, V.T.C.A., Property Code § 301.001 et seq. [\(Back\)](#)



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**Chapters 31—33**

**RESERVED**



## CHAPTER 34. MOBILE HOMES, MANUFACTURED HOMES AND PARKS <sup>(1)</sup>

ARTICLE I. - IN GENERAL

ARTICLE II. - MOBILE HOME PARKS

ARTICLE III. - MOBILE HOMES OUTSIDE MOBILE HOME PARKS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Buildings and building regulations, ch. 10; environment, ch. 22; solid waste, ch. 38; streets, sidewalks and other public places, ch. 42; subdivisions, ch. 46; R-2 residential district, low density with mobile homes and manufactured homes, § 62-301 et seq.; MH mobile home park district, § 62-361 et seq. ([Back](#))

### ARTICLE I. IN GENERAL

[Secs. 34-1. 34-30. Reserved.](#)

### ARTICLE II. MOBILE HOME PARKS

[Sec. 34-31. Definitions.](#)

[Sec. 34-32. License required for proposed mobile home parks.](#)

[Sec. 34-33. License or permit required for existing mobile home parks.](#)

[Sec. 34-34. Renewal or transfer of mobile home park license or permit.](#)

[Sec. 34-35. Revocation of mobile home park license or permit.](#)

[Sec. 34-36. Mobile home park design and construction standards.](#)

[Sec. 34-37. Operation and maintenance of mobile home parks.](#)

[Sec. 34-38. Mobile home parks within extraterritorial jurisdiction of the city.](#)

[Sec. 34-39. Age restriction on mobile homes. REVOKED BY ORDINANCE 154 ON APRIL 10, 2018](#)

[Sec. 34-40. Liability of city.](#)

[Secs. 34-41. 34-70. Reserved.](#)

#### **Sec. 34-31. Definitions.**

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

is a person authorized by the mayor or city council to perform

**Licensee** means a person to whom a license for construction and/or operation and maintenance of a park has been issued.

**Mobile home** means a structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

**Mobile home space** means the ground area allocated for occupancy by one mobile home in the layout of a park.

**Off-street parking space** means an unobstructed area of a minimum nine feet by 18 feet dimensions, allocated for parking a vehicle in the layout of a park.

**Park** means a plot of ground under single person ownership, upon which two or more mobile homes occupied as dwellings are located.

**Permittee** means a person to whom a nonconforming use permit for operation and maintenance of a park has been issued.

(Code 1982, ch. 3, § 10(A))

**Cross reference**— Definitions generally, § 1-2

#### **Sec. 34-32. License required for proposed mobile home parks.**

- (a) It shall be unlawful for any person to construct, maintain, or operate a park within the city limits without a license therefor. A fee of \$25.00 shall be required for each mobile home park license. A license shall be issued by the city council subject to compliance with the terms and provisions of this article. No utility service shall be provided until the permit or license herein provided for shall have been issued. Written application for a license, signed by the applicant and accompanied by the exhibits listed below shall be submitted to the city secretary. The application shall state the applicant's address and legal description of the land wherein construction of a park is proposed and shall be accompanied by the following exhibits:
- (1) A plot plan drawn to a scale of one inch equals 100 feet showing the location and configuration of the proposed park, including the layout of its mobile home spaces, streets, parking spaces, walkways, and utility service lines. This plot plan does not replace or supersede the subdivision plat of the property required by state law to be recorded in the county records of the county in which the property is located, after review and approval of the city.
  - (2) Plans and specifications for all buildings and service facilities.
- (b) Upon approval by the city council of a mobile home park license, the city secretary will issue a license.

(Code 1982, ch. 3, § 10(B))

#### **Sec. 34-33. License or permit required for existing mobile home parks.**

- (a) Application for license. Every person operating a mobile home park within the city limits on the effective date of this article shall, within 60 days after that date, submit a written application for a license, accompanied by exhibits listed in section 34-32. The code enforcement officer will review each license application and make recommendations thereon to the city council. In considering the disposal of any such application, the city council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the park is located or is in operation. On approval of an application by the city council, the city secretary will issue a license.

council denies a license to any applicant whose mobile home  
ive date of this article, the city secretary will issue to such  
that specifies the nonconformities with provisions of this article  
responsible for denial of the license and authorize continued operation of the park, subject to the  
permittee's compliance with all provisions of this article pertaining to park operation and  
maintenance. However, the permit does not make lawful the extension or enlargement of a specified  
nonconformity, either within the present confines of a park or by expanding its boundaries. After the  
remedy or suspension of a nonconforming use, such use shall not be restored or resumed; for  
example, if a nonconforming mobile home space is vacated, it shall not be occupied again by a  
mobile home. The fee for issuance of a permit shall be \$25.00.

(Code 1982, ch. 3, § 10(C))

#### **Sec. 34-34. Renewal or transfer of mobile home park license or permit.**

For validity, a mobile home park license or nonconforming use permit shall be renewed each  
year. Upon inspection by the code enforcement officer and with his approval and payment of an  
annual fee of \$25.00 by the licensee or permittee, renewal will be effected by the city secretary. To  
transfer a license or permit, a written request to do so shall be submitted to the city secretary. Upon  
inspection of the park by the code enforcement officer, and with his approval, the city secretary will  
issue a transfer, the fee therefor being \$25.00. The code enforcement officer shall refuse to issue a  
renewal or transfer if the mobile home park is in violation of any condition contained in the original  
license or permit or any regulation contained in this article applicable to operation and maintenance of  
the mobile home park. In the event of denial by the code enforcement officer, the applicant may  
appeal such denial to the city council by written notice to the city secretary within ten days of such  
denial.

(Code 1982, ch. 3, § 10(D))

#### **Sec. 34-35. Revocation of mobile home park license or permit.**

A mobile home park license or permit may be revoked by the city council when the licensee or  
permittee is found to be in violation of any provision of this article or the terms of a nonconforming use  
permit after a public hearing is held before the city council according to written notice given to a  
licensee or permittee at least ten days prior to such hearing.

(Code 1982, ch. 3, § 10(E))

#### **Sec. 34-36. Mobile home park design and construction standards.**

All mobile home parks shall meet the following design and construction standards:

- (1) Size of park; spacing and clearances for mobile homes. The minimum size of a mobile home park and the spacing and clearance requirements of mobile home parks shall be as provided for in the city's zoning regulations, chapter 62
- (2) Off-street parking spaces. The off-street parking requirements shall be as provided for in the city's zoning regulations, chapter 62
- (3) Streets and walkways. Internal streets, no-parking area signs, and street name signs shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the mobile home park. All internal streets shall be paved and constructed to specifications established by the city council and shall be maintained by the owner or agent free of cracks, holes, and other hazards. Every mobile home park shall have direct access from a public street and each mobile home space shall have direct access to a public street or to an internal street. Where an internal street provides access, the same shall be dedicated to the

placement to allow for the rapid and safe movement of vehicles for emergency health or public safety purposes. Each emergency driveway shall have a clear unobstructed width of at least 30 feet and shall connect at each end to a dedicated public street, or shall have a turnaround of a minimum 60-foot diameter. Internal streets shall be named, and mobile home spaces numbered to conform with block numbers on adjacent public streets. Street signs shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. All parks shall provide concrete walkways of a minimum 30 inches in width for pedestrian access to each mobile home from a street constructed to specifications approved by the city council.

- (4) Electrical and telephone service. All electrical wiring in the mobile home park shall be underground and installed in accordance with city electrical regulations. All telephone lines in the mobile home park shall be installed underground.
- (5) Water supply. An adequate supply of potable water shall be supplied through the public water supply system to each mobile home space through piping conforming with the city's plumbing regulations, and an outdoor hydrant shall be installed at each mobile home space, at least four inches above the ground. All mobile homes shall be within 500 feet of a fire hydrant.
- (6) Sewage disposal. Each mobile home space shall be provided with a sewer riser pipe of a minimum of four inches in diameter. The individual sewer connections and all other elements in the park sewer system shall conform with the city's plumbing regulations. Disposal shall be into the public sewer system.
- (7) Drainage. The park shall be located and graded as to drain away all surface water in a safe and efficient manner. Accumulations of stagnant water will not be permitted. Culverts and drainage ditches shall be maintained free of dirt and debris by the owner or agent.
- (8) Fire protection. Service buildings (office, laundry facilities, repair shops, etc.) shall be provided with emergency fire extinguishing apparatus of such types and sizes as may be prescribed by the city council. Fire resistant skirting with the necessary vents, screens, and/or openings shall be installed on each mobile home within ten days after its emplacement in the park. Each mobile home shall be equipped with an operable smoke detector. To ensure compliance by the mobile home owner with these requirements, the licensee shall make such compliance and conformation thereof as a condition in the agreement for rental of a mobile home space.
- (9) Fuel supply. Gas piping systems shall be installed underground in accordance with city regulations. Gas outlets shall be capped when the mobile home spaces they serve are vacant. Natural gas shall be supplied except that a liquefied petroleum gas system may be installed if the nearest available natural gas supply is more than 1,000 feet from the park. Liquefied petroleum gas systems shall conform with applicable codes and regulations by the state railroad commission pertaining thereto.
- (10) Extensions of mobile homes. No structural extension shall be attached to a mobile home in violation of the spacing and clearance requirements of this article. An extension that does not violate those requirements may be installed if it meets the following requirements:
  - a. Constructed of metal, fire resistive, double wall panels with mechanically connected joints.
  - b. Length no greater than that of a mobile home to which it is accessory.
  - c. To be dismantled on removal from the park of the mobile home to which it is accessory.

(Code 1982, ch. 3, § 10(F))

### **Sec. 34-37. Operation and maintenance of mobile home parks.**

All mobile home parks shall comply with the following operation and maintenance regulations:

ite and have available for inspection at the park, a register of  
the following information:

- a. Name and legal address of park residents.
- b. Mobile home registration data, including make, length, width, year of manufacture, and identification number.
- c. Location of each mobile home by street name and number.

A new register shall be initiated on January 1 of each year and the old register retired but retained on the park premises for at least three years thereafter.

- (2) The licensee shall be responsible for keeping the park in a clean, safe, and sanitary condition free of accumulations of rubbish and of rank growth of grass or weeds that might constitute a fire hazard or give harborage to noxious insects. Walks, streets, and parking spaces shall be maintained in a serviceable all-weather condition.
- (3) No open fires shall be permitted in the park except for outdoor cooking on camper type stoves or charcoal grills. No flammable liquids shall be stored beneath mobile homes. The fire resistant skirting specified in section 34-36(8) shall be maintained intact to prevent accumulations of flammable materials beneath mobile homes. Emergency fire extinguishing apparatus, if required, shall be inspected and tested at intervals of time suggested by the manufacturer.
- (4) The storage, collection, and disposal of refuse and garbage shall be so conducted as to create no health hazards, rodent harborage, insect breeding grounds, fire hazards, litter, or air pollution. Each mobile home space shall be provided with rodentproof garbage receptacles of sufficient number and size to store properly all refuse and garbage between collections.
- (5) The licensee shall provide that all mobile homes located in the park be installed and anchored in accordance with state department of labor and standards rules and regulations.

(Code 1982, ch. 3, § 10(G))

#### **Sec. 34-38. Mobile home parks within extraterritorial jurisdiction of the city.**

No person shall subdivide land within the extraterritorial jurisdiction of the city for the purpose of creating a mobile home park until a plat of the park has been approved by the city council. Such plat shall be submitted to the city council for approval, shall be accompanied by the information outlined in section 34-32, and shall conform to the design requirements of section 34-36.

(Code 1982, ch. 3, § 10(H))

#### **Sec. 34-39. Age restriction on mobile homes. – REVOKED BY ORDINANCE 154 ON APRIL 10, 2018**

No mobile home shall be permitted or located within the city limits from the effective date of Ordinance No. 117 which is older than ten years of age. All existing mobile homes located in the city as of the effective date of Ordinance No. 117 shall be grandfathered from this prohibition. However, if any mobile home grandfathered under this section shall be removed for any purpose or reason, the new or replacement mobile home must comply with the provisions of this article.

(Ord. No. 117, ch 3, § 10(J), 11-11-2002)

#### **Sec. 34-40. Liability of city.**

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

(Code 1982, ch. 3, § 10(I))

requirements in § 62-361 et seq.; restrictions on location of  
parks §§ 34-71 et seq. and 62-301 et seq.

**Secs. 34-41—34-70. Reserved.**

### ARTICLE III. MOBILE HOMES OUTSIDE MOBILE HOME PARKS

[Sec. 34-71. Definitions.](#)

[Sec. 34-72. Permit required.](#)

[Sec. 34-73. Application for permit and fee.](#)

[Sec. 34-74. Permit required for existing mobile homes.](#)

[Sec. 34-75. Permit conditions.](#)

[Sec. 34-76. Exceptions.](#)

[Sec. 34-77. Age restriction on mobile homes.](#) . REVOKED BY ORDINANCE 154 ON APRIL 10, 2018

[Sec. 34-78. Liability of city.](#)

#### **Sec. 34-71. Definitions.**

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

**Code enforcement officer** means a person authorized by the mayor or city council to perform the duties prescribed in this article.

**Mobile home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

**Permittee** means a person for whom a permit has been issued to place or use a mobile home outside a licensed mobile home park.

(Code 1982, ch. 3, § 11(A))

**Cross reference—** Definitions generally, § 1-2

#### **Sec. 34-72. Permit required.**

It shall be unlawful for any person to locate or maintain any mobile home in any place in the city other than in a duly licensed and lawful mobile home park, or in a zoning district where mobile homes are allowed. However, no mobile home shall be erected or installed outside a duly licensed mobile home park until a mobile home permit has been obtained from the city council. The city council shall refuse to grant any such permit unless the applicant first shows to the satisfaction of the city council that there are adequate water and sanitary facilities available within reasonable distance of such mobile home location, or that the applicant, upon locating upon such premises, shall provide or cause to be provided the same. It shall be unlawful for any person, firm or corporation to maintain or live in any such mobile home without first obtaining such permit from the city. No permit shall be issued by the city council unless the applicant can demonstrate an ability to comply with all the terms and

ome permit shall be required for any mobile home located or  
ed mobile home park.

(Code 1982, ch. 3, § 11(B))

**Sec. 34-73. Application for permit and fee.**

An application for a permit to locate a mobile home outside a licensed mobile home park shall be submitted to the city secretary accompanied by a complete description of the mobile home and a plot plan showing the proposed location of the mobile home. A nonrefundable permit fee of \$10.00 shall be submitted with the application.

(Code 1982, ch. 3, § 11(C))

**Sec. 34-74. Permit required for existing mobile homes.**

- (a) Application for permit. Every person maintaining a mobile home in the city outside a licensed mobile home park on the effective date of this article, shall, within 60 days after that date, submit a written application for a permit. The code enforcement officer will review each permit application and make recommendations thereon to the city council. In considering the disposal of any such application, the city council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the mobile home is located. On approval of an application by the city council, the city secretary will issue a permit.
- (b) Nonconforming use permit. If the city council denies a permit to any applicant whose mobile home was in place on the effective date of this article, the city secretary will issue to such applicant a nonconforming use permit that specifies the nonconformities with provisions of this article responsible for denial of the permit and authorizes continued use of the mobile home, subject to the permittee's compliance with all provisions of this article pertaining to mobile home use and maintenance. However, the permit does not make lawful the extension or enlargement of a specified nonconformity. After the remedy or suspension of a nonconforming use, such use shall not be restored or resumed. The fee for issuance of a nonconforming use permit shall be \$10.00.

(Code 1982, ch. 3, § 11(D))

**Sec. 34-75. Permit conditions.**

The following use and maintenance regulations shall be applicable to mobile homes located outside mobile home parks:

- (1) All mobile homes shall be installed and anchored in accordance with state department of labor and standards rules and regulations.
- (2) All mobile homes occupied as living quarters shall contain operable smoke detectors.
- (3) No mobile home manufactured prior to June 15, 1976, shall be occupied as living quarters within the city.
- (4) All mobile homes occupied as living quarters shall be located in residential areas and placed on separate lots with the front door facing the street in the same manner as other residential structures in the block.
- (5) The temporary parking of only one mobile home belonging to the owner or tenant of the dwelling upon which the mobile home is placed may be permitted behind the front building setback line of the lot provided no living quarters shall be maintained in such mobile home while such mobile home is parked or stored. The mobile home so stored shall not be closer than 20 feet to an occupied residential structure. Removal of wheels and skirting requirements shall not be applicable to such temporarily stored, unoccupied mobile homes.

mobile home parks shall have the wheels removed, and shall  
type foundation or have fire resistant skirting installed around

- (7) All permits shall be issued subject to compliance with all other applicable codes and ordinances of the city, and with all applicable deed restrictions.
- (8) No driveway shall be permitted in the front yard of any mobile home occupied as living quarters except along either side of the lot at a right angle to the street.

(Code 1982, ch. 3, § 11(E))

**Sec. 34-76. Exceptions.**

No permit shall be required and the provisions of this article shall not be applicable to unoccupied mobile homes displayed for sale on mobile home sales lots and mobile homes in storage on mobile home manufacturing plant premises.

(Code 1982, ch. 3, § 11(F))

**Sec. 34-77. Age restriction on mobile homes. – REVOKED BY ORDINANCE 154 ON APRIL 10, 2018**

No mobile home shall be permitted or located within the city limits from the effective date of Ordinance No. 117 which is older than ten years of age. All existing mobile homes located in the city as of the effective date of Ordinance No. 117 shall be grandfathered from this prohibition. However, if any mobile home grandfathered under this section shall be removed for any purpose or reason, the new or replacement mobile home must comply with the provisions of this article.

(Ord. No. 117, ch 3, § 11(H), 11-11-2002)

**Sec. 34-78. Liability of city.**

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

(Code 1982, ch. 3, § 11(G))



## Chapter 35 RECREATIONAL VEHICLE PARKS

- [Sec. 35-1. Definitions.](#)
- [Sec. 35-2. Location requirements.](#)
- [Sec. 35-3. Density requirements.](#)
- [Sec. 35-4. Setbacks: spacing.](#)
- [Sec. 35-5. License requirements.](#)
- [Sec. 35-6. General park supervision.](#)
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- [Sec. 35-8. Sewage disposal.](#)
- [Sec. 35-9. Electrical service.](#)
- [Sec. 35-10. Lighting.](#)
- [Sec. 35-11. Walks.](#)
- [Sec. 35-12. Streets, access, and traffic circulation.](#)
- [Sec. 35-13. Off-street parking.](#)
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- [Sec. 35-17. Disposal of garbage and refuse](#)
- [Sec. 35-18. Fire protection](#)
- [Sec. 35-19. Overnight camping usage restricted](#)
- [Sec. 35-20. General penalty for violations.](#)
- [Sec. 35-21. Severability clause.](#)
- [Sec. 35-22. Conflicting ordinances repealed.](#)
- [Sec. 35-23. Effective date.](#)

### **Sec. 35-1. Definitions.**

**All-weather surface:** A surface that will not soften when exposed to moisture and which is of sufficient thickness to withstand usual wheel loads. The use of asphalt, concrete, soil-cement, also gravel or crushed rock when used in compliance herewith will meet this requirement. However, caliche, when used by itself, will not be acceptable. In the event gravel or crushed rock is used, such material must be applied six to eight inches thick with a soil binder, or in the alternative, applied two to three inches thick over a minimum six inch thick caliche base.

**Recreational vehicle (RV) space:** A plot of land within a mobile home or vacation travel trailer park designated for the accommodation of a single recreational vehicle and including the pad that is reserved for the placement of the recreational vehicle.

**Recreational vehicle (RV):** Vacation travel trailer, travel trailer, and recreational vehicle are used synonymously and mean a vehicle designed for a temporary or short-term occupancy for travel,

vehicles shall include any travel trailer, camp trailer, pop-up or  
ne, motor home or house car, and any pickup camper, on or off

**Recreational vehicle (RV) park:** Any tract of land under single ownership, of one acre or more, where accommodation is provided for transient recreational vehicle overnight camping use.

(Ord. No. 126, 3-20-2007)

**Sec. 35-2. Location requirements.**

It shall be unlawful for any person to locate a RV park within the city limits except as provided in the zoning ordinance of the City of Angus.

(Ord. No. 126, 3-20-2007)

**Sec. 35-3. Density requirements.**

A maximum density of 12 recreational vehicles per acre shall apply to RV parks.

(Ord. No. 126, 3-20-2007)

**Sec. 35-4. Setbacks; spacing.**

The minimum setback and spacing requirements shall be as follows:

- (1) Pad spacing: Fifteen feet between RV parking pads.
- (2) Setbacks: Fifteen feet from RV park property lines and 20 feet from permanent structures.
- (3) Minimum lot size: Width- 28 feet; Depth- 60 feet.

(Ord. No. 126, 3-20-2007)

**Sec. 35-5. License requirements.**

- (a) License required. It shall be unlawful for any person to operate any RV park within the city limits unless the person possesses a valid license issued for the current year by the city council.
- (b) Application for original license. Application for an original license shall be in writing, signed by the applicant as to the truth of the application, along with the payment of the license fee, and shall contain:
  - (1) Name and address of applicant/owner;
  - (2) Location and legal description of the RV park;
  - (3) Plot plan of the park showing all spaces for recreational vehicles, any structures/building improvements, roads, walkways, parking spaces and other service and utility facilities; and
  - (4) Any other information requested or deemed appropriate by the city.
- (c) Application for renewal. Application for renewal of a license shall be made in writing by the licensee on forms provided by the building official, on or before April 1 of each year. The application will contain any change in the information submitted on the original license.
- (d) License fee. All original license applications or renewals shall be accompanied by a fee of \$100.00 plus \$1.00 for each recreational vehicle space in the park. The original fee shall be prorated on a quarterly basis between the date of original application and April 1. All renewal fees shall be due on April 1 of each year.

issued under the provisions of this chapter shall not be  
ued to any new owner upon compliance with the provisions of

- (f) Notice of violation; suspension of license. Whenever, upon inspection of any RV park, the city finds that conditions or practices exist which are in violation of applicable provisions of this chapter, notice shall be given to the licensee. Such notice shall:
- (1) Be in writing;
  - (2) Include a statement of the reason for such notice;
  - (3) Allow a reasonable time for the performance of the act it requires;
  - (4) Be served on the licensee or his agent either by personal service or mail to the last known address, or when notified by any method authorized or required by state law; and
  - (5) Contain an outline of remedial action which, if taken, will affect compliance with the provisions of this article.

Unless such conditions or practices are corrected within a reasonable period of time, the mayor shall immediately suspend the license, and give notice in writing of such suspension. The licensee shall cease operation of such park, except as provided in subsection (g) below.

- (g) Appeals. Any person affected by any notice issued in connection with the enforcement of any provision of this chapter may request and be granted a hearing before the city council, provided such person affected by the decision of the mayor files a written request within 15 days after the notice was served to the city secretary requesting such hearing and setting forth a brief statement of the grounds therefore. Upon receipt of the request, the city secretary shall set a time and place for such hearing and give the petitioner written notice thereof. The filing of the request for a public hearing shall act as a stay of notice and of suspension. The petitioner shall be given an opportunity to be heard and show cause as to why the decision of the mayor should be modified or withdrawn.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-6. General park supervision.**

A responsible attendant, supervisor, or operator shall be in charge at all times to keep the RV park, its facilities and equipment in a clean, orderly and sanitary condition and he or she shall be answerable, with the licensee, for any violation of the provisions of this chapter.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-7. Water supply.**

An adequate supply of potable water for domestic and fire protection purposes shall be supplied to meet the requirements of the RV park. Each RV space shall be provided with a water hookup at least four inches above the ground and water hose connection for lawn maintenance.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-8. Sewage disposal.**

Waste from showers, bathtubs, toilets, lavatories in recreational vehicles or other buildings within the park shall be discharged into a public or private sewer system in compliance with all applicable laws and ordinances. In the event public services are not available such waste shall be discharged into a private disposal or dump system approved by and in compliance with the state and local health departments.

(Ord. No. 126, 3-20-2007)

shall be provided throughout RV park and service to individual  
as set forth in applicable ordinances, rules and regulations of  
the supplying power company and the City of Angus. All electric meters shall be permanently installed  
in a location accessible at all times for reading the meter.

(Ord. No. 126, 3-20-2007)

### **Sec. 35-10. Lighting.**

- (a) Entrances and exits to RV parks shall be lighted at nighttime.
- (b) All roads shall have street lights.
- (c) Each RV space shall have sufficient lighting at night to provide reasonable visibility.
- (d) All luminaries shall be mounted 15 feet to 25 feet above ground level.

(Ord. No. 126, 3-20-2007)

### **Sec. 35-11. Walks.**

All interior walks shall be an all-weather surface and not less than four feet in width.

(Ord. No. 126, 3-20-2007)

### **Sec. 35-12. Streets, access, and traffic circulation.**

- (a) All RV parks shall have a double drive entrance separated by at least a ten-foot median.
- (b) All internal streets and all street and traffic signage shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilitate for common use of RV park residents. All traffic-control signage along internal streets of the RV park shall conform to the State Manual on Uniform Traffic-Control Devices and be approved by the city prior to installation or placement. Within each RV park, all streets shall be named and numbered to conform with block numbers on adjacent streets. Street name signs and RV space numbers shall be of reflective type. The signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.
- (c) Emergency vehicles shall have access to all areas of the RV park.
- (d) All other internal streets and off-street parking spaces at the RV park shall be designed and maintained to support the imposed loads of both emergency and recreational vehicles. All streets shall be provided with an all-weather surface so as to allow driving under all weather conditions and is in accordance with all subdivision, development, and zoning ordinances and regulations of the city. Streets and parking spaces shall be maintained free of cracks, holes and other hazards.
- (e) Internal streets shall have a minimum width of 28 feet when parking is not allowed on the street and 32 feet when parking is allowed on the street. Internal streets shall be continuous and connect with other internal streets or with public streets, or shall be provided with a cul-de-sac having a minimum radius capable of handling the largest emergency vehicle of the city. No internal street ending in a cul-de-sac shall exceed 300 feet in length.
- (f) Internal streets shall intersect adjoining public streets at approximately 90 degrees and at locations which will eliminate or minimize interference with traffic on those public streets.
- (g) Each RV space shall be accessible by an internal street.

(Ord. No. 126, 3-20-2007)

space shall be provided for each RV space which shall be located within the park. Additionally, one additional guest parking space shall be provided in a common area for every three RV spaces in the park. Such guest parking spaces shall not be over 200 feet from the RV spaces they serve. Off-street parking spaces shall be located so as to not interfere with access to RV parking spaces.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-14. Drainage.**

The ground surface in all parts of the RV park shall be graded and equipped to drain all surface water in a safe, efficient manner and free from stagnant pools of water.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-15. General speed limits**

No person shall drive a motor vehicle on a roadway within the park at a speed greater than is reasonable and prudent under the circumstances then existing. The speeds authorized in this section for the roadways within the park shall be not more than 20 miles per hour, but any speed in excess of the limits specified in this section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. The responsible attendant or supervisor, owner or operator [that] shall be in charge of the RV park shall be responsible for ensuring that speed limit signs are posted on all roadways.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-16. Sanitation facilities**

RV parks that provide toilets, bath or showers, and other sanitation facilities must conform to the following requirements:

- (a) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof and solid opaque wall. Such service buildings shall be well lighted and ventilated at all times with screened openings. These service buildings shall be maintained in clean, sightly condition and kept free of any condition that could menace the health of any occupant. Service buildings shall be located not closer than 20 feet nor farther than 300 feet from any RV space.
- (b) An adequate supply of hot water shall be provided at all times in any required service buildings, and for all bathing, washing, cleansing and laundry facilities.
- (c) Toilet and bath facilities:
  - (1) Separate toilet facilities for males and females shall consist of not less than one flush toilet for every eight RV parking spaces. Additionally, male toilet facilities shall include one urinal for every eight RV parking spaces.
  - (2) One male and one female shower facility with individual dressing accommodations for every eight RV parking spaces.

(Ord. No. 126, 3-20-2007)

#### **Sec. 35-17. Disposal of garbage and refuse**

RV parks shall provide a sufficient number of dumpsters to handle the refuse generated by their occupants. Such dumpsters shall be located in designated areas where pickup will be made by a city-approved solid waste collection firm.

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**Sec. 35-18. Fire protection**

- (a) Fire hydrants shall be installed so that no RV parking space will be more than 300 feet from a fire hydrant supplied by a six-inch or larger water main.
- (b) No person shall have an open fire within the RV park except in city-approved barbeque pits and/or cooking facilities.

(Ord. No. 126, 3-20-2007)

**Sec. 35-19. Overnight camping usage restricted**

No person shall use a RV parking space hookup for more than 14 consecutive days and without at least a three-day interval between uses.

(Ord. No. 126, 3-20-2007)

**Sec. 35-20. General penalty for violations.**

That any person violating this chapter shall be guilty of a misdemeanor and said offense is punishable by fine in any sum not to exceed \$2,000.00 per occurrence.

(Ord. No. 126, 3-20-2007)

**Sec. 35-21. Severability clause.**

That should any article or section of this chapter be decreed to be void by a court-of-law, the invalidity of such article or section shall not affect the validity of the remaining portions of this chapter and that each article and section or portion thereof not decreed to be invalid shall remain valid and enforceable.

(Ord. No. 126, 3-20-2007)

**Sec. 35-22. Conflicting ordinances repealed.**

That all ordinances or parts of ordinances that are in conflict with this chapter are hereby repealed.

(Ord. No. 126, 3-20-2007)

**Sec. 35-23. Effective date.**

This chapter shall take effect immediately upon its passage and publication as the law requires.

(Ord. No. 126, 3-20-2007)



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## **36 – RVs NOT IN RV PARK**

NO RV/Travel Trailer/Motor Home parked on property within the city limits of Angus shall be used as a residence; however, it may be used for guests for a maximum of 10 days; providing that this ordinance shall be cumulative; providing a severability clause and providing an effective date.

(Ord. No. 2023-04-11)

## **Chapter 37 RESERVED**

## Chapter 38 SOLID WASTE <sup>[1]</sup>

[Sec. 38-1. Burning of garbage or refuse.](#)

[Sec. 38-2. Depositing of garbage or refuse in street or alley prohibited.](#)

[Sec. 38-3. Maintenance and placement of garbage or refuse containers.](#)

[Sec. 38-4. Meddling with garbage cans and other trash receptacles prohibited.](#)

[Sec. 38-5. Use of refuse containers by nonresidents prohibited.](#)

[Sec. 38-6. Unlawful for garbage or refuse to blow or drop from vehicles.](#)

### **Sec. 38-1. Burning of garbage or refuse.**

It shall be unlawful for any person to burn garbage or refuse within the city, except in an incinerator approved by the fire marshal.

(Code 1982, ch. 6, § 8(A))

### **Sec. 38-2. Depositing of garbage or refuse in street or alley prohibited.**

The depositing of garbage or refuse in any street or alley within the city limits or the disposal of such garbage or refuse at any place within the city limits, except as may be designated by the city council, is prohibited.

(Code 1982, ch. 6, § 8(B))

**Cross reference—** Streets, sidewalks and other public places, ch. 42

### **Sec. 38-3. Maintenance and placement of garbage or refuse containers.**

It shall be the duty of every person, firm, or corporation owning, managing, operating, leasing, or renting any premises or any place where garbage or rubbish accumulates, to provide and at all times to maintain in good order and repair on any such premises a portable container or containers for refuse, of sufficient capacity and in sufficient numbers to accommodate and securely keep all the garbage and rubbish that may accumulate between collections. All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition.

(Code 1982, ch. 6, § 8(C))

### **Sec. 38-4. Meddling with garbage cans and other trash receptacles prohibited.**

The meddling with garbage cans, trash or rubbish receptacles, or in any way pilfering, searching, or scattering of the contents of such garbage cans or rubbish receptacles in or upon any street, avenue, or alley within the city limits, is declared to be unlawful.

(Code 1982, ch. 6, § 8(D))





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**Refuse by nonresidents prohibited.**

...on to place or permit another to place any garbage, trash, or ... by the city for citywide collection, unless such refuse is from a resident of the city. Refuse from outside the city limits shall not be placed in any refuse container provided by the city, and doing so shall be an offense by the person who places such refuse in the container or who permits another person to place such refuse in the container.

(Ord. No. 74, art. I(ch. 6, § 8), 2-11-1992)

**Sec. 38-6. Unlawful for garbage or refuse to blow or drop from vehicles.**

It shall be unlawful for any person, firm, or corporation to transport garbage or refuse of any kind in any cart, wagon, truck, or vehicle in which such garbage or refuse can is being permitted to drip or escape. All carts, wagons, trucks, or other vehicles shall be so equipped that no trash, paper, rubbish, or other waste material can be blown from, fall from, or escape from such vehicle, and covers for all such vehicles shall be provided when necessary to prevent waste from being scattered over the public streets and alleys of the city.

(Code 1982, ch. 6, § 8(E))

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Buildings and building regulations, ch. 10; environment, ch. 22; mobile homes, manufactured homes and parks, ch. 34; utilities, ch. 58 ([Back](#))



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**Chapters 39—41**

**RESERVED**

## Chapter 12. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - USE OF STREETS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference—** Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street or public way saved from repeal, § 1-9(a)(5); any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zones saved from repeal, § 1-9(a)(8); any ordinance establishing and prescribing the street grades of any street saved from repeal, § 1-9(a)(10); any ordinance providing for local improvements and assessments for such improvements saved from repeal, § 1-9(a)(11); any ordinance authorizing street maintenance agreements saved from repeal, § 1-9(a)(17); buildings and building regulations, ch. 10; moving structures, § 10-191 et seq.; peddlers and solicitors, § 14-101 et seq.; environment, ch. 22; mobile homes, manufactured homes and parks, ch. 34; depositing of garbage or refuse in street or alley prohibited, § 38-2; subdivisions, ch. 46; requirements and standards for streets in subdivisions, § 46-152; requirements and standards for alleys in subdivisions, § 46-153; requirements and standards for sidewalks in subdivisions, § 46-155; traffic and vehicles, ch. 54; specific street regulations, § 54-81 et seq.; utilities, ch. 58; zoning, ch. 62; franchises, app. A. [\(Back\)](#)

## ARTICLE I. IN GENERAL

[Sec. 42-1. Obstructing streets, sidewalks and public ways prohibited.](#)

[Sec. 42-2. Street excavations.](#)

[Secs. 42-3- 42-30. Reserved.](#)

### **Sec. 42-1. Obstructing streets, sidewalks and public ways prohibited.**

It shall be unlawful for any person to willfully or intentionally obstruct any street, highway, road, alley, sidewalk or other public way within the corporate limits of the city. Obstructions prohibited in this section shall be those caused by the parking of a vehicle or vehicles, the placement of any object, the standing of a person, whether alone or as part of a crowd, or any other act which will in any degree or manner interfere with the uninterrupted use by the public of the whole or any part of any such street, highway, road, alley, sidewalk or other public way.

(Ord. No. 81, § I, 8-2-1993)

### **Sec. 42-2. Street excavations.**

- (a) Warning devices required. Any person, firm, or corporation making any excavation or embankment in any street, alley, or public easement in the city shall provide, erect, place, and maintain all warning signs, lighting devices, and barricades and channelizing devices required in Part VI, Traffic Controls for Street and Highway Construction and Maintenance Operation of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.
- (b) Restoration of work areas. Upon completion of any work involving excavation in any street, alley, or public easement in the city, the person, firm, or corporation making such excavation, shall remove all equipment, men, materials, and debris as soon as possible and restore the street and premises in as good a condition as existed prior to the excavation.
- (c) No existing street which is improved or paved shall be excavated, cut, or damaged when installing, repairing or removing any gas, cable, telecommunication, electric, sewer, water or other utility line. All persons, companies, or firms shall be required to bore under such roads when performing such work and only after obtaining a permit from the City of Angus to do so. After the boring operations have been completed, the work areas must be restored to as good or in better condition than was existing at the time immediately prior to the actual work. A statement and plan drawing of the proposed work shall be submitted with the application for a permit. Upon receipt of the application for the permit, the mayor shall review the plans and if in his or her opinion, the proposed work will comply with city's standards and ordinances, then he or she may issue the permit for said work.
- (d) The permit fee to bore under any paved or improved road or street within the City of Angus shall be \$50.00 per location.

(Code 1982, ch. 3, § 7; Ord. No. 124, § 1, 4-11-2006)

### **Secs. 42-3—42-30. Reserved.**

## ARTICLE II. USE OF STREETS <sup>[2]</sup>

[Sec. 42-33. Responsibility for following requirements of article.](#)

[Sec. 42-34. Franchises.](#)

[Sec. 42-35. Additional restrictions and regulations.](#)

[Sec. 42-36. Inspections.](#)

**Sec. 42-31. Gross receipts reports.**

- (a) All persons, associations, organizations, or corporations, using or maintaining any of their business in any of the streets, easements, alleys, parks and other public places within the corporate limits of the city, shall, on or before April 1 of each year hereafter, file with the city secretary a written report, sworn to by the auditor of such persons, associations, organizations, or corporations, showing the gross receipts derived from the operation of such business within the corporate limits, for the 12 months next preceding each January 1 of each year. Gross receipts reports may, at the option of the city, be required quarterly on or before April 1, July 1, October 1, and January 1 for the preceding quarter.
- (b) The city council may, when it may see fit, have the books and records of the persons, associations, organizations, or corporations rendering the statement required in subsection (a) of this section examined by a representative of the city to ascertain whether such statement is accurate, but nothing in this section shall be construed to prevent the city from ascertaining the facts by any other method.

(Code 1982, ch. 1, § 21(A), (B))

**Sec. 42-32. Rental fee.**

- (a) On April 1 of each and every year hereafter, every person, association, organization or corporation occupying or using the streets, easements, alleys, parks, or other public places in the city, and its additions thereto, with poles, structures, towers, conduits, wires, cables, crossarms, fixtures, appurtenances, gas lines, sewer lines, water lines, telegraph lines, or telephone lines on, across, above or below the ground, on streets, easements, alleys, parks, or other public places, in the operation of their business, shall pay a rental fee to the city, equal to two percent of the gross receipts by such persons, associations, organizations, or corporations, from the operation of its business in the city for the 12 months preceding January 1 of each year. Such sum shall be paid to the city secretary who shall thereupon deliver to the persons, associations, organizations, or corporations paying the same receipt for the amount so paid as rental. Gross receipts payments may, at the option of the city, be required quarterly on or before April 1, July 1, October 1, and January 1 for the preceding quarter. This subsection shall not be construed to limit the amount of franchise fees paid by utility companies operating under franchise agreements with the city.
- (b) The payment of the rental fee as provided in subsection (a) of this section and the issuance of the receipt thereof, shall authorize such persons, associations, organizations, or corporations to use and occupy the streets, highways, easements, alleys, parks, and other public places of the city in carrying on its business under the regulations of the city for 12 months from January 1 of such year.
- (c) The rental for the privilege of using the streets, alleys, highways, easements, and public places of the city provided for in this section is not charged as a tax but is made for the privilege now enjoyed and to be enjoyed by such persons, associations, organizations, or corporations using the streets, alleys, easements and other public ways in the city in the conduct of their respective business; and such charges are additional to all ad valorem and franchise taxes and to taxes of every nature whatsoever, against the persons, associations, organizations, or corporations mentioned in this section.

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**Sec. 42-33. Responsibility for following requirements of article.**

Nothing in this article is intended to release any person, association, organization, or corporation of any condition, restriction, or requirement imposed by any law or ordinance of the city.

(Code 1982, ch. 1, § 21(F))

**Sec. 42-34. Franchises.**

This article does not grant a franchise to any utility or person, association, organization, or corporation to use the streets, easements, alleys, and other public ways and shall never be so construed by the court or otherwise, and the city reserves the right to cancel the privileges granted under this article and refund any earned rentals paid to the city, if any.

(Code 1982, ch. 1, § 21(G))

**Sec. 42-35. Additional restrictions and regulations.**

The city reserves the right to put into effect at any time other restrictions and regulations as to the reerection and maintenance of poles, wires, pipes, and other apparatus in the streets, easements, alleys, and other public ways of the city from time to time, to require such poles, pipes, wires, and other property, equipment, and fixtures, as it may deem proper, to be removed and to require wires to be run in conduits on such terms as the city may deem proper.

(Code 1982, ch. 1, § 21(H))

**Sec. 42-36. Inspections.**

The city fire marshal, building official, city marshal, and such other persons designated by the city council shall have power and it shall be their duty to examine and inspect, from time to time, all telegraph, telephone, electric light wires or other poles, gas pipelines, sewer lines, water lines, and all other pipes and fixtures in the public places within the city for the purpose of seeing that all of the same are in a safe and suitable condition and, when any such item is found to be unsafe or unsuitable, the persons using, possessing, or maintaining same, shall be notified and required to place same in a safe and suitable condition.

(Code 1982, ch. 1, § 21(I))

**State Law reference—** Charge for use of streets, V.T.C.A., Tax Code § 182.025.

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FOOTNOTE(S):

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--- (2) ---

**State Law reference—** Charge for use of public ways, V.T.C.A., Tax Code § 182.025. [\(Back\)](#)



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**Chapters 43—45**

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## Chapter 46 SUBDIVISIONS [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION

ARTICLE III. - REQUIREMENTS AND STANDARDS

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FOOTNOTE(S):

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**Cross reference**— Any ordinance regarding plats or subdivisions saved from repeal, § 1-19(a)(12); buildings and building regulations, ch. 10; environment, ch. 22; mobile homes, manufactured homes and parks, ch. 34; streets, sidewalks and other public places, ch. 42; utilities, ch. 58; zoning, ch. 62 ([Back](#))

**State Law reference**— Subdivisions, V.T.C.A., Local Government Code § 212.001 et seq. ([Back](#))



## ARTICLE I. IN GENERAL

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[Sec. 46-1. Interpretation.](#)

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### **Sec. 46-1. Interpretation.**

In the interpretation and application of the provisions of this chapter, it is the intention of the city council that the principles, standards, and requirements provided for in this chapter shall be minimum requirements for the platting and developing of subdivisions in the city and in its extraterritorial jurisdiction; and, where other ordinances of the city are more restrictive in their requirements, such other ordinances shall control.

(Code 1982, ch. 8, § 1(A))

### **Sec. 46-2. Authorization.**

The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the city are authorized by V.T.C.A., Local Government Code §§ 212.001- 212.017. The extraterritorial jurisdiction of the city is now one-half mile from the corporate limits. The requirements of this chapter shall be extended into any and all areas of extraterritorial jurisdiction.

(Code 1982, ch. 8, § 1(B))

### **Sec. 46-3. Definitions.**

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

**Subdivider** and **developer** are synonymous and are used interchangeably and shall include any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and

s in the doing of, any act towards the subdivision of land within chapter.

**Subdivision** means the division of a parcel of land into two or more lots or tracts for the purpose of transfer of ownership; the dedication of streets, alleys, or easements; or for use for building development; provided that a division of land for agricultural purposes into lots or tracts of five acres or more, and not involving a new street or alley shall not be deemed to be a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided.

(Code 1982, ch. 8, § 1(C))

**Cross reference**— Definitions generally, § 1-2

#### **Sec. 46-4. Subdividing of property under direction of city.**

All property not subdivided into lots, blocks, and streets within the city shall hereafter be laid out under the direction of the city council, and no other subdivision will be recognized by the city. Prior to the consideration of the plat by the city council, the city secretary will check the plat for compliance with the regulations of this chapter and in consultation with the city engineer, make recommendations to the city council.

(Code 1982, ch. 8, § 1(D))

#### **Sec. 46-5. Violation of regulations.**

It shall be unlawful for any owner, or an agent of any owner, to lay out, subdivide, or plat any land into lots, blocks, and streets within the city which has not been laid out, subdivided, and platted according to the regulations of this chapter.

(Code 1982, ch. 8, § 1(E))

#### **Sec. 46-6. Performance of work by city.**

No officer or employee of the city shall perform, or cause to perform, any work upon any street or in any addition or subdivision of the city, unless all requirements of the regulations of this chapter have been complied with by the owner of such addition or subdivision.

(Code 1982, ch. 8, § 1(F))

#### **Sec. 46-7. Policy.**

The city defines its policy to be that the city will withhold improvements of any nature whatsoever including the maintenance of streets until the final subdivision plat has been approved by the city council. No improvements shall be begun within the subdivision nor any contracts made until this approval has been given.

(Code 1982, ch. 8, § 1(G))

#### **Sec. 46-8. Issuance of building, plumbing, electrical permit.**

No building, plumbing, or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained in this chapter have not been complied with in full.

#### **Sec. 46-9. Existing buildings.**

The provisions of this chapter shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to the adoption of the regulations of this chapter, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to adoption of these regulations was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the adoption of these regulations.

(Code 1982, ch. 8, § 1(I))

#### **Sec. 46-10. Exceptions.**

Plats or subdivisions which have received preliminary approval by the city council within one year prior to the effective date of the regulations of this chapter shall be excepted from the requirements of this chapter; provided that the final plat of such subdivision is approved and filed for record within 180 days after the effective date of these regulations, or within one year after the approval date of the preliminary plat, whichever is greater.

(Code 1982, ch. 8, § 1(J))

#### **Sec. 46-11. Resubdivision.**

- (a) Property shall not be resubdivided which has been previously platted by a common dedication except with the consent of all directly affected property owners.
- (b) The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided in this chapter. It shall show the existing property being resubdivided. No preliminary plat will be required on replats.
- (c) The consent of all utility companies that provide service to the area being resubdivided must be obtained.

(Code 1982, ch. 8, § 6)

#### **Sec. 46-12. Maintenance bond.**

Upon completion of all improvements in accordance with city specifications and standards, and their acceptance by the city, the developer or his contractor shall furnish the city with a maintenance bond executed by a corporate surety holding a permit from the state to act as surety or other surety acceptable to the city. The amount shall equal ten percent of the contract cost of all improvements and shall be in effect one year from the date of completion and acceptance by the city.

(Code 1982, ch. 8, § 7)

#### **Sec. 46-13. Unavailability of public water and/or sewage utilities.**

If a proposed subdivision is located beyond the drainage area of an approved sewage collection system or beyond the area of an approved water distribution system, the subdivider shall be required to furnish, with his preliminary plat, satisfactory evidence, including, but without limitation, the results of soil tests and borings, and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land and that soil conditions are such that satisfactory sewage

... of approved septic tanks or developer installed sewage  
private utilities shall be in accordance with state department of

(Code 1982, ch. 8, § 8)

**Cross reference**— Utilities, ch. 58

**Sec. 46-14. Liability of city.**

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

(Code 1982, ch. 8, § 10)

**Sec. 46-15. Conflicting ordinances.**

Whenever the standards and specifications in this chapter conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

(Code 1982, ch. 8, § 11)

**Secs. 46-16—46-50. Reserved.**

**ARTICLE II. ADMINISTRATION <sup>[2]</sup>**

- DIVISION 1. - GENERALLY
- DIVISION 2. - PRELIMINARY PLAT
- DIVISION 3. - FINAL PLAT
- DIVISION 4. - VARIANCES

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FOOTNOTE(S):

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--- (2) ---

**Cross reference**— Administration, ch. 2 ([Back](#))

**DIVISION 1. GENERALLY**

[Sec. 46-51. Preliminary conference.](#)

[Secs. 46-52· 46-70. Reserved.](#)

ce.  
plat, the subdivider shall meet with the city secretary or other  
to familiarize himself with the city's development regulations. At  
the preliminary conference the subdivider may be represented by his land planner, engineer, or  
surveyor. A representative of the Angus Water Supply Corporation shall be invited to attend the  
preliminary conference.

(Code 1982, ch. 8, § 3)

**Secs. 46-52—46-70. Reserved.**

## DIVISION 2. PRELIMINARY PLAT

[Sec. 46-71. Required.](#)

[Sec. 46-72. Filing.](#)

[Sec. 46-73. Filing fee.](#)

[Sec. 46-74. Application.](#)

[Sec. 46-75. Term of approval.](#)

[Sec. 46-76. Contents of plat.](#)

[Sec. 46-77. Authorization.](#)

[Sec. 46-78. Commencement of construction work.](#)

[Sec. 46-79. Conditional approval.](#)

[Sec. 46-80. Copy of plat.](#)

[Secs. 46-81- 46-100. Reserved.](#)

### **Sec. 46-71. Required.**

The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this division.

(Code 1982, ch. 8, § 4(A))

### **Sec. 46-72. Filing.**

The subdivider shall file four copies of the plat with the city secretary at least 14 days prior to the date at which formal application for the preliminary plat approval is made to the city council.

(Code 1982, ch. 8, § 4(B))

### **Sec. 46-73. Filing fee.**

The preliminary plat shall be accompanied by a filing fee of \$25.00 per plat, plus \$1.00 per lot, or \$2.00 per acre for commercial or industrial areas not subdivided into lots. No action by the city council

been paid. This fee shall not be refunded should the subdivider  
ninary plat approval or should the plat be disapproved.

(Code 1982, ch. 8, § 4(C))

**Sec. 46-74. Application.**

Formal application for preliminary plat approval shall be made by the subdivider in writing to the city council at an official meeting, not less than 14 days after filing the preliminary plat with the city secretary.

(Code 1982, ch. 8, § 4(D))

**Sec. 46-75. Term of approval.**

Approval of the preliminary plat, if granted, shall be binding for not longer than six months after the date of approval of the preliminary plat unless the final plat has been approved and recorded within the six-month period.

(Code 1982, ch. 8, § 4(E))

**Sec. 46-76. Contents of plat.**

The preliminary plat shall be drawn to a scale of 100 feet to one inch, and shall show on it or on accompanying documents, the following:

- (1) The proposed name of the subdivision.
- (2) North point, scale, and date.
- (3) The names and addresses of the subdivider and of the engineer or surveyor.
- (4) The tract designation, approximate acreage, and other description according to the real estate records of the county, and designation of the proposed uses of land within the subdivision.
- (5) The boundary line (accurate in scale) of the tract to be subdivided.
- (6) Contours with intervals of five feet or less, referred to sea level datum.
- (7) The names of adjacent subdivisions or the names of record owners of the adjoining parcels of unsubdivided land.
- (8) The locations, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, and other important features, such as section lines, political subdivisions, or corporate lines.
- (9) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. Building setback lines shall also be shown.
- (10) A topography and drainage map of plat. Also incoming drainage rational formula showing frequency concentration time and runoff factor and quantity.
- (11) The layout and widths of proposed streets, alleys, and easements, including lot and block identification and street names.
- (12) The location, size, and approximate depth of all existing utilities shall be shown.
- (13) The proposed plan for location and size of utility lines to be constructed in the subdivision.
- (14) The following certificate should be placed on the preliminary plat:

APPROVED FOR PREPARATION OF FINAL PLAT SUBJECT TO CONDITIONS  
ENUMERATED IN CITY COUNCIL MINUTES OF THIS DATE

(Code 1982, ch. 8, § 4(F))

**Sec. 46-77. Authorization.**

The conditional approval of the preliminary plat by the city council does not constitute in any manner the acceptance of the subdivision nor the improvements placed therein, but is merely an authorization to proceed with the preparation of the final plat. The action of the city council shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the developer and the other copy retained as a permanent record of the city.

(Code 1982, ch. 8, § 4(G))

**Sec. 46-78. Commencement of construction work.**

No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the city council.

(Code 1982, ch. 8, § 4(H))

**Sec. 46-79. Conditional approval.**

Within 30 days after the preliminary plat is formally filed, the city council shall conditionally approve or disapprove such plat or conditionally approve it with modifications.

(Code 1982, ch. 8, § 4(I))

**Sec. 46-80. Copy of plat.**

A copy of the preliminary plat shall be submitted to the Angus Water Supply Corporation for review and comment prior to approval by the city council.

(Code 1982, ch. 8, § 4(J))

**Secs. 46-81—46-100. Reserved.**

**DIVISION 3. FINAL PLAT**

[Sec. 46-101. Submittal of plat.](#)

[Sec. 46-102. Filing fee.](#)

[Sec. 46-103. Application for approval.](#)

[Sec. 46-104. Contents of plat.](#)

[Sec. 46-105. Portion of preliminary plat.](#)

[Secs. 46-108- 46-130. Reserved.](#)

**Sec. 46-101. Submittal of plat.**

Four copies and one reproducible copy of the final plat shall be submitted by the subdivider only after all changes and alterations shown on the preliminary plat have been made. Final plats shall be filed with the city secretary at least 14 days prior to the city council meeting at which approval is requested.

(Code 1982, ch. 8, § 5(A))

**Sec. 46-102. Filing fee.**

The final plat shall be accompanied by a filing fee of \$25.00 per plat, plus \$1.00 per lot, or \$2.00 per acre for commercial or industrial areas not subdivided into lots. No action by the city council shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval or should the plat be disapproved.

(Code 1982, ch. 8, § 5(B))

**Sec. 46-103. Application for approval.**

Formal application for final plat approval shall be made by the subdivider in writing to the city council at an official meeting, not less than 14 days after filing the final plat with the city secretary.

(Code 1982, ch. 8, § 5(C))

**Sec. 46-104. Contents of plat.**

The final plat shall be drawn to a scale of 100 feet to one inch and shall, in addition to all requirements for the preliminary plat, show on it or be accompanied by the following:

- (1) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance, and length of all curves where appropriate.
- (2) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles with radii, area, and central angles, degree of curvature, tangent distance, and length of all curves where appropriate.
- (3) The accurate location, material, and approximate size of all monuments.
- (4) Written approval from the city on plans and specifications for water, sewer, paving, and drainage.
- (5) All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat.
- (6) A statement that all taxes have been paid up to current date and for all previous years.



ing a plan and profile of proposed sanitary and storm sewers,  
ted. The plan shall bear the seal and signature of an engineer.

- (8) Two copies of the final plat showing a plan of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants. The plan shall bear the seal and signature of an engineer.
- (9) Two sets of plans and specifications for paving and drainage, which have been prepared by an engineer.
- (10) The owner's acknowledgment of the dedication to public use of all streets, alleys, parks, and other public places shown on such final plat.
- (11) A statement from the city council that the final plat has been approved by the city council.
- (12) A certification by the surveyor or engineer, responsible for the preparation of the final plat and supporting data, attesting to its accuracy.
- (13) A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.

(Code 1982, ch. 8, § 5(D))

#### **Sec. 46-105. Portion of preliminary plat.**

If desired by the subdivider and approved by the city council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this chapter.

(Code 1982, ch. 8, § 5(E))

#### **Sec. 46-106. Approval, disapproval of plat.**

Within 30 days after the final plat is formally filed, the city council shall approve or disapprove such plat. If the final plat is disapproved, the council shall inform the subdivider in writing of the reasons at the time such action is taken.

(Code 1982, ch. 8, § 5(F))

#### **Sec. 46-107. Recordation.**

After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond filed as provided in section 46-12, or after the plat has been finally approved and the subdivider has filed an escrow deposit sufficient to pay for the costs of all improvements as determined by the city in lieu of completing construction, the city council shall, upon written consent of the subdivider, cause the final plat to be recorded with the county clerk.

(Code 1982, ch. 8, § 5(G))

#### **Secs. 46-108—46-130. Reserved.**

## **DIVISION 4. VARIANCES**

**Sec. 46-131. Findings.**

- (a) The city council may authorize a variance from the regulations of this chapter when, in its opinion, undue hardship will result from requiring strict compliance with these regulations. In granting a variance, the city council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the city council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivisions, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the city council finds the following:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
  - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
  - (3) The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.
  - (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.
- (b) The findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(Code 1982, ch. 8, § 2)

**Secs. 46-132—46-150. Reserved.**

**ARTICLE III. REQUIREMENTS AND STANDARDS**

[Sec. 46-151. Generally.](#)

[Sec. 46-152. Streets.](#)

[Sec. 46-153. Alleys.](#)

[Sec. 46-154. Utility easements.](#)

[Sec. 46-155. Sidewalks.](#)

[Sec. 46-156. Parking area.](#)

[Sec. 46-157. Lot markers.](#)

[Sec. 46-158. Drainage installations.](#)

**Sec. 46-151. Generally.**

The following general requirements and standards shall apply to subdivisions in the city:

- (1) Each lot shall front upon a public street and shall be a minimum of one-half acre in size if served by a public water system and shall be a minimum of one acre in size if not served by a public water system.
- (2) Survey monuments shall be placed at all corners of boundary lines of a subdivision.
- (3) The city shall specify any areas required for the allocation of parks and other public spaces that are essential to the proper development of the area.
- (4) All services for utilities shall be made available for each lot in such a manner that it will not be necessary to disturb the curb, gutter, street pavement, or drainage structures when connections are made.
- (5) The developer shall furnish the city with one set of as-built plans for all paving, drainage structures, water mains, and sewer mains within 60 days after the completion of construction.
- (6) Block lengths and widths shall be provided at such intervals as to best serve traffic adequately and to meet existing streets, or to comply with customary subdivision practices.
- (7) All utility lines that pass under a street or alley shall be installed before the street or alley is paved.

(Code 1982, ch. 8, § 9(A))

**Sec. 46-152. Streets.**

The following street requirements and standards shall apply to subdivisions in the city:

- (1) Collector streets shall have a right-of-way width of 60 feet and a paving width of 37 feet. Minor streets shall have a right-of-way width of 50 feet and a paving width of 27 feet. Paving width is determined from back of curb to back of curb.
- (2) Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- (3) Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
- (4) Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (5) Half streets shall be prohibited.
- (6) Street intersections shall be as nearly at right angles as practicable.
- (7) Dead-end streets shall be prohibited except as short stubs to permit future expansion.
- (8) Culs-de-sac shall not exceed 400 feet in length, and shall have a minimum right-of-way radius of 50 feet.
- (9) Curbs shall be installed by the subdivider on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision.
- (10) Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

the subdivider at all street intersections and at all adjacent

- (12) Street name signs shall be installed by the city at the developer's expense at all intersections within or abutting the subdivision.
- (13) All street improvements shall be in accordance with the standard specifications and construction details of the city.
- (14) All street improvements will be accomplished at the expense of and by the developer.

(Code 1982, ch. 8, § 9(B))

**Cross reference—** Streets, sidewalks and other public places, ch. 42

#### **Sec. 46-153. Alleys.**

Alleys shall have a minimum width of 15 feet. The whole alley shall be paved. Alleys shall be constructed in accordance with standard specifications and construction details of the city.

(Code 1982, ch. 8, § 9(C))

**Cross reference—** Streets, sidewalks and other public places, ch. 42

#### **Sec. 46-154. Utility easements.**

Easements at least ten feet wide, five feet on each side of the rear lot lines or side lines of subdivisions, shall be provided wherever necessary for utilities.

(Code 1982, ch. 8, § 9(D))

**Cross reference—** Utilities, ch. 58

#### **Sec. 46-155. Sidewalks.**

Sidewalks, when required, shall be concrete and have a width of not less than four feet and thickness of not less than four inches. Sidewalks shall be constructed one foot from the property line within the street right-of-way.

(Code 1982, ch. 8, § 9(E))

**Cross reference—** Streets, sidewalks and other public places, ch. 42

#### **Sec. 46-156. Parking area.**

Adequate off-street paved parking areas shall be provided for lots in subdivisions set aside or planned for business uses.

(Code 1982, ch. 8, § 9(F))

#### **Sec. 46-157. Lot markers.**

Lot markers shall be one-half-inch reinforcing bar, 18 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or countersunk if necessary, in order to avoid being disturbed.

(Code 1982, ch. 8, § 9(G))

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consisting of inlets, pipes, and other underground and approved outlets shall be constructed where the runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. The subdivider shall submit data and plans for drainage facilities as directed by the city and under policies for storm drainage installation for the city.

- (b) Underground storm drains shall be designed to accommodate a five-year frequency storm with adequate overload relief for a 25-year storm. The design of all bridges, culverts, and open channels are to be based on a 25-year frequency.

(Code 1982, ch. 8, § 9(H))

#### **Sec. 46-159. Water system.**

The following shall apply to water systems within subdivisions in the city:

- (1) Water system extensions shall be designed to provide for a domestic supply of at least 250 gallons per capita per day, delivered at a minimum pressure of 42 pounds per square inch.
- (2) All mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the system, regardless of whether or not such extensions are required for service within the subdivisions.
- (3) Fire hydrants shall be provided at locations such that all areas of development are located within a 500-foot radius from a fire hydrant and served by a six-inch or larger main.
- (4) No more than 30 three-fourths-inch service connections shall be served from any four-inch main.
- (5) Two-inch mains shall only be permitted in dead-end locations not subject to future extensions and shall serve no more than six three-fourths-inch service connections.
- (6) All water system extensions shall be financed in accordance with the policies of the Angus Water Supply Corporation, but shall be constructed in accordance with the regulations and standards contained in this article.
- (7) All water system installations shall be constructed according to city design standards.

(Code 1982, ch. 8, § 9(I))

#### **Sec. 46-160. Sewer system.**

The following shall apply to sewer systems within subdivisions in the city:

- (1) No sewer lateral shall be smaller than six inches in diameter. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities when flowing full or half full of not less than two feet per second, nor more than five feet per second. Manholes shall be constructed at all changes in grade, alignment or size of sewer, and at all intersections of other sewers, except service sewers.
- (2) All sewer mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the collection system, regardless of whether or not such extensions are required for service within the subdivision.
- (3) All sewer system installations shall be constructed according to city design standards.
- (4) All sewer improvements shall be accomplished at the expense of the developer.

(Code 1982, ch. 8, § 9(J))



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CODE OF ORDINANCES

**Chapters 47—49**

**RESERVED**



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CODE OF ORDINANCES

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## Chapter 50 TAXATION <sup>(1)</sup>

ARTICLE I. - IN GENERAL

ARTICLE II. - SALES AND USE TAX

ARTICLE III. – HOTEL AND MOTEL OCCUPANCY TAX

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the city or any evidence of the city's indebtedness or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the city saved from repeal, § 1-9(a)(2); any ordinance levying or imposing taxes saved from repeal, § 1-9(a)(7); finance, § 2-241 et seq.; business regulations, ch. 14 [\(Back\)](#)

**State Law reference**— V.T.C.A., Tax Code § 1.01 et seq. [\(Back\)](#)



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CODE OF ORDINANCES

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## ARTICLE I. IN GENERAL

[Secs. 50-1- 50-30. Reserved.](#)

**Secs. 50-1—50-30. Reserved.**

## ARTICLE II. SALES AND USE TAX <sup>121</sup>

[Sec. 50-31. Local sales tax retained on residential gas and electricity.](#)

[Sec. 50-32. Sales tax on telecommunications services.](#)

[Sec. 50-33. Additional sales tax authorized.](#)

### **Sec. 50-31. Local sales tax retained on residential gas and electricity.**

The city, by majority vote of its governing body, hereby votes to retain the taxes authorized by the Local Sales and Use Tax Act on the receipts from the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption of gas and electricity for residential use, as authorized by V.T.C.A., Tax Code § 321.105.

(Code 1982, ch. 1, § 19(B))

**State Law reference—** Authority, V.T.C.A., Tax Code § 321.105.

### **Sec. 50-32. Sales tax on telecommunications services.**

The exemption from the taxes imposed under the authority of V.T.C.A., Tax Code § 321.101, known as the Local Sales and Use Tax, on the receipts from the sale within the city of telecommunications services be, and the same is hereby repealed. For the purpose of this section, the term "telecommunications services" means the electronic or electrical transmission, conveyance, routing or reception of sounds, signals, data or information utilizing wires, cable, radio waves, microwaves, satellites, fiber optics, or any other method now in existence or that may be devised, and shall include all of such services which, but for the exemption repealed hereby, would be taxable by the city under provisions of the Local Sales and Use Tax Act. The tax provided for under this section shall not serve as an offset to, be in lieu of, or in any way reduce any amount payable to the city pursuant to any franchise, street use ordinance, statute, or without limitation by the foregoing enumeration, otherwise payable by any provider of telecommunications service; it being the express intent hereof that all such obligations, impositions and agreements of every kind and nature shall remain in full force and effect without reduction or limitation hereby.

(Code 1982, ch. 1, § 19(C))

**State Law reference—** Authority, V.T.C.A., Tax Code § 321.101.



authorized.

and in the Local Sales and Use Tax Act, the adoption of an additional one-half percent sales tax is authorized. The adoption and collection of the sales tax shall be used to reduce property taxes, if levied. The referendum was passed by the registered voters of the city on August 13, 1988.

(Code 1982, ch. 1, § 19(D))

**State Law reference—** Authorized, V.T.C.A., Tax Code §§ 321.101, 321.103.

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FOOTNOTE(S):

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--- (2) ---

**Editor's note—**The local sales tax of one percent as authorized in the Local Sales and Use Tax Act, V.T.C.A., Tax Code § 321.101, has been adopted by the voters of the city as the result of an election held for that purpose on August 16, 1975, effective January 1, 1976. [\(Back\)](#)

**State Law reference—** Municipal sales and use tax, V.T.C.A., Tax Code § 321.001 et seq. [\(Back\)](#)

## ARTICLE III – HOTEL AND MOTEL OCCUPANCY TAX

### Sec. 50-34. - Definitions.

The following words, terms or phrases are, for the purpose of this article, except where the context clearly indicates a different meaning, defined as follows:

**Consideration, cost or price** shall mean the cost of the room, sleeping space, bed or dormitory space, or other facilities in such hotel and shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy, and shall not include any tax assessed for occupancy thereof by any other governmental agency, if exempted.

**Convention center facilities or convention center complex** means facilities that are primarily used to host conventions and meetings. The term means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in whole or part by the municipality. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or in the vicinity of other convention center facilities.

**Hotel** shall mean any building or buildings, trailer, railroad pullman not being utilized for the transportation of travelers or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include, hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, railroad pullman cars parked on a siding or other area and used for sleeping accommodations not involving the transportation of travelers, dormitory space where bed space is rented to individuals or groups not engaged in an educational program or activity at the institution, apartments not occupied by permanent residents as that term is hereinafter defined, and all other facilities where rooms or sleeping facilities or open space is furnished for a consideration, but "hotel" shall not be defined so as to include hospitals, sanitariums or convalescent or nursing homes.

**Municipality** includes any incorporated city, town or village.

possession, or the right to the use or possession of any room,  
any purpose.

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

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

**Person** shall mean any individual, company, corporation or association owning, operating, managing or controlling any hotel.

**Quarterly period** shall mean 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; the third quarter being the months of July, August and September; and the fourth quarter being the months of October, November and December.

**Tax assessor-collector** shall mean the tax assessor-collector of the city.

**Tourism** means the guidance or management of tourists.

**Tourist** means an individual who travels from the individual's residence to a different municipality, county, state or country for pleasure, recreation, education or culture.

**Visit information center** or **tourism information center** means a building or a portion of a building used to distribute or disseminate information to tourists.

**Revenue** includes any interest derived from the revenue.

**Sec. 50-35. - Levy; rate; disposition of revenues; exceptions.**

- (a) There is hereby levied a tax upon a person who, under a lease, concession, permit, right of access, license, contract or agreement, pays the cost of occupancy of any sleeping room or space furnished by any hotel ordinarily used for sleeping, where the cost of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal to **seven (7) percent** of the consideration paid by the occupant of such room or space to such hotel, exclusive of other occupancy taxes imposed by any other governmental agencies.
- (b) All revenues from the hotel occupancy tax shall be expended for authorized uses only as provided by V.T.C.A., Tax Code § 351.101 et seq.
- (c) The amount of revenue from the tax that is derived from the application of the tax at a rate of more than seven (7) percent of the cost of a room, and any interest income there from shall be used only for the construction of an expansion of an existing convention center facility or pledging payment of revenue or revenue refunding bonds issued in accordance with state law for the construction of the expansion.

**Sec. 50-36. - Exemptions and refunds.**

- (a) A person described in V.T.C.A., Tax Code § 156.101, as amended, is exempt from the payment of the tax imposed under this article.
- (b) A United States governmental entity as described in V.T.C.A., Tax Code § 156.103(a), as amended is exempt from the payment of the tax; a foreign diplomat is exempt from the payment of the tax if such individual is the holder of a tax exemption card issued by the United States Department of State Office of Foreign Missions.
- (c) A state governmental entity as described in V.T.C.A., Tax Code § 156.103(b), as amended shall pay the tax imposed by this article but is entitled to a refund of the tax paid.
- (d) A person who is described by V.T.C.A., Tax Code § 156.103(d), as amended is exempt from the payment of the tax authorized.

...A., Tax Code § 156.103(c), as amended shall pay the tax  
...e governmental entity with whom the person is associated is

- (f) A person who is declared exempt by an act of the legislature; or, declaration or interpretation of existing law by the Attorney General or Comptroller of the State of Texas after the effective date of this article.
- (g) A governmental entity may file a refund claim with the municipality only for each calendar quarter for all reimbursements accrued during that quarter.
- (h) The right to use or possess a room in a hotel is exempt from taxation under this chapter if the person required to collect the tax receives, in good faith from a guest, an exemption certificate stating qualification for an exemption as provided by subsection (c) hereof. The exemption must be supported by the documentation required under the rules adopted by the comptroller and the municipality.
- (i) The tax assessor-collector is hereby empowered to adopt reasonable rules and regulations, forms, and documentation of the grounds for the claimed exemption regarding the processing of refunds.

**Sec. 50-37. - Collection.**

Every person owning, operating, managing or controlling any hotel shall collect the tax imposed in section 6-62 of this article for the city and remit to the city in accordance with section 50-38.

**Sec. 50-38. - Quarterly reports; payments.**

- (a) On the last day of the month following each quarterly period, every person required in section 50-35 to collect the tax imposed in this article shall file a report with the tax assessor-collector of the city showing the consideration paid for all room occupancies in the preceding quarter, the amount of the tax collected on such occupancies, the amount of tax not paid due to an authorized exemption and any other information the tax assessor-collector may reasonably require.
- (b) January 1 of each year shall commence the time periods for calculating the quarterly reports.
- (c) Such person shall pay the tax due on such occupancies at the time of filing such report.
- (d) The tax assessor-collector is empowered to adopt reasonable rules and regulations, forms, and supporting documentation required in the quarterly reports.
- (e) Each remittance of a tax required by this article must contain the date of the report, date of remittance and a signature of the person or agent of the person owning, operating, managing or controlling any hotel who executed the report acknowledging the following statement and representation as true and correct:

Tax remitted and paid to the City of Angus with this report was collected pursuant to the requirements of hotel occupancy tax of the City of Angus, Texas.

**Sec. 50-39. - Rules and regulations; inspection of records.**

The tax assessor-collector shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied in this article 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 article and the amount of taxes due under the provisions of this article.

**Sec. 50-40. - Penalties.**

- (a) A person commits an offense if he:
  - (1) Fails to collect the tax imposed in this article; or,
  - (2) Fails to file a report as required by this article; or
  - (3) Fails to pay the city when payment is due; or
  - (4) Files a false report; or

access to the books and records necessary to determine the  
the city or the amount of taxes due to the city; or

- (b) Fails to comply with section 50-42 herein when purchasing a hotel.
- (b) An offense is committed under subsection (a) of this section is a misdemeanor, and upon conviction punishable by a fine not to exceed five hundred dollars (\$500.00) for each occurrence.
- (c) In addition to any criminal penalties imposed under subsection (b) of this section, a person failing to pay the tax to the city on its due date shall pay an amount equal to fifteen (15) percent of the total tax amount owed as a penalty.
- (d) Delinquent taxes shall bear interest at the rate as determined by the provisions of V.T.C.A., Tax Code § 111.060, starting thirty (30) days from the date the tax is due to the city.
- (e) In addition to the amount of any tax owed, including penalties and interest, a person is liable to the city for the city's reasonable attorneys' fees incurred by the city in enforcing this article.

**Sec. 50-41. - Civil collection procedures.**

- (a) The city attorney or other attorney acting for the city may bring suit under this article against a person:
  - (1) Who is required to collect the tax imposed and fails to collect the tax imposed; or
  - (2) Who is required to pay the tax collection to the city and fails to pay the collections over to the city; or
  - (3) Who has failed to file a tax report with the city within the prescribed time period; or
  - (4) Who has failed to pay the tax to the city when due; or
  - (5) To collect the tax not paid; or
  - (6) To enforce the collection procedure on the purchase of a hotel; or
  - (7) To enjoin the person from operating a hotel in the city until the tax is paid or the report filed, as applicable, as provided in the court's order.
- (b) In addition to the amount of any tax owed under this article, the person is liable to the city for the city's reasonable attorney's fees.
- (c) The remedies provided by this section are in addition to other available remedies provided by law.

**Sec. 50-42. - Collection procedures on purchase of hotel.**

- (a) If a person who is liable for the payment of a tax under this article is the owner of a hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount due until the seller provides a receipt by the tax assessor-collector showing that the tax amount, including any accrued penalty and interest, if any, has been paid or a certificate showing that no tax is due.
- (b) The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.
- (c) The purchaser of a hotel may request:
  - (1) That the tax assessor-collector to provide a receipt under subsection (a); or
  - (2) Issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued.

assessor-collector with the authority to issue the certificate or  
ion (c) hereof. Such certificate or statement shall be issued not  
e that the tax assessor-collector receives the request.

- (e) If the tax assessor-collector fails to issue the certificate or statement within the period provided by subsection (d), the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

**Sec. 50-43. - Confidentiality.**

In accordance with V.T.C.A., Tax Code § 111.06, as amended, information obtained by the tax assessor-collector during the course of an examination of the taxpayer's books, records, papers, officers or employees is confidential and may not be used publicly, opened to inspection or disclosed, unless otherwise required by law or court order.

**Sec. 50-44. - Miscellaneous provisions.**

- (a) In any case where a judgment has been taken by the city for delinquent taxes under this article, and such judgment has been fully and finally paid, the city attorney or contracted attorney is additionally authorized to execute a release of judgment for and on behalf of the city.
- (b) If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- (c) This article will be in full force and effect upon passage, approval and publication.



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**Chapters 51—53**

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## Chapter 01. TRAFFIC AND VEHICLES [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION

ARTICLE III. - SPECIFIC STREET REGULATIONS

ARTICLE IV. - TRUCKS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Abandoned and junked vehicles, § 22-101 et seq.; unlawful for garbage or refuse to blow or drop from vehicles, § 38-6; streets, sidewalks and other public places, ch. 42; off-street parking and loading requirements, § 62-541 et seq. [\(Back\)](#)

**State Law reference**— Rules of the road, V.T.C.A., Transportation Code § 541.001 et seq. [\(Back\)](#)



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## ARTICLE I. IN GENERAL

[Secs. 54-1- 54-30. Reserved.](#)

## ARTICLE II. ADMINISTRATION [\[2\]](#)

DIVISION 1. - GENERALLY

DIVISION 2. - TRAFFIC CONTROL SIGNS, SIGNALS, MARKINGS

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FOOTNOTE(S):

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--- (2) ---

Cross reference— Administration, ch. 2 [\(Back\)](#)



## VISION 1. GENERALLY

[Secs. 54-31- 54-50. Reserved.](#)

## DIVISION 2. TRAFFIC CONTROL SIGNS, SIGNALS, MARKINGS <sup>[3]</sup>

[Sec. 54-51. Installation of traffic control devices.](#)

[Sec. 54-52. Prima facie evidence of authorized installation.](#)

[Sec. 54-53. Duty to obey traffic control device.](#)

[Sec. 54-54. Emergency installation of traffic control devices.](#)

[Secs. 54-55- 54-80. Reserved.](#)

### **Sec. 54-51. Installation of traffic control devices.**

- (a) The city council shall, by ordinance, direct the location of all future traffic control signs, signals, and markings. The mayor shall have the duty of erecting or installing upon, over, along, or beside any highway, street, or alley, signs, signals, and markings, as are necessary to enforce such ordinances, or cause the same to be erected, installed, or placed in accordance with this division and consistent with the Manual on Uniform Traffic Control Devices. Traffic control devices shall be installed immediately upon authorization by the city council, or as soon as such specific device, sign, or signal can be procured.
- (b) Whenever the mayor has erected and installed any official traffic control device, sign, or signal at any location in the city, has caused the same to be done under his direction, in obedience to this division and the Manual on Uniform Traffic Control Devices, he shall thereafter file a report with the city secretary in writing, stating the type of traffic control device, sign, or signal, and when and where the same was erected and installed. The city secretary shall file and maintain such report of the mayor among the official papers of the office of the city secretary.

(Code 1982, ch. 8, § 2(E))

### **Sec. 54-52. Prima facie evidence of authorized installation.**

It shall be unlawful for any person other than the mayor, acting pursuant to an ordinance of the city, to install or cause to be installed any signal, sign, or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, and proof in any prosecution for a violation of this division or any traffic ordinance of the city, that any traffic control device, sign, signal, or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the mayor pursuant to the authority of this division and of the ordinances directing the installation of such device, signal, or marking.

(Code 1982, ch. 8, § 2(F))

### **Sec. 54-53. Duty to obey traffic control device.**

The driver of any vehicle, motor vehicle, or animal shall obey the instructions of any official traffic control device, sign, signal, or marking applicable thereto placed in accordance with this division,



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enforcement officer, subject to the exceptions granted the driver of  
provided for in the state motor vehicle laws.

(Code 1982, ch. 8, § 2(G))

**Sec. 54-54. Emergency installation of traffic control devices.**

The mayor is empowered to install or erect temporary traffic control devices to protect the public in case of emergencies and special situations.

(Code 1982, ch. 8, § 2(H))

**Secs. 54-55—54-80. Reserved.**

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FOOTNOTE(S):

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--- (3) ---

**State Law reference—** Signs, signals, markings, V.T.C.A., Transportation Code § 544.001 et seq. [\(Back\)](#)

DIVISION 1. - GENERALLY  
DIVISION 2. - SPEED LIMITS  
DIVISION 3. - STOP INTERSECTIONS

---

FOOTNOTE(S):

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--- (4) ---

**Cross reference**— Streets, sidewalks and other public places, ch. 42 ([Back](#))

### DIVISION 1. GENERALLY

[Secs. 54-81. 54-100. Reserved.](#)

### DIVISION 2. SPEED LIMITS <sup>[5]</sup>

[Sec. 54-101. Maximum speed requirements.](#)

[Sec. 54-102. Violation.](#)

[Sec. 54-103. Procedure for establishing special speed limit.](#)

[Secs. 54-104. 54-120. Reserved.](#)

#### **Sec. 54-101. Maximum speed requirements.**

No person shall ride or drive any animal or operate a vehicle on any street, alley, or highway in the city limits at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering a highway in compliance with legal requirements, and it shall be the duty of all persons to use due care.

(Code 1982, ch. 8, § 4(A)(1))

**State Law reference**— Maximum speed requirements, V.T.C.A., Transportation Code § 545.351.

#### **Sec. 54-102. Violation.**

If any person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the city on any street or highway at a greater speed than 30 miles per hour, or in any alley or park at a greater speed than 15 miles per hour, it shall be prima facie evidence of a violation of this division, unless signs are erected designating another speed limit.

(Code 1982, ch. 8, § 4(A)(2))



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eed limits, V.T.C.A., Transportation Code § 545.352.

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**Sec. 54-103. Procedure for establishing special speed limit.**

Whenever the city shall determine, as provided in V.T.C.A., Transportation Code § 545.356, upon the basis of an engineering and/or traffic investigation that the 30-mile-per-hour speed limit set forth in section 54-102 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of the street or highway, the city shall, upon authorization by the city council by appropriate ordinance, establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway or street.

(Code 1982, ch. 8, § 4(B))

**Secs. 54-104—54-120. Reserved.**

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FOOTNOTE(S):

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--- (5) ---

**State Law reference—** Speed limits, V.T.C.A., Transportation Code §§ 545.351- 545.365. [\(Back\)](#)

### 13. STOP INTERSECTIONS <sup>(6)</sup>

[Sec. 54-121. Designation.](#)

[Sec. 54-122. Unlawful to fail to stop.](#)

[Secs. 54-123- 54-140. Reserved.](#)

#### **Sec. 54-121. Designation.**

Stop signs shall be erected at the following intersections and such intersections are designated as stop intersections. Every driver of a vehicle shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and shall not proceed until it is safe to do so or unless otherwise directed by a police officer. The designated stop intersections are:

- (1) Buchanan Boulevard at Fesmire Road. All traffic on Buchanan Boulevard entering the Fesmire Road intersection shall stop and yield to oncoming traffic.
- (2) Buchanan Boulevard at Birdwell Road. All traffic on Buchanan Boulevard entering the Birdwell Road intersection shall stop before entering Birdwell Road.
- (3) Fesmire Road at Birdwell Road. All traffic on Fesmire Road entering the Birdwell Road intersection shall stop before entering Birdwell Road.
- (4) Knight Street at Bonner Avenue. All traffic on Knight Street entering onto Bonner Avenue shall stop and yield to oncoming traffic.
- (5) Latta Street at Bonner Avenue. All traffic on Latta Street entering onto Bonner Avenue shall stop and yield to oncoming traffic.

(Code 1982, ch. 8, § 6; Ord. No. 82, art. I, § 6, 9-14-1993)

#### **Sec. 54-122. Unlawful to fail to stop.**

It is unlawful for any person to fail to stop and then proceed only when it is safe to do so at any stop intersection designated in section 54-121.

(Code 1982, ch. 8, § 6; Ord. No. 82, art. I, § 6, 9-14-1993)

#### **Secs. 54-123—54-140. Reserved.**

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FOOTNOTE(S):

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--- (6) ---

**State Law reference**— Stopping, standing, parking, V.T.C.A., Transportation Code §§ 545.301-545.308. [\(Back\)](#)

## **ARTICLE IV. TRUCKS**

DIVISION 1. - GENERALLY

DIVISION 2. - ROUTES

**VISION 1. GENERALLY**

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[Sec. 54-141. Parking.](#)

[Secs. 54-142- 54-160. Reserved.](#)

**Sec. 54-141. Parking.**

Local commercial vehicles or through commercial vehicles shall not be parked and left overnight upon any public street or public way in the city.

(Code 1982, ch. 8, § 5(E))

**Secs. 54-142—54-160. Reserved.**

**DIVISION 2. ROUTES**

[Sec. 54-161. Through commercial vehicles.](#)

[Sec. 54-162. Local commercial vehicles.](#)

[Sec. 54-163. Truck routes established.](#)

[Sec. 54-164. Maximum vehicle load limit.](#)

**Sec. 54-161. Through commercial vehicles.**

It shall be unlawful for any person to operate a through commercial vehicle upon any street, boulevard, avenue, or alley within the limits of the city, except that such commercial vehicle may travel or be operated upon any street, boulevard, or avenue designated as a U.S. or state highway, or as a truck route.

(Code 1982, ch. 8, § 5(A))

**Sec. 54-162. Local commercial vehicles.**

It shall be unlawful for any person to operate any local commercial vehicle upon any street, boulevard, avenue, or alley within the limits of the city, except on a designated U.S. or state highway or a designated truck route. A local commercial vehicle may leave any designated U.S. or state highway or a designated truck route and travel on any street, boulevard, avenue, or alley within the city for the purpose of delivering or picking up goods, wares, materials and/or merchandise. No diesel powered tractor or truck-tractor combination shall be operated on any predominantly residential street between the hours of 9:30 p.m. and 6:30 a.m.

(Code 1982, ch. 8, § 5(B))

**Sec. 54-163. Truck routes established.**

Every U.S. and state highway within the limits of the city is designated as a truck route under the terms of this division.



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**Sec. 54-164. Maximum vehicle load limit.**

The maximum vehicle load limit on any street of the city, other than those streets designated as a U.S. or state highway, shall not exceed a single axle load of 12,000 pounds, a tandem axle load of 24,000 pounds, and a gross vehicle weight of 40,000 pounds.

(Code 1982, ch. 8, § 5(D))

## ROADS/RAILROAD CROSSINGS

### ARTICLE I – IN GENERAL

#### Sec. 55-1. Railroad/Railroad Crossing Regulations

#### **Sec. 55-1. Railroad/Railroad Crossing Regulations**

All railroad tracks which cross public streets, avenues, or alleys within the City, s well as those which may hereafter be constructed, or which may hereafter become accessible for use by the public, shall be governed by the following regulations:

- (1) It is hereby made the duty of all railroad companies and managers thereof, which own, control, or operate railroads, railroad lines and/or railroad tracks through the corporate limits of the City of Angus to provide, at intersections with public streets, crossings easy to access and suitable for the use of public street traffic. The crossings shall be constructed of a material consistent to the standards of construction of abutting streets.
- (2) Where the City of Angus shall find any crossing to be in need of repair, or where the same is not suitable for the safe use of public street traffic, and in all instances where the City is undertaking a pavement project which runs over an across any railroad right-of-way, the City shall give written notice to such railroad company or to its local agent that street repairs are required, and shall specify the location and type of repairs to be made. It shall be the duty of the railroad company so notified to commence such repairs and public street improvements within sixty days after notice has been so given, and the failure to do so shall constitute a violation of this article, punishable as herein provided.
- (3) It shall be the duty of each railroad company whose lines are constructed, or which may hereafter be constructed, so as to cross any public street, avenue or alley within the City, to maintain such crossing in good repair and condition, at its own expense, including that part of the public street which lies between the railroad tracks, and within the railway company's right-of-way; and such crossing shall be dept free of obstructions of every kind. All repairs and maintenance work shall be subject to the approval of the City of Angus.
- (4) It shall be the duty of each railway company which owns, controls or operates a railroad line, train, and/or tracks through or within the City of Angus to provide necessary facilities sufficient and adequate to drain all excess water resulting from rains, or other weather conditions; and such railway company shall, at its own expense, furnish, construct and maintain all necessary culverts, ditches, sewer lines, or other drainage facilities that may be prescribed by the city of Angus. It shall be the duty of the railway company to rectify any unsatisfactory drainage condition within sixty days after written notice thereof has been given such company by the City of Angus.
- (5) It shall be the duty of each railway company which operates a line within or through the City of Angus to erect and maintain safety devices for the protection of public vehicles and pedestrians; such safety devices and the expenses of maintaining such safeguards and safe conditions shall be borne solely by such railway line.



- at all streets and sidewalks of crossings.
- railway company which operates a line within or through and maintain in good condition proper and adequate lights
- (7) If and when the City of Angus deems a crossing to be hazardous, or not properly lighted, or not sufficiently guarded by safety devices, the City shall so notify the railroad company, and such unsafe conditions shall be rectified by the installation of properly and sufficient safety devices and/or lights as may be necessary to safeguard the welfare of the public.
- (8) It shall be the duty of the railroad company to keep and use flags on at all crossings within the City which are not sufficiently safeguarded by safety devices, when called upon to maintain such flagmen by the City of Angus.
- (9) It shall be unlawful for any officer, agent or employee of any railway corporation to willfully obstruct for more than 10 minutes at any one time any street by permitting their train to stand on or across such crossing. (Texas §471.007. Obstructing Railroad Crossings. Offense)

(Code 2018, Ch.55 Ord. No. 157, art. I, § 10-09-2018)

## Chapters 56—57

### RESERVED



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## Chapter 58 UTILITIES [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - WATER

ARTICLE III. - SEWER

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FOOTNOTE(S):

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**Cross reference**— Buildings and building regulations, ch. 10; electric code, § 10-71 et seq.; business regulations, ch. 14; environment, ch. 22; solid waste, ch. 38; streets, sidewalks and other public places, ch. 42; subdivisions, ch. 46; unavailability of public water and/or sewage utilities, § 46-13; requirements and standards for utility easements in subdivisions, § 46-154; electric, app. A, art. II; angus water supply corporation, app. A, art. III. [\(Back\)](#)

## ARTICLE I. IN GENERAL

[Sec. 58-1. Building permit required prior to any utility connection.](#)

[Secs. 58-2- 58-30. Reserved.](#)

### **Sec. 58-1. Building permit required prior to any utility connection.**

- (a) No utilities shall be connected to any property by any person, firm, or corporation unless a building permit has been issued by the city and is posted in a conspicuous place upon the property visible from the front property line.
- (b) No permanent utilities shall be connected until a certificate of occupancy has been issued by the building official.

(Code 1982, ch. 10, § 2)

**Secs. 58-2—58-30. Reserved.**

## ARTICLE II. WATER

DIVISION 1. - GENERALLY

DIVISION 2. - WATER WELLS

### DIVISION 1. GENERALLY

[Secs. 58-31- 58-50. Reserved.](#)

**Secs. 58-31—58-50. Reserved.**

### DIVISION 2. WATER WELLS

[Sec. 58-51. Permit required.](#)

[Sec. 58-52. Permit application.](#)

[Sec. 58-53. Permit fee.](#)

[Sec. 58-54. Conditions for permit issuance.](#)

[Secs. 58-55- 58-80. Reserved.](#)

### **Sec. 58-51. Permit required.**

It shall be unlawful for any person, firm, or corporation to drill or attempt to drill any water well within the corporate limits of the city without a permit approved by the city council.

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**Sec. 58-52. Permit application.**

The application for a water well permit required by this division shall include the location of the well; name, address, and telephone number of the owner; name, address, and telephone number of the driller; and a statement regarding the use of and necessity for the well.

(Code 1982, ch. 10, § 1(A)(2))

**Sec. 58-53. Permit fee.**

The fee for a water well permit required by this division shall be \$50.00.

(Code 1982, ch. 10, § 1(A)(3))

**Sec. 58-54. Conditions for permit issuance.**

Prior to issuance of a permit required by this division, the city council shall determine that a necessity and need for the well exists, that the well will be so located that there will be no danger of pollution from flooding or from insanitary surroundings, that the well will have no adverse effect on the public water system, and the well will be drilled and all material and equipment installed in accordance with standards recommended by the state department of health and state commission on environmental quality for private water wells. Failure to comply with these standards shall result in revocation of the permit.

(Code 1982, ch. 10, § 1(B))

**Secs. 58-55—58-80. Reserved.**

### ARTICLE III. SEWER

[Sec. 58-81. City sewer service mandatory when available.](#)

[Sec. 58-82. Sewer connection fees.](#)

[Sec. 58-83. Monthly sewer service fees.](#)

[Sec. 58-84. Sewer service fee billing procedures.](#)

[Sec. 58-85. Responsibility for maintaining sewer lines established.](#)

[Sec. 58-86. Prohibited discharges.](#)

[Sec. 58-87. Sewer service connection standards.](#)

[Sec. 58-88. Sewer main extension policy.](#)

**Sec. 58-81. City sewer service mandatory when available.**

Where city sewer service is deemed by the city to be available, it shall be required that all citizens owning buildings and residences make application to connect to such system. Connections shall be made only after payment of applicable tap and connection fees and shall be made in accordance with city plumbing standards and the provisions of this article.

(Code 1982, ch. 10, § 3(B))

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s. of \$250.00 for each sewer tap shall be paid to the city for a connection is made for service. In addition to this fee, the applicant for service shall pay the actual cost for materials and labor required to make the connection.

(Code 1982, ch. 10, § 3(C) ; Ord. No. 122, § 1, 7-12-2005)

**Sec. 58-83. Monthly sewer service fees.**

The following schedule of monthly fees for sewer service furnished by the city is established:

Residential	\$30.00 per connection per month beginning October 1, 2017.
Small volume commercial	\$60.00 base fee per connection per month plus a fee of \$1.00 per 1000 gallons of water used during the month, with the first 2000 gallons used being free of charge, beginning October 1, 2017.
Large volume commercial and industrial	Established by city council based on water usage on case-by-case basis

Any use other than residential shall be considered commercial. More than one residential unit per connection shall be classified under commercial rates. Mixed residential and commercial use shall be classified as commercial.

(Code 1982, ch. 10, § 3(A); Ord. No. 107, art. 1, 7-21-1998; Ord. No. 121, § 1, 7-12-2005; Ord. No. 152, 9-12-2017)

**Sec. 58-84. Sewer service fee billing procedures.**

Monthly sewer service fees shall be invoiced monthly and are due and payable upon receipt of bill.

Bills not paid by the due date will be assessed a \$10.00 late fee.

Customers will be given 10 days from the due date to pay the bill. On the first business day after the 10<sup>th</sup> day a written notice will be taken to the Angus Water Supply Corporation to cut off the customer's water service. A cut off fee will be assessed at a rate billed to the city by the Angus Water Supply Corporation and water service will not be restored until the customer pays the entire amount due, including the original amount due plus the late fee and any fees charged by Angus Water Supply Corporation to cut off and restore water service.

(Code 1982, ch. 10, § 3(E))

**Sec. 58-85. Responsibility for maintaining sewer lines established.**

It shall be the responsibility of the property owner to maintain in a healthful state and in working order the sewer line from the point of origin on private property to the point of juncture with the city sanitation main on public property. Any sewer line that has become defective or is unsafe or hazardous, is declared a nuisance and shall be repaired or replaced to city specifications at the expense of the property owner.

(Code 1982, ch. 10, § 3(F))

**Sec. 58-86. Prohibited discharges.**

No person may discharge into public sewers any waste which by itself or by interaction with other wastes may:

or treatment processes or facilities.

animals.

- (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(Code 1982, ch. 10, § 3(G))

**Sec. 58-87. Sewer service connection standards.**

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- (b) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (d) Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the city, to meet all requirements contained in this Code of Ordinances.
- (e) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the city building and plumbing codes or other applicable rules and regulations of the city, including the city subdivision regulations where applicable.
- (f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (g) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the city for purposes of disposal of polluted surface drainage.
- (h) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city before installation.
- (i) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to their original condition in a manner satisfactory to the city.

(Code 1982, ch. 10, § 3(H))

**Sec. 58-88. Sewer main extension policy.**

- (a) Upon written request made therefor, the city may, at its option, extend sanitary sewer mains in the streets or alleys, or easements furnished therefor within the corporate limits of the city. The owner or developer shall provide the cost of necessary easements, if any, and pay to the city, in advance, the actual cost for materials and labor required to make the extension. Sewer service is provided only



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of Angus. The owner or developer requesting sewer service to city limits will first be required to annex the property into the city.

- (b) The city shall specify sizes, locations, and specifications of all sewer improvements made under this article, and after they are installed, shall own and maintain the same.

(Code 1982, ch. 10, § 3(D))



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**Chapters 59—61**

**RESERVED**





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## Chapter 62 ZONING [11](#)

- ARTICLE I. - IN GENERAL
- ARTICLE II. - ADMINISTRATION AND ENFORCEMENT
- ARTICLE III. - NONCONFORMANCES
- ARTICLE IV. - DISTRICT REGULATIONS
- ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS
- ARTICLE VI. - PD PLANNED DEVELOPMENT DISTRICT
- ARTICLE VII. - FP FLOODPLAIN DISTRICT

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Any land use, development, zoning or rezoning ordinance or amendment to the zoning map saved from repeal, § 1-9(a)(9); buildings and building regulations, ch. 10; sexually oriented businesses, § 14-151 et seq.; environment, ch. 22; streets, sidewalks and other public places, ch. 42; subdivisions, ch. 46; franchises, app. A. [\(Back\)](#)

**State Law reference**— Zoning, V.T.C.A., Local Government Code § 211.001 et seq. [\(Back\)](#)

## ARTICLE I. IN GENERAL

[Sec. 62-1. Purpose.](#)

[Sec. 62-2. Rules of construction.](#)

[Sec. 62-3. Definitions.](#)

[Sec. 62-4. Penalty for violations.](#)

[Sec. 62-5. Illegal and nonconforming uses.](#)

[Sec. 62-6. Platting property not permanently zoned.](#)

[Sec. 62-7. Classification of new and unlisted uses.](#)

[Sec. 62-8. Creation of building site.](#)

[Sec. 62-9. Zoning fees.](#)

[Secs. 62-10- 62-40. Reserved.](#)

### **Sec. 62-1. Purpose.**

Zoning regulations and districts are established in this chapter in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the city. They are designed to lessen congestion in the 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, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration, among other things, for the character of each district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 62, § 2.1, 4-11-1989)

### **Sec. 62-2. Rules of construction.**

The following rules of construction shall apply to the interpretation of terms used in this chapter:

- (1) Terms used in the present tense include the future tense.
- (2) Terms used in the singular number include the plural number.
- (3) Terms in the plural number include the singular number.
- (4) The terms "building" and "structure" are synonymous.
- (5) The terms "lot," "plot" and "tract" are synonymous.
- (6) The term "shall" is mandatory and not discretionary.

(Ord. No. 62, § 31.1(A)- (F), 4-11-1989)

### **Sec. 62-3. Definitions.**

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

...n a use or building subordinate to and detached from the main  
...in floor area, and used for purposes customarily incidental to

**Airport and landing field** mean an area improved for the landing or take-off of aircraft approved by the city for operation as an aircraft landing facility.

**Alley** means a public space or thoroughfare which affords only secondary means of access to property abutting thereon.

**Antique shop** means an establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

**Apartment** means a room or suite of rooms in a multifamily dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.

**Apartment house** means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.

**Area of the lot or building site** means the area shall be the net area of the lot or site and shall not include portions of streets and alleys.

**Art gallery and museum** mean an institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasipublic agency and which facility is open to the general public.

**Basement** means a building story which is partly underground, but having at least half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.

**Block** means an area enclosed by streets and occupied by or intended for buildings. Where this term 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 the street on such side.

**Board of adjustments** means the city council acting as the board of adjustments.

**Boardinghouse and roominghouse** mean a building, other than a hotel or multiple-family dwelling, where lodging is provided for five or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.

**Building** means 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 ends** means those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for a multiple-family dwelling, the term "building end" shall mean the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.

**Building inspector** means the building official or person charged with the enforcement of the zoning and building codes of the city.

**Building line** means a line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.

**Building material sales** means the sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than a contractor or wholesale customer.

**Building official** means the building inspector.

with more than half its height below the average level of the  
counted as a story in computing building height.

**Certificate of occupancy** and compliance means an official certificate issued by the city through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.

**Church and rectory** mean a place of assembly and worship by a recognized religion including, without limitation, synagogues, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors on the premises.

**City administrator** means the chief administrative officer of the city.

**City council** means the governing body of the city.

**Clinic, medical or dental**, means facilities for examining, consulting and treating patients including offices, laboratories and outpatient facilities, but not including hospital beds and rooms for acute or chronic care.

**Club, private**, means a club room or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

**College and university** mean an academic institution of higher learning, accredited or recognized by the state and covering a program or series of programs of academic study.

**Commercial amusement (indoor)** means an amusement enterprise wholly enclosed and operated within an acoustically treated building such as a bowling alley or pool hall.

**Commercial amusement (outdoor)** means an amusement enterprise offering entertainment to the general public such as a golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

**Community center (private)** means a building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private community center shall not be operated as a place of public meetings or as a business nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.

**Community center (public)** means a building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

**Convalescent home** means any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

**Country club (private)** means an area of 20 acres or more containing a golf course and a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as a private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

**Court** means 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.

**Coverage** means the percent of a lot or tract covered by the roof or first floor of a building.

**Day nursery, day camp or kindergarten school** means an establishment where four or more children are left for care or training during the day of portion thereof including a recreation area with or without a building where children engage in supervised training or recreation during daylight hours.

**Depth of lot** means the mean horizontal distance between the front and rear lot lines.

ty for which the regulations governing the area, height or use of

**Dwelling, multiple-family**, means 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, one-family**, means a dwelling unit 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**, means 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.

**Dwelling unit** means 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.

**Eating place without drive-in or curbside service** means any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.

**Family** means 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 accessory building** means an accessory structure on a tract qualifying as a farm for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, fowl house, stable, machinery shed or granary. Animals or fowl shall not be located nearer than 100 feet to the bounding property lines of the farm tract.

**Farm, ranch, garden or orchard** means an area of five acres or more which is used for the growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm fowl and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

**Fire, police or municipal building** means any public service building of the municipal government including a library or city hall, but excluding storage yards, utility shops and equipment centers.

**Flea market** means a collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.

**Floor area** means the total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.

**Floor area ratio** means the ratio of the total building floor area to lot area.

**Golf course (commercial)** means a golf course, privately owned but open to the public for a fee and operated as a commercial venture.

**Guest house (detached)** means a secondary structure on a lot or tract containing dwelling accommodations excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.

**Height** means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to the highest point of the roof's surface if a flat surface, to the deck line of mansard roofs or to the mean height level between the eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

nding facility for rotary wing aircraft, which may include fueling shall be subject to approval by the city.

**Home for aged, residence,** means a home where elderly people are provided with lodging and meals without nursing care being a primary function.

**Home occupation** means any occupation or activity not involving the conduct of a business which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory structure by an immediate member of a family residing on the premises. Also, there is no advertising other than an identification sign of not more than four square feet in area and no other exterior identification of the home occupation or variation from the residential character of the main building or accessory structure; no equipment used which creates noise, vibration, smoke, dust, odor, heat, glare, fire hazard, or electrical interference beyond that normally associated with the average residential use of the district; and the home occupation does not create any significant increase in vehicular flow, parking, pedestrian traffic, the use of utilities, or the generation of trash and refuse beyond the average of the residences in the neighborhood.

**Hospital (chronic care)** means an institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and which is licensed by the state.

**Hospital (general acute care)** means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

**Institution for alcoholic, narcotic or psychiatric patients** means an institution offering resident or outpatient treatment to alcoholic, narcotic or psychiatric patients.

**Kindergarten and nursery school** mean an establishment where more than 12 children are housed for care or training during the day or portion thereof.

**Library, art gallery or museum (public)** means any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasipublic agency and which institution is open and available to the general public.

**Light fabrication and assembly processes** means the fabrication, assembly or manufacture of products, including, but not limited to, jewelry, trimming decorations, signs, and similar items, which does not involve generation of noise, odor, vibration, dust or hazard.

**Living unit** means the room or rooms occupied by a family and which includes cooking facilities.

**Local utility line** means the usual electric power, telephone, gas, water, sewer, and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.

**Lodginghouse** means a building where lodging for five or more persons is provided in exchange for compensation.

**Lot coverage** means the percentage of the total area of a lot occupied by the base (first story of floor) of buildings located on the lot or the area determined as the maximum cross sectional area of the building.

**Lot depth** means the mean distance between the front and rear lot lines.

**Lot lines** means the lines bounding a lot.

**Lot of record** means a lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk; or a parcel of land, the deed for which is recorded in the office of the county clerk prior to the adoption of the ordinance from which this chapter is derived.

**Lot or building site** means 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.

at the front building lines.

or buildings on a lot which are occupied by the primary use.

**Manufactured home** means the same as mobile home, except mobile homes constructed on or after June 15, 1976.

**Manufacturing processes** means uses restricted from other zoning districts, but permitted in the I-1 and I-2 districts are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.

**Mobile home** means a structure constructed prior to June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. References in this chapter to mobile homes shall be taken to be references to HUD Code manufactured homes.

**Mobile home park** means a tract or parcel of land used to accommodate mobile home units and accessory structures as a semipermanent place of residence.

**Mobile home subdivision** means a tract of land subdivided into lots which are designed as permanent sites for mobile or relocatable homes and which are served by separate utilities, dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots.

**Modular (industrialized) home** means a structure or building module as defined by statute and under the jurisdiction and control of the state department of labor and standards, installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.

**Motel and hotel** mean a building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.

**Multiple-family dwelling** means 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.

**Nonconforming use** means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this chapter is derived or amendments thereto and which does not conform to the use regulations of the district in which it is situated.

**Nursing home or residence home for aged** means a place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

**Occupancy** means the use or intended use of the land or buildings by proprietors or tenants.

**Off-street parking incidental to main use** means off-street parking spaces provided in accordance with the requirements specified by this chapter and located on the lot or tract occupied by the main use or within 200 feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

vided in any side, rear or front yard or any unoccupied space on  
to the sky except for the ordinary projections of cornices, eaves,

**Park or playground (public)** means an open recreation facility or park owned and operated by a public agency such as the city or the school board and available to the general public for neighborhood use but not involving lighted athletic fields for nighttime play.

**Parking lot or structure, commercial (auto)**, means an area or structure devoted to the parking or storage of automobiles for a fee, and may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an integral function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

**Planning and zoning commission** means the city council acting as the planning and zoning commission.

**Plant nursery or greenhouse** means retail or wholesale sales of plant materials and supplies either enclosed in a building, lath house, or in the open and with related storage of equipment for landscape contracting.

**Playfield or stadium (public)** means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

**Private club.** See Club, private.

**Private garage** means 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.

**Private school** means an academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.

**Private utility (franchised)** means a utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the city.

**Public building, shop or yard of local, state or federal agency** means facilities such as office buildings, other than city hall, library, police or fire station, maintenance yards and shops required by branches of local, state or federal agencies for service to an area such as a highway department yard, city service center or experiment station.

**Quick-service food and beverage shop** means an establishment offering food or beverage to customers either through an automobile pickup window or a walkup window, and with eating space provided within the building.

**Radio, television or microwave towers** means structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antenna installations for home use of radio or television.

**Radio, TV and appliance repair** means a shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.

**Residence** means the same as dwelling; when used with district, an area of residential regulations.

**Restaurant or cafeteria (not of drive-in type)** means an establishment serving food to the general public in specific, designated dining areas and shall not include drive-in establishments where food is eaten in automobiles.

**Restaurant or eating establishment (drive-in service)** means an establishment designed and constructed to serve food for consumption on the premises in an automobile and which establishment may or may not have an on-premises dining room or counter.



**Accessory and similar items** means small retail shops such as specific neighborhood areas as differentiated from department unity wide service importance.

**Roominghouse.** See "Lodginghouse."

**School, business,** means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

**School, commercial, trade or craft,** means a business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

**School, public or denominational,** means a school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

**Secondhand store, furniture or clothing,** means an establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

**Sign** means 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 for display on premises.

**Single-family dwelling (attached)** means a building located on a platted lot or separate building site which is designed for and occupied by not more than one family and which is attached by one or more common walls to another similar single-family dwelling unit. An attached dwelling shall be designed to permit separation from an adjoining dwelling in the event either dwelling is caused to be removed.

**Single-family dwelling (detached)** means a detached building located on a platted lot or separate building site which is designed for and occupied by not more than one family.

**Stable, commercial,** means a structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sale barn, auction or similar trading activity.

**Stable (private)** means an accessory building set back from adjacent property lines a minimum distance of 100 feet and used for quartering horses, not to exceed one horse per 1.5 acre area of a farm or lot.

**Street** means any thoroughfare or public driveway, other than an alley, more than 30 feet in width, which has been dedicated or deeded to the public for public use.

**Street line** means a dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way.

**Story** means the height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 11 feet, six inches.

**Structural alterations** means any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

**Structure.** See Building.

**Studio (art, music, ceramics, drama, speech, dance and similar skills)** means a building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

**Swimming instruction as a home occupation** means the teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a specific use permit which may specify operating conditions and standards and may limit the number of students and operating time.

means a swimming pool with accessory facilities, not part of the m and not a private swim club, but where the facilities are

**Swimming pool (private)** means a swimming pool constructed for the exclusive use of the residents of a single-family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight feet to any property line.

**Telephone exchange**, switching and transmitting equipment only means a switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.

**Temporary field or construction office** means temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected. These buildings may be permitted for a specified period of time in accordance with a permit issued by the building official.

**Tennis court, private**, means a surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the specific use permit.

**Thoroughfare.** See Street.

**Two-family dwelling** means a single detached building located on a platted lot or building site designed for and occupied by not more than two families.

**Variance** means an adjustment in the application of the specific regulations of this chapter 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.

**Wrecking or auto salvage yard** means a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

**Yard** means an open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

**Yard, front**, means an open, unoccupied space 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**, means an open, unoccupied space, except for accessory buildings as permitted in this chapter, 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**, means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.

**Zoning district map** means the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this chapter.

**Zoo (private)** means a facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

**Zoo (public)** means a publicly owned zoo or similar facility owned and operated by the city or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

**Sec. 62-4. Penalty for violations.**

Any person or corporation violating any of the provisions of this chapter shall, upon conviction, be fined the sum of \$2,000.00 per day; and each and every day that the provisions of this chapter are violated shall constitute a separate and distinct offense. In addition to the penalty provided for in this section, the right is 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 this 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. No. 62, § 35, 4-11-1989)

**Sec. 62-5. Illegal and nonconforming uses.**

By the passage of the ordinance from which this chapter is derived, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

(Ord. No. 62, § 34, 4-11-1989)

**Sec. 62-6. Platting property not permanently zoned.**

- (a) The city council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the city council.
- (b) The city council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the city council unless and until such annexation shall have been approved by resolution by the city council.
- (c) If the city council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The city council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

(Ord. No. 62, § 25, 4-11-1989)

**Sec. 62-7. Classification of new and unlisted uses.**

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The building inspector shall refer the question concerning any new or unlisted use to the city council requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

e nature and described performance of the proposed use and  
mitted in the various districts, and determine the zoning district  
should be permitted.

- (3) The city council shall by resolution approve or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
- (4) Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in subsections (1)- (3) of this section shall be followed.

(Ord. No. 62, § 26.1, 4-11-1989)

#### **Sec. 62-8. Creation of building site.**

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- (1) The lot or tract is part of a plat of record, properly approved by the mayor, and filed in the plat records of the county.
- (2) The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this chapter is derived or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this chapter may be issued on each such original separately owned parcel without first complying with subsection (1) of this section.
- (3) The plot or tract is all or part of a site plan officially approved by the city council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts or lots must be provided access via a public street or drive.

(Ord. No. 62, § 27.1, 4-11-1989)

#### **Sec. 62-9. Zoning fees.**

There is levied a \$250.00 administration fee for any request to change a zoning classification or for any specific use permit or variance or any other request which requires that a legal notice be published. Such fee shall be paid to the city secretary at the time of application. The fee is nonrefundable, even if the zoning request is denied. No zoning request will be considered until such application fee has been paid.

(Code 1982, ch. 11, § 2)

#### **Secs. 62-10—62-40. Reserved.**



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## ADMINISTRATION AND ENFORCEMENT <sup>121</sup>

DIVISION 1. - GENERALLY

DIVISION 2. - PLANNING AND ZONING COMMISSION

DIVISION 3. - ZONING BOARD OF ADJUSTMENT

DIVISION 4. - BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

DIVISION 5. - CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES, DISTRICTS AND ADMINISTRATIVE PROCEDURES

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FOOTNOTE(S):

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**Cross reference**— Administration, ch. 2 ([Back](#))

## **VISION 1. GENERALLY**

[Secs. 62-41- 62-60. Reserved.](#)

## **DIVISION 2. PLANNING AND ZONING COMMISSION**

[Sec. 62-61. City council to act as planning and zoning commission.](#)

[Sec. 62-62. Powers and duties.](#)

[Secs. 62-63- 62-80. Reserved.](#)

### **Sec. 62-61. City council to act as planning and zoning commission.**

The city council is empowered to act as the planning and zoning commission with all duties and responsibilities as provided under the laws of the state. The city council shall further have the authority to employ such qualified persons as may be necessary for the proper conduct of its undertakings, and to pay for the services of such persons and other necessary expenses.

(Ord. No. 62, §§ 29.1, 29.2, 4-11-1989)

### **Sec. 62-62. Powers and duties.**

The city council shall have the power and the duty to make and recommend for adoption a master plan, as a whole or in parts, for the future development and redevelopment of the city and all land under its control. The city council shall further perform such other duties as may be prescribed by state law.

(Ord. No. 62, § 29.3, 4-11-1989)

**Secs. 62-63—62-80. Reserved.**

## **DIVISION 3. ZONING BOARD OF ADJUSTMENT**

[Sec. 62-81. City council to act as zoning board of adjustment.](#)

[Sec. 62-82. Appeals.](#)

[Sec. 62-83. Powers and duties.](#)

[Sec. 62-84. Variances.](#)

[Sec. 62-85. Changes.](#)

[Secs. 62-86- 62-110. Reserved.](#)

**zoning board of adjustment.**

to act as the zoning board of adjustment with all duties and laws of the state.

(Ord. No. 62, § 30.1, 4-11-1989)

**Sec. 62-82. Appeals.**

- (a) Procedure. Appeals may be taken to and before the city council by any person aggrieved, or by any officer, department, board, or bureau of the city. Such appeal shall be made specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the city council all of the minutes constituting the record upon which the action appealed from was taken.
- (b) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector shall certify to the city council that by reason of facts in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the city council or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.
- (c) Notice of hearing on appeal. The city council shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the city council to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
- (d) Decision by the council. The council shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The city council may reverse or affirm wholly or partly or may modify the order, requirements, decisions or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer or department from whom the appeal is taken.
- (e) Concurring vote required. The concurring vote of four members of the city council shall be necessary to revise any order, requirement, decision or determination of any such administrative official or to decide in favor of the application on any matter upon which it is required to pass under this chapter or to affect any variance.

(Ord. No. 62, § 30.2, 4-11-1989)

**Sec. 62-83. Powers and duties.**

- (a) Subpoena witnesses. The city council shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- (b) Appeals based on error. The city council shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the building inspector in the enforcement of this chapter. Except as otherwise provided in this chapter, the city council shall have, in addition, the following specific powers:
  - (1) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
  - (2) To permit a public utility or public service or structure in any district, or a public utility of public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

on of a use, height or area regulation into an adjoining district, strict divides a lot in a single ownership on the effective date of chapter is derived.

- (4) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60 percent of its fair market value, where the city council finds some compelling necessity requiring a continuance of the nonconforming use.
- (5) To waive or reduce the parking and loading requirements in any of the districts, when the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or when such regulations would impose an unreasonable hardship upon the use of the lot. The city council shall not waive or reduce such requirements merely to the purpose of granting an advantage or a convenience.

(Ord. No. 62, § 30.3(A), (B), 4-11-1989)

### **Sec. 62-84. Variances.**

An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a concept plan, detail site plan or development plan, preliminary plat or final plat required by this chapter has not been finally acted upon by the city council. All administrative procedures and requirements of this chapter, applicable to concept plans, detail site plans, preliminary plats and final plats must be exhausted prior to requesting a variance from the terms of this chapter.

- (1) The city council shall have the power to authorize upon appeal in specific cases such variance from the terms of this 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 this chapter shall be observed and substantial justice done. In executing its power to grant such variances, the city council may:
  - a. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions of this chapter due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare; and
  - b. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the city council is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the standards or regulations established by this chapter and at the same time, the surrounding property will be properly protected. Financial hardship shall not be considered grounds for the issuance of a variance.
- (2) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;



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- and circumstances do not result from the actions of the
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district; and
  - e. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(Ord. No. 62, § 30.3(C), 4-11-1989)

#### **Sec. 62-85. Changes.**

The city council shall have no authority to change any provision of this chapter and its jurisdiction is limited to time. The city council may not change the district designation of any land either to a more restrictive or less restrictive zone.

(Ord. No. 62, § 30.3(D), 4-11-1989)

#### **Secs. 62-86—62-110. Reserved.**

### **DIVISION 4. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

[Sec. 62-111. General requirements.](#)

[Sec. 62-112. Procedure for new or altered buildings.](#)

[Sec. 62-113. Procedure for vacant land or a change in use.](#)

[Sec. 62-114. Contents of certificate of occupancy.](#)

[Sec. 62-115. Temporary certificate.](#)

[Sec. 62-116. Certificates for nonconforming uses.](#)

[Secs. 62-117. 62-140. Reserved.](#)

#### **Sec. 62-111. General requirements.**

No permanent structure may be constructed or otherwise located within the city limits prior to the issuance of a building permit by the building inspector. No permanent structure constructed or otherwise located within the city limits may be occupied prior to the issuance of a certificate of occupancy by the building inspector. No change in the existing conforming use of a permanent structure or of land to a use of a different classification under this chapter, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a certificate of occupancy by the building inspector.

(Ord. No. 62, § 32.1, 4-11-1989)

**for altered buildings.**

to be constructed or otherwise located within the city limits  
inspector who, upon approval, shall issue a building permit. A  
complete application for a building permit shall contain details of the foundation and structure  
sufficient to determine compliance with applicable provisions of the city building code. Upon  
submission of a complete application, the building inspector shall issue a building permit. After  
issuance of a building permit and prior to issuance of a certificate of occupancy, the building inspector  
shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the  
building inspector shall issue a certificate of occupancy if the plans and the results of the inspection  
comply with the provisions of all applicable ordinances and regulations.

(Ord. No. 62, § 32.2, 4-11-1989)

**Sec. 62-113. Procedure for vacant land or a change in use.**

Written application for a certificate of occupancy for the use of vacant land, or for a change in the  
use of land or a building, or for a change in a nonconforming use, shall be made to the building  
inspector. If the proposed use is in conformity with the provisions of this chapter, the certificate of  
occupancy therefor shall be issued within ten days after the application for same has been made.

(Ord. No. 62, § 32.3, 4-11-1989)

**Sec. 62-114. Contents of certificate of occupancy.**

Every certificate of occupancy shall state that the building or the proposed use of a building or  
land complies with all provisions of the building and fire laws and ordinances. A record of all  
certificates of occupancy shall be kept on file in the office of the building inspector or his agent and  
copies shall be furnished on request to any person having proprietary or tenancy interest in the  
building or land affected.

(Ord. No. 62, § 32.4, 4-11-1989)

**Sec. 62-115. Temporary certificate.**

Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued  
by the building inspector for a period not exceeding six months during the completion of alterations or  
during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall  
not be construed to alter the respective rights, duties, or obligations of the owner or of the city relating  
to the use occupancy of the premises or any other matter covered by this chapter.

(Ord. No. 62, § 32.5, 4-11-1989)

**Sec. 62-116. Certificates for nonconforming uses.**

A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings  
created by adoption of the ordinance from which this chapter is derived. Application for such  
certificate of occupancy for a nonconforming use shall be filed with the building inspector by the  
owner or lessee of the building or land occupied by such nonconforming use within one year of the  
effective date of the ordinance from which this chapter is derived. It shall be the duty of the building  
inspector to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for  
such certificate of occupancy for a nonconforming use shall be evidence that such nonconforming  
use was either illegal or did not lawfully exist at the effective date of the ordinance from which this  
chapter is derived.

(Ord. No. 62, § 32.6, 4-11-1989)

## DIVISION 5. CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES, DISTRICTS AND ADMINISTRATIVE PROCEDURES

[Sec. 62-141. Declaration of policy.](#)

[Sec. 62-142. Authority to amend.](#)

[Sec. 62-143. Public hearing and notice.](#)

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[Sec. 62-147. Changes in zoning regulations.](#)

[Secs. 62-148- 62-170. Reserved.](#)

### **Sec. 62-141. Declaration of policy.**

The city declares the enactment of the regulations of this chapter governing the use and development of land, buildings, and structures to be 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 any error in the regulations or map.
- (2) To recognize changed or changing conditions or circumstances in a particular locality.
- (3) To recognize changes in technology, style of living, or manner of doing business.

(Ord. No. 62, § 33.1, 4-11-1989)

### **Sec. 62-142. Authority to amend.**

The city council may, from time to time, after public hearings required by law, amend, supplement, or change the regulations provided in this chapter or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of this chapter and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the city council, may be initiated by the city council, or may be requested by the owner of affected real property or the authorized representative of an owner of affected real property.

(Ord. No. 62, § 33.2, 4-11-1989)

### **Sec. 62-143. Public hearing and notice.**

Prior to making a decision pursuant to this division, the city council shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district classifications or boundaries shall be sent to all owners of property, or to the person rendering the same for county taxes, located within the area of application and within 200 feet of any property affected thereby, 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 county tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the zoning ordinance

assifications or boundaries shall be published not less than 15  
per of the city.

(Ord. No. 62, § 33.3, 4-11-1989)

**Sec. 62-144. Council consideration.**

The city council, after the public hearing required in section 62-143 is closed, may defer consideration until after its evaluation of the request and the relationship of the request on the comprehensive plan for a period not exceeding 90 days. This allows the city council an opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the city council shall consider the following factors:

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.
- (2) Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
- (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
- (4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- (5) The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
- (6) Any other factors which will substantially affect the public health, safety, morals or general welfare.

(Ord. No. 62, § 33.4, 4-11-1989)

**Sec. 62-145. Council action on proposed changes.**

- (a) Thirty-day notice requirement. No change in a zoning classification shall be granted until after the 30th day following the notice to property owners required in section 62-143
- (b) Effective date of ordinance. No ordinance change shall become effective until after the adoption of the ordinance and its publication as required by law.
- (c) Proposal recommended for denial. When the city council determines that a proposal should be denied, it shall so report and notify the applicant. A request which has been denied by the city council may be resubmitted at any time for reconsideration by the city (a new filing fee must accompany the request). The city council may specifically deny any request with prejudice. If a request has been specifically denied with prejudice, the request may not be resubmitted to the city for a period less than 120 days from the original date of denial.
- (d) Three-fourths vote. A favorable vote of three-fourths of all members of the city council shall be required to approve any change in zoning when written objections are received which comply with the provisions of V.T.C.A., Local Government Code § 211.006. 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 percent or more of the area of the lots or land included in such a proposed change or the lots or land immediately adjoining the same and extending 200 feet therefrom (measured without regard to city streets or other public right-of-way), such amendments shall not become effective except by a three-fourths vote of the city council.

**Sec. 62-146. Final approval and ordinance adoption.**

If the amending ordinance is not approved within six months from the time of its original consideration, the zoning request, at the option of the city council, may be recalled for a new public hearing.

(Ord. No. 62, § 33.6, 4-11-1989)

**Sec. 62-147. Changes in zoning regulations.**

Amendments to the zoning ordinance not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than 15 days from the date of such publication.

(Ord. No. 62, § 33.7, 4-11-1989)

**Secs. 62-148—62-170. Reserved.**

[Sec. 62-171. Existence of nonconforming status.](#)

[Sec. 62-172. Expansion.](#)

[Sec. 62-173. Repairs and maintenance.](#)

[Sec. 62-174. Change to conforming use.](#)

[Sec. 62-175. Discontinuance of use.](#)

[Sec. 62-176. Destruction of nonconforming structure.](#)

[Secs. \\_\\_\\_\\_\\_ 62-177- 62-210. \\_\\_\\_\\_\\_ Reserved.](#)

**Sec. 62-171. Existence of nonconforming status.**

A nonconforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the ordinance from which this chapter is derived.

(Ord. No. 62, § 28.1, 4-11-1989)

**Sec. 62-172. Expansion.**

No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of the ordinance from which this chapter is derived except to provide off-street loading or off-street parking spaces upon approval of the city council.

(Ord. No. 62, § 28.2, 4-11-1989)

**Sec. 62-173. Repairs and maintenance.**

Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

(Ord. No. 62, § 28.3, 4-11-1989)

**Sec. 62-174. Change to conforming use.**

- (a) A nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
- (b) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a certificate of occupancy from the building inspector.

(Ord. No. 62, §§ 28.4, 28.5, 4-11-1989)

**Sec. 62-175. Discontinuance of use.**

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this chapter. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of



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business or the vacancy of a building or premises occupied by a  
one year shall be construed as conclusive proof of intent to  
nonconforming use not involving a permanent type of structure  
which is moved from the premises shall be considered to have been abandoned.

(Ord. No. 62, § 28.6, 4-11-1989)

### **Sec. 62-176. Destruction of nonconforming structure.**

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to the provisions of this chapter. In the case of partial destruction of a nonconforming use not exceeding 60 percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the city council, but the size and function of the nonconforming use shall not be expanded.

(Ord. No. 62, § 28.7, 4-11-1989)

### **Secs. 62-177—62-210. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Buildings and building regulations, ch. 10 ([Back](#))



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## IV. DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

DIVISION 2. - A AGRICULTURAL DISTRICT

DIVISION 3. - R-1 RESIDENTIAL DISTRICT, LOW DENSITY

DIVISION 4. - R-2 RESIDENTIAL DISTRICT, LOW DENSITY WITH MOBILE HOMES AND MANUFACTURED HOMES

DIVISION 5. - R-3 RESIDENTIAL DISTRICT, HIGH DENSITY

DIVISION 6. - MH MOBILE HOME PARK DISTRICT

DIVISION 7. - C COMMERCIAL DISTRICT

DIVISION 8. - I-1 LIGHT INDUSTRIAL DISTRICT

DIVISION 9. - I-2 HEAVY INDUSTRIAL DISTRICT

### DIVISION 1. GENERALLY

[Sec. 62-211. Zoning districts established.](#)

[Sec. 62-212. Description and purpose of zoning districts.](#)

[Sec. 62-213. Zoning district map.](#)

[Sec. 62-214. Zoning district boundaries.](#)

[Sec. 62-215. Temporary zoning; annexed territory.](#)

[Sec. 62-216. Compliance required.](#)

[Sec. 62-217. Schedule of district regulations adopted.](#)

[Secs. 62-218- 62-240. Reserved.](#)



Established. Districts as listed in this section.

Abbreviated Designation	Zoning District Name
A	Agricultural district
R-1	Residential district, low density
R-2	Residential district, low density with mobile homes and manufactured homes
R-3	Residential district, high density
MH	Mobile home park district
C	Commercial district
I-1	Industrial district, light
I-2	Industrial district, heavy
PD	Planned development district
FP	Floodplain
SUP	Specific use permit

(Ord. No. 62, § 3.1, 4-11-1989)

**Sec. 62-212. Description and purpose of zoning districts.**

The description and purpose of each district established in section 62-211 is as follows:

- (1) A agricultural district. The A agricultural district provides for the continuance of farming, ranching and gardening activities on land now utilized for these purposes. When land in the A category is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the comprehensive plan. Once land in the A category has been placed into another district, the intent of this article is that such land shall not be changed back to an A category by any subsequent request for a change.
- (2) R-1 residential district, low density. The R-1 category provides for a minimum residential building site of 6,500 square feet. Development in this district will have a low density and development characteristics similar to those now existing in most platted subdivisions.
- (3) R-2 residential district, low density with mobile homes and manufactured homes. Same as R-1, except mobile homes and manufactured homes are allowed.
- (4) R-3 residential district, high density. The R-3 residential district permits residential development of densities not to exceed 15 units per acre.
- (5) MH mobile home park district. The MH mobile home park district establishes a category in which mobile home park development with a density of approximately five units per gross acre can occur.
- (6) C commercial district. The C commercial district provides for a wide range of commercial uses, including both retail and wholesale activities.

light industrial district is established to accommodate uses of a relative proximity to residential and C business areas. limited primarily to certain wholesale, jobbing, and warehouse

uses and certain specialized manufacturing and research uses of a type which will not create nuisances.

- (8) I-2 heavy industrial district. The I-2 heavy industrial district is established to accommodate industrial uses not appropriate for inclusion in the I-1 district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses.
- (9) PD planned development district. The PD planned development district provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property.
- (10) FP floodplain district. Zoning districts located in flood hazard areas which are subject to periodic inundation may be preceded by the prefix FP, indicating a subdistrict. Areas designated FP may be used only for those uses listed in the provisions of article VII of this chapter until the area or any portion thereof located in the FP floodplain subdistrict has been approved by the city council. Approval shall only be given after engineering studies determine that the area or any portion thereof is suitable for uses in the district and building construction or development would not create an obstruction to drainage nor a hazard to life or property and that such construction is not contrary to the public interest.

(Ord. No. 62, § 3.2, 4-11-1989)

#### **Sec. 62-213. Zoning district map.**

The boundaries of the zoning districts set out in section 62-212 are delineated upon the zoning district map of the city. Such map shall be adopted as a part of this article as fully as if the map were set forth in this article in detail. Two original, official and identical copies of the zoning district map are adopted bearing the signature of the mayor and attestation of the city secretary and shall be filed and maintained as follows:

- (1) One copy shall be filed with the city secretary, to be retained as the original record and shall not be changed in any manner.
- (2) One copy shall be kept on public display and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy and compliance and for enforcing this chapter.
- (3) Reproductions for information purposes may from time to time be made of the official zoning district maps. The map shall be updated as individual zoning requests are approved.

(Ord. No. 62, § 4.1, 4-11-1989)

#### **Sec. 62-214. Zoning district boundaries.**

The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

g railroad or utility lines shall be construed to be the centerline  
erline is established, the boundary shall be interpreted to be  
lines.

- (5) Boundaries indicated as approximately following the centerlines of streams, drainageways or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1)- (5) of this section shall be so construed. Distances not specifically indicated on the original zoning map shall be determined from the graphic scale on the map.
- (7) Whenever the street, alley or other public way is vacated by official action of the city council, or whenever the street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- (8) Where physical features on the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections (1)- (7) of this section or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered classified as an A agricultural district temporarily. In an area determined to be temporarily classified as an A agricultural district, no person shall construct, add to or alter any building or structure or cause the same to be done nor shall any use be located therein or on the land which is not permitted in an A district, unless and until such territory has been zoned to permit such use by the city council.

(Ord. No. 62, § 5, 4-11-1989)

#### **Sec. 62-215. Temporary zoning; annexed territory.**

All territory annexed to the city shall be temporarily classified as an A agricultural district until permanent zoning is established by the city council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations. In an area temporarily classified as an A agricultural district:

- (1) No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the city without first applying for and obtaining a building permit or certificate of occupancy from the building official or the city council as may be required.
- (2) No permit for the construction of a building or use of land shall be issued by the building official other than a permit which will allow the construction of a building permitted in the A agricultural district unless and until such territory has been classified in a zoning district other than the A agricultural district by the city council in the manner prescribed by the law.

(Ord. No. 62, § 6, 4-11-1989)

#### **Sec. 62-216. Compliance required.**

All land, buildings, structures or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as provided in this article.

(Ord. No. 62, § 7.1, 4-11-1989)

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regulations adopted.

It shall be considered as part of each applicable zoning district regulation as previously described in this

article.

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

Zoning District	Minimum Lot Area (Square Feet) (a)	Minimum Lot Width (Feet)	Minimum Lot Depth (Feet)	Minimum Front Yard Setback (Feet) (b)	Minimum Rear Yard Setback (Feet)	Minimum Side Yard Setback (Feet) Interior Lot	Minimum Side Yard Setback (Feet) Street Side	Maximum Height of Structure (Feet)	Maximum Lot Coverage	Minimum Dwelling Size Excluding Garages (Square Feet)
A	2 acres	150	200	50*/50**	25	15 percent width or 50 (whichever is less)	N/A	30	15 percent	1,000
R-1 (c)	6,500	60	100	25*/50**	25	10	25*/50**	30	40 percent	1,000
R-2 (c)	6,500	60	100	25*/50**	25	10	25*/50**	30	40 percent	840
R-3 (c)	(d)	N/A	N/A	25*/50**	25 (e)	10	25*/50**	35	40 percent	750
MH (d)	5,500/D.U.	50	100	25*/50**	25	10	25*/50**	30	40 percent	840
C	N/A	N/A	N/A	25*/50**	25	25	25*/50**	100 (g)	50 percent	N/A
I-1	N/A	N/A	N/A	25*/50**	25 (f)	25	25*/50**	100 (g)	50 percent	N/A
I-2	N/A	N/A	N/A	25*/50**	25 (f)	25	25*/50**	100 (g)	50 percent	N/A
PD	3 acres	(h)	(h)	(h)	(h)	(h)	(h)	(h)	(h)	(g)

(a) The minimum lot areas only apply to those properties served by public sewer systems. For those properties unserved by public sewer systems, compliance with standards established by the state for private sewer systems is required.

(b) There shall be a minimum 50-foot setback for all properties abutting Interstate Highway 45.



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in rear yards and side yards only. These are to be placed a minimum of ten feet inside the designated ds, but may be placed in other areas of rear and side yards provided they meet the minimum setback

- (d) Each lot shall have a minimum of 3,000 square feet per dwelling unit, not to exceed 15 dwelling units per gross acre. A maximum density of 20 units per acre shall be permitted in accordance with the enhanced fire protection provisions of section 62-337
- (e) There shall be a total of a 60-foot setback from the adjacent property line for buildings in excess of one story in height when an R-3 district is adjacent to an R-1 or R-2 district.
- (f) Unless adjacent to a residential district, in which case a 50-foot rear setback shall be observed.
- (g) Except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms which may project not more than 12 feet beyond the maximum building height of 100 feet.
- (h) See article VI of this chapter for specific requirements.

\* Property having dedicated right-of-way (measured from front property line).

\*\* Property not having dedicated right-of-way (measured from centerline of road).

(Ord. No. 62, § 18, 4-11-1989)

## DIVISION 2. A AGRICULTURAL DISTRICT

[Sec. 62-241. General purpose and description.](#)

[Sec. 62-242. Permitted uses.](#)

[Sec. 62-243. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-244. Parking regulations.](#)

[Secs. 62-245- 62-270. Reserved.](#)

### **Sec. 62-241. General purpose and description.**

The A agricultural district is intended to apply to land situated on the fringe of an urban area and used for agricultural purposes, which may become an urban area in the future. Therefore, the agricultural activities conducted in the A agricultural district should not be detrimental to urban land uses and the intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

(Ord. No. 62, § 8, 4-11-1989)

### **Sec. 62-242. Permitted uses.**

A building or premises in the A agricultural district shall be used only for the following purposes:

- (1) Single-family dwellings on building lots of two acres or more.
- (2) All general and special agricultural, farming, ranching, stables and related accessory buildings, stock and poultry raising, dairy, and other related uses so long as they do not cause a hazard to health by reason of unsanitary conditions, are not offensive by reason of odors, dust, fumes, noise or vibrations, and are not otherwise detrimental to the public welfare.
- (3) Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines, local utility lines.
- (4) Accessory buildings and structures clearly incidental to the operations listed in subsection (3) of this section, including, but not limited to, barns, stables, equipment sheds, granaries, private garages, pumphouses, and servants quarters not for rent, provided that accessory buildings and structures shall be limited to 50 percent of the gross land area.
- (5) Temporary metal buildings less than 600 square feet which are used for tool and supply storage.
- (6) Riding academy or other equestrian related activities.
- (7) Other uses as listed in section 62-501
- (8) The following specific uses shall be permitted in the A agricultural district, when granted in accordance with article V, division 3 of this chapter: Uses as listed in section 62-501

(Ord. No. 62, § 8.1, 4-11-1989)

**lot coverage; and building size requirements.**

minimum lot size, minimum yard sizes (front, side, and rear), percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the A agricultural district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided this division.

(Ord. No. 62, § 8.2, 4-11-1989)

**Sec. 62-244. Parking regulations.**

In the A agricultural district, two spaces shall be required behind the front yard line for single-family dwelling units. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article V, division 4 of this chapter.

(Ord. No. 62, § 8.3, 4-11-1989)

**Secs. 62-245—62-270. Reserved.**

**DIVISION 3. R-1 RESIDENTIAL DISTRICT, LOW DENSITY**

[Sec. 62-271. General purpose and description.](#)

[Sec. 62-272. Permitted uses.](#)

[Sec. 62-273. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-274. Parking regulations.](#)

[Secs. 62-275- 62-300. Reserved.](#)

**Sec. 62-271. General purpose and description.**

The R-1 residential district is designed to accommodate the standard single-family residential development. The district can be appropriately located in proximity to multifamily residential areas and commercial office uses.

(Ord. No. 62, § 9, 4-11-1989)

**Sec. 62-272. Permitted uses.**

A building or premises in an R-1 residential district shall be used only for the following purposes:

- (1) Uses as listed in section 62-501
- (2) The following specific uses shall be permitted in an R-1 residential district when granted in accordance with article V, division 3 of this chapter: Uses as listed in section 62-501

(Ord. No. 62, § 9.1, 4-11-1989)

**Sec. 62-273. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size



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residential district, shall conform with the provisions of section 62-  
ns as provided in this division.

(Ord. No. 62, § 9.2, 4-11-1989)

### **Sec. 62-274. Parking regulations.**

In the R-1 residential district, a minimum of two parking spaces shall be provided per unit behind the front yard line. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article V, division 4 of this chapter.

(Ord. No. 62, § 9.3, 4-11-1989)

### **Secs. 62-275—62-300. Reserved.**

## **DIVISION 4. R-2 RESIDENTIAL DISTRICT, LOW DENSITY WITH MOBILE HOMES AND MANUFACTURED HOMES <sup>[4]</sup>**

[Sec. 62-301. General purpose and description.](#)

[Sec. 62-302. Permitted uses.](#)

[Sec. 62-303. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-304. Parking regulations.](#)

[Sec. 62-305. Additional restrictions applicable to mobile home and manufactured home uses.](#)

[Secs. 62-306- 62-330. Reserved.](#)

### **Sec. 62-301. General purpose and description.**

The R-2 residential district is designed to accommodate the standard single-family residential development, as well as provide for the placement of quality mobile homes and manufactured homes, while containing many of the characteristics and atmosphere of a standard single-family subdivision. The district can be appropriately located in proximity to multifamily residential areas and commercial uses.

(Ord. No. 62, § 10, 4-11-1989)



Residential district shall be used only for the following purposes:

- (1) Uses as listed in section 62-501
- (2) The following specific uses shall be permitted in an R-2 residential district when granted in accordance with article V, division 3 of this chapter: Uses as listed in section 62-501

(Ord. No. 62, § 10.1, 4-11-1989)

**Sec. 62-303. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the R-2 residential district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided in this division.

(Ord. No. 62, § 10.2, 4-11-1989)

**Sec. 62-304. Parking regulations.**

In the R-2 residential district, a minimum of two parking spaces shall be provided per unit behind the front yard line. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in article V, division 4 of this chapter.

(Ord. No. 62, § 10.3, 4-11-1989)

**Sec. 62-305. Additional restrictions applicable to mobile home and manufactured home uses.**

The following additional restrictions shall apply to mobile home and manufactured home uses in the R-2 residential district:

- (1) Manufactured housing design and construction will comply with construction and safety standards published by the department of housing and urban development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974. All mobile homes and manufactured homes will be subject to inspection by the building official.
- (2) All mobile homes and manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (3) Tie-downs will be required and will be secured prior to occupancy.
- (4) Underpinning and skirting will be required and will be installed prior to occupancy.
- (5) Accessory buildings will be either manufactured or constructed in accordance with city codes.
- (6) All mobile homes and manufactured homes shall comply with all regulations of the state and such regulations are incorporated into this section.

(Ord. No. 62, § 10.4, 4-11-1989)

**Secs. 62-306—62-330. Reserved.**

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FOOTNOTE(S):

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## DIVISION 5. R-3 RESIDENTIAL DISTRICT, HIGH DENSITY

[Sec. 62-331. General purpose and description.](#)

[Sec. 62-332. Use regulations.](#)

[Sec. 62-333. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-334. Parking regulations.](#)

[Sec. 62-335. Refuse facilities.](#)

[Sec. 62-336. Screening requirements.](#)

[Sec. 62-337. Fire protection requirements.](#)

[Secs. 62-338- 62-360. Reserved.](#)

### **Sec. 62-331. General purpose and description.**

The R-3 residential district is intended to provide for medium or high density residential development. This district functions as a buffer or transition between major streets, nonresidential areas and lower density residential areas. Density in this district is not to exceed 15 units per acre.

(Ord. No. 62, § 11, 4-11-1989)

### **Sec. 62-332. Use regulations.**

A building or premises in the R-3 residential district shall be used only for the following purposes:

- (1) Uses as listed in section 62-501
- (2) The following specific uses shall be permitted in an R-3 residential district, when granted in accordance with article V, division 3 of this chapter: Uses as listed in section 62-501

(Ord. No. 62, § 11.1, 4-11-1989)

### **Sec. 62-333. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the R-3 residential district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided in this division.

(Ord. No. 62, § 11.2, 4-11-1989)

### **Sec. 62-334. Parking regulations.**

In the R-3 residential district, 2.5 off-street parking spaces shall be provided per dwelling unit. Required parking may not be provided within the required front yard. Other off-street parking spaces shall be provided in accordance with the requirements set forth in article VI, division 4 of this chapter.

(Ord. No. 62, § 11.3, 4-11-1989)

any dwelling unit in a multifamily complex shall be located within  
d along the designated pedestrian and vehicular travel way.  
There shall be available at all times at least six cubic yards of refuse container per 30 multifamily  
dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse  
container shall be provided. Each refuse facility shall be screened from view on three sides from  
persons standing at ground level on the site or immediately adjoining property, by an opaque fence or  
wall of wood or masonry not less than six feet nor more than eight feet in height or by an enclosure  
within a building. Refuse containers shall be provided and maintained in a manner to satisfy city  
public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and  
convenient pickup by refuse collection agencies.

(Ord. No. 62, § 11.4, 4-11-1989)

#### **Sec. 62-336. Screening requirements.**

In the R-3 residential district, border fencing of wood or masonry of not less than six feet in  
height shall be installed by the builder at the time of construction of any multifamily complex, along  
the property line on any perimeter not abutting a public street or right-of-way. This fence shall be  
maintained throughout the existence of the multifamily complex by the owner of the complex.

(Ord. No. 62, § 11.5, 4-11-1989)

#### **Sec. 62-337. Fire protection requirements.**

When a builder/developer exercises the option for higher density provided by section 62-217(d),  
each building in the R-3 residential district constructed to these standards shall contain an automatic  
sprinkler system to be installed at the time of construction, and thereafter operated in accordance with  
currently applicable fire safety codes. In addition, each unit in any multistory design, regardless of  
density, shall be provided with two points of entry and exit with each providing separate access to  
places of safety in the event of fire or other emergency.

(Ord. No. 62, § 11.6, 4-11-1989)

#### **Secs. 62-338—62-360. Reserved.**

### **DIVISION 6. MH MOBILE HOME PARK DISTRICT <sup>[5]</sup>**

[Sec. 62-361. General purpose and description.](#)

[Sec. 62-362. Use regulations.](#)

[Sec. 62-363. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-364. Parking requirements.](#)

[Sec. 62-365. Additional restrictions applicable to MH mobile home district.](#)

[Secs. 62-366- 62-390. Reserved.](#)

#### **Sec. 62-361. General purpose and description.**

The MH mobile home park district is intended to provide for quality mobile home park  
development and maintenance. Mobile home parks are defined as tracts or units of land under sole  
ownership where lots are rented or leased as space to be used for placement of a mobile home or  
manufactured home.

**Sec. 62-362. Use regulations.**

A building or lot in the MH mobile home park district shall be used only for the following purposes:

- (1) Uses normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities and recreation areas for use by the resident of the mobile home park.
- (2) Other uses as listed in section 62-501
- (3) The following specific uses shall be permitted in the MH mobile home district when granted in accordance with article V, division 3 of this chapter:
  - a. Boat and recreational vehicle and travel trailer storage yard.
  - b. Travel trailer and commercial overnight camping park.
  - c. Other uses as listed in section 62-501

(Ord. No. 62, § 12.1, 4-11-1989)

**Sec. 62-363. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the MH mobile home district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided in this division.

(Ord. No. 62, § 12.2, 4-11-1989)

**Sec. 62-364. Parking requirements.**

In the MH mobile home district, two spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in article V, division 4 of this chapter.

(Ord. No. 62, § 12.3, 4-11-1989)

**Sec. 62-365. Additional restrictions applicable to MH mobile home district.**

The following additional restrictions shall apply to the MH mobile home district:

- (1) Manufactured housing design and construction will comply with construction and safety standards published by the department of housing and urban development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974. All mobile homes and manufactured homes will be subject to inspection by the building official.
- (2) All mobile homes and manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (3) Tie-downs will be required and will be secured prior to occupancy.
- (4) Underpinning and skirting will be required and will be installed prior to occupancy.
- (5) Accessory buildings will be either manufactured or constructed in accordance with city codes.
- (6) All mobile homes and manufactured homes shall comply with all regulations of the state and such regulations are incorporated into this section.



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~~Secs. 62-366—62-390. Reserved.~~

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FOOTNOTE(S):

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--- (5) ---

**Cross reference—** Mobile homes, manufactured homes and parks, ch. 34 ([Back](#))

[Sec. 62-391. General purpose and description.](#)

[Sec. 62-392. Use regulations.](#)

[Sec. 62-393. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-394. Parking requirements.](#)

[Secs. 62-395- 62-420. Reserved.](#)

**Sec. 62-391. General purpose and description.**

The C commercial district is intended to provide a zoning category to accommodate all commercial uses, including retail and wholesale activities.

(Ord. No. 62, § 13, 4-11-1989)

**Sec. 62-392. Use regulations.**

A building or premises in the C commercial district shall be used only for the following purposes:

- (1) Uses as listed in section 62-501
- (2) The following specific uses shall be permitted in a C commercial district when granted in accordance with article V, division 3 of this chapter: Uses as listed in article V, division 4 of this chapter.

(Ord. No. 62, § 13.1, 4-11-1989)

**Sec. 62-393. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the C commercial district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided in this division.

(Ord. No. 62, § 13.2, 4-11-1989)

**Sec. 62-394. Parking requirements.**

In the C commercial district, off-street parking requirements shall be provided in accordance with article V, division 4 of this chapter.

(Ord. No. 62, § 13.3, 4-11-1989)

**Secs. 62-395—62-420. Reserved.**

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FOOTNOTE(S):

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--- (6) ---

Cross reference— Business regulations, ch. 14 ([Back](#))

[Sec. 62-421. General purpose and description.](#)

[Sec. 62-422. Use regulations.](#)

[Sec. 62-423. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-424. Parking regulations.](#)

[Secs. 62-425- 62-450. Reserved.](#)

### **Sec. 62-421. General purpose and description.**

The I-1 light industrial district is established to accommodate those uses which are of a nonnuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the I-1 light industrial district is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a nonnuisance type. No use or types of uses specifically limited to the I-2 heavy industrial district may be permitted in the I-1 light industrial district.

(Ord. No. 62, § 14, 4-11-1989)

### **Sec. 62-422. Use regulations.**

Uses permitted in the I-1 light industrial district are subject to the following conditions:

- (1) All business, servicing, or processing; except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the drive-in type, shall be conducted within completely enclosed areas.
- (2) All storage within 100 feet of a residential district, except for motor vehicles in an operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
- (3) Permitted uses in the I-1 light industrial district shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
- (4) Permitted uses in the I-1 light industrial district shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.
- (5) Permitted uses in the I-1 light industrial district shall not create fire hazards on surrounding property.
- (6) Permitted uses in the I-1 light industrial district include the following:
  - a. Ambulance, bus, train, and taxi stations, truck yards.
  - b. Awnings, venetian blinds, and window shades (manufacturing of).
  - c. Bakery, candy, dairy and other food products, but not including fish and meat products, sauerkraut, vinegar, yeast, alcohol or alcoholic beverages (manufacturing of).
  - d. Building materials yard, contractor's yard, lumberyard.

- graphic equipment (manufacturing of).
- pottery, figurines, and small glazed tiles (manufacturing of).
- g. Cosmetics and toiletries, drugs, perfumes, and perfumed soaps, and pharmaceutical products (manufacturing of).
  - h. Electrical equipment assembly, such as home radio and television receivers and home-movie equipment, but not including electrical machinery.
  - i. Electrical supplies assembly, such as wire and cable assembly, switches, lamps, insulation, and dry-cell batteries.
  - j. Furniture refinishing using a manufacturing or chemical dipping process.
  - k. Ice plants, cold storage plants.
  - l. Insecticide and pesticide, packaging only.
  - m. Machine shops and fabrication of metal not more than ten gauge in thickness.
  - n. Medical, dental, and optical supplies (manufacturing of).
  - o. Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils.
  - p. Monument works.
  - q. Musical instruments (manufacturing of).
  - r. Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers (manufacturing of).
  - s. Photofinishing associated with a manufacturing process.
  - t. Repair of farm, household, office, machinery or equipment.
  - u. Shell egg business, candling, cartoning, and distributing.
  - v. Public utility and public service uses as follows:
    - 1. Bus stations, bus terminals, bus turnaround (off-street), bus garages, and bus lots.
    - 2. Gas regulator stations, mixing stations, and gate stations.
    - 3. Railroad passenger stations.
    - 4. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards.
  - w. Radar installations and towers.
  - x. Radio and television studios and stations.
  - y. Storage yards, but not including junkyards.
  - z. Trailer sales and rental, for use with private passenger motor vehicles.
  - aa. Weighing stations.
  - bb. Wholesaling establishments.
  - cc. Accessory uses, including, but not limited to, temporary buildings for construction purposes for a period not to exceed the duration of such construction.
  - dd. Other wholesale, light manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property.



...sale store for the sales and servicing of goods or materials on  
...manufacturing company to which they are related, including  
...ate building or buildings.

ff. Other uses as listed in section 62-501

- (7) The following specific uses shall be permitted in the I-1 light industrial district when granted in accordance with article V, division 3 of this chapter:
- a. Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
  - b. Other uses as listed in section 62-501

(Ord. No. 62, § 14.1, 4-11-1989)

**Sec. 62-423. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the I-1 light industrial district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided in this division.

(Ord. No. 62, § 14.2, 4-11-1989)

**Sec. 62-424. Parking regulations.**

In the I-1 light industrial district, off-street parking requirements shall be provided in accordance with the specific uses set forth in article V, division 4 of this chapter.

(Ord. No. 62, § 14.3, 4-11-1989)

**Secs. 62-425—62-450. Reserved.**

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FOOTNOTE(S):

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--- (7) ---

**Cross reference**— Business regulations, ch. 14 ([Back](#))

**DIVISION 9. I-2 HEAVY INDUSTRIAL DISTRICT <sup>[8]</sup>**

[Sec. 62-451. General purpose and description.](#)

[Sec. 62-452. Use regulations.](#)

[Sec. 62-453. Area; yard; height; lot coverage; and building size requirements.](#)

[Sec. 62-454. Parking regulations.](#)

[Secs. 62-455- 62-480. Reserved.](#)

**and description.**

established to accommodate most industrial uses and protect  
in incompatible uses which might impede the development and

use of lands for industrial purposes.

(Ord. No. 62, § 15, 4-11-1989)

**Sec. 62-452. Use regulations.**

- (a) Uses permitted in the I-2 heavy industrial district are subject to the following conditions:
- (1) All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the drive-in type, shall be conducted within completely enclosed buildings unless otherwise indicated.
  - (2) All storage within 100 feet of a residential district, except for motor vehicles in an operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
  - (3) The following uses shall be permitted:
    - a. Any use permitted in the I-1 light industrial district.
    - b. Automobile, airplane and other similar assembling.
    - c. Cartage establishments.
    - d. Concrete products, casting, mixing, and manufacturing.
    - e. Electrical appliance and instrument manufacturing.
    - f. Feed mixing and grinding plants.
    - g. Foundry or metal fabrication.
    - h. Jewelry manufacturing.
    - i. Meat product processing.
    - j. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, and heat treatment.
    - k. Motor freight terminals.
    - l. Railroad freight terminals, railroad switching, classification yards, repair shops, and roundhouses.
    - m. Storage of petroleum products, wholesale.
    - n. Tire manufacturing.
    - o. All other facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare, and further provided that the following performance standards and city ordinances are met:
      1. Smoke. No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission.
      2. Particulate matter. No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to the emission of particulate matter.

- glare, or vibration. No emission of these matters shall result in beyond the property line which is detrimental to the public health, fare or which causes injury or damage to property; such emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to emissions.
4. Radiation hazards and electrical disturbances. No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control.
  5. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed 75 decibels permitted for a maximum of 15 minutes in any one hour; such operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise.
  6. Water pollution. No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that safeguards are acceptable to such agency or agencies.
    - p. Other uses as listed in section 62-501
- (4) The following specific uses shall be permitted in the I-2 heavy industrial district when granted in accordance with article V, division 3 of this chapter:
- a. Any use allowed as a specific use in the I-1 light industrial district, unless permitted in subsection (a)(3) of this section.
  - b. Other uses as listed in section 62-501
- (b) Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the city council after a public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this subsection shall be made in accordance with article V, division 3 of this chapter.

(Ord. No. 62, § 15.1, 4-11-1989)

**Sec. 62-453. Area; yard; height; lot coverage; and building size requirements.**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percentage of lot coverage by buildings, and the minimum size of buildings, as pertains to the I-2 heavy industrial district, shall conform with the provisions of section 62-217 and any other applicable regulations as provided in this division.

(Ord. No. 62, § 15.2, 4-11-1989)

**Sec. 62-454. Parking regulations.**

In the I-2 heavy industrial district, required off-street parking shall be provided in accordance with the specific uses set forth in article V, division 4 of this chapter.

(Ord. No. 62, § 15.3, 4-11-1989)



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FOOTNOTE(S):

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--- (8) ---

Cross reference— Business regulations, ch. 14 [\(Back\)](#)

**LEMENTARY DISTRICT REGULATIONS**

- DIVISION 1. - GENERALLY
- DIVISION 2. - USES
- DIVISION 3. - SPECIFIC USE PERMIT
- DIVISION 4. - OFF-STREET PARKING AND LOADING REQUIREMENTS
- DIVISION 5. - HOME OCCUPATIONS
- DIVISION 6. - AREA REQUIREMENTS
- DIVISION 7. - SWIMMING POOLS
- DIVISION 8. - ACCESSORY BUILDING REGULATIONS
- DIVISION 9. - BILLBOARDS

**DIVISION 1. GENERALLY**

[Secs. 62-481- 62-500. Reserved.](#)

**DIVISION 2. USES**

[Sec. 62-501. Use of land and buildings.](#)

[Secs. 62-502- 62-520. Reserved.](#)

**Sec. 62-501. Use of land and buildings.**

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses. Other permitted uses are listed in article IV, division 2 of this chapter, article VI of this chapter and article VII of this chapter for each individual district.

(1) Legend for interpreting schedule of uses.

X	Designates use permitted in district indicated.
—	Designates use prohibited in district indicated.
S	Designates use which may be approved as specific use permit.

(2) Schedule of uses.

**AGRICULTURAL TYPE USES**

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		R-1	R-2	R-3	MH	C	I-1	I-2	FP
Animal feed lot	S								
Animal pound (public or private)	S						X	X	
Auction barn	S					S	S	S	
Garden or orchard	X	X	X				X	X	X
Grain elevator	X							X	
Granary	X						S	X	
Greenhouse or nursery (commercial)	X						X	X	
Hatchery, poultry	S						X	X	
Kennel	S						S	X	

PRIMARY RESIDENTIAL USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Single-family dwelling, detached	X	X	X	X	S				
Single-family dwelling, attached*				X					
Two-family dwelling				X					
Multiple-family dwelling (apartment)				X					
Boardinghouse or roominghouse				X					
Mobile/manufactured home as fixed dwelling	S		X		X	S	S	S	
Mobile home park					X				
Mobile home subdivision					X				
Motel or hotel						X	S	S	
*Minimum of three or more single-family attached dwelling units, provided that no more than seven dwelling units are attached in one continuous row or group and provided that no dwelling unit is placed over another.									

COMMERCIAL, SERVICE USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Alcoholic beverage sales (retail)						X	X	X	
Alcoholic beverage sales (wholesale)						X	X	X	
Antique shop (indoor sales)						X			
Antique shop (outdoor sales)						S			
Appliance, retail sales, service or repair						X			
Art supply store						X			
Bakery or confectionery shop (retail)						X	X	X	
Bank or savings and loan office						X			
Barber or beauty shop	S					X			
Book or stationary shop or newsstand						X			
Building material sales							X	X	
Cabinet or upholstery shop						X	X	X	
Child care center						X			
Cleaners (dry)						X			
Cleaning/dying plant (commercial)						S	X	X	
Clothing/apparel (retail)						X			
Contractor storage or equipment yard							X	X	
Contractor office						X	X	X	
Custom personal service shop						X			
Discount or department store						X			
Drapery, needlework or weaving shop						X			
Drugstore or pharmacy						X			
Florist or garden shop	S					X			
Feed store						X	X	X	



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	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Food (grocery) store					X	X	X	
Flea market					S	S	S	
Furniture store (retail)					X			
Gift and accessory shop					X			
Greenhouse or plant nursery (retail sales)	X				X			
Hobby/handcraft shop					X			
Hardware store					X			
Key/locksmith shop					X			
Laboratory, medical, optical or dental					X			
Laundry and cleaning (self-service)					X			
Machinery sales, storage or repair					X	X	X	
Medical appliances, fitting, sales or rental					X			
Mortuary or funeral home					X			
Medical, optical, or dental laboratory					X	X	X	
Medical, optical, or dental office/clinic					X			
Paint shop (retail)					X	X	X	
Pawnshop					X	X	X	
Pet shop					X			
Plumbing, heating and air conditioning shop					X	X	X	
Print shop					S	X	X	
Restaurant or cafeteria					X	X	X	
Retail shop or store other than listed					X			
Sexually oriented businesses					S	S	S	
Shoe repair/sales					X			
Storage warehouse					S	X	X	

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	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Studio (decorator, artist, photographer)					X			
Studio (health, exercise)					X			
Tailor shop					X			
Tool rental					X			
RV trailer or mobile home sales or rental					X	X	X	
Travel agency					X			
Variety store					X			
Veterinarian office (no outside animals)					X			
Veterinarian office (with outside animals)	X				S	X	X	
Welding or machine shop					S	X	X	

AUTOMOBILE AND RELATED USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Auto glass, seat cover and muffler shop						X	X	X	
Auto painting, body rebuilding shop							X	X	
Auto parts and accessory sales) (indoors)						X			
Auto storage or auto auction						S	X		
Car wash						X	X	X	
Fuel/service station (auto)						X	X	X	
Fuel/service station (truck)						S	X	X	
Motorcycle or scooter sales and repair						X			
New or used auto sales (outdoor lot)						X			
New or used auto sales (indoor lot)						S			

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						S	X	X	
							X	X	
Trailer or auto rental						S	X	X	
Wrecking yard or auto salvage yard									S

TRANSPORTATION RELATED USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Airport or landing field	S					S	S	S	
Bus/train station or terminal						X	X	X	
Hauling or storage company							X	X	
Heliport or helistop	S					S	S	S	
Motor freight terminal							S	X	
Parking lot or structure (commercial-auto)						X	X	X	
Parking lot or structure (commercial-truck)							X	X	

RECREATIONAL AND ENTERTAINMENT USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Amusement, commercial (indoor)						S			
Amusement, commercial (outdoor)						S	X	X	
Bridle, bicycle, or nature trail	X	S	S	S	S				
Country club (private)	X	S	S	S	S	S			
Dance hall/nightclub						S	S	S	
Day camp for children	S			S	S	S			
Drag strip or commercial racing	S							S	

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		R-1	R-2	R-3	MH	C	I-1	I-2	FP
Golf course (public/private)	S	S	S	S	S	S	S	S	S
Park or playground (public)	X	X	X	X	X	X	X	X	X
Playfield or stadium (public)	X					S	X	X	S
Pool/billiard hall						S	X	X	
Private club						S	S	S	
Rodeo grounds	X					S	X	X	
Roller or ice rink						S	X	X	
Swim, tennis or handball club	S	S	S	S	S	S	S	S	
Swimming pool (home)	X	X	X	X	X	X	X	X	X
Swimming pool	X	S	S	S	S	X	S	S	S
Theater or playhouse (in building)						S			
Theater (open drive-in)						S	X	X	
Zoo (private)	S								S
Zoo (public)	S								S

INSTITUTIONAL AND SPECIAL USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Art gallery or museum	S				S	X			
Cemetery or mausoleum	S					S	S	S	
Church or rectory	X	S	S	S	S	X	S	S	
College or university	S	S	S	S	S	S	S	S	
Community center (public)	S	S	S	S	S	X	S	S	
Convent or monastery	S	S	S	S	S	X	S	S	
Fairgrounds or exhibition area	S					S	S	X	
Fraternal organization, lodge, or union hall				S		X	S	S	
Home for aged, residence				X		X	S	S	
Hospital (acute care)						X	S	S	
Hospital (chronic care)				S		X	S	S	
Institution for alcoholic, narcotic or psychiatric patients						S			
Institution of religious, charitable, or philanthropic nature						S			
Kindergarten or nursery school				S	S	X			
School, business						X			
School, commercial trade						X	X		
School, public or denominational	S	S	S	X	S	X			

UTILITY AND SERVICE USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Broadcasting facilities						S	X	X	
Cable television/telephone lines	X	X	X	X	X	X	X	X	X
Electrical substation/towers	S					S	X	X	

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	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Electrical transmission lines and poles	X	X	X	X	X	X	X	X	X
Fire, police or municipal building	X	S	S	S	S	X	X	X	
Gas regulating station	S						S	S	S
Gas service line	X	X	X	X	X	X	X	X	X
Gas transmission main	S						S	S	S
Utility line (water/sewer/storm)	X	X	X	X	X	X	X	X	X
Post office	S					X	X	X	
Radio, television or microwave tower	S					S	X	X	
Radio or television transmitting station	S					S	X	X	
Sewage pumping station	X	X	X	X	X	X	X	X	X
Sewage treatment plant	S						X	X	X
Telephone exchange, switching, relay or transmitting station	X	S	S	S	S	X	X	X	X
Utility business office						X			
Utility shops, storage yards or buildings (public or private)	S					S	X	X	X
Water reservoir, well or pumping station	X	S	S	S	S	X	X	X	X
Water stand pipe or elevated water storage	X	S	S	S	S	X	X	X	X
Water treatment plant	S	S	S	S	S	S	X	X	S

GENERAL MANUFACTURING AND INDUSTRIAL USES

See uses as listed in article IV, divisions 8 and 9 of this chapter.

SPECIAL INDUSTRIAL PROCESSES\*

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Asphalt or concrete batching plant (permanent)						S	X	X	

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							S	S	S	S
Brick kiln or tile plant								X	X	
Cement or hydrated lime plant								X	X	
Dump or sanitary landfill	S								S	
Slaughterhouse or meat packing plant								S	S	
Smelter, refinery or chemical plant								S	S	
*Any use which could potentially create a problem to the environment due to emissions, visual quality, odor, noise, hazard or similar factors.										

RESOURCE STORAGE AND EXTRACTION USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Caliche pit and caliche storage	S								S
Mining and storage of mining waste	S								S
Oil/petroleum storage and wells	S						S	X	S
Sand or gravel extraction or storage	S								S
Topsoil, earth, clay or stone extraction or storage	S								S

ACCESSORY AND INCIDENTAL USES

	A	R-1	R-2	R-3	MH	C	I-1	I-2	FP
Accessory building (residential)	X	X	X	X	X				
Accessory building (business or industry)	X					X	X	X	
Accessory building (farm)	X								
Off-street parking incidental to main use	X	X	X	X	X	X	X	X	X
Stable (private)	X	S	S						X
Tennis court (private)	X	S	S	X	X	X	X		X

(Ord. No. 62, § 19, 4-11-1989)

**Secs. 62-502—62-520. Reserved.**



### **N 3. SPECIFIC USE PERMIT**

[Sec. 62-521. General provisions.](#)

[Sec. 62-522. Specific use permit regulations.](#)

[Secs. 62-523- 62-540. Reserved.](#)

#### **Sec. 62-521. General provisions.**

After proper notice and a public hearing, the city council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. An application for a specific use permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The city council may require information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed.

(Ord. No. 62, § 20.1, 4-11-1989)

#### **Sec. 62-522. Specific use permit regulations.**

- (a) In recommending that a specific use permit for the premises under consideration be granted, the city council shall determine that such uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings.
- (b) In granting a specific use permit, the city council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such specific use permit; and such conditions precedent to the granting of the certificate of occupancy.
- (c) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the city council. No public hearing is necessary for site plan approval.
- (d) Whenever regulations or restrictions imposed by this chapter are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

Upon granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and such amendment is to indicate the appropriate zoning district for the approved use and suffixed by the designation "SUP."

(Ord. No. 62, § 20.2, 4-11-1989)

**Secs. 62-523—62-540. Reserved.**

#### **DIVISION 4. OFF-STREET PARKING AND LOADING REQUIREMENTS <sup>91</sup>**

[Sec. 62-541. Purpose.](#)

[Sec. 62-542. Special off-street parking provisions for residential districts.](#)

[Sec. 62-543. Off-street loading space for all districts.](#)

[Sec. 62-544. Schedule of parking requirements based on use.](#)

[Sec. 62-545. Rules for computing number of parking spaces.](#)

[Sec. 62-546. Location of parking spaces.](#)

[Sec. 62-547. Use of parking spaces in all districts.](#)

[Secs. 62-548. 62-570. Reserved.](#)

#### **Sec. 62-541. Purpose.**

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions of this division.

(Ord. No. 62, § 21, 4-11-1989)

#### **Sec. 62-542. Special off-street parking provisions for residential districts.**

The following special off-street parking provisions shall apply in the residential districts:

- (1) All required parking spaces shall be located behind the required front setback line in the residential districts.
- (2) Required off-street parking shall be provided on the same site as the use it is to serve.
- (3) No parking shall be allowed except on a paved concrete, asphalt or gravel parking space.

(Ord. No. 62, § 21.1, 4-11-1989)

**Sec. 62-543. Off-street loading space for all districts.**

The following off-street loading space requirements shall apply to all districts:

- (1) All retail, commercial and industrial structures having 3,000 square feet or more of gross floor area, either in the building or lot, shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one space for each 20,000 square feet of gross floor area. A loading space shall consist of an area of a minimum of ten feet by 25 feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- (2) Kindergartens, day schools and similar child training and care establishments shall provide paved off-street loading and unloading spaces on a private drive to accommodate one motor vehicle for each ten students or children cared for by the establishment.
- (3) Uses not listed in section 62-541 shall provide required off-street parking according to the most similar use listed in section 62-541, as determined by the city council.
- (4) Loading docks and areas shall be located within the building or on the lot adjacent to a public alley or private service drive.

(Ord. No. 62, § 21.2, 4-11-1989)

**Sec. 62-544. Schedule of parking requirements based on use.**

In all districts, there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements:

- (1) Bowling alleys, four parking spaces for each alley or lane.
- (2) Business or professional offices, (general), one space per 300 square feet of gross floor area.
- (3) Church or other place of worship, one parking space for each four seats in the main auditorium.
- (4) High school, college or university, one space per each three students accommodated in the institution.
- (5) Library, museum or art gallery, one parking space for each 300 square feet of floor area.
- (6) Commercial amusement, 30 spaces plus one space for each 100 square feet of floor area over 2,000 square feet.
- (7) Day nursery, 1.5 spaces per teacher.
- (8) Bank, savings and loan, one space for each 300 square feet of floor area.
- (9) Dwelling, single-family, two spaces per dwelling.
- (10) Dwelling, two-family, two spaces per dwelling.
- (11) Dwellings, multifamily, 2.5 spaces per unit.
- (12) Dwelling, single-family attached, two spaces per dwelling and an additional half space per unit for guest parking within the development.
- (13) Mobile home subdivision, two spaces per stand or lot.
- (14) Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service, one parking space for each 400 square feet of floor area.
- (15) Gasoline station, minimum of four spaces.
- (16) Hospital, 1.5 spaces per each bed.

with sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein.

- (18) Lodge, or fraternal organization, 1.25 spaces per 200 square feet.
- (19) Manufacturing or industrial establishment, processing or repairing, one parking space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
- (20) Medical or dental office, one space per 300 square feet of floor area.
- (21) Mini-warehouse, four spaces per complex plus one space per 5,000 square feet of storage area.
- (22) Mobile home park, three spaces for each mobile home plus additional spaces as required in this division for accessory uses.
- (23) Mortuary or funeral home, one parking space for each two persons normally accommodated in service.
- (24) Motel, one parking space for each sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein.
- (25) Motor vehicle salesrooms and used car lots, one parking space for each 500 square feet of sales floor for indoor uses, or one parking space for each 1,000 square feet of lot area for outdoor uses.
- (26) Nursing home, one space per four beds.
- (27) Private club, country club or golf club, one parking space for each 150 square feet of floor area or for every five members, whichever is greater.
- (28) Retail store or personal service establishment, except as otherwise specified in this division, one space per 200 square feet of gross floor area.
- (29) Restaurant, cafe or similar recreation or amusement establishment, one parking space for every three seats under maximum seating arrangement.
- (30) Roominghouse or boardinghouse, one parking space for each sleeping room.
- (31) Sanitarium, convalescent home, home for the aged or similar institution, one parking space for each six beds.
- (32) School, elementary or junior, one parking space for each four seats in the auditorium or main assembly room and one space for each classroom.
- (33) Theater, auditorium (except school), sports arena, stadium or gymnasium, one parking space for each three seats or bench seating spaces.
- (34) Warehouse, wholesale, manufacturing and other industrial type uses, one space for 1,000 square feet of gross floor area or one space per two employees.
- (35) Golf course, minimum of 30 parking spaces.

(Ord. No. 62, § 21.3, 4-11-1989)

**Sec. 62-545. Rules for computing number of parking spaces.**

In computing the number of parking spaces required for each of the uses listed in section 62-544, the following rules shall govern:

- (1) The term "floor area" shall mean the gross floor area of the specific use.
- (2) Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
- (3) The parking space requirement for a use not specifically mentioned in this division shall be the same as required for a use of a similar nature.
- (4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(Ord. No. 62, § 21.4, 4-11-1989)

**Sec. 62-546. Location of parking spaces.**

All parking spaces required in this division shall be located on the same lot with the building or use served, except as follows:

- (1) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not more than 300 feet from an institutional building served and not more than 300 feet from any other nonresidential building served.
- (2) Not more than 50 percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than 80 percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.
- (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit.

(Ord. No. 62, § 21.5, 4-11-1989)

**Sec. 62-547. Use of parking spaces in all districts.**

Required off-street parking and loading spaces shall be used only for the purposes listed in this division and shall not be used for the storage or display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

(Ord. No. 62, § 21.6, 4-11-1989)

**Secs. 62-548—62-570. Reserved.**

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FOOTNOTE(S):

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## DIVISION 5. HOME OCCUPATIONS <sup>[10]</sup>

[Sec. 62-571. Purpose.](#)

[Sec. 62-572. General provisions.](#)

[Sec. 62-573. Use regulations.](#)

[Sec. 62-574. Limitations.](#)

[Secs. 62-575- 62-600. Reserved.](#)

### **Sec. 62-571. Purpose.**

The purpose of this division is to permit the conduct of some home occupations within residential districts which are compatible with the neighborhoods in which they are located. Some home occupations are a permitted accessory use in a residential district and are subject to the requirements of that district in which the use is located, in addition to the provisions of this division.

(Ord. No. 62, § 22, 4-11-1989)

### **Sec. 62-572. General provisions.**

The following general provisions shall apply to home occupations:

- (1) Only the member of the immediate family occupying the dwelling shall be engaged in the home occupation;
- (2) The home occupation shall be conducted only within the enclosed area of the dwelling unit, garage, or accessory structures. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises;
- (3) There shall be no exterior alterations which change the character of the dwelling unit and/or exterior evidence of the home occupation other than those signs permitted in the district;
- (4) No use shall create smoke, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use within the district;
- (5) The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district;
- (6) No home occupation shall cause a significant increase in the use of any utilities, or generate trash or refuse beyond the average of the residences in the neighborhood; and
- (7) No more than one advertising sign with a maximum of four square feet of a nonilluminating nature may be placed on the premises.

(Ord. No. 62, § 22.1, 4-11-1989)

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which can often be conducted within the limits of this division.  
omatically qualify as a home occupation, nor does this listing

limit the uses which may qualify as home occupations:

- (1) Accountant;
  - (2) Artist;
  - (3) Author;
  - (4) Child care (no more than 12 children);
  - (5) Consultant;
  - (6) Handicrafts;
  - (7) Music/art instruction;
  - (8) Notary;
  - (9) Sewing; and
  - (10) Tutor.
- (b) The following uses are incompatible with residential neighborhoods and thereby impair the character of residential areas. Therefore, these uses shall not be permitted as accessory uses in residential districts:
- (1) Auto repair;
  - (2) Barber/beauty shop;
  - (3) Child care (more than 12 children);
  - (4) Painting/bodywork on vehicles or boats;
  - (5) Television/appliance repair; and
  - (6) Welding.

(Ord. No. 62, § 22.2, 4-11-1989)

**Sec. 62-574. Limitations.**

The city council shall interpret the provisions of this division to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial or industrial zones of this chapter.

(Ord. No. 62, § 22.3, 4-11-1989)

**Secs. 62-575—62-600. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Business regulations, ch. 14 ([Back](#))

**N 6. AREA REQUIREMENTS**

[Sec. 62-601. Lot regulations.](#)

[Sec. 62-602. Front yards.](#)

[Sec. 62-603. Side yards.](#)

[Sec. 62-604. Rear yards.](#)

[Secs. 62-605- 62-630. Reserved.](#)

**Sec. 62-601. Lot regulations.**

- (a) Lot area. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required in article IV of this chapter which was an official lot of record prior to the adoption of the ordinance from which this chapter is derived may be used for a one-family dwelling and no lot existing at the time of passage of the ordinance from which this chapter is derived shall be reduced in area below the minimum requirements set forth in the respective district.
- (b) Location of dwellings and buildings. Only one main building for one-family and two-family use with permitted accessory buildings may be located upon a lot or unplatted tract. More than one main building for multifamily, commercial, or industrial use may be located on a lot or unplatted tract. Each building shall face or front on a public street, other than an alley, and shall have at least one means of access to such street with a minimum width of 25 feet. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the city council 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.
- (c) Public sewer systems. The minimum lot areas only apply to those properties served by public sewer systems. For those properties unserved by public sewer systems, compliance with minimum standards established by the state for private sewer systems is required.

(Ord. No. 62, § 23.1, 4-11-1989)

**Sec. 62-602. Front yards.**

- (a) On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).
- (b) Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- (c) Where a building line has been established by a plat approved by the city council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by article IV of this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such article or plat provided no such building line shall be less than 25 feet (except as approved by PD).
- (d) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet and subsurface structures, platforms or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard.



ning through from one street to another, a required front yard  
ss a building line for accessory buildings has been established  
ordinance, in which event only one required front yard need be

observed.

- (f) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection. On any corner lot for which front and side yards are required in this division, no wall, fence, structure, sign, tree, or other planting or slope terrace or embankment may be maintained higher than three feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point 30 feet back from the right-of-way corner.
- (g) Gasoline service station pump islands may not be located nearer than 18 feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten feet to the property line.
- (h) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way line.

(Ord. No. 62, § 23.2, 4-11-1989)

#### **Sec. 62-603. Side yards.**

- (a) Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted in this division; the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than 12 inches into the required side yard; and roof eaves projecting not more than 36 inches into the required side yard. Balconies shall not project into the required side yard.
- (b) For multifamily structures in the R-3 and PD districts, a minimum side yard, or space between adjoining buildings, shall be 30 feet between building walls when such walls have openings for windows and access, and 20 feet when no openings exist.
- (c) When a nonresidentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of 25 feet shall be provided on the nonresidential property. An opaque wood fence or masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side (or rear) property line.

(Ord. No. 62, § 23.3, 4-11-1989)

#### **Sec. 62-604. Rear yards.**

Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet. Balconies shall not project into the required rear yard.

(Ord. No. 62, § 23.4, 4-11-1989)

#### **Secs. 62-605—62-630. Reserved.**

## **DIVISION 7. SWIMMING POOLS**

[Sec. 62-633. Requirements.](#)

[Secs. 62-634- 62-650. Reserved.](#)

**Sec. 62-631. Purpose.**

It is the purpose of the provisions of this division to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the 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.

(Ord. No. 62, § 23.5, 4-11-1989)

**Sec. 62-632. 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.

(Ord. No. 62, § 23.5(A), 4-11-1989)

**Sec. 62-633. Requirements.**

A swimming pool may be constructed and operated when:

- (1) The pool is not located in any required front or side yard abutting a street;
- (2) A wall or fence, not less than six feet in height, with self-enclosing and 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 an 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 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 swimmers; and
- (5) The swimming pool is no closer than eight feet from any property line.

(Ord. No. 62, § 23.5(B), 4-11-1989)

**Secs. 62-634—62-650. Reserved.**

**DIVISION 8. ACCESSORY BUILDING REGULATIONS <sup>[11]</sup>**

[Sec. 62-651. Defined.](#)

[Sec. 62-652. Maximum height.](#)

**Sec. 62-651. Defined.**

In a residential or apartment district, an accessory building is a subordinate building exceeding 120 square feet of floor area, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented. In other districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

(Ord. No. 62, §§ 24.1, 24.2, 4-11-1989)

**Cross reference**— Definitions generally, § 1-2

**Sec. 62-652. Maximum height.**

No accessory building shall exceed 25 feet in height, nor shall it be greater in height than the main structure.

(Ord. No. 62, § 24.3, 4-11-1989)

**Sec. 62-653. Area regulations for accessory buildings in residential districts.**

The size of yards for accessory buildings in residential districts shall be as follows:

- (1) Front yard. Attached front accessory buildings shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear or side yard.
- (2) Side yard. There shall be a side yard not less than five feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than 15 feet.
- (3) Rear yard. There shall be a rear yard not less than ten feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described shall not be located closer than 15 feet to the main building nor nearer than five feet to any side lot line.
- (4) Garage. Any garage constructed in a residential district shall be set back not less than 15 feet from any street or alley line on which it faces.

(Ord. No. 62, § 24.4, 4-11-1989)

**Secs. 62-654—62-670. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Buildings and building regulations, ch. 10 ([Back](#))

**DIVISION 9. BILLBOARDS**

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[Sec. 62-671. Definitions.](#)

[Sec. 62-672. Unlawful; exception.](#)

[Secs. 62-673- 62-690. Reserved.](#)

**Sec. 62-671. Definitions.**

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

**Billboard** sign means an outdoor advertising display sign having one or more spaces to display advertising copy which is leased or rented and does not advertise the principal business located on such premises.

**Changeable electronic variable message sign (CEVMS)** shall mean a sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity or color at all times which such sign is in use, including an LED (light emitting diode) or digital sign and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

**Off-premise sign** shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

**On premise sign** shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

**Sign Code Application Area** shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

(Ord. No. 104, art. 1, 5-12-1998; Ord. No. 109, art. 1, 1-12-1999)

**Cross reference**— Definitions generally, § 1-2

**Sec. 62-672. Unlawful; exception.**

- (a) No billboard sign shall be erected or installed in the city. However, all billboard signs existing on January 12, 1999, shall be permitted.
- (b) **Prohibition of New Off-premise Signs.** From and after the effective date, no new construction permit shall be issued for the erection of a new off-premises CEVMS or the conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the Sign Code Application Area..
- (c) In case any sign shall be installed, erected, or constructed in violation of any terms of this Code, the mayor or designated building official shall notify, by registered mail or written notice served personally, the owner or lesser thereof to alter such sign as to comply with this Code or the zoning regulations of this chapter and to secure the necessary permit therefor, or to remove the sign. If such order is not complied with within ten days, the mayor or building official shall cause the removal of such sign at the expense of the owner or lessee thereof.

## ARTICLE VI. PD PLANNED DEVELOPMENT DISTRICT

[Sec. 62-691. General purpose and description.](#)

[Sec. 62-692. Permitted uses.](#)

[Sec. 62-693. Development standards.](#)

[Sec. 62-694. Required plans.](#)

[Sec. 62-695. Written reports.](#)

[Sec. 62-696. Reference on zoning district map.](#)

[Secs. 62-697- 62-730. Reserved.](#)

### **Sec. 62-691. General purpose and description.**

The PD planned development district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this article is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD planned development district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established in this article to ensure against misuse of the increased flexibility.

(Ord. No. 62, § 16, 4-11-1989)

### **Sec. 62-692. Permitted uses.**

Any use specified in this article granting a planned development district shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this article.

(Ord. No. 62, § 16.1, 4-11-1989)

### **Sec. 62-693. Development standards.**

- (a) Development standards for each separate planned development district shall be set forth in the ordinance granting the planned development district and may include, but shall not be limited to, uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the city council may deem appropriate.
- (b) In the planned development district, the particular district(s) to which uses specified in the planned development are most similar shall be stated in the granting ordinance. All planned development applications shall list all requested variances from the standard requirements set forth throughout this article (applications without this list will be considered incomplete).

development district shall include a statement as to the purpose  
ent granted wherein. A specific list is required of variances in  
statement for citing the reason for the planned development

request.

- (d) The planned development district shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.
- (e) The minimum acreage for a planned development district shall be three acres.

(Ord. No. 62, § 16.1, 4-11-1989)

### **Sec. 62-694. Required plans.**

In establishing a planned development district in accordance with this article, the city council shall approve and file as part of the amending ordinance appropriate plans and standards for each planned development district. During the review and public hearing process, the city council shall require a conceptual plan and a development plan (or detailed site plan).

- (1) Conceptual plan. This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.
  - a. A conceptual plan for residential land use shall show general use, thoroughfares and preliminary lotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.
  - b. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the city council, may include, but is not limited to, the types of use(s), topography and boundary of the planned development area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
  - c. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detailed site plan conforms to the original concept plan the city council shall review the request and render judgement as to the conformity.
- (2) Development plan or detailed site plan. This plan shall set forth the final plans for development of the planned development district and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. For any district R-1- R-31, a final plat shall qualify as the development plan. The development plan may be submitted for the total area of the planned development or for any section or part as approved on the conceptual plan. The development plan must be approved by the city council. A public hearing on approval of the development plan shall be required at the council level, unless such a hearing is waived pursuant to subsection (3) of this section at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

cluding a scale drawing showing existing vegetation, natural bodies of water and an analysis of planned changes in such of the development. This should include a delineation of any

floodprone areas.

- b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.
  - c. A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
  - d. A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.
  - e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the city council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.
- (3) Supplemental data. All development plans may have supplemental data describing standards, schedules or other data pertinent to the development of the planned development district which is to be included in the text of the amending ordinance. The procedure for establishing a planned development district shall follow the procedure for zoning amendments as set forth in article II, division 5 of this chapter. This procedure is expanded as follows for approval of conceptual and development plans:
- a. Separate public hearings shall be held by the city council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the city council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
    1. The applicant submits adequate data with the request for the planned development district to fulfill the requirements for both plans;
    2. Information on the concept plan is sufficient to determine the appropriate use of the land and the detailed site plan will not deviate substantially from it; and
    3. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
  - b. The ordinance establishing the planned development district shall not be approved until the conceptual plan is approved.
    1. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the city council for the initial and subsequent sections will be required.
    2. An initial development plan shall be submitted for approval within six months from the approval of the conceptual plan or some portion of the concept plan. If the development plan is not submitted within six months, the conceptual plan is subject to reapproval by the city council. If the entire project is not completed within two years, the city council may review the original concept plan to ensure its continued validity.

r the public hearing is waived for the development plan,  
ncil is still required.

(Ord. No. 62, § 16.2, 4-11-1989)

**Sec. 62-695. Written reports.**

When a planned development is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the city council.

(Ord. No. 62, § 16.3, 4-11-1989)

**Sec. 62-696. Reference on zoning district map.**

All planned development districts approved in accordance with the provisions of this article in its original form, or by subsequent amendment thereto, shall be referenced on the zoning district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained by the city at city hall.

(Ord. No. 62, § 16.4, 4-11-1989)

**Secs. 62-697—62-730. Reserved.**

**ARTICLE VII. FP FLOODPLAIN DISTRICT**

[Sec. 62-731. General purpose and description.](#)

[Sec. 62-732. Permitted uses.](#)

[Sec. 62-733. Approval of city council required.](#)

**Sec. 62-731. General purpose and description.**

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding, portions of certain districts are designated with a floodplain prefix FP. Areas designated on the zoning district map by an FP prefix shall be subject to the provisions of this article.

(Ord. No. 62, § 17, 4-11-1989)

**Sec. 62-732. Permitted uses.**

The permitted uses in that portion of any district having a floodplain (FP) prefix shall be limited to the following:

- (1) Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
- (2) Off-street parking incidental to any adjacent main use permitted in the district.
- (3) Private open space as part of a planned residential development.





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ities installed, operated and maintained by public agencies for

(5) Other uses as listed in section 62-501

(Ord. No. 62, § 17.1, 4-11-1989)

### **Sec. 62-733. Approval of city council required.**

No building or structure shall be erected in that portion of any district designated with a floodplain FP prefix until and unless such building or structure has been approved by the city council after engineering studies have been made, and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of floodwaters and that such construction would not endanger the value and safety of other property or the public health and welfare.

(Ord. No. 62, § 17.2, 4-11-1989)



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## APPENDIX A FRANCHISES <sup>11</sup>

[Sec. 1. \[Grant of franchise.\]](#)

[Sec. 2. \[General duties of company.\]](#)

[Sec. 3. \[Excavations.\]](#)

[Sec. 4. \[Authority and rights of company.\]](#)

[Sec. 5. \[Extension of mains.\]](#)

[Sec. 6. \[Deposits.\]](#)

[Sec. 7. \[Rights deemed nonexclusive.\]](#)

[Sec. 8. \[Company to maintain property.\]](#)

[Sec. 9. \[Payments to town.\]](#)

[Sec. 10. \[Effect on previous franchises.\]](#)

[Sec. 11. \[Acceptance of franchise.\]](#)

[Sec. 1. \[Rate change.\]](#)

[Sec. 2. \[Continuation of existing franchise.\]](#)

[Sec. 3. \[Effective date.\]](#)

[Sec. 4. \[Meeting deemed lawful.\]](#)



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**Sec. 2. [General duties of company.]**

**Sec. 3. [Excavations.]**

**Sec. 4. [Authority and rights of company.]**

**Sec. 5. [Extension of mains.]**

**Sec. 6. [Deposits.]**

**Sec. 7. [Rights deemed nonexclusive.]**

**Sec. 8. [Company to maintain property.]**

**Sec. 9. [Payments to town.]**

**Sec. 10. [Effect on previous franchises.]**

**Sec. 11. [Acceptance of franchise.]**

**Sec. 1. [Rate change.]**

**Sec. 2. [Continuation of existing franchise.]**

**Sec. 3. [Effective date.]**

**Sec. 4. [Meeting deemed lawful.]**

ARTICLE I. - TELEPHONE

ARTICLE II. - ELECTRIC

ARTICLE III. - ANGUS WATER SUPPLY CORPORATION

ARTICLE IV. - GAS

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FOOTNOTE(S):

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--- (1) ---

**Cross reference**— Business regulations, ch. 14; streets, sidewalks and other public places, ch. 42; zoning, ch. 62 ([Back](#))



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## CODE OF ORDINANCES

### TICLE I. TELEPHONE [121](#)

#### ORDINANCE NO. 75

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An ordinance whereby the City of Angus, Texas, and Southwestern Bell Telephone Company agree that, for the purpose of operating its telecommunications business, the telephone company shall maintain and construct its poles, wires, anchors, fiber, cables, manholes, conduits and other physical plant and appurtenances in, along, across, on, over, through, above and under all public streets, avenues, highways, alleys, sidewalks, bridges or public property in said city; prescribing the annual compensation due the city under this ordinance; prescribing the conditions governing the use of public rights-of-way and the performance of certain construction work on public rights-of-way for the telephone company's telecommunications business; providing an indemnity clause; specifying governing laws; providing for a release of all claims under prior ordinances; providing for future contingencies; providing for written acceptance of this ordinance by the telephone company; and providing for a term and an effective date.

Whereas, Southwestern Bell Telephone Company (hereinafter referred to as the "telephone company") is now and has been engaged in the telecommunications business in the State of Texas and in furtherance thereof, has erected and maintained certain items of its physical plant in the City of Angus, Texas, (hereinafter referred to as the "city") for many years pursuant to such rights as have been granted it by and under the laws of the State of Texas, and subject to the reasonable exercise of the police powers granted by and under said laws to the city; and

Whereas, the telephone company has operated its telecommunications business in the city under successive ordinances of the city, the last of which was Ordinance Number 7, adopted November 6, 1972, which provided compensation to the city for the superintendence of that agreement based upon a percentage of gross receipts received by the telephone company from certain local services rendered within the corporate limits of the city; and

Whereas, it is recognized by the parties that changes in the telecommunications industry, changes in technology, changes in state and federal law, and changes in the accounting practices mandated by the uniform system of accounts promulgated by the Federal Communications Commission ("FCC"), along with regulatory requirements of the Texas Public Utility Commission ("PUC"), have caused the traditional method of determining the amount of compensation to municipalities to become administratively impractical for telecommunications utilities. In order to resolve these issues in a manner satisfactory to both the city and the telephone company, the city and the telephone company have chosen the method of determining the amount of compensation provided for in this ordinance to eliminate the expense and time related to audits, to achieve administrative simplicity, to provide the city with predictable revenues and an opportunity for growth and to avoid the expense and delays of litigation which could be necessary to resolve any issues in controversy between the parties; and

Whereas, it is to the mutual advantage of both the city and the telephone company that an agreement should be entered into between the telephone company and the city establishing the conditions under which the telephone company shall maintain and construct its physical plant in the city in the future;

of the board of aldermen of the City of Angus, Texas, that:

- [Sec. 1. Purpose.](#)
- [Sec. 2. Additional authority required.](#)
- [Sec. 3. Definitions.](#)
- [Sec. 4. Term.](#)
- [Sec. 5. Supervision by city of location of poles and conduits.](#)
- [Sec. 6. Attachments to poles and space in ducts.](#)
- [Sec. 7. Streets to be restored to preexisting condition.](#)
- [Sec. 8. Temporary rearrangement of aerial wires.](#)
- [Sec. 9. Tree trimming.](#)
- [Sec. 10. Indemnity.](#)
- [Sec. 11. Administration of ordinance.](#)
- [Sec. 12. Compensation to the city.](#)
- [Sec. 13. Assignment of ordinance.](#)
- [Sec. 14. Mutual releases.](#)
- [Sec. 15. Repeal of conflicting ordinances and agreements.](#)
- [Sec. 16. Future contingency.](#)
- [Sec. 17. Governing law.](#)
- [Sec. 18. Acceptance of agreement and effective date.](#)

### **Sec. 1. Purpose.**

Pursuant to the laws of the State of Texas and this ordinance, the telephone company has the nonexclusive right and privilege to use the public rights-of-way in the city for the operation of a telecommunications system subject to the restrictions set forth herein. The telephone company may use such rights-of-way for its telecommunications facilities. The telephone company's facilities and transmission media used in or incident to the provision of telecommunications service and to the maintenance of a telecommunications business by the telephone company in the city shall remain as now constructed, subject to such changes as under the conditions prescribed in this ordinance may be considered necessary to the public health and safety by the city in the exercise of its lawful police powers and such changes and extensions as may be considered necessary by the telephone company in the pursuit of its telecommunications business. The terms of this ordinance shall apply throughout the city, and to all operations of the telephone company within the city, and shall include all operations and facilities used in whole or in part in the provision of telecommunications services in newly annexed areas upon the effective date of any annexation.

### **Sec. 2. Additional authority required.**

The telephone company is not authorized to provide cable television service as a cable operator in the city under this ordinance, but must first obtain a franchise from the city for that purpose, under such terms and conditions as may be required by law.

, the following words and terms shall have the definitions and

- (a) Facilities means all telephone company duct spaces, manholes, poles, conduits, underground and overhead passageways, and other equipment, structures and appurtenances and all associated transmission media.
- (b) Use means any telephone company acquisition, construction, reconstruction, maintenance or operation of any facilities in, over, under, along, through or across the public rights-of-way for any purpose whatsoever.
- (c) City means the City of Angus, Texas.
- (d) Rights-of-way means all present and future streets, avenues, highways, alleys, bridges and public property within the city limits of the city.
- (e) Direction of the city means all ordinances, laws, rules, and regulations of the city now in force or that may hereafter be passed and adopted which are not inconsistent with this ordinance.
- (f) Transmission media means all telephone company cables, fibers, wires or other physical devices used to transmit and/or receive communication signals, whether analog, digital or of other characteristics, and whether for voice, data or other purposes.
- (g) Nonexclusive means no rights agreed to in this ordinance by the city shall be exclusive, and the city reserves the right to grant franchises, licenses, easements or permissions to use the public rights-of-way within the city to any person or entity as the city, in its sole discretion, may determine to be in the public interest.
- (h) Telephone company means the Southwestern Bell Telephone Company.

#### **Sec. 4. Term.**

This ordinance shall be in force and in effect from October 1, 1997, through September 30, 1998, unless earlier terminated pursuant to section 16, provided that at the expiration of this initial period, such term shall be automatically extended for successive periods of one year, unless written notice of intent to terminate this agreement is given by either party not less than 90 days prior to the termination of the then current period. When such notice is given, this agreement shall terminate at the expiration of the then current period.

(Ord. No. 101, § 1, 9-9-1997)

#### **Sec. 5. Supervision by city of location of poles and conduits.**

All poles placed shall be of sound material and reasonably straight, and shall be set so that they will not interfere with the flow of water in any gutter or drain, and so that the same will not unduly interfere with ordinary travel on the streets or sidewalks. The location and route of all poles, stubs, guys, anchors, conduits, fiber and cables placed and constructed by the telephone company in the construction and maintenance of its telecommunications system in the city shall be subject to the lawful, reasonable and proper control and direction of the city.

#### **Sec. 6. Attachments to poles and space in ducts.**

Nothing contained in this ordinance shall be construed to require or permit any pole attachments for electric light or power wires or communications facilities or systems not provided by the telephone company to be attached to the telephone company's poles or other physical plant or placed in the telephone company's conduit. If the city desires pole attachments for electric light or power wires or communications facilities or systems not provided by the telephone company, or if the city desires to place communications facilities or systems not provided by the telephone company in any telephone company duct, then a further separate, noncontingent agreement shall be prerequisite to such

by the city. Nothing contained in this ordinance shall obligate or exercising its rights voluntarily to enter into pole attachment, pole space or facilities agreements with light and/or power companies or with other wire-using companies which are authorized to operate within the city.

### **Sec. 7. Streets to be restored to preexisting condition.**

The surface of any public street, avenue, highway, alley or public place disturbed by the telephone company in the construction or maintenance of its telecommunications system shall be restored within a reasonable time after the completion of the work to as good a condition as before the commencement of the work. Should the city reasonably determine, within one year from the date of such restoration, that such surface requires additional restoration work to place it in as good a condition as before the commencement of the work, the telephone company shall perform such additional restoration work to the reasonable satisfaction of the city. No public street, avenue, highway, alley or public place shall be encumbered for a longer period than shall be reasonably necessary to execute all work.

### **Sec. 8. Temporary rearrangement of aerial wires.**

Upon request, the telephone company shall remove or raise or lower its aerial wires, fiber or cables temporarily to permit the moving of houses or other bulky structures. The expense of such temporary rearrangements shall be paid by the party or parties requesting them, and the telephone company may require payment in advance. The telephone company shall be given not less than 48 hours' advance notice to arrange for such temporary rearrangements.

### **Sec. 9. Tree trimming.**

The right, license, privilege and permission is hereby granted to the telephone company, its contractors and agents, to trim trees upon and overhanging the streets, avenues, highways, alleys, sidewalks and public places of the city so as to prevent the branches of such trees from coming in contact with the aerial wires, fiber or cables of the telephone company, and when so directed by the city, said trimming shall be done under the supervision and direction of the city or of any city official to whom said duties have been or may be delegated.

### **Sec. 10. Indemnity.**

The telephone company shall indemnify and hold the city harmless from all costs, expenses (including attorney's fees) and damages to persons or property arising directly or indirectly out of the construction, maintenance or operation of the telephone company's facilities located within the public rights-of-way found to be caused solely by the negligence of the telephone company. This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of the telephone company and the city.

### **Sec. 11. Administration of ordinance.**

- (a) The city may, at any time, make inquiries pertaining to this ordinance and the telephone company shall respond to such inquiries on a timely basis by providing information which is prepared, maintained and available in the ordinary course of business.
- (b) Copies of specifically identified petitions, applications, communications and reports submitted by the telephone company to the Federal Communications Commission or the Public Utility Commission of Texas shall be provided to the city upon request.
- (c) The city may establish, after reasonable notice, such rules and regulations as may be appropriate for the administration of this ordinance and the construction of the telephone company's facilities on city property to the extent permitted by law.

agency, oversight, supervision and regulation of the city's rights-of-way, or as a condition of any lawful tax or license or charge or right-of-way permit fee or inspection fee, whether charged to the telephone company or its contractor(s), or any right-of-way easement or street or alley rental or franchise tax or other character of charge for use and occupancy of the rights-of-way within the city, except the usual general ad valorem taxes, special assessments in accordance with state law or sales taxes now or hereafter levied by the city in accordance with state law, the city hereby imposes a charge upon the gross receipts (as hereinafter defined) of the telephone company. The amount of the charge for the first year this ordinance is in effect shall be \$1,200.00. For the second year the charge shall be \$1,800.00 increased by the growth factor as set forth in paragraph 12(c), if applicable. For the third year the charge shall be calculated by adding \$400.00 to the second year's charge and that sum shall be increased by the growth factor, if applicable. For the fourth and subsequent years while this ordinance remains in effect, the above charge is subject to adjustment by application of the growth factor set out in paragraph 12(c). This adjustment for the growth factor will be made effective as of each anniversary date of this ordinance. In no event shall the charge for subsequent years that this ordinance is in effect be less than the above amount stated for the third year of this ordinance, except as provided in the case of disannexation as set forth in paragraph 12(e), or as provided in section 16 herein.

The telephone company will, according to tariff, bill such charge to the customers billed the customer service charges included within the term "gross receipts," as defined herein. Gross receipts, for purposes of this charge, shall include only customer service charges which meet all four of the following conditions:

- (1) Such charges are for telephone company services provided within the city;
- (2) Such charges are billed through the telephone company's customer records information system ("CRIS");
- (3) Such charges are the recurring charges for the local exchange access rate element specified in the telephone company's tariffs filed with the PUC; and
- (4) Such charges are subject to an interstate end user common line ("EUCL") charge as imposed by the Federal Communications Commission ("FCC").

The telephone company shall adjust its billings to customers to account for any undercollection or overcollection of the charge due the city.

- (b) The charge for each year shall be paid in four equal payments. The dates shall be February 28, May 31, August 31 and November 30, with the first payment under this ordinance due on the last day of the fifth month following the effective date hereof. In the event of any over[collection] or undercollection from customers at the expiration of this ordinance, the telephone company may make a pro rata one-time credit or charge to the customer billing for affected customers who are billed for a service included within gross receipts, as defined in paragraph 12(a). This will be accomplished within 150 days following the date of expiration of this ordinance. If however, it is impractical to credit any overcollection to customers, then such overcollection shall be paid to the city.
- (c) The growth factor shall be calculated by dividing the telephone company's revenues within the corporate limits of the city subject to state sales taxes ("sales tax revenues") for the 12-month period ending three months prior to the next anniversary date of this ordinance by the sales tax revenues for the 12-month period ending three months prior to either the initial effective date or the preceding anniversary date of this ordinance as applicable. The growth factor calculated by the method set forth in the preceding sentence, if greater than one, shall be multiplied by the current year's charge to determine the dollar amount of the charge for the next year. If the growth factor calculated above is one or less, the charge for the next year shall be equal to the current year's charge. The telephone company will adjust its customer billing to account for the growth factor calculated above.

Once the growth factor calculation is completed, the telephone company will provide the city with the sales tax revenues upon which the growth factor calculation was based.



the Texas Comptroller of Public Accounts of state sales taxes which are performed in compliance with V.T.C.A., Tax Code shall be recomputed to reflect any final, nonappealable adjustments made pursuant to an audit finding by the Texas Comptroller of an inaccuracy in the telephone company's reports of revenues subject to state sales taxes. The charge shall be recalculated using the growth factor recomputed as specified in the preceding sentence, and the recalculated charge shall be used for all future calculations required by this ordinance. Any overpayment or underpayment resulting from such recalculation shall be subtracted from or added to the first installment due the following year. If any overpayment or underpayment shall be due during the final year of this ordinance, then payment shall be made as follows. In the case of overpayment by the telephone company, the city shall pay such overpayment to the telephone company within 150 days following the expiration of this ordinance and, in the case of underpayment by the telephone company, the telephone company shall pay such underpayment to the city within 150 days following the expiration of this ordinance.

- (d) Such payments shall not relieve the telephone company from paying all applicable municipally-owned utility service charges. Should the city not have the legal power to agree that the payment of the foregoing charge shall be in lieu of the taxes, licenses, charges, rights-of-way permit or inspection fees, rentals, rights-of-way easements or franchise taxes aforesaid, then the city agrees that it will apply so much of such payments as may be necessary to the satisfaction of the telephone company's obligation, if any, to pay any such taxes, licenses, charges, rights-of-way permit or inspection fees, rentals, rights-of-way easements or franchise taxes.
- (e) In the event that either:
  - (1) Territory within the boundaries of the city shall be disannexed and a new incorporated municipality created which includes such territory; or
  - (2) An entire, existing incorporated municipality shall be consolidated or annexed into the city,

then notwithstanding any other provision of this ordinance, the charge shall be adjusted. To accomplish this adjustment, within 30 days following the action effecting a disannexation/annexation as described above, the city shall provide the telephone company with maps of the affected area(s) showing the new boundaries of the city. In the event of an annexation as described above, the charge for the city will be adjusted to include the amount of the payment by the telephone company to the existing incorporated municipality being annexed. In the event that the annexed municipality had no ordinance imposing a charge or in the event of a disannexation, then the adjustment to the charge will be calculated using the effective date of the imposition of local sales taxes as determined by the Texas Comptroller of Public Accounts. The adjustment shall be the percent increase/decrease in the telephone company's gross receipts as defined herein for the city for the first calendar month following the local sales tax effective date compared to the last month prior to such effective date. This adjustment to the charge will be made on the first day of the second month following the local sales tax effective date and the adjusted charge shall be prorated from that date through the remainder of the payment year. The charge as adjusted shall be used for all future calculations required by this ordinance.

### **Sec. 13. Assignment of ordinance.**

This ordinance and any rights or privileges hereunder shall not be assignable to any other entity without the express consent of the city. Such consent shall be evidenced by an ordinance which shall fully recite the terms and conditions, if any, upon which such consent is given.

### **Sec. 14. Mutual releases.**

The city hereby fully releases, discharges, settles and compromises any and all claims which the city has made or could have made arising out of or connected with Ordinance Number 7 adopted November 6, 1972, and renewed or extended from time to time thereafter, and its predecessor ordinances, if any, (hereinafter referred to collectively as "Ordinance 7"). This full and complete release of claims for any matters under Ordinance 7 shall be for the benefit of Southwestern Bell

iliates; their directors, officers and employees; successors and assigns, actions, causes of action and controversies, presently indirectly out of or connected with the telephone company's obligations to the city pursuant to the provisions of Ordinance 7. Southwestern Bell Telephone Company, its parent, its affiliates, successors and assigns hereby fully release, discharge, settle and compromise any and all claims, actions, causes of action or controversies heretofore made or which could have been made, known or unknown, against the city, its officers or its employees, arising out of or connected with any matters under Ordinance 7. It is the intent of the city and the telephone company to enter into the foregoing mutual releases in order to reach a compromise that is acceptable to both the city and the telephone company. This ordinance and the mutual releases set forth in this section represent a compromise of each party's claims as well as each party's defenses, and is not intended to be and is not an admission of liability or vulnerability by either party to the other with respect to either the claims or the defenses asserted against the other.

### **Sec. 15. Repeal of conflicting ordinances and agreements.**

Ordinance Number 7, adopted November 6, 1972, is hereby repealed; provided, however, such repeal shall take effect at 11:59 p.m. on the day immediately preceding the effective date specified in the section of this ordinance entitled "Acceptance of Agreement and Effective Date." All other ordinances and agreements and parts of ordinances and agreements in conflict herewith are also repealed, which repeal shall take effect at the time and on the date specified in the preceding sentence.

### **Sec. 16. Future contingency.**

- (a) Notwithstanding anything contained in this ordinance to the contrary, in the event that (a) this ordinance or any part hereof, (b) any tariff provision by which the telephone company seeks to collect the charge imposed by this ordinance, or (c) any procedure provided in this ordinance, or (d) any compensation due the city under this ordinance, becomes, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unrecoverable, unenforceable, void, unlawful or otherwise inapplicable, in whole or in part, the telephone company and city shall meet and negotiate a new ordinance that is in compliance with the authority's decision or enactment and, unless explicitly prohibited, the new ordinance shall provide the city with a level of compensation comparable to that set forth in this ordinance provided that such compensation is recoverable by the telephone company in a mutually agreed manner permitted by law for the unexpired portion of the term of this ordinance.
- (b) Both parties agree that the extension of this ordinance is an interim arrangement and is not intended to be used, and will not be cited or referred to by either party, as evidence of what is in compliance with the requirements of section 3.2555 of the revised PURA. [The] telephone company and [the] city both hereby reserve all arguments and/or positions as to the appropriate interpretation and application required by the revised PURA.
- (c) The city agrees to provide written notice to the telephone company of an original application or an agreement thereto, for a consent, franchise or permit with the city for use of the rights-of-way in the city for the provision of any telecommunications service within ten days from receipt of such application.
- (d) Further, notwithstanding anything contained in this ordinance to the contrary, both [the] city and telephone company agree that either [the] city or telephone company may terminate this ordinance upon a minimum of 30 days' notice to the other party on or after the date that:
  - (1) Any entity applies for an original of, or an amendment to, a consent, franchise or permit with the city for use of the rights-of-way in the city for the provision of any telecommunications service; or
  - (2) Any entity with an existing consent, franchise, or permit for use of the rights-of-way in the city files an application with the Public Utility Commission of Texas for a certificate of operating

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ertificate of operating authority which includes any geographic within the corporate limits of the city.

(Ord. No. 101, § 2, 9-9-1997)

**Sec. 17. Governing law.**

- (a) This ordinance shall be construed in accordance with the city code(s) in effect on the date of passage of this ordinance to the extent that such code(s) are not in conflict with or in violation of the constitution and laws of the United States or the State of Texas.
(b) This ordinance shall be construed and deemed to have been drafted by the combined efforts of the city and the telephone company.

**Sec. 18. Acceptance of agreement and effective date.**

The city shall deliver a properly certified copy of this ordinance to the telephone company within three working days of its final passage. The telephone company shall have 30 days from and after the final passage of this ordinance to file its written acceptance of this ordinance with the city secretary. This ordinance shall become effective beginning the first day of the quarter not less than 30 days after its final passage by the city.

Passed and approved following the second reading hereof this 14th day of July, A.D., 1992.

Mayor, City of Angus, Texas

FOOTNOTE(S):

--- (2) ---

Editor's note—Printed herein is the telephone franchise with Southwestern Bell Telephone Company, as adopted by Ordinance No. 75 on July 14, 1992. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. (Back)

ARTICLE II. ELECTRIC [3]
ORDINANCE NO. 115

An ordinance amending the existing electric franchise between the city and Oncor Electric Delivery Company, to provide for a different consideration; providing an effective date; providing for acceptance by Oncor Electric Delivery Company; finding and determining that the meeting at which this ordinance is passed is open to the public as required by law.

Whereas, Oncor Electric Delivery Company, successor in interest to TXU Electric Company (hereinafter called "Oncor") is engaged in the business of providing electric utility service within the



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ways, grounds and rights-of-ways within the city for that purpose  
since heretofore duly passed by the governing body of the city

Whereas, the city and Oncor desire to amend said franchise ordinance to provide for a different consideration;

Now, therefore, be it ordained by the City Council of the City of Angus, Texas, that:

[Sec. 1. Amendment of ordinance.](#)

[Sec. 2. Original ordinance in effect.](#)

[Sec. 3. Effective date.](#)

[Sec. 4. Meeting.](#)

### **Sec. 1. Amendment of ordinance.**

The existing electric franchise ordinance between the city and Oncor Electric Delivery Company is amended as follows:

- A. Effective January 1, 2002, the franchise fee due from Oncor shall be a sum comprised of the following:
  - (1) A charge, as authorized by section 33.008(b) of PURA, based on each kilowatt hour of electricity delivered by Oncor to each retail customer whose consuming facility's point of delivery is located within the city's municipal boundaries and as specified by Oncor to the city by letter dated January 21, 2002.
    - (a) The franchise fee due pursuant to section 33.008(b) of PURA shall be payable in accordance with the existing electric franchise; and



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of gross revenues received by Oncor from services identified in its tariff for retail delivery service, section 6.1.2, "discretionary service charges," items DD1 through DD24, that are for the account or benefit of an end-use retail electric consumer.

- (a) The franchise fee amounts based on discretionary service charges shall be calculated on an annual calendar year basis, i.e., from January 1 through December 31 of each calendar year.
- (b) The franchise fee amounts that are due based on discretionary service charges shall be paid at least once annually on or before April 30 each year based on the total discretionary service charges received during the preceding calendar year.

B. Oncor franchise fee recovery tariff:

- (1) Oncor may file a tariff amendment(s) to provide for the recovery of the franchise fee on discretionary service charges.
- (2) [The] city agrees:
  - (i) To the extent the city acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100 percent recovery of the franchise fee on discretionary service charges;
  - (ii) In the event the city intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such discretionary service charges is an issue, the city will take an affirmative position supporting the 100 percent recovery of such franchise fees by Oncor; and
  - (iii) In the event of an appeal of any such regulatory proceeding in which the city has intervened, the city will take an affirmative position in any such appeals in support of the 100 percent recovery of such franchise fees by Oncor.
- (3) [The] city agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Oncor.

**Sec. 2. Original ordinance in effect.**

In all respects, except as specifically and expressly amended by this ordinance, the existing effective franchise ordinance heretofore duly passed by the governing body of the city and duly accepted by Oncor shall remain in full force and effect according to its terms until said franchise ordinance terminates as provided therein.

**Sec. 3. Effective date.**

This ordinance shall take effect upon its final passage and Oncor's acceptance. Oncor shall, within 30 days from the passage of this ordinance, file its written acceptance of this ordinance with the office of the city secretary in substantially the following form:

To the Honorable Mayor and City Council:

Oncor Electric Delivery Company, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the ;#rule; day of ;daterule;, 20\_\_\_\_\_, Ordinance No. ;#rule; amending the current electric franchise between the City and Oncor and the same shall constitute and be a binding contractual obligation of Oncor and the City.

	Oncor Electric Delivery Company
	By _____ Vice President

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**Sec. 4. Meeting.**

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

Passed and approved by the City Council of the City of Angus, Texas, this the 10th day of September, 2002, at which meeting a quorum was present and voting.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary  
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
FOOTNOTE(S):  
\_\_\_\_\_

--- (3) ---

**Editor's note**—Printed herein is the electric franchise with Oncor Electric Delivery Company, as adopted by Ordinance Number 115 on September 10, 2002. Amendments to the ordinance are included in this article. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. [\(Back\)](#)

**Cross reference**— Utilities, ch. 58 [\(Back\)](#)

**ARTICLE III. ANGUS WATER SUPPLY CORPORATION <sup>[4]</sup>**  
ORDINANCE NO. 4

ANGUS WATER SUPPLY CORPORATION FRANCHISE

An ordinance granting to [the] Angus Water Supply Corporation a franchise to construct, maintain, and operate a water supply system in the City of Angus, Texas, and prescribing the terms, conditions, obligations, and limitations upon and under which such franchise shall be exercised.

Be it ordained by the City Council of the City of Angus, Texas, that:

[Sec. 1. Grant of franchise.](#)

[Sec. 2. Construction work.](#)

[Sec. 3. Installation fee.](#)

[Sec. 4. Renewal of facilities.](#)

[Sec. 5. Maps.](#)

[Sec. 6. Meter.](#)

[Sec. 9. Term.](#)

[Sec. 10. Passage of ordinance.](#)

### **Sec. 1. Grant of franchise.**

There is hereby granted to [the] Angus Water Supply Corporation, hereinafter called grantee, its successors and assigns, the right, privilege, and franchise to construct, maintain, and operate a water supply system in the City of Angus, Texas, hereinafter called city, and for that purpose to have, acquire, construct, maintain, and operate in, upon, and under the present and future streets, alleys, highways, parkways, and other public places of the city, a water supply system with all necessary or desirable appurtenances, in order to supply water to the city, to the inhabitants thereof, for the considerations and subject to the conditions, terms, duties, obligations, and limitations expressed in this ordinance.

### **Sec. 2. Construction work.**

All construction and other work done by the grantee, and the operation of its business, under and by virtue of this ordinance, shall be in conformity with the ordinances, rules, and regulations now in force and that may hereafter be adopted by the City of Angus, Texas, relating to the use of its streets, alleys, highways, parkways, and public places, and in the interest of the public safety. The locating and placing of water lines and meters and other instrumentalities by the grantee shall at all times be under the control and subject to the approval of the city council; provided, that in such construction the grantee shall be required to use the alleys, instead of the streets or highways, where alleys exist which it is practical to use in the economical service of supplying water to its customers, but where it is necessary, practical or economical to place such water lines in the streets or highways instead of the alleys, then such construction shall be placed between the curblin and property line on any such street or highway, unless otherwise authorized and directed by the city council. In placing its water lines, the grantee shall not interfere with any existing water lines, sewer lines, or other underground facilities of the city, or with any public or private drain in any street, highway, or alley, except with the consent and under the direction of the city council.

If the grantee, in placing its water lines, shall come in conflict with the rights of any other person, firm, or corporation having a franchise from the city, the city council shall determine all questions concerning the conflicting rights of the respective parties, and shall determine the location of the structures of said parties, and what changes, if any, should be made and at whose cost and shall reconcile all differences between the respective parties.

If the city, in constructing its sewers, underground facilities, streets, highways, or other public works, should require any water lines of the grantee to be shifted or relocated, such water lines shall be shifted or relocated by the grantee, at its expense, as and when required by the city.

### **Sec. 3. Installation fee.**

The grantee shall, at its own cost and without expense to any of its customers or prospective consumers, wherever permanent improvements are located on the premises of such consumer or prospective consumer, construct and maintain service of proper size and capacity from its existing facilities to the property line of each consumer or prospective consumer, upon demand of such consumer or prospective consumer; but the grantee shall be entitled to charge and collect from such consumer or prospective consumer an installation fee for installing a service connection from such property line to its meter. Said installation or connection fee shall be in accordance with the approved schedule of fees and charges. It is provided, however, that should [the] grantee desire at any time thereafter to change the point of service to any consumer, such change in the service from the

l by such change of service connection shall be borne by [the]

(Ord. No. 29, 6-13-1983; Ord. No. 93, art. 1, § 3, 1-9-1996)

#### **Sec. 4. Renewal of facilities.**

Whenever the city shall conclude to pave any street, highway, or alley in which the facilities of [the] grantee already exist, or in which [the] grantee may propose to place facilities, the grantee may be required, in advance of such paving, to renew such existing facilities, if defective or inadequate, or to place adequate transmission facilities, and to place service facilities, or renew same if inadequate or defective, to the property lines where buildings are already located without regard to the number of consumers along the line, but in any event, for such prospective consumers as may be obtained by a careful canvass of the locality. The grantee shall be given reasonable notice of the intention of the city to pave any such street, highway, or alley, and if the grantee shall fail to comply with the requirements of the city, after such notice, in the particulars above stated, and such street, highway, or alley is thereupon paved, the grantee shall not be allowed thereafter to cut such pavement or excavate in such paved street, highway, or alley for any purpose, except by formal permission of the city council and under such terms and conditions as the city council may prescribe.

#### **Sec. 5. Maps.**

The grantee shall, within one year after the granting of this franchise, file with the City Council of the City of Angus, Texas, a map or maps, in convenient book or atlas form, or shall correct or bring up to date, any map or maps now so on file, showing in reasonable detail its entire water line system in the City of Angus, Texas, as same then exists, which shall include the locations, depths of all transmission facilities, connections with premises and other apparatus employed by [the] grantee, and which map shall be corrected and brought to date by [the] grantee annually, as it may alter, change, or extend its said system; provided, however, that tentative maps or plans for any constructions proposed by said grantee, in the streets, highways, alleys, and other public places of the city, under the provisions of this franchise, must first be presented to the city council for consideration and approval, and no transmission facility, or other construction of [the] grantee shall be placed in the streets, highways, alleys, parkways, or public places unless and until the locations and depth of same have been approved and fixed by the city council, and provision made by the city council for the restoration and maintenance by [the] grantee of any such streets, highways, alleys, or public places.

#### **Sec. 6. Meter.**

[The] grantee shall install upon the premises of each customer a meter of [a] standard type for the purpose of measuring accurately the water consumed by such customer, and [the] grantee shall not furnish or use any meter whose measurement is more than three percent fast or slow. [The] grantee may charge a fee of \$25.00 for the resetting or relocating of a meter on the same premises at the request of the customer, after same has been first installed.

#### **Sec. 7. Quality of water system.**

[The] grantee shall at all times maintain a water system adequate to serve all present or future customers, including adequate water service lines. [The] grantee shall at all times during the terms of this franchise furnish water supply service to the City of Angus, Texas, and to the prospective customers, which shall be at all times first class and modern in every respect, and sufficient to meet all reasonable demands, and so far as commercially practicable, without undue interruptions or fluctuations. Any breach of this section on the part of [the] grantee shall be grounds for the city to void the franchise. [The] grantee must furnish water to all persons who demand same in all additions now being served by [the] grantee or in any additions which [the] grantee attempts to serve in the future.



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**Article.**

This ordinance, agrees to furnish inhabitants residing within the water sold and distributed by [the] grantee hereunder in accordance with the approved service rate and fee schedule filed with and approved by the City Council of the City [of] Angus. In no event shall the residents of Angus be charged higher rates and charges than other like or similar being served by [the] Angus Water Supply Corporation. All requests for increases in rate and other service fees must be submitted to the City of Angus at least 60 days before such increase is proposed to go in effect.

(Ord. No. 93, art. II, § 8, 1-9-1996)

**Sec. 9. Term.**

The term of this franchise is for 50 years.

**Sec. 10. Passage of ordinance.**

The fact that at present there is no ordinance granting a franchise to [the] Angus Water Supply Corporation to operate a water supply in the City of Angus, Texas, and the health and welfare of the city demands that such an ordinance be enacted immediately creates an emergency which is here and now declared and all rules and regulations providing for the reading of [this] ordinance on more than one occasion or more than one time are suspended and this ordinance is passed as an emergency measure and shall be in full force and effect from and after its passage and publication.

Passed by the City Council of the City of Angus, Texas, on this the 12th day of November, 1973.

	<p style="text-align: center;">/s/ Richard O. Baker</p> <hr style="width: 50%; margin: auto;"/> <p style="text-align: center;">_____ Mayor City of Angus, Texas</p>
ATTEST:	
<p style="text-align: center;">/s/ Mrs. Dorothy Edens</p> <hr style="width: 50%; margin: auto;"/> <p style="text-align: center;">_____ Secretary</p>	

FOOTNOTE(S):

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--- (4) ---

**Editor's note**—Printed herein is the franchise with Angus Water Supply Corporation, as adopted by Ordinance Number 4 on November 12, 1973. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in



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s has been used. Additions made for clarity are indicated by

Cross Reference — Utilities, Ch. 56 [\(Back\)](#)



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## ARTICLE IV. GAS <sup>(5)</sup>

- DIVISION 1. - ORDINANCE NO. 2 LONE STAR GAS COMPANY
- DIVISION 2. - ORDINANCE NO. 73 RATE SCHEDULE
- DIVISION 3. - ORDINANCE NO. 108 LONE STAR GAS COMPANY
- DIVISION 4. - ORDINANCE NO. 111 RATE SCHEDULE
- DIVISION 5. - ORDINANCE NO. 116 TXU GAS COMPANY

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FOOTNOTE(S):

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--- (5) ---

**Editor's note**—Printed herein are the various gas franchises of the city. The article has been subdivided into five divisions, in order to keep the franchises and related agreements distinct from one another. ([Back](#))

## DIVISION 1. ORDINANCE NO. 2 LONE STAR GAS COMPANY <sup>[6]</sup>

An ordinance granting to Lone Star Gas Company, a corporation, its successors and assigns, a franchise to furnish and supply gas to the general public in the Town of Angus, Navarro County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; providing that it shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.

Be it ordained by the town council of the Town of Angus, Texas:

[Sec. 1. \[Grant of franchise.\]](#)

[Sec. 2. \[General duties of company.\]](#)

[Sec. 3. \[Excavations.\]](#)

[Sec. 4. \[Authority and rights of company.\]](#)

[Sec. 5. \[Extension of mains.\]](#)

[Sec. 6. \[Deposits.\]](#)

[Sec. 7. \[Rights deemed nonexclusive.\]](#)

[Sec. 8. \[Company to maintain property.\]](#)

[Sec. 9. \[Payments to town.\]](#)

[Sec. 10. \[Effect on previous franchises.\]](#)

[Sec. 11. \[Acceptance of franchise.\]](#)

### **Sec. 1. [Grant of franchise.]**

That the Town of Angus, Texas, hereinafter called "town," hereby grants to Lone Star Gas Company, hereinafter called "company," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public places, public thoroughfares, and grounds of the town for the purpose of laying, maintaining, constructing, operating, and replacing therein and thereon pipelines and all other appurtenant equipment needed and necessary to deliver gas in, out of, and through said town and to sell gas to persons, firms, and corporations, including all the general public, within the town's corporate limits, said consent being granted for a term of 25 years from and after the date of final passage and approval of this ordinance.

### **Sec. 2. [General duties of company.]**

Company shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment so as to interfere as little as possible with traffic and shall promptly clean up and restore to an approximate original condition, at its cost, all thoroughfares, and other surfaces which it may disturb. The location of all mains, pipes, laterals, and other appurtenant equipment shall be fixed under the supervision of the town council or an authorized committee or agent appointed by said council.

use to be made excavations or shall place obstructions in any public shall be protected by barriers and lights placed, erected, and maintained by company; and in the event of injury to any person or damage to any property by reason of the construction, operation, or maintenance of the gas distributing plant or system of company, company shall indemnify and keep harmless town from any and all liability in connection therewith. company shall repair, clean up, and restore to an approximate original condition all streets and alleys disturbed during the construction and repair of its gas distributing system.

#### **Sec. 4. [Authority and rights of company.]**

In addition to the rates charged for gas supplied, company may make and enforce reasonable charged, rules, and regulations for service rendered in the conduct of its business, including a charge for services rendered in the inauguration of natural gas service, and may require, before furnishing service, the execution of a contract therefor. Company shall have the right to contract with each customer with reference to the installation of, and payment for, any and all of the gas piping from the connection thereof with the company's main in the streets or alleys to and throughout the consumer's premises. Company shall own, operate, and maintain all service lines which are defined as the supply lines from the company's main to the consumer's curb line when mains are located in the streets and to the consumer's property line when mains are located in the alleys. The consumer shall own, operate, and maintain al yard lines and house piping. Yard lines are defined as the underground supply lines extending from the point of connection with company's service line to the point of connection with consumer's house piping.

#### **Sec. 5. [Extension of mains.]**

Company shall not be required to extend mains on any street more than 50 feet for any one consumer of gas.

#### **Sec. 6. [Deposits.]**

Company shall be entitled to require from each and every consumer of gas, before gas service is commended, a deposit of twice the amount of an estimated average monthly bill, which said deposit may be retained by company until service is discontinued and all bills therefor have been paid. Company shall then return said deposit to the consumer, together with six percent interest thereon from the date of said deposit up to the date of discontinuance of service. Company shall be entitled to apply said deposit, with accrued interest to any indebtedness owed company by the consumer making the deposit.

#### **Sec. 7. [Rights deemed nonexclusive.]**

The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and town hereby expressly reserves the right to grant, at any tie, like privileges, rights, and franchisee as it may see fit to any other person or corporation for the purpose of furnishing gas for light, heat, and power to and for town and the inhabitants thereof.

#### **Sec. 8. [Company to maintain property.]**

Company shall furnish reasonably adequate service to the public at reasonable rates and charges therefor; and company shall maintain its property, equipment, and appliances in good order and condition.

#### **Sec. 9. [Payments to town.]**

Company, its successors and assigns, agrees to pay and town agrees to accept, on or before the 1st day of March, 1974, and on or before the same day of each succeeding year during the life of this franchise, up to and including the year 1998, a sum of money which shall be equivalent to two percent (2%) of the gross receipts received by company from the sale of gas to its domestic and

corporate limits of said town (expressly excluding, however, receipts of governmental users and consumers in said town), for the annual payment shall be for the rights and privileges herein granted to company including expressly, without limitation, the right to use the streets, alleys, and public ways of said town. And it is also expressly agreed that the aforesaid annual payment shall be in lieu of any and all other and additional occupation taxes, easement and franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), in lieu of municipal license and inspection fees, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character which town may impose or hereafter be authorized to levy and collect, excepting only the usual general or special ad valorem taxes, which town is authorized to levy and impose upon real and personal property. Should town not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then town agrees that it will apply so much of said sums of money paid as may be necessary to satisfy company's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges.

In order to determine the gross receipts received by company from the sale of gas (expressly excluding the sale of gas to industrial and governmental consumers within the corporate limits of town, company agrees that on the same date that payments are made as provided in the preceding paragraph is this Section 9, it will file with the town clerk a sworn report showing the gross receipts received from the sale of gas to its domestic and commercial consumers within said corporate limits for the calendar year preceding the date of payment. Town may, if it sees fit, have the books and records of company examined by a representative of said town to ascertain the correctness of the sworn reports agreed to be filed herein.

Receipts from sales to governmental users or consumers shall include all those receipts derived from the sale of gas to federal, state, county, or city governments or branches and subdivisions thereof, school districts or other similar districts, it being the intention to include within the term "governmental users and consumers" all tax-supported institutions owned or operated directly or indirectly by said governments and branches or subdivisions thereof, such as schools, colleges, hospitals, eleemosynary institution, army or training camps, airports, courthouses, city hall, and other institutions of like or similar kind and character.

"Industrial users or consumers," as herein used, are those generally and commonly classified as such by company

The payment herein provided shall be for the period January 1st to December 31st of the respective year that the payment is made.

#### **Sec. 10. [Effect on previous franchises.]**

When this franchise ordinance shall have become effective, all previous ordinances of said town granting franchises for gas distribution purposes which were held by company shall be automatically cancelled and annulled, and shall be of no further force and effect.



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**Sec. 11. [Acceptance of franchise.]**

Company shall file its written acceptance of this franchise ordinance within sixty days after its final passage and approval by said town.

PASSED AND APPROVED on this the 12th day of November, A.D., 1973

/s/ Richard O. Baker  
Mayor

ATTEST:

/s/ Mrs. Joe Edens  
Secretary

FOOTNOTE(S):

--- (6) ---

**Editor's note**—The original franchise granted to Lone Star Gas Company is printed herein as enacted at the request of the city, which has advised that Lone Star Gas Company was subsequently purchased by TXU Gas Company. Immediately following this franchise, are subsequent ordinance agreements between the city and Lone Star Gas Company and TXU Gas Company. [\(Back\)](#)



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**ORDINANCE**

**NO.**

**73**

**RATE SCHEDULE [\[i\]](#)**

AN ORDINANCE FIXING AND DETERMINING A GENERAL SERVICE RATE TO BE CHARGED FOR SALES OF NATURAL GAS TO RESIDENTIAL AND COMMERCIAL CONSUMERS IN THE CITY OF ANGUS, NAVARRO COUNTY, TEXAS; PROVIDING FOR THE MANNER IN WHICH SUCH RAGE MAY BE CHANGED, ADJUSTED, AND AMENDED; APPROVING THE ELIMINATION OF THE RATE SCHEDULE FOR PUBLIC SCHOOLS-N AND COMMERCIAL CONTRACT PUBLIC SCHOOL RATE; PROVIDING FOR THE RECOVERY OF ANY CURRENT AND UNRECOVERED PRIOR RATE CASE EXPENSE; PROVIDING FOR A SCHEDULE OF SERVICE CHARGES; PROVIDING FOR A COST OF SERVICE ADJUSTMENT FACTOR AND PROVIDING FOR A MAIN LINE EXTENSION RATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS;

SECTION 1. Subject to the following provisos, effective with gas bills rendered on and after thirty (30) days from the final date of passage of this ordinance, the maximum general service rate for sales of natural gas rendered to residential and commercial consumers within the city limits of Angus, Texas by Lone Star Gas Company, a division of ENSERCH CORPORATION, a Texas Corporation, its successors and assigns, is hereby fixed and determined as set forth in Item A, in the Attachment hereto which is incorporated herein. This ordinance also approves the elimination of the Rate Schedule for Public Free Schools-N and Commercial contract Public School Rage and the placement of those customers receiving said rate on the commercial rate set forth in Item A in the attachment hereto.

PROVISO NO. (1): If this ordinance is finally passed and approved before the effective date stated in the Statement of Intent the new rates shall be effective with gas bills rendered on and after thirty (3) days from the final date of passage of this ordinance for the good cause of reducing regulatory lag.

PROVISO NO. (2): If this ordinance is finally passed and approved after a period of suspension, the new rates shall be billable immediately in order to reduce regulatory lag. this provision is an exercise of the regulatory authority's discretion to establish the effective date of rates at anytime after jurisdiction attaches, and its authority pursuant to State law to establish rates for any period of suspension.

SECTION 2. The residential and commercial rates set forth above shall be adjusted upward or downward from a base of \$4.0200 per Mcf by a Gas Cost Adjustment Factor expressed as an amount per thousand cubic feet (Mcf) of natural gas for changes in the intercompany city gage rate charge as authorized by the Railroad Commission of Texas or other regulatory body having jurisdiction for gas delivered to the Angus distribution system, according to Item B, in the Attachment hereto which is incorporated herein.

SECTION 3. Company shall also receive tax adjustments according to Item C, in the Attachment hereto which is incorporated, herein.

SECTION 4. The residential and commercial rates set forth shall be adjusted upward and downward by a Cost of Service Adjustment Factor expressed as an amount per customer for changes in the cost of service over a twelve month period ending December 31, according to Item E, in the attachment hereto which is incorporated herein.

SECTION 5. In addition to the aforesaid rates, Company shall have the right to collect such reasonable charges as are necessary to conduct its business and to carry out its reasonable rules and regulations in effect. The charges set forth in Items F and G in the attachment hereto which is incorporated herein, are approved. Services for which no charge is set out may be performed and charged for by Company at a level established by the normal forces of competition.

SECTION 6. In addition to the aforesaid rate, Company is authorized to recover the current and any unrecovered prior rate case expense through a surcharge designed for a six-month nominal recovery period. The surcharge per Mcf will be calculated by dividing the rate case expense to be





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annual sales volume to residential and commercial customers. us reports to account for the collection.

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SECTION 7. The rates set forth in this ordinance may be changed and amended by either the City or Company in the manner provided by law. Service hereunder is subject to the orders of regulatory bodies having jurisdiction, and to the Company's Rules and Regulations currently on file in the Company's office.

SECTION 8. It is hereby found and determined that said meeting at which this ordinance was passed was open to the public, as required by Texas law, and that advance public notice of the time, place and purpose of said meeting was given.

FINALLY PASSED AND APPROVED on this the FIRST and FINAL reading on this the 14 day of January, A.D., 19 92

ATTEST:

/s/ Betty McCain City Secretary

/s/ Kathy McKissack Mayor City of Angus, Texas

FOOTNOTE(S):

--- (7) ---

Editor's note—The attachment referred to throughout this ordinance has not been included herein, as presumably it has been superseded by the more current rate schedule promulgated by Ord. No. 111. (Back)

DIVISION 3. ORDINANCE NO. 108 LONE STAR GAS COMPANY

WHEREAS, there was finally passed and approved on August 11, 1998, Ordinance No. 108 granting to Lone Star Gas Company, a division of ENSERCH CORPORATION, a corporation, its successors and assigns, a franchise to furnish and supply gas to the general public in the City of Angus, Navarro County, Texas, for the transporting, delivery, sale and distribution of gas in, out of and through said municipality for all purposes, which is recorded in the Minutes of the City Council of said City; and

WHEREAS, Section 10 of said ordinance provides as follows:

"SECTION 10: In order to accept this franchise, Company must file with the City Clerk its written acceptance of this franchise ordinance after its final passage and approval by city. If written acceptance of this franchise ordinance is not filed by Company after its final passage and approval by said City, the franchise ordinance shall be rendered null and void."

AND, WHEREAS, it is the desire of Lone Star Gas Company, a Division of ENSERCH CORPORATION, the holder of the rights privileges and grants under the aforesaid franchise ordinance, to comply with the above-quoted provisions of Section 10 thereof.

NOW, THEREFORE, premises considered, Lone Star Gas Company, a Division of ENSERCH CORPORATION, acting by and through its duly authorized officers, and within the time prescribed by Section 10 quoted above, does hereby agree to and accept the franchise granted to it by the above-



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with its terms, provisions, conditions, and requirements and  
ents therein contained.

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STATE OF TEXAS	§	
COUNTY OF NAVARRO	§	
CITY OF ANGUS	§	

I, Betty McCain City Secretary of the City of Angus, Texas, do hereby certify that the above and foregoing is a true and correct copy of a formal acceptance of a franchise ordinance finally passed and approved by said City of August 11, 1999, and on record in the Minutes of the City, and I do further certify that said acceptance has been duly presented to the City Council and filed in connection with and as a part of said franchise ordinance.

OF WHICH, witness my official signature and the seal of said City on this the 5 day of October, 1998.

/s/ Betty McCain  
City Secretary  
City of Angus

WITNESS THE EXECUTION HEREOF, on this the 28th day of August, 1998.

ATTEST:

/s/ \_\_\_\_\_  
Assistant Secretary

LONE STAR GAS COMPANY  
A DIVISION OF  
ENSERCH CORPORATION  
Jackson

/s/ Brenda  
Senior Vice President

STATE OF TEXAS

**DIVISION 4. ORDINANCE NO. 111**  
**RATE SCHEDULE**

AN ORDINANCE APPROVING THE GENERAL SERVICE RATES INCLUDING RATE ADJUSTMENT PROVISIONS AND MISCELLANEOUS SERVICE CHARGES TO BE CHARGED FOR SALES AND TRANSPORTATION OF NATURAL GAS TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSUMERS IN THE CITY OF ANGUS, NAVARRO COUNTY, TEXAS, PROVIDING AN EFFECTIVE DATE THEREFOR, AND PROVIDING FOR THE MANNER IN WHICH SUCH RATES MAY BE CHANGED, ADJUSTED, AND AMENDED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS:

SECTION 1. On March 2, 2001, TXU Gas Distribution, a division of TXU Gas Company ("Company") filed with the Governing Body of this municipality a Statement of Intent to Change Residential, Commercial and Industrial Rates charged to consumers within this municipality. Also filed was the Tariff for Gas Service in the East Region Distribution System ("Tariff for Gas Service") and the supporting Cost of Service Schedules ("Schedules"). The Tariff for Gas Service includes Rate Schedules 4202 - Commercial Service, 4203 - Industrial Sales, 4204 - Industrial Transportation, 4208-1 through 4208-3 - Rate Adjustment Provisions, 9001 through 9007 - Miscellaneous Service Charges and Rider 4206 - Surcharges.



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eral service rates for sales and transportation of natural gas and industrial consumers within the city limits of Angus, Texas by TXU Gas Company, a Texas corporation, its successors and assigns, are hereby fixed and approved as set for in Rate Schedules 4201 - Residential Service, 4202 - Commercial Service, 4203 - Industrial Sales, and 4204 - Industrial transportation included in the Tariff for Gas Service in the East Region Distribution System.

SECTION 3. The Rate Adjustment Provisions set forth in the Tariff for Gas Service as Rate Schedules 4208-1, Gas Cost Adjustment, 4208-2, Tax Adjustment, and 4208-3, Weather Normalization Adjustment, are approved.

SECTION 4. The Company shall have the right to collect such reasonable charges as are necessary to conduct its business and to carry out its reasonable rules and regulations. Such miscellaneous service charges are identified in rate schedules 9001 through 9007 of the Tariff for Gas Service and are approved. Services for which no charge is set out may be performed and charged for by the Company at a level established by the normal forces of competition.

SECTION 5. The aforesaid rate schedules herein approved shall be effective from and after the effective date set forth in the Statement of Intent, if this ordinance is passed and approved on or before that effective date.

SECTION 6. The rates set forth in this ordinance may be changed and amended by either the City of Company in the manner provided by law. Service hereunder is subject to the orders of regulatory bodies having jurisdiction, and to the Company's Rules and Regulations currently on file with the City.

SECTION 7. Unless otherwise noted herein, other than TXU Gas Distribution (a named party), no person or entity has been admitted as a party to this rate proceeding.

SECTION 8. It is hereby found and determined that said meeting at which this ordinance was passed was open to the public, as required by Texas law, and that advance public notice of the time, place and purpose of said meeting was given.

PASSED AND APPROVED on the 13th day of March, A.D., 2001.

ATTEST:

/s/ Betty McCain  
City Secretary

(Seal) /s/ Kathy McKissack  
Mayor  
City of Angus, Texas

**DIVISION 5. ORDINANCE NO. 116**  
**TXU GAS COMPANY <sup>(B)</sup>**

AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND TXU GAS COMPANY, TO PROVIDE FOR A DIFFERENT CONSIDERATION AND TO AUTHORIZE THE LEASE OF FACILITIES WITHIN THE CITY'S RIGHTS-OF-WAY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY TXU GAS COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, TXU Gas Company (hereinafter called "TXU Gas") is, through its TXU Gas Distribution division, engaged in the business of furnishing and supplying gas to the general public in the City, including the transportation, delivery, sale, and distribution of gas in, out of, and through the City for all purposes, and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by TXU Gas; and

as desire to amend said franchise ordinance to provide for a  
the lease of facilities within the City's rights-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS,  
TEXAS: that

[Sec. 1. \[Rate change.\]](#)

[Sec. 2. \[Continuation of existing franchise.\]](#)

[Sec. 3. \[Effective date.\]](#)

[Sec. 4. \[Meeting deemed lawful.\]](#)

### **Sec. 1. [Rate change.]**

The existing gas franchise ordinance between the City and TXU Gas Company is amended as follows:

- A. Effective January 1, 2002, the consideration payable by TXU Gas for the rights and privileges granted to TXU Gas by the franchise ordinance heretofore duly passed by the governing body of this City and duly accepted by TXU Gas is hereby changed to be four percent (4%) of the Gross Revenues, as defined in Section 1.B. below, received by TXU Gas.
- B. "Gross Revenues" shall mean all revenue derived or received, directly or indirectly, by the Company from or in connection with the operation of the System within the corporate limits of the City and including, without limitation:
  - (1) All revenues received by the Company from the sale of gas to all classes of customers within the City;
  - (2) All revenues received by the Company from the transportation of gas through the pipeline system of Company within the City to customers located within the City;
  - (3) The value of gas transported by Company for Transport Customers through the System of Company within the City ("Third Party Sales"), with the value of such gas to be reported by each Transport Customer to the Company, provided, however, that should a Transport Customer refuse to furnish Company its gas purchase price, Company shall estimate same by utilizing TXU Gas Distribution's monthly industrial Weighted Average Cost of Gas, as reasonably near the time as the transportation service is performed; and
  - (4) "Gross revenues" shall include:
    - (a) Other revenues derived from the following "miscellaneous charges":
      - i. Charges to connect, disconnect, or reconnect gas within the City;
      - ii. Charges to handle returned checks from consumers within the City;
      - iii. Such other service charges and charges as may, from time to time, be authorized in the rates and charges on file with the City; and
      - iv. Contributions in aid of construction" ("CIAC");
    - (b) Revenues billed but not ultimately collected or received by the Company; and,
    - (c) Gross receipts fees.
  - (5) "Gross revenues" shall not include:
    - (a) The revenue of any Person including, without limitation, an affiliate, to the extent that such revenue is also included in Gross Revenues of the Company;

ned by the Company; and

(d) All monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. Calculation and Payment of Franchise Fees Based on CIAC:

- (1) The franchise fee amounts based on "Contributions in aid of Construction" ("CIAC") shall be calculated on an annual calendar year basis, i.e., from January 1 through December 31 of each calendar year.
- (2) The franchise fee amounts that are due based on CIAC shall be paid at least once annually on or before April 30 each year based on the total CIAC recorded during the preceding calendar year.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by TXU Gas:

- (1) If TXU Gas should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance with another municipality, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the city, would result in a franchise fee greater than the amount otherwise due city under this ordinance, then the franchise fee to be paid by TXU Gas to city pursuant to this ordinance shall be increased so that the amount due and to be paid is equal to the amount that would be due and payable to city were the franchise fee provisions of that other franchise ordinance applied to city.
- (2) The provisions of this subsection D apply only to the amount of the franchise fee to be paid and do not apply to other franchise fee payment provisions, including, without limitation, the timing of such payments.

E. TXU Gas Franchise Fee Recovery Tariff:

- (1) TXU Gas may file with the City a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment.
- (2) City agrees that:
  - (i) As regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100 percent recovery of such franchise fees as part of TXU Gas' rates;
  - (ii) If the city intervenes in any regulatory proceeding before a federal or state agency in which the recovery of TXU Gas' franchise fees is an issue, the city will take an affirmative position supporting 100% recovery of such franchise fees by TXU Gas and;
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by TXU Gas.

F. Lease of Facilities Within City's Rights-of-Way. TXU Gas shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way provided: (i) TXU Gas first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) TXU Gas makes the franchise fee payment due on the revenues from such lease pursuant to Sections I.A. and I.B. of this Ordinance. This authority to Lease Facilities Within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.



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franchise.]

officially and expressly amended by this ordinance, the existing ordinance are duly passed by the governing body of the City and duly accepted by TXU Gas shall remain in full force and effect according to its terms until said franchise ordinance terminates as provided therein.

**Sec. 3. [Effective date.]**

This ordinance shall take effect upon its final passage and TXU Gas' acceptance. TXU Gas shall, within thirty (30) days from the passage of this ordinance, file its written acceptance of this ordinance with the Office of the City Secretary in substantially the following form:

To the Honorable Mayor and City Council:

TXU Gas Distribution, a division of TXU Gas Company, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the 25th day of November, 2012, Ordinance No. 174 amending the current gas franchise between the City and TXU Gas and the same shall constitute and be a binding contractual obligation of TXU Gas and the City.

TXU Gas Distribution  
A division of TXU Gas Company  
By \_\_\_\_\_  
Vice President

**Sec. 4. [Meeting deemed lawful.]**

It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CITY OF ANGUS, TEXAS, this the 11th day of NOVEMBER, 2002, at which meeting a quorum was present and voting.

/s/ \_\_\_\_\_  
Mayor

ATTEST:  
/s/ \_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:  
/s/ \_\_\_\_\_  
City Attorney

FOOTNOTE(S):  
\_\_\_\_\_

--- (8) ---

**Editor's note**—Upon the advice of the city, Ord. No. 116 is included herein as being amendatory of Ord. No. 2 (Division 1 of this article), due to the purchase of Lone Star Gas Company by TXU Gas Company. Because the ordinance was not specifically amendatory of Ord. No. 2, no attempt has been made by the editors to incorporate it into Ord. No. 2, and it is included in its entirety as Division 5 of this article.[\(Back\)](#)