TOWN OF SHADY SHORES
REGULAR TOWN COUNCIL MEETING
JANUARY 11, 2016 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208

AGENDA

1. CALL TO ORDER

2. ROLL CALL
   Establish a quorum.

3. PLEDGE ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG. (HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE.)

4. COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

   4.I. MONTHLY REPORTS:
   - A. Community Events (Mindy Grimes)
   - B. Keep Shady Shores Beautiful (Ashlea Grimes)
   - C. Animal Control (Grimes)
   - D. Code Enforcement (Grimes)
   - E. Police Report (Haines)
   - F. Fire Report (Woolworth)
   - G. Planning and Zoning Report (Lea)
   - H. Staff Report (Withers)
   - I. Road Repairs and Flooding Issues Update
   - J. Announcements
     1. First day to sign up for a place on the ballot (January 20, 2015)
     2. Town Hall Closed, Thurs January 21st and Friday January 22 until noon staff will be attending the Election Law Seminar.

   Documents: SHADY ANIMAL REPORT DEC 2015.PDF, SHADY SHORES JAN-DEC 2015.PDF, COPY OF SS POLICE ACTIVITY 2015 (10).PDF

5. CONSTRUCTION UPDATE I-35 EXPRESS PROJECT
   Kimberly Sims, Public Information Manager, AGL Constructors will be present to give an update on construction progress and road conditions.

6. CONSENT AGENDA
   Each item listed on the consent agenda is considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

A. December 2015 Financial Reports
B. Minutes of the December 14, 2015, Regular Town Council Meeting

Documents: CC 11.09.2015.PDF, NOVEMBER CHECK REGISTER 2016.PDF, NOVEMBER 2015 FINANCIAL REPORTS.PDF, ORDINANCE REVOKING EMPLOYEE HANDBOOK ORDINANCE.PDF, EMPLOYEE PAID TIME OFF EXHIBIT A.PDF, AGENDA MEMO USACE ORDINANCE 12.14.2015.PDF, ORD CORPPROP2015_FINAL1214.PDF

7. CITIZENS COMMENTS-PURSUANT TO THE STATE OF TEXAS OPEN MEETINGS STATUTE:
   The governing body of the Town of Shady Shores may not take action on items not posted on the agenda. Those items mentioned by citizens may be placed on a future agenda.

8. OAKWOOD CIRCLE DRAINAGE PROJECT
   Receive an update from the Town Engineer, regarding the Oakwood Circle drainage project. Consider and take action on approving improvements and or repairs to the the drainage on Oakwood Circle.

   Documents: OAKWOOD CIRCLE DRAINAGE ISSUES.PDF, 4 CROSS SECTIONS.PDF, 3 DRAINAGE ESMT PLAN AND PROFILE.PDF, 2 ROADWAY PLAN AND PROFILE.PDF, 1 DRAINAGE AREA MAP.PDF

9. MEADOWLARK CULVERT
   Consider and take action relative to approving the replacement of the 18' culvert located at approximately 303 Meadowlark Lane.

   Documents: MEADOWLARK LANE CULVERT.DOCX, MEADOWLARK LANE CULVERT.PDF

10. PRESERVE AT PECAN CREEK
    Discuss the Preserve at Pecan Creek a proposed subdivision in the City limits of Denton Texas adjacent to the town of Shady Shores. Discuss the possibility of a crash gate installed at the north end of Meadowlark lane. Consider and take action relative to the installation of a crash gate and other improvements to Meadowlark Lane.

    Documents: PRESERVE AT PECAN CREEK 01.11.2016.PDF, PRESERVE AT PECAN CREEK EXHIBITS.PDF

11. NORTH END OF GARZA ROAD
    Consider and take action relative to no traffic enforcement and police enforcement on the North end of Garza lane.

    Documents: AGENDA MEMO NORTH END OF GARZA ROAD 01.11.2016.PDF

12. SHADY SHORES CODE OF ORDINANCES
    Consider and act on approval of an Ordinance adopting the code of Ordinances.

    Documents: AGENDA MEMO SHADY SHORES CODE OF ORDINANCES 01.06.2016.DOCX, OAC.DOC, SHADY SHORES CODE MEMORANDUM ADDENDUM.PDF, SHADY SHORES CODE MEMORANDUM ADDENDUM.PDF, SHADY SHORES DRAFT FOR ADOPTION.PDF

13. CODE ENFORCEMENT SERVICES
    Consider and act on seeking proposals for Code Enforcement services for the Town of Shady Shores.

    Documents: AGENDA MEMO CODE ENFORCEMENT SERVICES 01.06.2017.DOCX

14. EXECUTIVE SESSION: Pursuant To The Provisions Of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, The Town Council May Hold A Closed Meeting.

A. Government Code 551.071-Consultation with Attorney: legal advice and/or pending litigation

1. Swanson vs Town of Shady Shores
2. Tuscany Village
3. development regulations of existing lots as affected by zoning regulations, an town avoidance of liability issues.

B. Government Code 551.074- Personnel Matters

to deliberate the appointment, employment, evaluation, reassignment, duties,

discipline or dismissal of a public officer or employee; or to hear a complaint

or charge against an officer or employee.

1. Discuss the position of the Mayor

FUTURE AGENDA ITEMS AND STAFF DIRECTION

Discuss future agenda items and provide staff direction.

16. ADJOURN

I, Cindy Aughinbaugh, Mayor Pro-Tem, do hereby certify that the above notice of the Town of Shady Shores Town Council meeting was posted on the bulletin board of the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on the _____day of _____, 2016 at _____P.M.

_____

Cindy Aughinbaugh, Mayor Pro-Tem

IN ADDITION, A QUORUM OF PLANNING AND ZONING COMMISSION MEMBERS MAY CHOOSE TO ATTEND THE TOWN COUNCIL MEETING POSTED ABOVE. THEREFORE, THIS IS NOTICE OF A PLANNING AND ZONING COMMISSION MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE TOWN COUNCIL MEETING. IN THE EVENT A QUORUM OF PLANNING AND ZONING COMMISSION MEMBERS ARE PRESENT AT THE MEETING, NO ACTION OF THE PLANNING AND ZONING COMMISSION WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE.

All American Dogs, Inc.

City Of Shady Shores Report

Dec 1, 2015 - Jan 7, 2016

Address	Notes	Code
Jan 6, 2016 3:38 PM Maxwell	Report of a Black dog on maxwell st. The dog was found upon patrol. officer made contact with the owners of the dog. The owners lived at 108 Valway.	Animal Control
Jan 5, 2016 3:12 PM 206 Shady Oaks Circle	Issued a warning for dog at large	Animal Control
Jan 5, 2016 9:49 AM	Received a report of a long horn and a baby calf eating near city hall. They are coming from the property just West of City Hall. Once on location the animals had been returned to the property.	Animal Control
Dec 15, 2015 11:54 AM	Removed a skunk from the road way at lakeshore and sixth street.	Animal Control
Dec 11, 2015 3:35 PM 108 Snug Harbor	Report of a medium sized black dog chasing cars. I patrolled and the dog was not found	Animal Control

Lake Cities Fire Department

Shady Shores

January - December 31, 2015

Incident Call Type	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Alarm system activation, no fire - unintentional													0
Alarm system sounded due to malfunction			1					1					2
Animal rescue						1							1
Arcing, shorted electrical equipment											1	1	2
Assist invalid			1					1	2				4
Authorized controlled burning			1				1			1	3		6
Brush or brush-and-grass mixture fire													0
Building fire													0
Carbon monoxide incident													0
Carbon Monoxide detector No CO						1							1
Citizen complaint													0
Dispatched & cancelled en route													0
Electrical wiring/equipment problem, Other													0
Emergency medical service, other	1				2								3
EMS call, excluding vehicle accident with injury	8	7	12	8	10	7	7	9	3	3	13	7	94
False alarm or false call, Other				1	2			1					4
Fire in mobile home used as fixed residence													0
Flood assessment													0
Gas leak (natural gas or LPG)	2				2							1	5
Good intent call, Other			1	1					3	1	1	1	8
Grass fire													0
HazMat release investigation w/no Hazmat													0
Hazardous Condition (No Fire)													0
Lock-out	1	1				1							3
Motor vehicle accident with injuries		1					1			1			3
Motor Vehicle Accident with no injuries		1											1
No Incident found on arrival at dispatch address											1		1
Outide trash or waste fire				1									1
Outside equipment fire													0
Police matter			1							1			2
Power line down					1		1						2
Public Education					2					1			3
Public service				1					1	1			3
Service Call, Other					1						2		3
Severe weather or natural disaster, Other													0
Smoke detector activation due to malfunction			1							1			2
Smoke from barbecue, tar kettle													0
Smoke or odor removal													0
Smoke scare, odor of smoke													0
Sprinkler activation, no fire													0
System malfunction, Other													0
Unauthorized burning	1		1						1		1		4
Unintentional transmission of alarm, Other													0
Water or steam leak													0
Total	**13**	**10**	**19**	**12**	**20**	**10**	**10**	**12**	**10**	**10**	**22**	**10**	**158**

CORINTH POLICE DEPARTMENT

January 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	2
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	1
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	0
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	0
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0
TOTAL REPORTED OFFENSES	3

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	75
COMMUNITY POLICING	
Vacation Watches	18
Community Services Programs Presented	-
Community Services Functions Attended	-
Direct Patrol / Park and Walk	145
ARRESTS	
Juvenile	0
Adult	0
Total Arrests	0
INVESTIGATIONS	
New Cases	3
Cases Cleared	2
Cases Declared Inactive	1
Cases Filed	0
TRAFFIC ENFORCEMENT	
Citations - Traffic	23
Citations - Non-Traffic	5
Total Citations	28
Warnings	13
Total Citations / Warnings	41
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	0
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	0
Complaints Received	0
Complaints Substantiated/Sustained	0
Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

February 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	0
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	1
Business / Construction	0
THEFT	
General / Shoplifting	3
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	1
ALCOHOL RELATED	
Driving While Intoxicated	1
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	87
COMMUNITY POLICING	
Vacation Watches	179
Community Services Programs Presented	0
Community Services Functions Attended	0
Direct Patrol / Park and Walk	153
ARRESTS	
Juvenile	0
Adult	2
Total Arrests	2
INVESTIGATIONS	
New Cases	7
Cases Cleared	1
Cases Declared Inactive	2
TRAFFIC ENFORCEMENT	
Citations - Traffic	22
Citations - Non-Traffic	0
Total Citations	22
Warnings	10
Total Citations / Warnings	32
MOTOR VEHICLE ACCIDENTS	
Offense Related	2
Traffic Accidents - Injury	1
Traffic Accidents - No Injury	1
Total Accidents	**2**
FALSE ALARMS	
False Alarms	2
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	2
Complaints Received	1
Complaints Substantiated/Sustained	1

TOTAL REPORTED OFFENSES	6	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

March 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	1
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	0
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	0
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	2
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	69
COMMUNITY POLICING	
Vacation Watches	112
Community Services Programs Presented	0
Community Services Functions Attended	0
Direct Patrol / Park and Walk	144
ARRESTS	
Juvenile	0
Adult	1
Total Arrests	1
INVESTIGATIONS	
New Cases	5
Cases Cleared	1
Cases Declared Inactive	0
TRAFFIC ENFORCEMENT	
Citations - Traffic	12
Citations - Non-Traffic	2
Total Citations	14
Warnings	20
Total Citations / Warnings	34
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	3
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	1
Complaints Received	1
Complaints Substantiated/Sustained	1

TOTAL REPORTED OFFENSES	3	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

APRIL 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	1
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	0
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	1
Motor Vehicle	1
Business / Construction	1
THEFT	
General / Shoplifting	1
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	1
ALCOHOL RELATED	
Driving While Intoxicated	1
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	1
Poss of Drug Paraphernalia	2
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	59
COMMUNITY POLICING	
Vacation Watches	31
Community Services Programs Presented	0
Community Services Functions Attended	0
Direct Patrol / Park and Walk	243
ARRESTS	
Juvenile	0
Adult	2
Total Arrests	2
INVESTIGATIONS	
New Cases	13
Cases Cleared	5
Cases Declared Inactive	5
TRAFFIC ENFORCEMENT	
Citations - Traffic	13
Citations - Non-Traffic	1
Total Citations	14
Warnings	19
Total Citations / Warnings	33
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	1
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	4
Complaints Received	1
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	10	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

MAY 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	1
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	1
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	1
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	114
COMMUNITY POLICING	
Vacation Watches	9
Community Services Programs Presented	0
Community Services Functions Attended	0
Direct Patrol / Park and Walk	185
ARRESTS	
Juvenile	0
Adult	0
Total Arrests	0
INVESTIGATIONS	
New Cases	5
Cases Cleared	1
Cases Declared Inactive	4
TRAFFIC ENFORCEMENT	
Citations - Traffic	11
Citations - Non-Traffic	3
Total Citations	14
Warnings	17
Total Citations / Warnings	0
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	6
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	5
Complaints Received	1
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	3	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

June 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	2
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	1
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	0
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	74
COMMUNITY POLICING	
Vacation Watches	13
Community Services Programs Presented	
Community Services Functions Attended	
Direct Patrol / Park and Walk	70
ARRESTS	
Juvenile	0
Adult	2
Total Arrests	2
INVESTIGATIONS	
New Cases	3
Cases Cleared	1
Cases Declared Inactive	1
TRAFFIC ENFORCEMENT	
Citations - Traffic	7
Citations - Non-Traffic	0
Total Citations	7
Warnings	5
Total Citations / Warnings	12
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	5
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	6
Complaints Received	1
Complaints Substantiated/Sustained	1

TOTAL REPORTED OFFENSES	3	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

July 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	0
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	2
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	1
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	122
COMMUNITY POLICING	
Vacation Watches	96
Community Services Programs Presented	-
Community Services Functions Attended	-
Direct Patrol / Park and Walk	73
ARRESTS	
Juvenile	0
Adult	1
Total Arrests	1
INVESTIGATIONS	
New Cases	5
Cases Cleared	0
Cases Declared Inactive	2
TRAFFIC ENFORCEMENT	
Citations - Traffic	15
Citations - Non-Traffic	0
Total Citations	15
Warnings	15
Total Citations / Warnings	30
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	8
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	3
Complaints Received	0
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	3	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

August 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	1
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	1
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	3
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	0
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	124
COMMUNITY POLICING	
Vacation Watches	142
Community Services Programs Presented	
Community Services Functions Attended	
Direct Patrol / Park and Walk	111
ARRESTS	
Juvenile	0
Adult	1
Total Arrests	1
INVESTIGATIONS	
New Cases	8
Cases Cleared	0
Cases Declared Inactive	5
TRAFFIC ENFORCEMENT	
Citations - Traffic	5
Citations - Non-Traffic	1
Total Citations	6
Warnings	17
Total Citations / Warnings	23
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	10
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	6
Complaints Received	2
Complaints Substantiated/Sustained	1

TOTAL REPORTED OFFENSES	5	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

September 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	1
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	0
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	2
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	1
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	90
COMMUNITY POLICING	
Vacation Watches	76
Community Services Programs Presented	-
Community Services Functions Attended	-
Direct Patrol / Park and Walk	118
ARRESTS	
Juvenile	0
Adult	0
Total Arrests	0
INVESTIGATIONS	
New Cases	6
Cases Cleared	1
Cases Declared Inactive	1
TRAFFIC ENFORCEMENT	
Citations - Traffic	15
Citations - Non-Traffic	0
Total Citations	15
Warnings	6
Total Citations / Warnings	21
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	5
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	5
Complaints Received	0
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	4	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

October 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	1
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	2
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	1
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	1
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	92
COMMUNITY POLICING	
Vacation Watches	1
Community Services Programs Presented	0
Community Services Functions Attended	0
Direct Patrol / Park and Walk	90
ARRESTS	
Juvenile	0
Adult	1
Total Arrests	1
INVESTIGATIONS	
New Cases	8
Cases Cleared	0
Cases Declared Inactive	4
TRAFFIC ENFORCEMENT	
Citations - Traffic	0
Citations - Non-Traffic	0
Total Citations	4
Warnings	3
Total Citations / Warnings	7
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	0
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	0
Complaints Received	0
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	4	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

November 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	2
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	1
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	2
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	0
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	97
COMMUNITY POLICING	
Vacation Watches	116
Community Services Programs Presented	
Community Services Functions Attended	
Direct Patrol / Park and Walk	108
ARRESTS	
Juvenile	0
Adult	2
Total Arrests	**2**
INVESTIGATIONS	
New Cases	5
Cases Cleared	0
Cases Declared Inactive	1
TRAFFIC ENFORCEMENT	
Citations - Traffic	0
Citations - Non-Traffic	0
Total Citations	7
Warnings	5
Total Citations / Warnings	**12**
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	0
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	3
Complaints Received	0
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	5	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

December 2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	0
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	0
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	0
BURGLARY	
Residential	0
Motor Vehicle	0
Business / Construction	0
THEFT	
General / Shoplifting	0
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	0
ALCOHOL RELATED	
Driving While Intoxicated	0
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	0
Poss of Drug Paraphernalia	0
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	0
COMMUNITY POLICING	
Vacation Watches	0
Community Services Programs Presented	
Community Services Functions Attended	
Direct Patrol / Park and Walk	0
ARRESTS	
Juvenile	0
Adult	0
Total Arrests	0
INVESTIGATIONS	
New Cases	0
Cases Cleared	0
Cases Declared Inactive	0
TRAFFIC ENFORCEMENT	
Citations - Traffic	0
Citations - Non-Traffic	0
Total Citations	0
Warnings	0
Total Citations / Warnings	0
MOTOR VEHICLE ACCIDENTS	
Offense Related	0
Traffic Accidents - Injury	0
Traffic Accidents - No Injury	0
Total Accidents	**0**
FALSE ALARMS	
False Alarms	0
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	0
Complaints Received	0
Complaints Substantiated/Sustained	0

TOTAL REPORTED OFFENSES	0	Complaints Unsubstantiated / Not Sustained	0

CORINTH POLICE DEPARTMENT

2015 Summary

OFFENSES

ASSAULTS	
Misdemeanor	4
Felony	0
FAMILY VIOLENCE ASSAULTS	
Misdemeanor	9
Felony	0
SEXUAL OFFENSES	
Total Sexual Offenses	0
DEATH - CRIMINAL (Homicide / Manslaughter)	
Total Criminal Deaths	0
MOTOR VEHICLE THEFTS	
Total Motor Vehicle Thefts	1
BURGLARY	
Residential	2
Motor Vehicle	2
Business / Construction	1
THEFT	
General / Shoplifting	17
ROBBERY	
Individual	0
Business	0
CRIMINAL MISCHIEF	
Vandalism / Graffiti	8
ALCOHOL RELATED	
Driving While Intoxicated	2
Driving Under Influence - Minor	0
Public Intoxication	0
Other Alcohol Related	0
DRUG RELATED	
Possession of Drugs	2
Poss of Drug Paraphernalia	2
Manuf./ Delivery of Drugs	0

ACTIVITIES

CALLS FOR SERVICE	
Total Calls for Service	600
COMMUNITY POLICING	
Vacation Watches	458
Community Services Programs Presented	-
Community Services Functions Attended	-
Direct Patrol / Park and Walk	1,013
ARRESTS	
Juvenile	0
Adult	12
Total Arrests	12
INVESTIGATIONS	
New Cases	68
Cases Cleared	12
Cases Declared Inactive	26
TRAFFIC ENFORCEMENT	
Citations - Traffic	123
Citations - Non-Traffic	12
Total Citations	146
Warnings	130
Total Citations / Warnings	245
MOTOR VEHICLE ACCIDENTS	
Offense Related	2
Traffic Accidents - Injury	1
Traffic Accidents - No Injury	1
Total Accidents	2
FALSE ALARMS	
False Alarms	40
JUVENILE CURFEW ENFORCEMENT	
Citations	0
Arrests	0
OFFICER CONDUCT	
Commendations Received	35
Complaints Received	7
Complaints Substantiated/Sustained	4

TOTAL REPORTED OFFENSES	49	Complaints Unsubstantiated / Not Sustained	0

SHADY SHORES TOWN COUNCIL
REGULAR MEETING
NOVEMBER 9, 2015, 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD

Minutes

Cindy Spencer	Mayor	Absent
Cindy Aughinbaugh	Mayor Pro-Tem	Present
Charles Grimes	Council Member	Present
Matthew Haines	Council Member	Present
Paula Woolworth	Council Member	Present
Tom Newell	Council Member	Present

Also Present: Wendy Withers, Town Secretary; Amber Schuler, Municipal Court Clerk; Jim Shepherd, Town Attorney; Richard Arvizu, Town Engineer

1. CALL TO ORDER

Mayor Pro-Tem Cindy Aughinbaugh called the meeting to order at 7:00 pm.

2. ROLL CALL

Establish a quorum

Mayor Pro-Tem Cindy Aughinbaugh called the roll and a quorum was established for the record.

3. PLEDGE ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG. (HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE.)

4. RECOGNITION OF ANITA REOH FOR HER SERVCE ON THE KEEP SHADY SHORES BEAUTIFUL BOARD

DRAFT

Mayor Pro Tem Cindy Aughinbaugh noted that Ashlea Grimes was present to recognize Anita Reoh for her service. Ms. Grimes recognized Anita Reoh for her service and stated that Mrs. Reoh would remain on the board as the Vice-Chairman.

5. CITIZENS COMMENTS-PURSUANT TO THE STATE OF TEXAS OPEN MEETINGS STATUTE:

The governing body of the Town of Shady Shores may not take action on items not posted on the agenda. Those items mentioned by citizens may be placed on a future agenda.

Nick Augustine 142 Quail Drive stated that the newsletter had really been great lately. He was appreciative of the information.

6. COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

6.I. MONTHLY REPORTS:

A. Community Events (Mindy Grimes) - Chairman Mindy Grimes was present and announced that the Chili Cook Off was going to be held on November 14, 2015. Mrs. Grimes went on to report that the Hoot N Holler was canceled due to the weather. The Committee is now working on the annual Christmas event and T-shirts.

B. Keep Shady Shores Beautiful (Anita Reoh)-Chairman Ashlea Grimes reported that KSSB is working on getting Olive's garden moved. The KSSB is also working closely with the school and encouraging the participation of the children and teachers in KSSB events. Keep Shady Shores Beautiful shirts are available now and the group continues to seek volunteers.

C. Animal Control (Grimes) - Councilmember Charles Grimes stated that this had been an average month for animal control.

D. Code Enforcement (Grimes) - Councilmember Grimes reported that Code Enforcement and working to correct several problematic issues around town

E. Police Report (Haines)-Councilmember Matthew Haines reported that this had been a fairly quiet month. There were a couple of vandalism reports. Councilmember Charles Grimes submitted a cd of pictures, depicting individuals parking and participating in other illegal acts at the north end of Garza road. Councilmember Grimes urged all council members to view the pictures.

F. Fire Report (Woolworth)-Councilmember Paula Woolworth reported there were ten calls for the month of October; noting none of the calls were major events. Councilmember Woolworth also reported that she and the Town Secretary, Wendy Withers had met with Chief Birt and the Acting City Manager for the City of Corinth to discuss preliminary issues in the 2017 fire contract.

DRAFT

G. Planning and Zoning Report (Lea)-There was no meeting in October.

H. Staff Report (Withers)-Town Secretary Wendy Withers gave the staff report.

I. Announcements

1. Chili Cook-Off November 14, 2015 6-8 pm
2. Planning and Zoning Commission meets November 12- 7 p.m.
3. Town Hall closed for the Thanksgiving Holiday, November 26-27th
4. Shady Shores Christmas- December 2, 2015
5. Shady Shores T-Shirts available for sale

Documents: SS POLICE ACTIVITY 2015 (10).PDF, SHADY SHORES JAN-OCT 2015.PDF, STAFF REPORT 11.04.2015.PDF

Mayor Pro Tem Cindy Aughinbaugh stated that the council would move to executive session at this time. (7:17 pm)

7. CONSENT AGENDA

Each item listed on the consent agenda is considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

A. October 2015 Financial Reports
B. Minutes of the October 12,2015 Regular Town Council Meeting
C. Resolution amending the location of permanent public information signs
D. Resolution voting for Matthew Haines to serve on the Denton Central Appraisal District Board of Directors.

John Everett signed up to speak and stated that he would appreciate the Council's help moving his replat request forward as soon as possible.

Documents: OCTOBER 2015 FINANCIAL REPORTS.PDF, TOWN COUNCIL MINUTES 10.12.2015.PDF, RESOLUTION 740 AMENDING DRAFT.PDF , DENTON CENTRAL APPRAISAL DISTRICT TAX RATE SURVEY.PDF

Tom Newell made a motion to approve the items on the consent agenda as presented. Matthew Haines seconded the motion.

Discussion: None

Ayes: Grimes, Haines, Aughinbaugh, Woolworth, Newell
Nays: None

The motion passed unanimously.

8. OAKWOOD CIRCLE DRAINAGE ISSUES

Town Engineer Richard Arvizu will give a presentation relative to the drainage issues on Oakwood Circle. Consider and take action on approval of work to be done.

Documents: AGENDA MEMO OAKWOOD CIRCLE DRAINAGE ISSUES 11.09.2015.PDF, OAKWOOD CIRCLE DRAINAGE - COST ESTIMATE - OPTION 1.PDF, OAKWOOD CIRCLE DRAINAGE - COST ESTIMATE - OPTION 2.PDF , OAKWOOD CIRCLE DRAINAGE PROJECT PLANNING MAP.PDF

Town Engineer Richard Arvizu was present, to present his findings relative to drainage issues on Oakwood Circle. Mr. Arvizu reported that the drainage wall built by Mr. Vaughn appears to encroach on a drainage easement which could be causing some of the issues. In addition, many homeowners appear to have filled in the ditches along the roadway and many of the driveway culverts appear to be undersized.

DISCUSSION: Councilmember Charles Grimes stated that he would like the council to look at the project as a whole. The whole subdivision needs to be addressed because the overall drainage issue belongs to the whole subdivision.

Option 1 and 2 come up to about $30,000 Councilmember Paula Woolworth stated she would like to do both options, but felt council needed to be mindful of the budget. Councilmember Woolworth suggested completing the survey work and perform the additional work later in the year.

Councilmember Haines noted that this type of study would eventually need to be done throughout the subdivision.

Matthew Haines made a motion to approve Option 1 engineering costs only, for $8,000. Paula Woolworth seconded the motion.

Discussion: None
Ayes: Grimes, Haines, Aughinbaugh, Woolworth, Haines
Nays: None

The motion passed unanimously. Motion approved unanimously.

9. RFP FOR GARBAGE CONTRACT

DRAFT

Consider and take action relative to authorizing town staff to advertise a Request for Proposal for Garbage Collection Services and recycling contract. Provide additional staff direction as needed.

Documents: AGENDA MEMO GARBAGE COLLECTION AND RECYCLING SERVICES.PDF, RFP FOR TRASH SERVICES- UPDATED 11-04-2015.PDF

Mayor Pro Tem Cindy Aughinbaugh noted that staff would need to be diligent with management of the change of vendors should that be the case.

Staff was directed to advertise the RFP and contact Waste Management to advise them.

10. RIGHT OF WAY PERMIT

Consider and discuss the development of an ordinance requiring a right-of way permit for persons wishing to work on the public right-of-ways in Shady Shores. Provide staff direction.

Documents: AGENDA MEMO RIGHT OF WAY PERMIT 11.09.2015.DOCX, ORD 480.PDF

Councilmembers directed Town Attorney Jim Shepherd to draft an ordinance regulating construction in the town right-of ways.

11. EMPLOYEE HANDBOOK

Clarify issues in the employee handbook regarding vacation and time off. Consider and act on amending the Ordinance adopting the employee handbook.

Councilmembers discussed various changes to the employee handbook. Town Attorney Jim Shepherd was directed to develop an ordinance updating the handbook.

Documents: AGENDA MEMO EMPLOYEE HANDBOOK 11.04.2015.PDF , ORDINANCE 265.PDF

12. EXECUTIVE SESSION: Pursuant To The Provisions Of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, The Town Council May Hold A Closed Meeting.

A. Government Code 551.071-Consultation with Attorney: legal advice and/or pending litigation

1. Swanson vs Town of Shady Shores
2. Tuscany Village

B. Government Code 551.074- Personnel Matters

1. Town Secretary-Discuss the evaluation of the Town Secretary

7:17 pm

Paula Woolworth made a motion to recess into executive session. Charles Grimes seconded the motion.

Discussion: None
AYES: Grimes, Haines, Aughinbaugh, Woolworth, Newell
NAYS: None

The motion passed unanimously and the council adjourned into executive session at 7:17 p.m.

Paula Woolworth made motion to reconvene into open session. Matthew Haines seconded the motion.

Discussion: None
Ayes: Grimes, Haines, Aughinbaugh, Woolworth, Newell
Nays: None

The motion passed unanimously and the council reconvened into open session at 7:45 pm with no action taken.

Council moved to agenda item #7 at 7:45 pm.

Matthew Haines made a motion to recess in to executive session. Charles Grimes seconded the motion.

Discussion: None
Ayes: Grimes, Haines, Aughinbaugh, Woolworth, Newell
Nays: None

The motion passed unanimously and the council recessed into executive session at 8:52 pm.

Paula Woolworth made a motion to reconvene into open session. Charles Grimes seconded the motion.

Discussion: None
Ayes: Grimes, Haines, Aughinbaugh, Woolworth, Newell
Nays: None

The motion passed unanimously and the council reconvened into open session at 9:15 pm with no action taken.

13. FUTURE AGENDA ITEMS AND STAFF DIRECTION

Discuss future agenda items and provide staff direction.

DRAFT

Right of way Ordinance
Sign Ordinance (political advertising)
Electronic billboards- codified universal sign ordinance- monument signs
Handbook items
Right of Way Permit
COE ordinance change to the landscaping
February- Fire Department, talking to us about a long term fire contract
Variance Request 6:30 pm
FEMA- discussion regarding Lynchburg creek drainage analysis
Impact Fees
Thoroughfare plan-- where do we want the roads widened
Charter Contract- review and talk about their

14. ADJOURN

Charles Grimes made a motion to adjourn. Tom Newell seconded the motion.

Discussion: NONE
Ayes: Aughinbaugh, Grimes, Haines, Woolworth Newell
Nays: None

The motion passed unanimously and the meeting was adjourned at 9:20 pm.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2015.

APPROVED:

_____
Cindy Aughinbaugh, Mayor Pro-Tem

ATTEST:

_____
Wendy Withers, Town Secretary

DRAFT

Town of Shady Shores

12/7/2015 3:23 PM

Register: 1200 · General Fund Checking-Northstar

From 11/01/2015 through 11/30/2015

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
11/01/2015	8958	City of Corinth	7420 · Fire Dept		25,581.16	X		390,232.61
11/02/2015			4010 · Ad ValoremTax	Deposit		X	7.05	390,239.66
11/02/2015	8985	Americas Code Enfor...	7415 · Code Enforcem...		600.00	X		389,639.66
11/02/2015	8986	Franklin Digital Solu...	8130 · Computer Expe...		1,500.00	X		388,139.66
11/02/2015	8987	ALL AMERICAN D...	7410 · Animal Control		1,155.00	X		386,984.66
11/02/2015	8988	Bailey Environmental	7430 · Building Inspec...		75.00	X		386,909.66
11/02/2015	8989	Angie Warner	7552 · Municipal Judge		175.00	X		386,734.66
11/02/2015	8990	Amber Schuler	8140 · Postage, shippin...		60.66	X		386,674.00
11/02/2015	8991	ATMOS	8210 · Utility Atmos E...		44.21	X		386,629.79
11/02/2015		QuickBooks Payroll ...	-split-	Created by Pay...	3,278.21	X		383,351.58
11/03/2015			4900 · Facility Rental	Deposit		X	75.00	383,426.58
11/03/2015	draft	Fed Ex	8140 · Postage, shippin...		65.67	X		383,360.91
11/03/2015	To Print	Wendy S Withers	-split-	Direct Deposit		X		383,360.91
11/03/2015	To Print	Amber L Schuler	-split-	Direct Deposit		X		383,360.91
11/04/2015			-split-	Deposit		X	1,152.35	384,513.26
11/04/2015			-split-	Deposit		X	322.00	384,835.26
11/04/2015			4010 · Ad ValoremTax	Deposit		X	2,193.50	387,028.76
11/05/2015			4010 · Ad ValoremTax	Deposit		X	2,471.59	389,500.35
11/05/2015	draft	Fed Ex	8140 · Postage, shippin...		54.64	X		389,445.71
11/06/2015			4010 · Ad ValoremTax	Deposit		X	3,015.74	392,461.45
11/06/2015			4800 · Municipal Cour...	Deposit		X	69.00	392,530.45
11/07/2015			-split-	Deposit		X	109.00	392,639.45
11/09/2015			-split-	Deposit		X	4,413.14	397,052.59
11/09/2015			4050 · Sales Tax	Deposit		X	9,784.26	406,836.85
11/09/2015			4010 · Ad ValoremTax	Deposit		X	1,736.20	408,573.05
11/09/2015	draft	ADOBE SYSTEMS	8130 · Computer Expe...		14.99	X		408,558.06
11/09/2015	Draft	Internal Revenue Ser...	-split-	75-6037224	889.62	X		407,668.44
11/09/2015	8992	Denton Record Chro...	-split-		104.60	X		407,563.84
11/09/2015	8993	Texas Archives	8110 · Office Supplies		10.00	X		407,553.84
11/09/2015	8994	LCMUA	8215 · Utility LCMUA		129.00	X		407,424.84
11/09/2015	8995	Shepherd Law Firm	7510 · Attorney fees		10,000.00	X		397,424.84
11/09/2015	8996	City of Corinth	7420 · Fire Dept		25,581.16	X		371,843.68
11/09/2015	8997	Steve Koehler	7430 · Building Inspec...		1,590.00	X		370,253.68
11/09/2015	8998	CIELO HOMEOWN...	8592 · Building Deposi...		200.00			370,053.68
11/09/2015	8999	San Bay Studio	8517 · Community Eve...		274.98	X		369,778.70
11/09/2015	9000	charter Business	-split-		165.67	X		369,613.03
11/10/2015			4010 · Ad ValoremTax	Deposit		X	1,957.44	371,570.47
11/11/2015	9001	San Bay Studio	8517 · Community Eve...		277.72	X		371,292.75
11/12/2015			-split-	Deposit		X	1,542.00	372,834.75
11/12/2015			4010 · Ad ValoremTax	Deposit		X	1,801.75	374,636.50

Register: 1200 · General Fund Checking-Northstar

From 11/01/2015 through 11/30/2015

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
11/12/2015			4010 · Ad ValoremTax	Deposit		X	2,379.93	377,016.43
11/13/2015			4800 · Municipal Cour...	Deposit		X	100.00	377,116.43
11/13/2015			4130 · Permits/Variances	Deposit		X	130.00	377,246.43
11/16/2015			4010 · Ad ValoremTax	Deposit		X	5,378.03	382,624.46
11/16/2015			4800 · Municipal Cour...	Deposit			25.00	382,649.46
11/16/2015	draft	Internal Revenue Ser...	-split-	75-6037224	914.06	X		381,735.40
11/16/2015	9002	Binkley&Barfield	-split-		3,414.56	X		378,320.84
11/16/2015	9003	GRIMES, MINDY	8517 · Community Eve...		197.18	X		378,123.66
11/16/2015	9004	TMRS	-split-		432.43	X		377,691.23
11/16/2015	9005	StarTex Power	8220 · Utility Electric		195.85	X		377,495.38
11/16/2015	9007	Amber Schuler	8140 · Postage, shippin...		50.31	X		377,445.07
11/17/2015			4010 · Ad ValoremTax	Deposit		X	47.86	377,492.93
11/17/2015	9006	Franz L Kahler	-split-		147.07	X		377,345.86
11/17/2015		QuickBooks Payroll ...	-split-	Created by Pay...	3,278.17	X		374,067.69
11/18/2015			-split-	Deposit		X	1,155.00	375,222.69
11/18/2015			4010 · Ad ValoremTax	Deposit		X	1,140.08	376,362.77
11/18/2015			4800 · Municipal Cour...	Deposit		X	700.00	377,062.77
11/18/2015	draft	Sign Warehouse	8517 · Community Eve...		286.85	X		376,775.92
11/18/2015	draft	Wendy S Withers	-split-	Direct Deposit				376,775.92
11/18/2015	draft	Amber L Schuler	-split-	Direct Deposit				376,775.92
11/19/2015			4010 · Ad ValoremTax	Deposit		X	497.04	377,272.96
11/20/2015			4010 · Ad ValoremTax	Deposit		X	2,620.02	379,892.98
11/20/2015	draft	Fed Ex	8140 · Postage, shippin...		36.20	X		379,856.78
11/23/2015			4010 · Ad ValoremTax	Deposit		X	1,474.23	381,331.01
11/23/2015			-split-	Deposit		X	150.00	381,481.01
11/23/2015	draft	Fed Ex	8140 · Postage, shippin...		48.70	X		381,432.31
11/23/2015	9008	Albert N. Petty	8250 · Building Mainte...	Invoice # 1001	1,523.04	X		379,909.27
11/24/2015			4010 · Ad ValoremTax	Deposit		X	1,037.94	380,947.21
11/24/2015			4130 · Permits/Variances	Deposit		X	115.00	381,062.21
11/25/2015			-split-	Deposit		X	6,467.06	387,529.27
11/25/2015			4010 · Ad ValoremTax	Deposit		X	3,989.75	391,519.02
11/27/2015			4010 · Ad ValoremTax	Deposit		X	434.98	391,954.00
11/27/2015			4010 · Ad ValoremTax	Deposit		X	630.65	392,584.65
11/30/2015			4400 · Interest Earned	VOID: Interest		X	0.00	392,584.65
11/30/2015			4400 · Interest Earned	Interest		X	60.15	392,644.80
11/30/2015	9021	BAKER,LANDSCA...	8070 · Public Works		1,100.00			391,544.80
11/30/2015	9022	Angie Warner	7552 · Municipal Judge		175.00			391,369.80
11/30/2015	9023	Megan Salazar	8592 · Building Deposi...		200.00			391,169.80
11/30/2015	9024	Waste Management	8518 · KSSB		622.31			390,547.49
11/30/2015	9025	Americas Code Enfor...	7415 · Code Enforcem...		600.00			389,947.49

Register: 1200 · General Fund Checking-Northstar

From 11/01/2015 through 11/30/2015

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
11/30/2015	9028	ALL AMERICAN D...	7410 · Animal Control		1,155.00			388,792.49
11/30/2015	9029	Bill Bounds	-split-		2,545.00			386,247.49

3:17 PM
12/07/15
Cash Basis

Town of Shady Shores
Balance Sheet
As of November 30, 2015

	Nov 30, 15
ASSETS	
Current Assets	
Checking/Savings	
1040 · Petty cash	150.00
1200 · General Fund Checking-Northstar	386,247.49
1220 · Fund Balance (General)	540,319.30
1230 · Reserve Account	325,193.96
1231 · Reserve Acct - GreenBank	246,944.81
1232 · Reserve Acct - TX Republic Bank	248,043.08
1250 · CD's	253,324.58
Total Checking/Savings	2,000,223.22
Accounts Receivable	
1110 · Accounts receivable	-930.00
Total Accounts Receivable	-930.00
Other Current Assets	
1452 · INTEREST RECEIVEABLE	164.67
1461 · Taxes Receivable	11,709.33
1463 · Rent Deposit	-200.00
Total Other Current Assets	11,674.00
Total Current Assets	2,010,967.22
TOTAL ASSETS	**2,010,967.22**
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2010 · Accounts payable	14,618.20
Total Accounts Payable	14,618.20
Other Current Liabilities	
2100 · Payroll Liabilities	914.85
2151 · Deferred Taxes	11,048.51
2160 · Municipal Court Technology Fund	671.26
2161 · Municipal Court Security Fund	585.92
2162 · Child Safety Fees	2,813.14
Total Other Current Liabilities	16,033.68
Total Current Liabilities	30,651.88
Total Liabilities	30,651.88
Equity	
3001 · Opening Bal Equity	
3002 · General Reserve Account	300,000.00
3003 · Roads and Bridges Reserve Accou	848,505.77
3004 · Capital Improvements Reserve	100,000.00
Total 3001 · Opening Bal Equity	1,248,505.77
3010 · Unrestrict (retained earnings)	863,416.73
Net Income	-131,607.16
Total Equity	1,980,315.34
TOTAL LIABILITIES & EQUITY	**2,010,967.22**

3:20 PM
12/07/15
Cash Basis

Town of Shady Shores
Profit & Loss Budget vs. Actual
October 2015 through September 2016

	Oct '15 - S...	Budget	$ Over Bud...	% of B...
Ordinary Income/Expense				
Income				
4000 · Town Services Revenue				
4010 · Ad ValoremTax	37,952.51	773,377.00	-735,424.49	4.9%
4050 · Sales Tax	14,689.06	75,000.00	-60,310.94	19.6%
4130 · Permits/Variances	4,329.00	50,000.00	-45,671.00	8.7%
4140 · Inspections	765.00	12,000.00	-11,235.00	6.4%
4400 · Interest Earned	826.77	6,000.00	-5,173.23	13.8%
4540 · Local government grants	0.00			
4800 · Municipal Court Fines	7,748.46	20,000.00	-12,251.54	38.7%
4900 · Facility Rental	350.00	2,000.00	-1,650.00	17.5%
4901 · Reimbursements	0.00	100.00	-100.00	0.0%
4902 · Community Events Income	584.99	500.00	84.99	117.0%
Total 4000 · Town Services Revenue	67,245.79	938,977.00	-871,731.21	7.2%
5000 · Franchise Revenues				
5010 · TXU	0.00	80,000.00	-80,000.00	0.0%
5020 · Atmos Energy	0.00	26,000.00	-26,000.00	0.0%
5030 · CoServe	0.00	50.00	-50.00	0.0%
5040 · Century Telephone	759.36	2,800.00	-2,040.64	27.1%
5050 · Charter Communication	6,277.00	20,000.00	-13,723.00	31.4%
5070 · Waste Management	2.92	1,500.00	-1,497.08	0.2%
Total 5000 · Franchise Revenues	7,039.28	130,350.00	-123,310.72	5.4%
6000 · Budgeted Fund Balance	0.00	301,462.00	-301,462.00	0.0%
Total Income	74,285.07	1,370,789.00	-1,296,503.93	5.4%
Expense				
7400 · Contract Labor expenses				
7410 · Animal Control	3,850.00	15,400.00	-11,550.00	25.0%
7415 · Code Enforcement Officer	1,800.00	14,000.00	-12,200.00	12.9%
7420 · Fire Dept	76,743.48	306,974.00	-230,230.52	25.0%
7430 · Building Inspector	4,840.00	25,000.00	-20,160.00	19.4%
7440 · Library	14,523.00	29,046.00	-14,523.00	50.0%
7460 · Police Patrol Svc	40,031.25	160,125.00	-120,093.75	25.0%
Total 7400 · Contract Labor expenses	141,787.73	550,545.00	-408,757.27	25.8%
7500 · Professional Svc expenses				
7510 · Attorney fees	10,000.00	65,000.00	-55,000.00	15.4%
7520 · Accounting/Audit fees	0.00	6,800.00	-6,800.00	0.0%
7530 · Engineer fees	7,617.64	50,000.00	-42,382.36	15.2%
7540 · Secretary	0.00	0.00	0.00	0.0%
7552 · Municipal Judge	525.00	2,100.00	-1,575.00	25.0%
7560 · Payroll Tax	0.00			
Total 7500 · Professional Svc expenses	18,142.64	123,900.00	-105,757.36	14.6%
7600 · Personnel Expenses				
7640 · Town Secretary	14,307.72	65,100.00	-50,792.28	22.0%
7650 · Office Clerk	0.00	0.00	0.00	0.0%
7655 · Municipal Court Clerk	10,032.00	45,645.00	-35,613.00	22.0%
7656 · Landscape Technician	474.50	5,000.00	-4,525.50	9.5%
7660 · Payroll Tax	1,898.27	9,000.00	-7,101.73	21.1%
7661 · TMRS	53.54	5,550.00	-5,496.46	1.0%
7662 · Misc/Other	0.00	5,000.00	-5,000.00	0.0%
7663 · Staff Development	246.42	10,000.00	-9,753.58	2.5%
Total 7600 · Personnel Expenses	27,012.45	145,295.00	-118,282.55	18.6%
8000 · Infrastructure				
8010 · Signs	0.00	1,500.00	-1,500.00	0.0%
8030 · Regional Storm Water Program	500.00	2,500.00	-2,000.00	20.0%
8050 · Grants NCTCOG-FEMA CTP	0.00	30,000.00	-30,000.00	0.0%
8060 · Roads / Streets	0.00	350,000.00	-350,000.00	0.0%
8070 · Public Works				
8070a · public works materials	220.27			
8070 · Public Works - Other	7,375.25	30,000.00	-22,624.75	24.6%

Town of Shady Shores
Profit & Loss Budget vs. Actual
October 2015 through September 2016

	Oct '15 - S...	Budget	$ Over Bud...	% of B...
Total 8070 · Public Works	7,595.52	30,000.00	-22,404.48	25.3%
Total 8000 · Infrastructure	8,095.52	414,000.00	-405,904.48	2.0%
8100 · Non-personnel expenses				
8110 · Office Supplies	255.34	2,500.00	-2,244.66	10.2%
8115 · Texas Municipal League	3,514.85	4,400.00	-885.15	79.9%
8120 · Legal Advertising	89.10	2,000.00	-1,910.90	4.5%
8130 · Computer Expenses	5,940.50	15,000.00	-9,059.50	39.6%
8140 · Postage, shipping, delivery	479.35	700.00	-220.65	68.5%
8180 · Books, subscriptions, reference	0.00	250.00	-250.00	0.0%
8185 · Codification	0.00	1,500.00	-1,500.00	0.0%
8190 · Election expenses	0.00	4,000.00	-4,000.00	0.0%
Total 8100 · Non-personnel expenses	10,279.14	30,350.00	-20,070.86	33.9%
8200 · Occupancy expenses				
8205 · Telephone - CenturyTel	183.93	1,300.00	-1,116.07	14.1%
8210 · Utility Atmos Energy	156.77	1,000.00	-843.23	15.7%
8215 · Utility LCMUA	225.44	1,200.00	-974.56	18.8%
8220 · Utility Electric	1,063.98	14,000.00	-12,936.02	7.6%
8250 · Building Maintenance	2,016.04	20,400.00	-18,383.96	9.9%
Total 8200 · Occupancy expenses	3,646.16	37,900.00	-34,253.84	9.6%
8500 · Misc expenses				
8510 · Dues	320.00	500.00	-180.00	64.0%
8515 · Promotional	0.00	1,500.00	-1,500.00	0.0%
8517 · Community Events	2,392.10	4,300.00	-1,907.90	55.6%
8518 · KSSB	1,320.86	6,000.00	-4,679.14	22.0%
8520 · Ad Valorem Tax Svc	1,258.89	7,500.00	-6,241.11	16.8%
8540 · Staff development	0.00	0.00	0.00	0.0%
8550 · Municipal Court Fines to State	1,844.90	10,000.00	-8,155.10	18.4%
8551 · Municipal Court Software Mnt	0.00	0.00	0.00	0.0%
8552 · Municipal Court Jury Service	0.00	500.00	-500.00	0.0%
8570 · Advertising expenses	0.00	500.00	-500.00	0.0%
8580 · Contingency provisions	0.00	33,649.00	-33,649.00	0.0%
8585 · Deliquent Ticket Collection Fee	192.00	2,000.00	-1,808.00	9.6%
8590 · Other expenses	0.00	200.00	-200.00	0.0%
8591 · Bank Service Charge	0.00	150.00	-150.00	0.0%
8592 · Building Deposit Refund	400.00	2,000.00	-1,600.00	20.0%
Total 8500 · Misc expenses	7,728.75	68,799.00	-61,070.25	11.2%
Total Expense	216,692.39	1,370,789.00	-1,154,096.61	15.8%
Net Ordinary Income	-142,407.32	0.00	-142,407.32	100.0%
Net Income	**-142,407.32**	**0.00**	**-142,407.32**	**100.0%**

Town of Shady Shores
Revenue & Expenditure Detail
November 2015

Date	Memo	Amount
Ordinary Income/Expense		
Income		
4000 · Town Services Revenue		
4010 · Ad ValoremTax		
11/02/2015	tax collection	7.05
11/04/2015	Deposit	2,193.50
11/05/2015	Deposit	2,471.59
11/06/2015	Deposit	3,015.74
11/09/2015	Deposit	1,736.20
11/10/2015	Deposit	1,957.44
11/12/2015	Deposit	1,801.75
11/12/2015	Deposit	2,379.93
11/16/2015	Deposit	5,378.03
11/17/2015	Deposit	47.86
11/18/2015	Deposit	1,140.08
11/19/2015	Deposit	497.04
11/20/2015	Deposit	2,620.02
11/23/2015	Deposit	1,474.23
11/24/2015	Deposit	1,037.94
11/25/2015	Deposit	3,989.75
11/27/2015	Deposit	434.98
11/27/2015	Deposit	630.65
Total 4010 · Ad ValoremTax		32,813.78
4050 · Sales Tax		
11/09/2015	Deposit	9,784.26
Total 4050 · Sales Tax		9,784.26
4130 · Permits/Variances		
11/04/2015	solicitors permit	75.00
11/09/2015	VARIANCE REQ...	500.00
11/09/2015	SOLICITORS PE...	75.00
11/09/2015	PERMIT # 2020 ...	130.00
11/12/2015	COVERED PATI...	150.00
11/13/2015	210 commanchee	130.00
11/18/2015	roof permit	130.00
11/23/2015	303 meadowlark-...	130.00
11/24/2015	fence permit	115.00
11/25/2015	651 commanche...	130.00
11/25/2015	214 ss road lot 4 ...	130.00
Total 4130 · Permits/Varia...		1,695.00
4400 · Interest Earned		
11/08/2015	cd interest	191.42
11/30/2015	Interest	0.00
11/30/2015	Interest	60.15
11/30/2015	Interest	167.97
11/30/2015	Interest	98.07
Total 4400 · Interest Earned		517.61
4540 · Local government grants		
11/09/2015	CHILD SAFETY ...	2,813.14
11/30/2015	child safety fees	-2,813.14
Total 4540 · Local govern...		0.00
4800 · Municipal Court Fines		
11/04/2015	mc4319	187.00
11/04/2015	mc4804-01	25.00
11/04/2015	mc4804-02	25.00
11/04/2015	mc1056-01	17.50
11/04/2015	mc1056-02	17.50
11/04/2015	mc4713-01	152.00
11/04/2015	mc4713-02	156.00
11/06/2015	4617	69.00
11/07/2015	mc4424	102.00
11/09/2015	MC4688	359.00
11/09/2015	MC1056	197.50
11/09/2015	MC1055	197.50

Town of Shady Shores
Revenue & Expenditure Detail
November 2015

Date	Memo	Amount
11/09/2015	MC3888	50.00
11/12/2015	1025	243.00
11/12/2015	1026	243.00
11/12/2015	1027	243.00
11/12/2015	1028	243.00
11/12/2015	1029	243.00
11/12/2015	MC4807	102.00
11/12/2015	MC4743	33.00
11/13/2015	mc3762	100.00
11/16/2015	4612	25.00
11/18/2015	mc4908-01	1.00
11/18/2015	mc4908-02	2.00
11/18/2015	mc4908-03	1.00
11/18/2015	mc1015	193.00
11/18/2015	mc1016	193.00
11/18/2015	mc1017	193.00
11/18/2015	mc1018	193.00
11/18/2015	mc1019	193.00
11/18/2015	mc4612	700.00
11/25/2015	4612-01,02,03	122.46
Total 4800 · Municipal Co...		4,821.46
4900 · Facility Rental		
11/03/2015	Deposit	75.00
Total 4900 · Facility Rental		75.00
4902 · Community Events Income		
11/04/2015	candy purchase	30.99
11/04/2015	t-shirt	15.00
11/09/2015	T SHIRTS	45.00
11/09/2015	T SHIRTS	35.00
11/09/2015	DONATION FOR...	4.00
11/23/2015	vendor fee christ...	20.00
11/25/2015	tshirts	205.00
11/25/2015	tshirts	35.00
Total 4902 · Community E...		389.99
Total 4000 · Town Services R...		50,097.10
5000 · Franchise Revenues		
5040 · Century Telephone		
11/04/2015	Deposit	759.36
Total 5040 · Century Tele...		759.36
5050 · Charter Communication		
11/25/2015	Deposit	957.42
11/25/2015	Deposit	4,866.18
Total 5050 · Charter Com...		5,823.60
Total 5000 · Franchise Reven...		6,582.96
Total Income		56,680.06
Expense		
7400 · Contract Labor expenses		
7410 · Animal Control		
11/02/2015		1,155.00
11/30/2015	December Billing	1,155.00
Total 7410 · Animal Control		2,310.00
7415 · Code Enforcement Officer		
11/02/2015	November Code ...	600.00
11/30/2015	december billing	600.00
Total 7415 · Code Enforce...		1,200.00
7420 · Fire Dept		
11/01/2015	November Fire D...	25,581.16
11/09/2015	November Fire D...	25,581.16

Town of Shady Shores
Revenue & Expenditure Detail
November 2015

Date	Memo	Amount
Total 7420 · Fire Dept		51,162.32
7430 · Building Inspector		
11/02/2015	septic Inspection	75.00
11/09/2015	inspections Nove...	1,590.00
Total 7430 · Building Insp...		1,665.00
Total 7400 · Contract Labor e...		56,337.32
7500 · Professional Svc expenses		
7510 · Attorney fees		
11/09/2015	two months legal...	10,000.00
Total 7510 · Attorney fees		10,000.00
7530 · Engineer fees		
11/16/2015	11594	450.00
11/16/2015	11595	375.00
11/16/2015	11596	751.03
11/16/2015	11597	1,838.53
Total 7530 · Engineer fees		3,414.56
7552 · Municipal Judge		
11/02/2015		175.00
11/30/2015	December Court	175.00
Total 7552 · Municipal Jud...		350.00
7560 · Payroll Tax		
11/03/2015	Direct Deposit	0.00
11/03/2015	Direct Deposit	0.00
11/03/2015	Direct Deposit	0.00
11/03/2015	Direct Deposit	0.00
11/17/2015		3.66
11/17/2015		-3.66
11/18/2015	Direct Deposit	0.00
11/18/2015	Direct Deposit	0.00
11/18/2015	Direct Deposit	0.00
11/18/2015	Direct Deposit	0.00
Total 7560 · Payroll Tax		0.00
Total 7500 · Professional Svc...		13,764.56
7600 · Personnel Expenses		
7640 · Town Secretary		
11/03/2015	Direct Deposit	2,384.62
11/18/2015	Direct Deposit	2,384.62
Total 7640 · Town Secretary		4,769.24
7655 · Municipal Court Clerk		
11/03/2015	Direct Deposit	1,672.00
11/18/2015	Direct Deposit	1,672.00
Total 7655 · Municipal Co...		3,344.00
7656 · Landscape Technician		
11/17/2015		159.25
Total 7656 · Landscape T...		159.25
7660 · Payroll Tax		
11/03/2015	Direct Deposit	103.66
11/03/2015	Direct Deposit	24.24
11/03/2015	Direct Deposit	147.84
11/03/2015	Direct Deposit	34.57
11/17/2015		9.87
11/17/2015		2.31
11/18/2015	Direct Deposit	103.67
11/18/2015	Direct Deposit	24.25
11/18/2015	Direct Deposit	147.85
11/18/2015	Direct Deposit	34.58

Town of Shady Shores
Revenue & Expenditure Detail
November 2015

Date	Memo	Amount
	Total 7660 · Payroll Tax	632.84
	7661 · TMRS	
11/16/2015	Town Portion No...	26.77
	Total 7661 · TMRS	26.77
	Total 7600 · Personnel Expen...	8,932.10
	8000 · Infrastructure	
	8070 · Public Works	
	8070a · public works materials	
11/30/2015		75.00
	Total 8070a · public w...	75.00
	8070 · Public Works - Other	
11/30/2015	tree trimming pu...	1,100.00
11/30/2015		2,470.00
	Total 8070 · Public Wo...	3,570.00
	Total 8070 · Public Works	3,645.00
	Total 8000 · Infrastructure	3,645.00
	8100 · Non-personnel expenses	
	8110 · Office Supplies	
11/02/2015	Fee for 2 direct d...	3.50
11/02/2015	Sales Tax for TX	0.23
11/09/2015		10.00
11/17/2015	Fee for 2 direct d...	3.50
11/17/2015	Sales Tax for TX	0.23
	Total 8110 · Office Supplies	17.46
	8120 · Legal Advertising	
11/09/2015	public hearing no...	17.90
	Total 8120 · Legal Adverti...	17.90
	8130 · Computer Expenses	
11/02/2015	Tech Support an...	1,500.00
11/09/2015	computer expens...	75.70
11/09/2015		14.99
	Total 8130 · Computer Ex...	1,590.69
	8140 · Postage, shipping, delivery	
11/02/2015	postage	60.66
11/03/2015	municipal court n...	65.67
11/05/2015	court citations	54.64
11/16/2015	postage reimbur...	50.31
11/20/2015	municipal court c...	36.20
11/23/2015	postage and ship...	48.70
	Total 8140 · Postage, ship...	316.18
	Total 8100 · Non-personnel e...	1,942.23
	8200 · Occupancy expenses	
	8205 · Telephone - CenturyTel	
11/09/2015	telephone	89.97
	Total 8205 · Telephone - ...	89.97
	8210 · Utility Atmos Energy	
11/02/2015	gas bill	44.21
	Total 8210 · Utility Atmos ...	44.21
	8215 · Utility LCMUA	
11/09/2015		129.00
	Total 8215 · Utility LCMUA	129.00
	8220 · Utility Electric	
11/16/2015	Star Tex Power	195.85

Town of Shady Shores
Revenue & Expenditure Detail
November 2015

Date	Memo	Amount
	Total 8220 · Utility Electric	195.85
	8250 · Building Maintenance	
11/23/2015	Invoice # 1001	1,523.04
	Total 8250 · Building Main...	1,523.04
	Total 8200 · Occupancy expe...	1,982.07
	8500 · Misc expenses	
	8517 · Community Events	
11/09/2015	Hoot N Holler ad...	86.70
11/09/2015	Shady Shores C...	274.98
11/11/2015	t-shirts	277.72
11/16/2015	COMMUNITY E...	197.18
11/18/2015		286.85
	Total 8517 · Community E...	1,123.43
	8518 · KSSB	
11/30/2015	Clean Up Day Ex...	622.31
	Total 8518 · KSSB	622.31
	8592 · Building Deposit Refund	
11/09/2015	refund from Octo...	200.00
11/30/2015		200.00
	Total 8592 · Building Dep...	400.00
	Total 8500 · Misc expenses	2,145.74
	Total Expense	88,749.02
	Net Ordinary Income	-32,068.96
	Net Income	**-32,068.96**

Town of Shady Shores
Statement of Cash Flows
November 2015

	Nov 15
OPERATING ACTIVITIES	
Net Income	-32,068.96
Adjustments to reconcile Net Income to net cash provided by operations:	
2100 · Payroll Liabilities	-594.61
2101 · Payroll Liability	594.61
2160 · Municipal Court Technology Fund	84.00
2161 · Municipal Court Security Fund	63.00
2162 · Child Safety Fees	2,813.14
Net cash provided by Operating Activities	-29,108.82
Net cash increase for period	-29,108.82
Cash at beginning of period	2,029,332.04
Cash at end of period	**2,000,223.22**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS REVOKING ORDINANCE 265-06-2014, REGARDING THE EMPLOYEE HANDBOOK OF THE TOWN OF SHADY SHORES, AND PROVIDING ADMINISTRATIVE CHANGES AND CORRECTIONS TO THE EMPLOYEE MANUAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Shady Shores Employee Handbook was previously adopted by Ordinance 265-06-2014; and

WHEREAS, the Town Council has determined that future changes and amendments to the Employee Handbook should be made administratively; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS AS FOLLOWS:

SECTION 1. REPEAL. Ordinance 265-06-2014, which approved the current Employee Handbook, is hereby repealed. The amendments proposed to the Employee Handbook are approved as administrative modifications to the Handbook, as shown in Exhibit A to this Ordinance. Future changes and amendments to the Employee Handbook may be made administratively with the concurrence of the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem, in the alternative, may appoint a committee of Council members to recommend changes to the Employee Handbook, or may refer any matters to the entire council for deliberation and approval.

SECTION 2. SEVERABILITY CLAUSE. It is the intent of the Town Council that each sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be deemed severable and, should any such sentence, paragraph, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of the Ordinance left standing.

SECTION 3. **EFFECTIVE DATE.** This Ordinance shall become effective upon its passage.

PASSED AND APPROVED this _____ day of _____, 2015.

TOWN OF SHADY SHORES, TEXAS

_____
Cindy Aughinbaugh, Mayor Pro Tem

ATTEST:

_____

Wendy Withers, Town Secretary

APPROVED AS TO FORM:

_____

James E. Shepherd, Town Attorney

EXHIBIT A
Employee Paid Time Off

- Employees are to Accrue Paid Time Off ("PTO") hours at the following rates of accrual:
    - Tenure years 1 through 5 @ 2 weeks of accrual;
    - Tenure years 5 through 10 @ 3 weeks of accrual;
    - Tenure years 10+ @ 4 weeks of accrual.
- Since the Town of Shady Shores manages its payroll as 26 discreet pay periods, the following accrual rates then apply, subsequent to above.
    - Tenure years 1 through 5 @ 3.07 hours/pay period;
    - Tenure years 5 through 10 @ 4.62 hours/pay period;
    - Tenure years 10+ @ 6.15 hours/pay period
- New Employees are not allowed to take any PTO until they have successfully completed 6 months of employment
- Employees are allowed to carry over a maximum of 2 weeks of unused PTO leave into the following fiscal year. Any amount of unused leave in excess of 80 hours is determined to be expired.
- Approved Vacation and Sick time taken both erode this "PTO" accrual.
- The specific accruals of current employees then should be:
    - Town Secretary has 4 weeks' vacation per employment offer, so Payroll accounting should program that appropriate accrual, preceded by lump sum plug-in of current balance of unused vacation time.
    - Municipal Court Clerk has 3 weeks vacation per practice now, so Payroll accounting should program that appropriate accrual, preceded by lump sum plug-in of current balance of unused vacation time.

To: Mayor Cindy Spencer and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 12/10/2015

Re: Ordinance Amending Ordinance

ACTION REQUESTED: Approve a change to Ordinance

BACKGROUND INFORMATION: The proposed ordinance removes any reference to the Town of Shady Shores enforcing USACE regulations for vegetation removal. Sec. 13 "Damage to Public Property", sub para A, 4th line down has been deleted to remove this reference.

ORDINANCE NO. _____
(Public use of Corp Property within the Town)

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, REGULATING USE OF FEDERAL PROPERTY WITHIN THE TOWN ADJACENT TO LEWISVILLE LAKE UNDER THE CARE AND CONTROL OF THE U.S. CORP OF ENGINEERS PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS ($500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Shady Shores, Denton County, Texas in order to promote the health, safety, and welfare of the citizens of Shady Shores, has deemed it necessary to set forth certain rules and regulations to regulate whatever is dangerous to human life or health, and to promote the public health, safety and welfare; and

WHEREAS, the U.S. Army Corp of Engineers (the "Corp") owns or is responsible for certain land within the Town, generally described as within and below the 537 foot elevation line adjacent to and including portions of Lake Lewisville, ("Corp Property"); and

WHEREAS, the Town and the Corp have agreed municipal ordinances are appropriate for enforcement within the Corp Property, and would contribute to the safety and welfare of those lawfully using the Corp Property;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS AS FOLLOWS:

SECTION I. POLICE ENFORCEMENT

THE TOWN OF SHADY SHORES HAS AN INTERLOCAL AGREEMENT FOR POLICE PATROL AND RELATED SERVICES WITH THE CITY OF CORINTH, TEXAS. CORINTH HAS ADOPTED AN ORDINANCE SIMILAR TO THIS ORDINANCE FOR THE ENFORCEMENT OF CORINTH'S MUNICIPAL ORDINANCE ON CORP PROPERTY. FOR PURPOSES OF SIMPLICITY AND CONFORMITY, THE PROVISIONS OF THIS ORDINANCE ARE INTENDED TO BE CONSISTENT, THOUGH NOT IDENTICAL, TO THE ORDINANCE ADOPTED BY CORINTH.

THE ORDINANCE PROVISIONS APPLICABLE TO THE CORP PROPERTY WITHIN THE TOWN OF SHADY SHORES ARE AS FOLLOWS:

TABLE OF CONTENTS:

1. Applicability
2. Definitions
3. Vehicles

4. Vessels
5. Swimming
6. Camping
7. Hunting, fishing, and trapping
8. Sanitation
9. Fires
10. Control of animals
11. Restrictions
12. Explosives, firearms, other weapons and fireworks
13. Damage to public property
14. Abandonment and impoundment of personal property
15. Advertisement
16. Unauthorized structures
17. Written permission
18. State and local laws
19. Cumulative clause
20. Penalty

1. APPLICABILITY

The regulations covered in this chapter shall apply to the public use of those lands and lake areas within the Town Limits of the Town owned by the U.S. Army Corps of Engineers. The Chief of Police and the city's police officers are authorized to enforce the provisions of this chapter, and all other municipal, state and federal laws applicable in the Town; and shall have the authority to issue or cause to have issued citations or otherwise enforce this chapter in accordance with all applicable laws.

2. DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF OF POLICE. The Chief of Police of the City of Corinth, Texas, or the Chief s designated representative, The Mayor of the Town of Shady Shores is a designated representative of the Chief of Police.

DISTRICT COMMANDER. The District Commander of the United States Army Corps of Engineers, or the Commander's designated representative.

POSTED RESTRICTIONS. Any and all restrictions, rules and regulations

promulgated by the United States Army Corps of Engineers which govern the use of Lake Lewisville or the project lands.

PROJECT WATERS OR LANDS. Lewisville Lake and the area surrounding Lewisville Lake which is owned by the Federal Government and which lies within the corporate city limits or the ETJ (Extraterritorial Jurisdiction) of the Town.

TOWN-- The Town of Shady Shores, Texas.

3. VEHICLES.

(A) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, and trailers, campers, bicycles, or any other such equipment.

(B) Vehicles shall be operated in accordance with municipal ordinances,, posted restrictions and regulations.

(C) A person commits an offense if the person is parked in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. A vehicle so parked is subject to removal and impoundment at the
owner's expense.

(D) A person commits an offense if the person:

(1) Operates and/or parks a vehicle off a roadway situated within the project except at locations and times designated by the District Commander; or

(2) Takes any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier; or

(3) Operates a vehicle in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature; or

(4) Disregards a posted sign regulating traffic.

(E) At designated recreation areas, vehicles shall be used only to enter or leave the area or individual sites or facilities unless otherwise posted.

(F) A person commits an offense if the person operates a motorized vehicle without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust; unless authorized by the District Commander, or Police Chief.

4. VESSELS.

(A) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in

motion or at rest.

(B) A person commits an offense if the person places or operates any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army.

(C) A person shall keep a copy of the permit on the vessel or watercraft at all times while in operation on or at project waters or lands.

(D) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.

(E) A person commits an offense if the person operates a vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.

(F) A vessel, when on project waters, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the State of Texas. The owner or operator of a vessel not in compliance with this section may be requested to remove the vessel immediately from project waters until such time as items of noncompliance are corrected.

(G) Unless otherwise permitted by federal, state, or local law, a vessel or other watercraft, while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point, may only be used for overnight occupancy when such use is incidental to recreational boating.

(H) A person commits an offense if the person uses a vessel or other watercraft as a place of habitation or residence.

(I) Water skis, parasails, ski-kites and similar devices are permitted in non-restricted areas except that they may not be used in a careless, negligent, or reckless manner so as to endanger any person, property or environmental feature.

(J) A person commits an offense if the person attaches or anchors a vessel to a structure such as a lock, dam, buoy or other structure unless authorized by the District Commander. All vessels, when not in actual use, shall be removed from project lands and waters unless securely moored
or stored at designated areas approved by the District Commander.

(K) The placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid is prohibited.

(L) The use at a project of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.

(M) A person commits an offense if the person operates any vessel or watercraft without a proper and effective exhaust muffler as defined by state and local laws, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust, except as authorized by the District Commander. It is an affirmative defense to prosecution that the District Commander authorizes such.

5. SWIMMING.

(A) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander.

(B) An international diver down, or inland diving flag must be displayed during underwater activities.

(C) A person commits an offense if the person dives, jumps or swings from trees, bridges or other structures which cross or are adjacent to project waters.

6. CAMPING.

(A) Camping is not permitted within the Town of Shady Shores on Corp Property without written permission of the District Commander.

7. HUNTING, FISHING, AND TRAPPING

(A) Hunting is permitted except in those areas and during periods where prohibited by the District Commander.

(B) Trapping is permitted except in those areas and during periods where prohibited by the District Commander.

(C) Fishing is permitted except in swimming areas, on boat ramps or other areas designated by the District Commander.

(D) A person commits an offense if the person engages in hunting, trapping, or fishes in an area where hunting, trapping or fishing is prohibited by this ordinance or by the District Commander.

(E) The District Commander may impose additional restrictions pertaining to hunting, fishing and trapping.

(F) All applicable federal, state and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials.

8. SANITATION.

(A) A person commits an offense if the person fails to remove garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities or fails to deposit in

receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project, is prohibited.

(B) A person commits an offense if the person brings onto Corp Property any household or commercial garbage, trash, rubbish, debris, dead animal or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animal or litter of any kind shall be presumed to be responsible for proper disposal. This presumption will be sufficient to issue a citation for violation.

(C) A person commits an offense if the person spills, pumps, discharges or disposes of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on Corp Property lands or waters.

(D) A person commits an offense if the person fails to keep his campsite or picnic site free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

(E) A person commits an offense if the person discharges or places sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft.

9. FIRES.

(A) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander.

(B) Fires shall be confined to those areas designated by the District Commander, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other floatation materials or treated wood products is prohibited .The District Commander may prohibit open burning of any type for environmental considerations .

(C) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.

10. CONTROL OF ANIMALS.

(A) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned caged, on a leash under six feet in length, or otherwise physically restrained.

(B) No person shall allow an animal to impede or restrict otherwise full and free use of project lands and waters by the public.

(C) No person shall allow animals to bark or emit other noise which unreasonably

disturbs other people.

(D) A person commits an offense if the person takes an animal into a sanitary facility, playground, or onto a swimming beach or any other areas so designated by the District Commander. It is an affirmative defense to prosecution that the animal is an animal trained to assist a person with a disability (such as a seeing-eye dog).

(E) Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate: impoundment and removal in accordance with state and local laws.

(F) A person bringing or allowing a pet in a designated public use area shall be responsible for proper removal and disposal of any waste produced by these animals.

(G) A person commits an offense if the person brings or allows a horse, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander.

(H) Ranging, grazing, watering or allowing livestock on project lands and waters is prohibited except when authorized by lease, license or other written agreement with the District Commander.

(I) Unauthorized livestock are subject to impoundment and removal in accordance with federal, state and local laws.

(J) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

(K) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with federal, state and local laws.

11. RESTRICTIONS.

(A) The District Commander may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project (Corp Property). The District Commander may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(B) Quiet shall be maintained in all public use areas between the hours of 10:00 p.m. and 8:00 a.m., or those hours designated by the District Commander. Excessive noise during such times which unreasonably disturbs persons is prohibited.

(C) Any act or conduct by any person which interferes with, impedes or disrupts the use

of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(D) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(E) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander.

(F) Unless authorized by the District Commander, smoking is prohibited in any visitor centers or enclosed park building within the project and in areas posted to restrict smoking.

12. EXPLOSIVES, FIREARMS, OTHER WEAPONS AND FIREWORKS.

(A) A person commits an offense if the person possesses a loaded firearm, ammunition, loaded projectile firing devices, bow and arrow, crossbow, or other weapon within the project land or waters.

(B) It is an affirmative defense to prosecution for a violation of subsection (A) that the weapon is:

(1) In the possession of a federal, state or local law enforcement officer, judge or prosecuting attorney.

(2) Being used for hunting or fishing as permitted under state or federal law, with weapons being unloaded when transported to, from or between hunting and fishing sites;

(3) Being used at an authorized shooting range; or

(4) Written permission for the use of the weapon has been received from the District Commander, or the weapon is possessed by a person lawfully issued a carry permit under Texas Law

(C) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

13. DAMAGE TO PUBLIC PROPERTY.

(A) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers, is prohibited. It is an affirmative defense that the person has the written permission of the District Commander.

(B) Gathering of dead wood on the ground for use in designated recreation areas as

firewood is permitted, unless prohibited and posted by the District Commander.

14. ABANDONMENT AND IMPOUNDMENT OF PERSONAL PROPERTY.

(A) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters. After a period of 48 hours, or at any time after a posted closure hour in a public use area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the Chief of Police, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(B) Personal property placed on federal lands or waters adjacent to a private residence, facility and/or developments of any private nature for more than 48 hours without permission of the District Commander shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to impound the property and/or issue a citation.

15. ADVERTISEMENT.

(A) Advertising and the distribution of printed matter is allowed within project land and waters provided that a permit to do so has been issued by the District Commander and provided that this activity is not solely commercial advertising.

(B) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed advertising or the distribution of printed matter, the number of participants, and any other information required by the permit application form. Permit conditions and procedures are available from the District Commander.

(C) Vessels and vehicles with semi-permanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

(D) The permittee shall provide a copy of any permit obtained to the Chief of

Police, or any peace officer requesting same.

16. UNAUTHORIZED STRUCTURES.

(A) The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander.

(B) The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The federal and state government and the city shall not be liable for the loss of, or damage to, any private structure, whether authorized or not, placed on project lands or

waters.

(C) An unauthorized structure is subject to summary removal or impoundment by the Chief of Police. Portable hunting stands, climbing devices, steps, or blinds that are not nailed or screwed into trees and are removed at the end of a day's hunt may be used.

17. WRITTEN PERMISSION.

(A) A copy of any permit, lease, license or other appropriate written authorization by the District Commander when required by the provisions of this chapter, upon issuance shall be provided to the Chief of Police.

(B) At all times while on project waters or lands, the person to whom a permit, lease, license or other written authorization from the District Commander shall carry with him a copy of any such permit, lease, license or other appropriate written authorization by the District Commander and shall be made available for inspection by the Chief of Police.

18. STATE AND LOCAL LAWS.

Except as otherwise provided in this chapter or by federal law or regulations, state and local laws and ordinances shall apply on project land and waters, including but not limited to state and local laws and ordinances governing the following:

(A) Operation and use of motor vehicles and vessels;

(B) Hunting, fishing and trapping;

(C) Use or possession of firearms or other weapons;

(D) Civil disobedience and criminal acts;

(E) Littering, sanitation and pollution;

(F) Possession and/or use of alcohol or controlled substances;

(G) Fires; and Explosives, firearms, other weapons and fireworks.

SECTION II. SEVERABILITY CLAUSE

If in any section, paragraph, sentence, clause, phrase, or provision of this ordinance shall be adjusted or held to by invalid, illegal, or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so decided to be invalid, illegal, or unconstitutional, and the provisions hereof are declared to be severable.

SECTION III. REPEALER CLAUSE

All ordinances or parts of ordinances of the Town of Shady Shores in conflict with the provisions of this ordinance are hereby deemed subordinate to the terms of this ordinance as it applies to Corp Property. This ordinance does not repeal or conflict with the enforcement of Town ordinances applicable to those areas of Town which are not Corp Property.

SECTION IV. PENALTY CLAUSE

Any person, firm, or corporation maintaining any condition on property as defined in this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the Town of Shady Shores, shall be subject to a fine not to exceed the sum of five hundred dollars ($500.00) for each offence, and each and every day such offense shall continue to be deemed to constitute a separate offense.

SECTION V. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the statues in such cases provide.

ADOPTED by the Town Council of the Town of Shady Shores, Denton County, Texas, on the _____ day of _____, 2015.

APPROVED:

_____

Cindy Aughinbaugh, Mayor Pro Tem

ATTESTED:

_____

Wendy Withers, Town Secretary

APPROVED AS TO FORM:

_____

James E. Shepherd, Town Attorney

To: Mayor Pro-Tem Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 01/11/2016

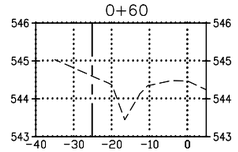
Re: Oakwood Circle Drainage Issues

ACTION REQUESTED: Receive an update from the Town Engineer Richard Arvizu on the status of the review of Oakwood Circle drainage issues.

BACKGROUND INFORMATION: There appear to be some significant drainage issues on Oakwood Circle due to the fact that many homeowners have filled in their culverts or ditches along their front yards. Many of the culverts in the area appear to be undersized and not constructed at the proper elevation impeding efficient drainage. During significant storm events water overloads the roadway ditches causing water to flow on to homeowner's property. Council members reviewed a video presented by Mr. Larry Byers that showed drainage problems that property owners have experienced in the past at the October 12, 2015 Town Council Meeting. The Town Engineer was directed to review the project and develop alternative solutions that would address the issue. The Council directed the Town Engineer to perform a survey of the existing drainage and make preliminary decisions based on the findings of that survey.

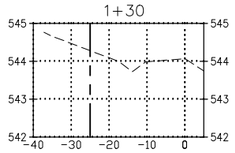
NORTH SIDE DITCH CROSS SECTIONS

411 OAKWOOD CIRCLE
0+60



Q_{100} = 19.4 cfs
Q_{cap} = 9.41 cfs (< Q_{10})
S = 0.016 FT/FT
D_{cap} = 0.90 FT

413 OAKWOOD CIRCLE
1+30



Q_{100} = 21.5 cfs
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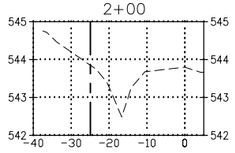
S = 0.009 FT/FT
D_{cap} = 0.25 FT

415 OAKWOOD CIRCLE
2+00



Q_{100} = 23.4 cfs
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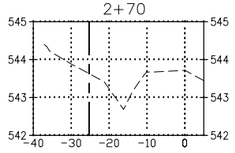
D_{cap} = 1.20 FT

417 OAKWOOD CIRCLE
2+70



Q_{100} = 2.3 cfs
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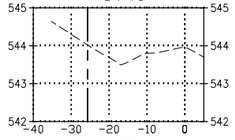
D_{cap} = 1.0 FT

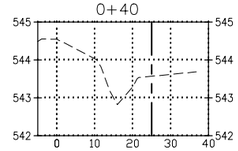
419 OAKWOOD CIRCLE
3+40



Q_{100} = 0.2 cfs
Q_{cap} = 1.51 cfs (> Q_{100})
S = 0.001 FT/FT
D = 0.30 FT

SOUTH SIDE DITCH CROSS SECTIONS

410 OAKWOOD CIRCLE
0+40



Q_{100} = 18.4 cfs
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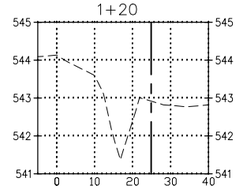
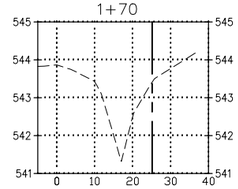
S = 0.008 FT/FT
D_{cap} = 0.75 FT

412 OAKWOOD CIRCLE
1+20



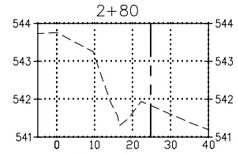
Q_{100} = 19.8 cfs
Q_{cap} = 7.29 cfs (< Q_{10})
S = 0.001 FT/FT
D_{cap} = 1.60 FT

414 OAKWOOD CIRCLE
1+70



Q_{100} = 19.8 cfs
Q_{cap} = 7.29 cfs (< Q_{10})
S = 0.001 FT/FT
D_{cap} = 1.60 FT

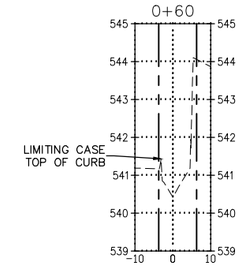
416 OAKWOOD CIRCLE
2+80



Q_{100} = 0.5 cfs
Q_{cap} = 16.31 cfs (> Q_{100})
S = 0.007 FT/FT
D_{cap} = 0.74 FT

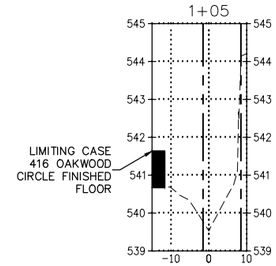
EASEMENT SWALE CROSS SECTIONS

0+60



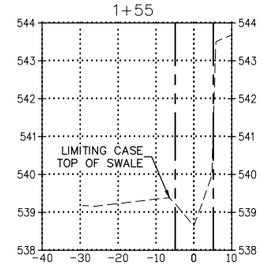
Q_{100} = 48.8 cfs
Q_{cap} = 12.75 cfs (< Q_{10})
S = 0.007 FT/FT
D_{cap} = 1.0 FT

1+05



Q_{100} = 48.8 cfs
Q_{cap} = 74.98 cfs (> Q_{100})
S = 0.003 FT/FT
D_{cap} = 2.10 FT

1+55



Q_{100} = 48.8 cfs
Q_{cap} = 11.70 cfs (< Q_{10})
S = 0.026 FT/FT
D_{cap} = 0.75 FT

LEGEND

EXIST GRADE

R-O-W / DRAINAGE ESMT LINE

The seal appearing on this document was authorized by Richard A. Arvizu, P.E. Tx. No. 88432. Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act. January 05, 2016.

STATE OF TEXAS
RICHARD A. ARVIZU
88432
REGISTERED PROFESSIONAL ENGINEER

NO.	REVISIONS	DATE
△		

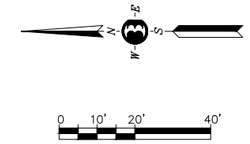
OAKWOOD CIRCLE DRAINAGE PROJECT
CROSS-SECTIONS
& CALCULATIONS
TOWN OF SHADY SHORES, TEXAS

Binkley & Barfield | C&P
consulting engineers

1801 Gateway Blvd, Suite 101 Richardson Texas 75081 www.bbcpi.com
Firm Registration #F-3185

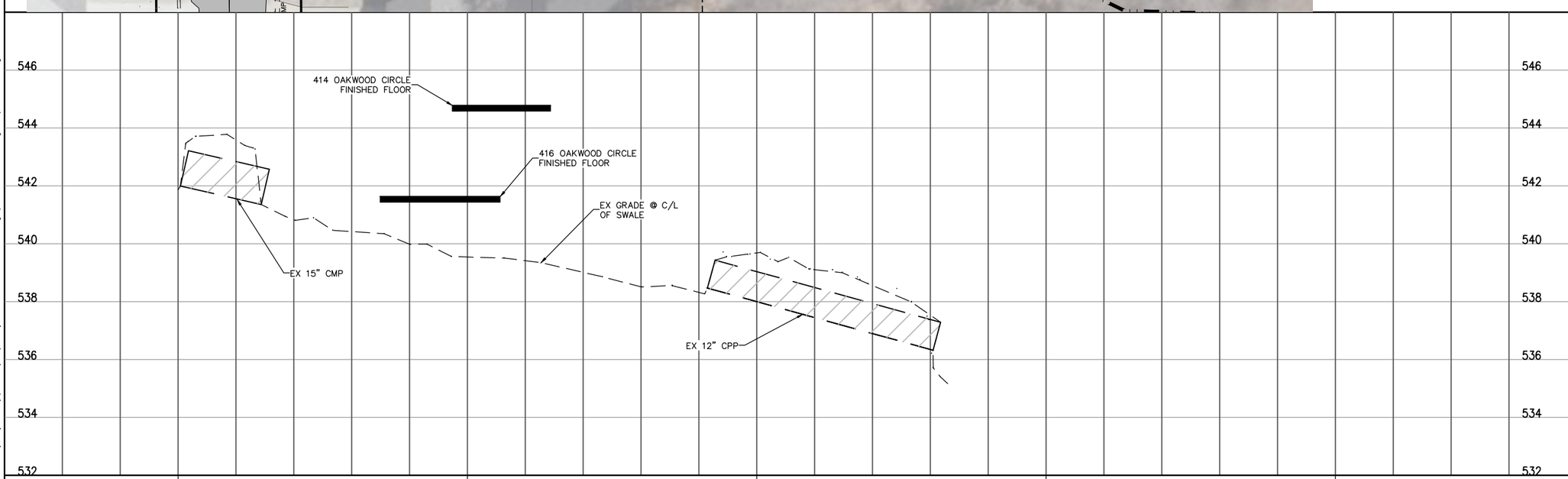
DRAWN BY:	DATE:	SCALE:	JOB NUMBER:	SHEET:
BBCPI	1/05/16	H: 1"=20' V: 1"=2'	BC12012	4

N:\BC12012 (Shady Shores)\149600 (C-P) Shady Shores Detention Pond Drainage\414 Oakwood Retaining Wall\BC12012 PV.dwg-CROSS-SECTIONS Plotted Jan 08, 2016 at 9:59am by esaucedo | Last Saved by: esaucedo



LEGEND

- APPROXIMATE 100 YR FLOODPLAIN LIMIT
- EXIST STORM
- R-O-W
- PROPERTY LINE
- EXIST TREE
- SLOPE



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STATE OF TEXAS
RICHARD A. ARVIZU
88432
REGISTERED PROFESSIONAL ENGINEER

NO.	REVISIONS	DATE

OAKWOOD CIRCLE DRAINAGE PROJECT

DRAINAGE EASEMENT

PLAN & PROFILE

TOWN OF SHADY SHORES, TEXAS

Binkley & Barfield | C&P
consulting engineers

1801 Gateway Blvd, Suite 101 Richardson Texas 75081 www.bbcpi.com
Firm Registration #F-3185

DRAWN BY:	DATE:	SCALE:	JOB NUMBER:	SHEET:
BBCPI	1/05/16	H: 1"=20' V: 1"=2'	BC12012	3

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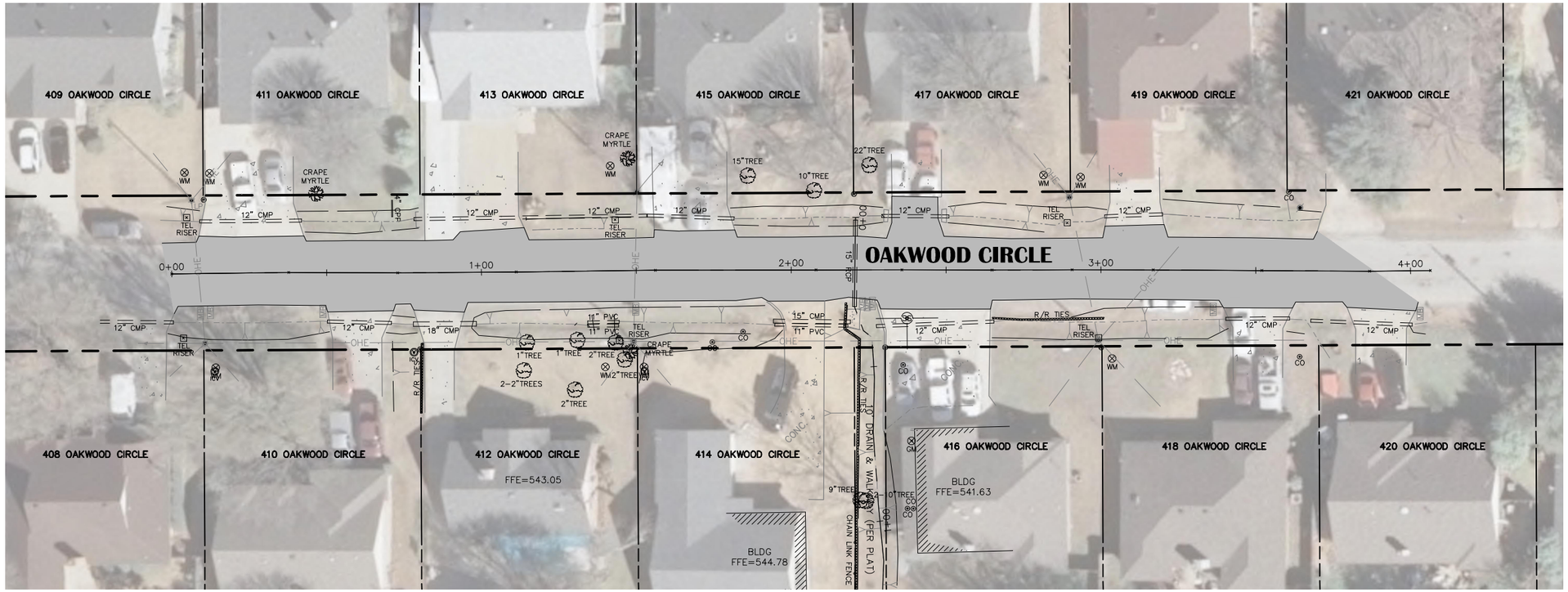
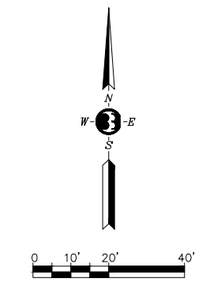
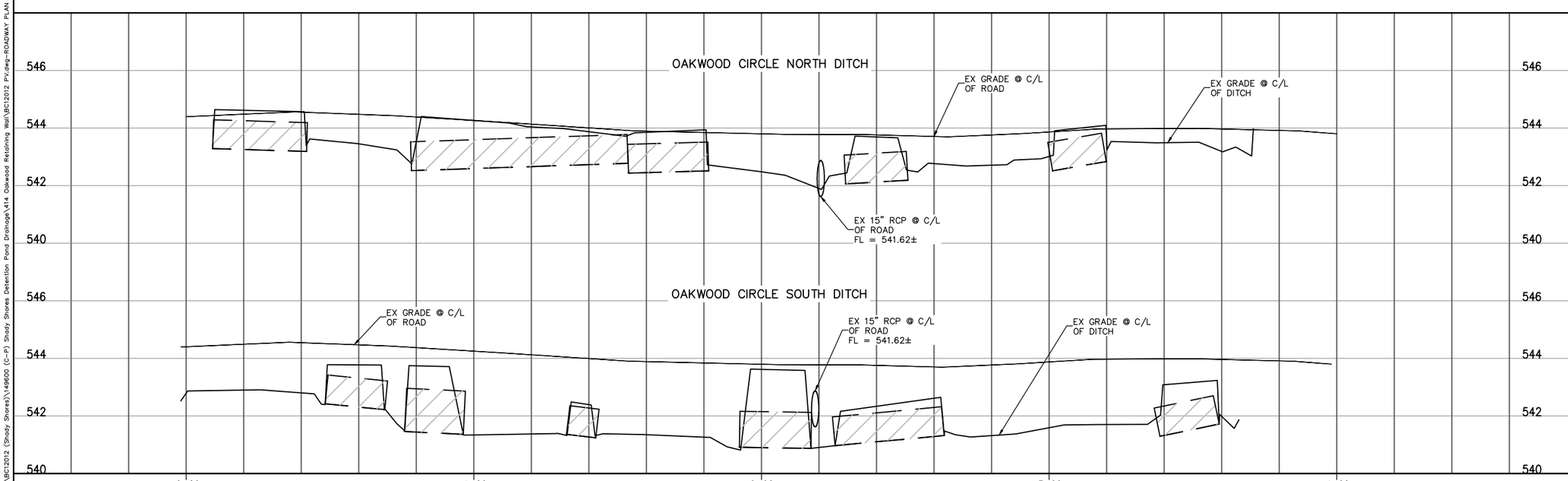




LEGEND

EXIST STORM

EXIST ASPHALT PVMT



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STATE OF TEXAS
RICHARD A. ARVIZU
88432
REGISTERED PROFESSIONAL ENGINEER

NO.	REVISIONS	DATE

OAKWOOD CIRCLE DRAINAGE PROJECT

ROADWAY PLAN

& PROFILE

TOWN OF SHADY SHORES, TEXAS

Binkley & Barfield | C&P
consulting engineers

1801 Gateway Blvd, Suite 101 Richardson Texas 75081 www.bbcpi.com
Firm Registration #F-3185

DRAWN BY:	DATE:	SCALE:	JOB NUMBER:	SHEET:
BBCPI	1/05/16	H: 1"=20' V: 1"=2'	BC12012	2

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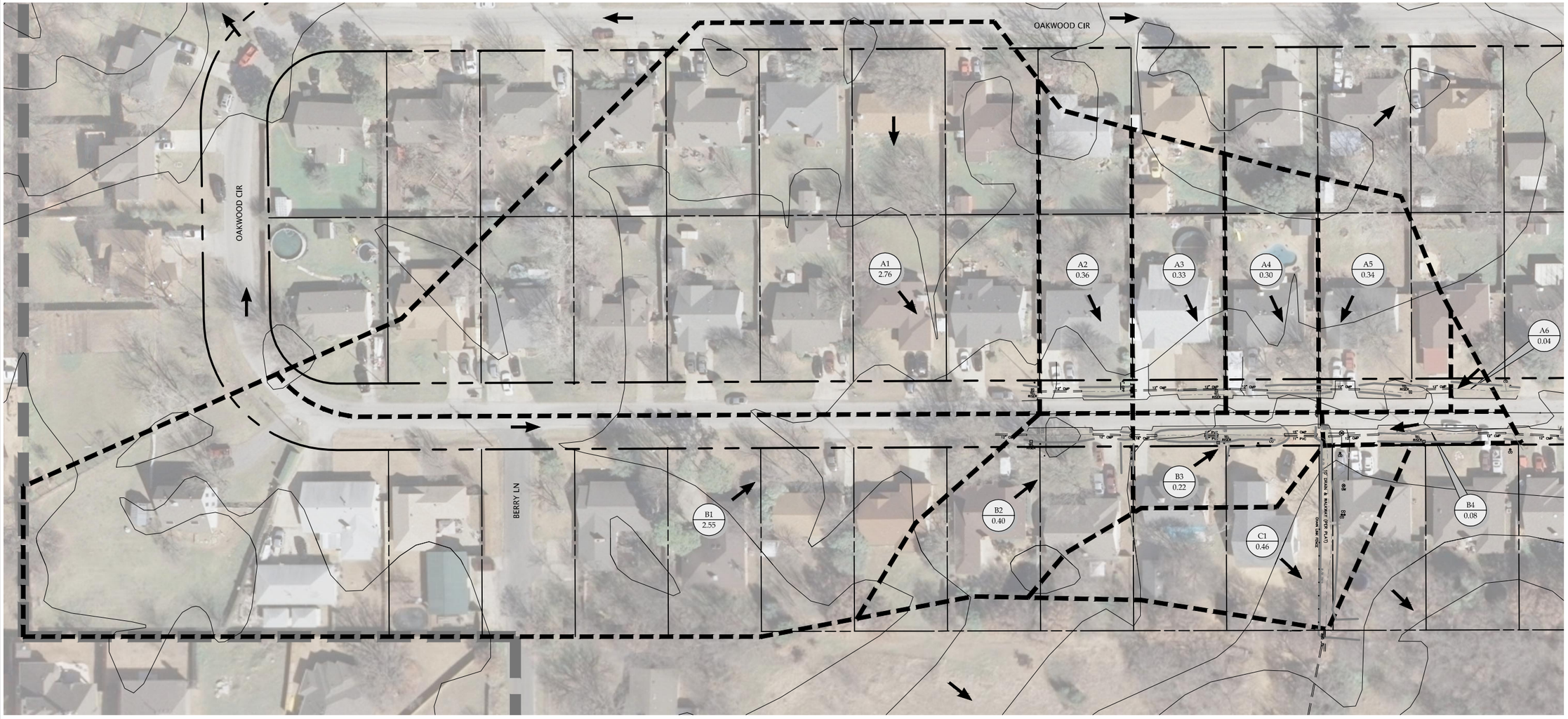

DRAINAGE AREA CALCULATIONS

Drainage Area Designation	Drainage Area	Runoff Coefficient	Time of Concentration	Frequency Factor (C_F10)	10-Year Rainfall Intensity (I10)	10-Year Peak Discharge (Q10)	Frequency Factor (C_F25)	25-Year Rainfall Intensity (I25)	25-Year Peak Discharge (Q25)	Frequency Factor (C_F50)	50-Year Rainfall Intensity (I50)	50-Year Peak Discharge (Q50)	Frequency Factor (C_F100)	100-Year Rainfall Intensity (I100)	100-Year Peak Discharge (Q100)
-	(ac)	"C"	(min)	"C_F"	(in/hr)	(cfs)	"C_F"	(in/hr)	(cfs)	"C_F"	(in/hr)	(cfs)	"C_F"	(in/hr)	(cfs)
A1	2.76	0.63	15	1.00	5.50	9.6	1.10	6.41	12.3	1.20	7.14	14.9	1.25	7.91	17.2
A2	0.36	0.63	15	1.00	5.50	1.2	1.10	6.41	1.6	1.20	7.14	1.9	1.25	7.91	2.2
A3	0.33	0.63	15	1.00	5.50	1.1	1.10	6.41	1.5	1.20	7.14	1.8	1.25	7.91	2.1
A4	0.30	0.63	15	1.00	5.50	1.0	1.10	6.41	1.3	1.20	7.14	1.6	1.25	7.91	1.9
A5	0.34	0.63	15	1.00	5.50	1.2	1.10	6.41	1.5	1.20	7.14	1.8	1.25	7.91	2.1
A6	0.04	0.63	15	1.00	5.50	0.1	1.10	6.41	0.2	1.20	7.14	0.2	1.25	7.91	0.2
B1	2.55	0.63	15	1.00	5.50	8.8	1.10	6.41	11.3	1.20	7.14	13.8	1.25	7.91	15.9
B2	0.40	0.63	15	1.00	5.50	1.4	1.10	6.41	1.8	1.20	7.14	2.2	1.25	7.91	2.5
B3	0.22	0.63	15	1.00	5.50	0.8	1.10	6.41	1.0	1.20	7.14	1.2	1.25	7.91	1.4
B4	0.08	0.63	15	1.00	5.50	0.3	1.10	6.41	0.4	1.20	7.14	0.4	1.25	7.91	0.5
C1	0.46	0.63	15	1.00	5.50	1.6	1.10	6.41	2.0	1.20	7.14	2.5	1.25	7.91	2.9
Total	7.84					27.2			34.8			42.3			48.8

Note: Calculations based on the Rational Method: $Q = C*C_F*I*A$. Frequency Factors, Runoff Coefficients & Intensity Values obtained from the City of Denton Drainage Design Criteria Manual.

LEGEND

- TOWN LIMIT
- EXIST 2 FT CONTOUR
- FLOW ARROW
- DRAINAGE BOUNDARY
- EXISTING STORM
- BASIN NAME / ACRES — X / X.XX — DRAINAGE BASIN

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STATE OF TEXAS — RICHARD A. ARVIZU — 88432 — REGISTERED PROFESSIONAL ENGINEER

NO.	REVISIONS	DATE

OAKWOOD CIRCLE DRAINAGE PROJECT
DRAINAGE AREA MAP
& CALCULATIONS
TOWN OF SHADY SHORES, TEXAS

Binkley & Barfield | C&P
consulting engineers
1801 Gateway Blvd, Suite 101 Richardson Texas 75081 www.bbcpi.com
Firm Registration #F-3185

DRAWN BY:	DATE:	SCALE:	JOB NUMBER:	SHEET:
BBCPI	1/05/16	1"=40'	BC12012	1

N:\BC12012 (Shady Shores)\149600 (C-P) Shady Shores Detention Pond Drainage\414 Oakwood Retaining Wall\BC12012 DAM.dwg-Layout1 Plotted Jan 08, 2016 at 10:04am by esaucedo | Last Saved by: esaucedo

To: Mayor Pro-Tem Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 01/11/2016

Re: Meadowlark Lane Culvert

ACTION REQUESTED: Consider and take action relative to the upgrade of an undersized culvert at Meadowlark Lane.

BACKGROUND INFORMATION: In December of 2014 Council approved a request for a replat of the "Simone Addition" on Meadowlark Drive. At that time Richard Arvizu, Town Engineer noted that the current culvert crossing under Meadowlark Lane was inadequate to carry the flow and the town might want to consider resizing of this culvert in the future. Mr. Doug Barber is currently building his home at 303 Meadowlark and has concerns about the current drainage coming from that culvert.

To: Mayor Pro-Tem Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 01/11/2016

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To: Mayor Pro-Tem Cindy Aughinbaugh and Town Council Members

From: Wendy Withers, Town Secretary

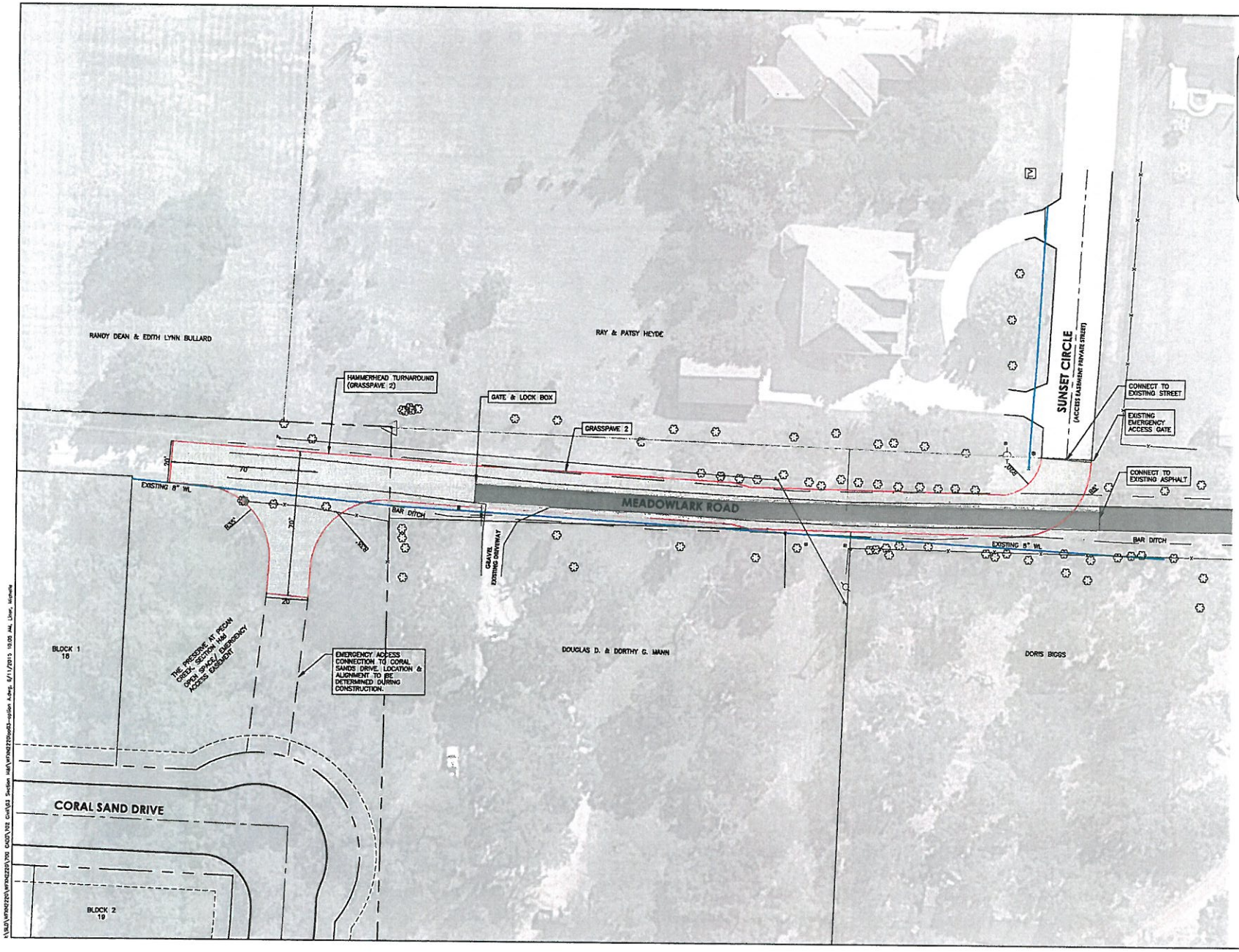
CC: Jim Shepherd, Town Attorney

Date: 01/11/2016

Re: Preserve at Pecan Creek

ACTION REQUESTED: Discuss the Preserve at Pecan Creek, a subdivision within the city limits of Denton Texas; adjacent to the Town of Shady Shores. Consider and act on the installation of a crash gate and other improvements to Meadowlark Lane.

BACKGROUND INFORMATION: The Preserve at Pecan Creek contains approximately 99 pad sites. The property is within the city limits of Denton, Texas but is immediately adjacent to the Town of Shady Shores. The first point of access for this subdivision is through the City of Denton at “Burr Oak Lane”. At this time the developer is proposing the installation of an emergency crash gate at the north end of Meadowlark Lane. The crash gate would be installed to satisfy city of Denton requirements for a second emergency access.



VICINITY MAP
(NOT TO SCALE)

0 10 20 40

REV	DATE	BY	REVISION

REVISIONS

JACOBS

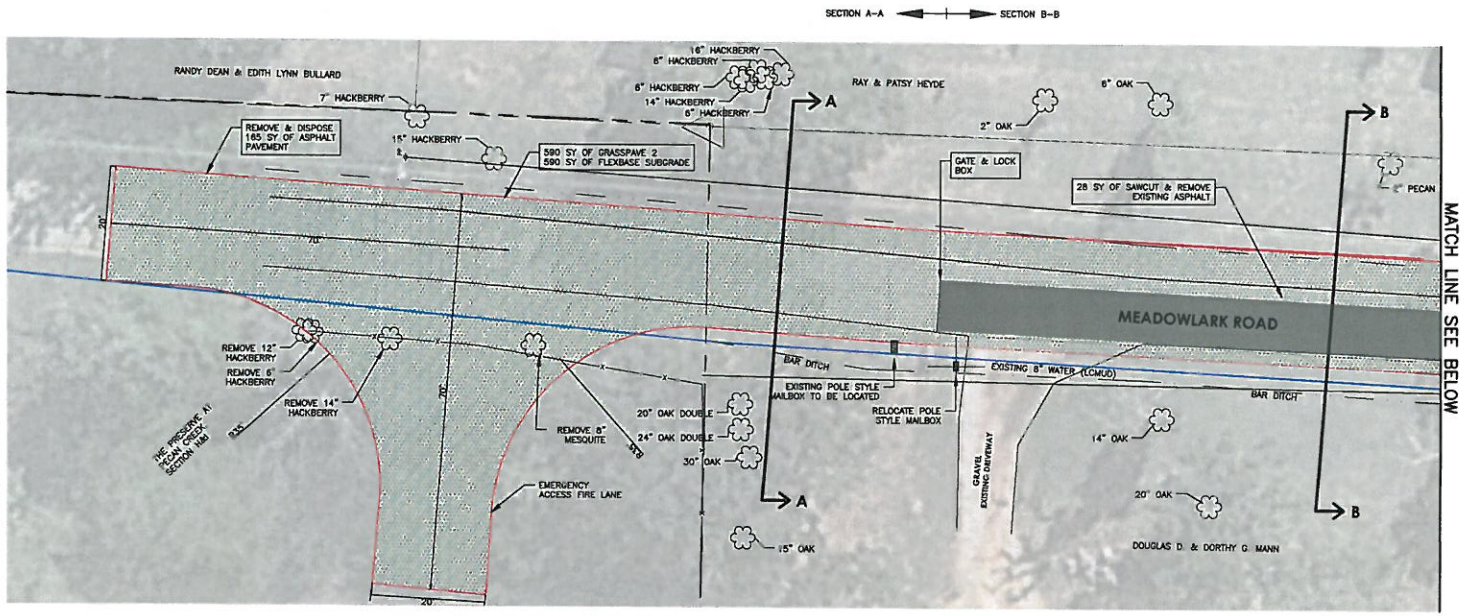
1999 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3136
PHONE 214-638-0145
FAX 214-638-0447
Jacobs Engineering Group Inc.
Texas Registration F-2966

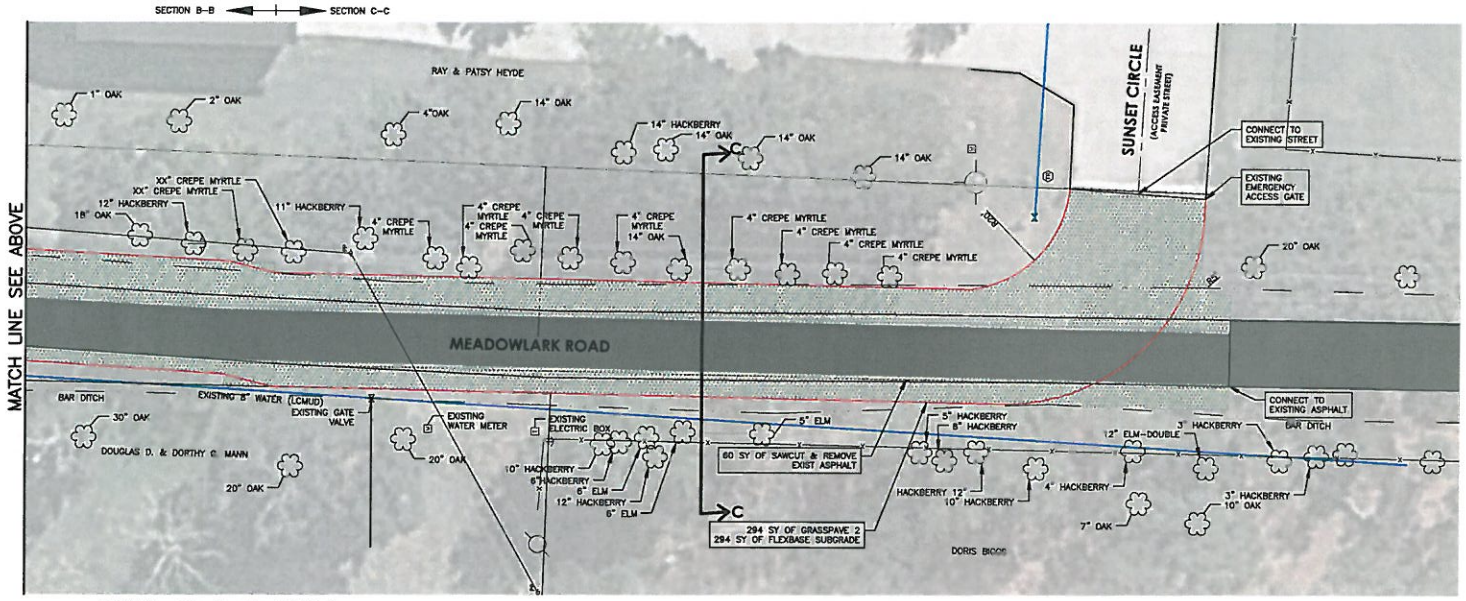
MEADOWLARK EMERGENCY ACCESS OVERALL

The Preserve at Pecan Creek Section H&I

TOWN OF SHADY SHORE
DENTON COUNTY, TEXAS

DESIGNED: LINER	PROJECT NUMBER: WFXN2220
DRAWN: LINER	DATE: JUNE 2015
APPROVED: HANSEN	SCALE
	HORZ: 1"=10' VERT: N/A
	REV DATE:
	SHEET 1 OF 3 SHEETS





REV	DATE	BY	REVISION

REVISIONS

JACOBS

1999 BRYAN STREET, SUITE 1200
DALLAS, TX 75201–3136
PHONE 214–638–0145
FAX 214–638–0447
Jacobs Engineering Group Inc.
Texas Registration F–2966

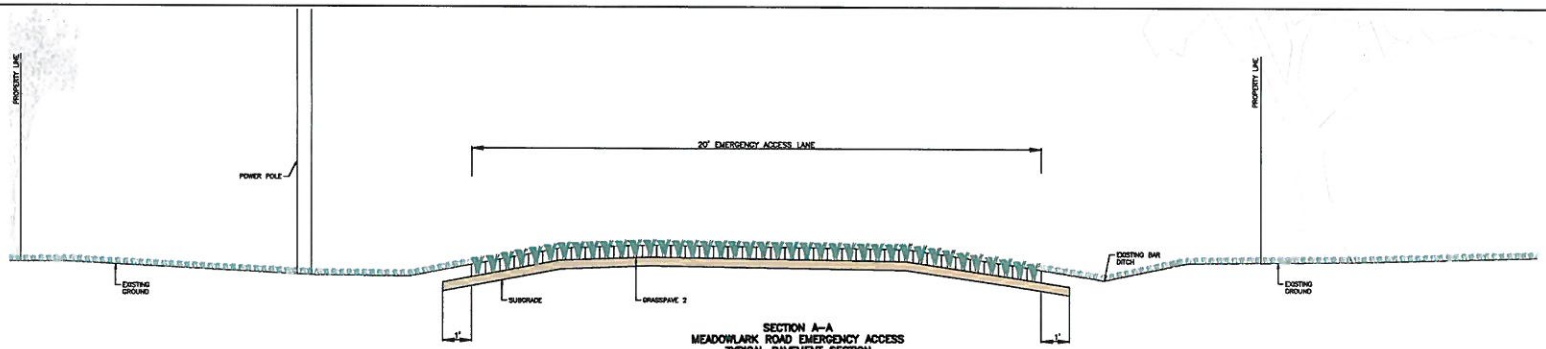
MEADOWLARK EMERGENCY ACCESS PLAN

The Preserve at Pecan Creek Section H&I

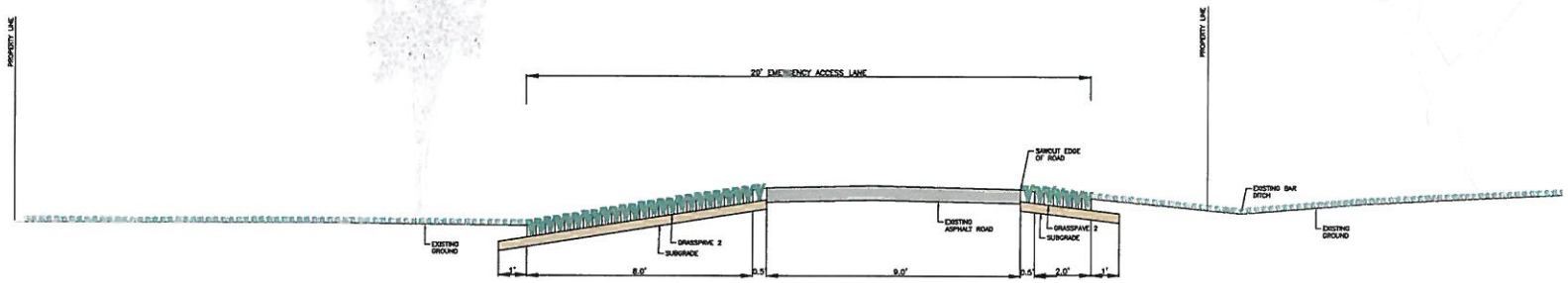
TOWN OF SHADY SHORE
DENTON COUNTY, TEXAS

DESIGNED: LINER	PROJECT NUMBER: WFXN2220
DRAWN: LINER	
APPROVED: HANSEN	DATE: JUNE 2015
	SCALE
	HORZ: 1"=10'
	VERT: N/A
	REV DATE:
	SHEET 2 OF 3 SHEETS

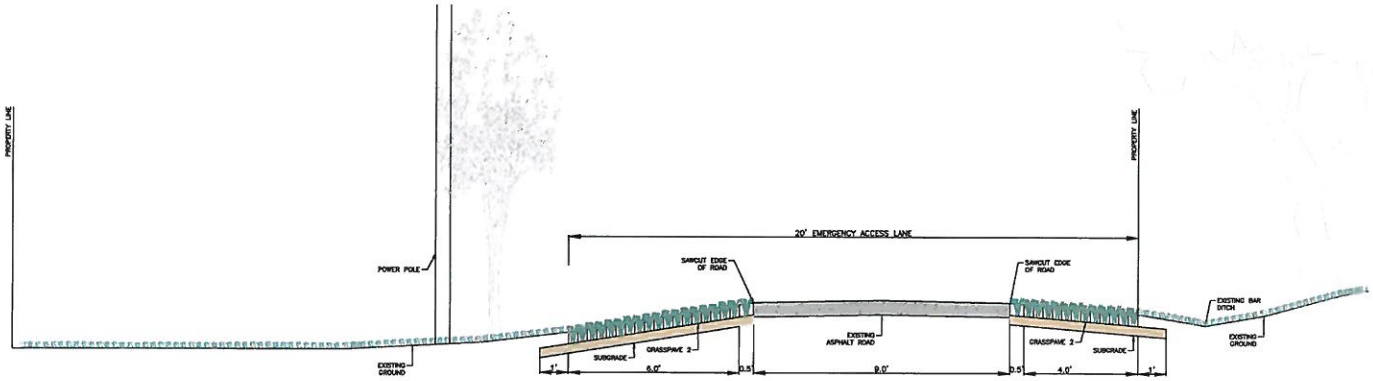
S:\SUP\WFXN2220\WFXN2220\WFXN2220\V00 CADD\102 Civil\03 Section H&I\WFXN2220dgn03-option A.dwg, 6/11/2015 1:30 PM, Liner, Michelle



SECTION A–A
MEADOWLARK ROAD EMERGENCY ACCESS
TYPICAL PAVEMENT SECTION
N.T.S.



SECTION B–B
MEADOWLARK ROAD EMERGENCY ACCESS
TYPICAL PAVEMENT SECTION
N.T.S.



SECTION C–C
MEADOWLARK ROAD EMERGENCY ACCESS
TYPICAL PAVEMENT SECTION
N.T.S.

REV	DATE	BY	REVISION

REVISIONS

JACOBS
1999 BRYAN STREET, SUITE 1200
DALLAS, TX 75201–3136
PHONE 214–638–0145
FAX 214–638–0447
Jacobs Engineering Group Inc.
Texas Registration F–2966

MEADOWLARK EMERGENCY ACCESS SECTIONS

The Preserve at Pecan Creek Section H&I

TOWN OF SHADY SHORE
DENTON COUNTY, TEXAS

DESIGNED: LINER	PROJECT NUMBER: WFXN2220
DRAWN: LINER	
APPROVED: HANSEN	DATE: JUNE 2015
	SCALE
	HORZ: N/A VERT: N/A
	REV DATE:
	SHEET 3 OF 3 SHEETS

J:\DJV\WFXN2220\WFXN2220\100 CADD\R2 Civil\03 Section H&I\WFXN2220dp03-option A.dwg, 6/11/2015 10:04 AM, Liner, McNeire

SECTION H&I LAYOUT

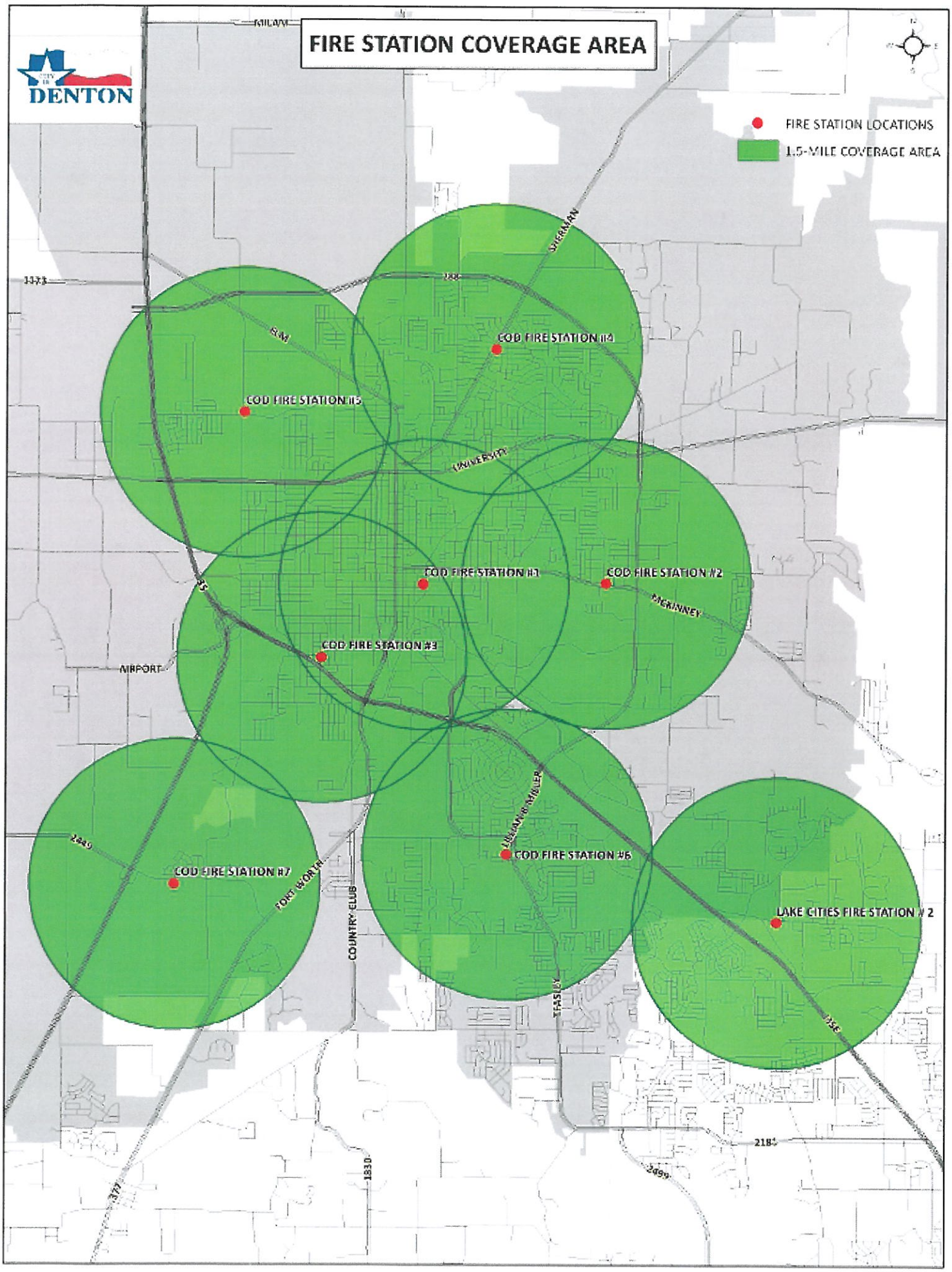
THE PRESERVE AT PECAN CREEK

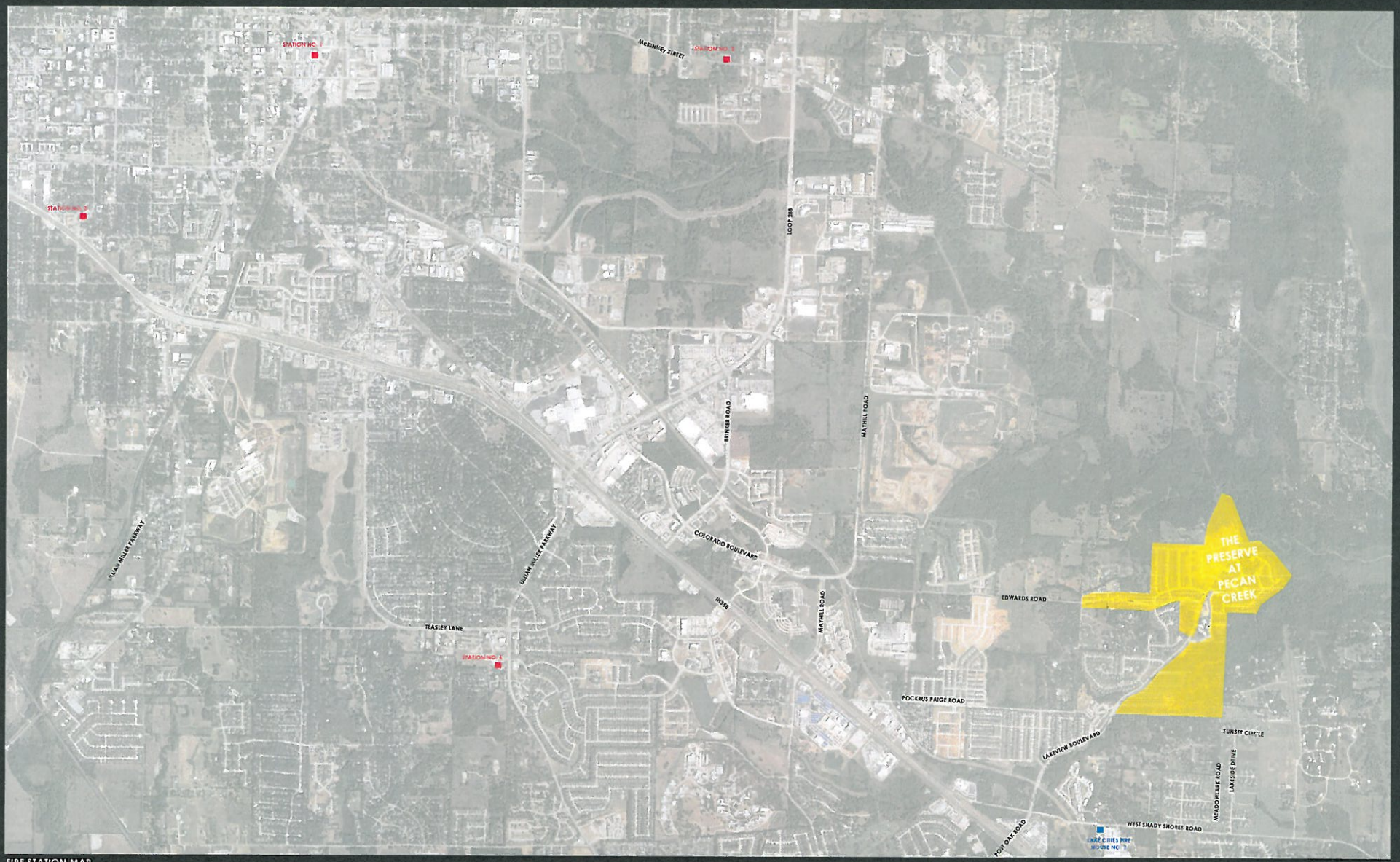
City of Denton, Denton County, Texas

December 14, 2015

JACOBS

FIRE STATION COVERAGE AREA





FIRE STATION MAP

THE PRESERVE AT PECAN CREEK

City of Denton, Denton County, Texas

May 6, 2015

JACOBS

To: Mayor Cindy Spencer and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 01/06/2016

Re: NORTH END OF GARZA ROAD

ACTION REQUESTED: Consider and take action relative installing traffic signage and police enforcement at the north end of Garza Road.

BACKGROUND INFORMATION: Councilmember Grimes asked for this item to be placed on the agenda in order to discuss recent crime related issues that have occurred at the end of North Garza Road.

To: Mayor Cindy Spencer and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 01/06/2016

Re: Shady Shores Code of Ordinances

ACTION REQUESTED: Consider and take action relative to approval of an Ordinance adopting the Shady Shores Code of Ordinances.

BACKGROUND INFORMATION: Franklin Legal has completed work on the codification project. There is an attached memo detailing changes that have been made. Town Staff and the Town Attorney have met with Kirk Franklin legal to discuss and review changes. Once approved the code of ordinances will be available in a limited number of paper copies (3) that will be kept in the office and the code will be available on the website so that residents may access it from their convenience of their home. This agenda item was tabled at the December 14, 2015 meeting in order to give council members more time to review. In the interest of cost, I have not reprinted the entire code. However it is attached to the electronic agenda.

FINANCIAL CONSIDERATION: The Town completed payment for the initial code last fiscal year. There will be quarterly fees to update the code as new ordinances are passed per the contract and there is a yearly fee for hosting the code online that was included in this budget year.

STAFF RECOMMENDATION: Approve the code of ordinances as presented

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF NOT EXCEEDING $500 GENERALLY OR EXCEEDING $2,000 FOR VIOLATIONS RELATING TO FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS:

Section 1. That the Code of Ordinances of the Town of Shady Shores, Texas, consisting of Chapters 1 through 14, each inclusive, and Appendices, is hereby adopted and enacted which shall supersede all other general and permanent ordinances of the City passed on or before October 12, 2015.

Section 2. All ordinances of a general and permanent nature enacted on or before October 12, 2015, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The codification consists of all ordinances as codified therein and as may be revised pursuant to the ordinance codification process and as evidenced by the memorandum of understanding dated _____, 2015, provided as a part of said process.

Section 4. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 5. Unless a differing penalty is expressly provided for within the Code, every person convicted of a general violation of any provision of the Code or any rule, ordinance, or police regulation of the City shall be punished by a fine not to exceed $2,000.00 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, and not exceeding $500.00 for all other violations. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 6. Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make same a part of the Code shall be deemed to be incorporated into the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after October 12, 2015, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. This ordinance and the Code adopted hereby shall become effective upon final passage of this ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SHADY SHORES, TEXAS, ON THIS THE _____ DAY OF _____, 2013.

_____
Mayor

ATTEST:

_____
City Secretary

CODE OF ORDINANCES OF THE

TOWN OF SHADY SHORES

ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING

As prepared by

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

CODE OF ORDINANCES OF THE

TOWN OF SHADY SHORES

ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING

CHAPTER 14
ZONING

1. Article 2.6, Manufactured and Industrial Housing Regulations. Section 2.6 provides as follows:

   "The provisions of Ordinance 188-1-2007, entitled 'Manufactured and Industrial Housing Regulations' are adopted and incorporated as this Article 2.6."

   It is unclear whether Ordinance 188-1-2007 should be included in its entirety, or only exhibit A of the ordinance. Ordinance 188-1-2007 adopted exhibit A as the zoning amendment - but sections 1, 2 and 3 of the ordinance contain regulatory provisions.

   The memorandum of understanding previously approved by the city stated that sections 1 through 3 of this ordinance would be incorporated in the buildings chapter. Upon further review, it was determined that keeping these provisions in the zoning ordinance would facilitate understanding and aid in future revisions.

   In the draft prepared for adoption, sections 1 through 3 and exhibit A of this ordinance were incorporated into the zoning ordinance and section 4 "Severability," section 5 "Repealer," section 6 "Penalty, section 7 "Publication" and section 8 "Effective date," were omitted.

APPENDIX A
FEE SCHEDULE

2. For clarification, the city recommended the following changes to the fee schedule:

Sec. A2.003 Professional fees

	Admin Cost	Inspection	Total
Site plan review	$35	$350	$385
Concept plan review (major)	$100	$1,000	$1,100
Concept plan review (minor)	$35	$350	$385
Replat (residential) (major) engineer reviews			
Preliminary plat engineer review	$70	$700	$770
Final plat engineer review	$35	$350	$385
Replat (residential) (minor) engineer review			
Final plat engineer review	$35	$350	$385
Pre-construction meeting	$53	$525	$578
Zoning change application engineer review	$35	$350	$385
Minor replatting fee	$35	$350	$385
Driveway culvert analysis	$18	$175	$193
On-site meeting	$35	$350	$385
Attorney review	$500		$500

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OF THE

TOWN OF SHADY SHORES, TEXAS

As Codified By:

2435 20th Street
Lubbock, Texas 79411
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ARTICLE 1.01 CODE OF ORDINANCES*

Sec. 1.01.001 Adoption

There is hereby adopted the Code of Ordinances of the Town of Shady Shores, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc. (Ordinance adopting Code)

Sec. 1.01.002 Designation and citation of code

The ordinances embraced in this chapter and the following chapters, articles and sections shall constitute and be designated the "Code of Ordinances, Town of Shady Shores, Texas," and may be so cited. (Ordinance adopting Code)

Sec. 1.01.003 Catchlines of articles, divisions and sections

The catchlines of the several articles, divisions and sections of this code are intended as mere catchwords to indicate the contents of the article, division or section and shall not be deemed or taken to be titles of such articles, divisions and sections, nor as any part of the articles, divisions and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles, divisions and sections, including the catchlines, are amended or reenacted. (Ordinance adopting Code)

State law reference–Headings of statutes, V.T.C.A., Government Code, sec. 311.024.

Sec. 1.01.004 Definitions and rules of construction

In the construction of this code and of all ordinances and resolutions passed by the town council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the town council:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

State law reference–Computation of time, V.T.C.A., Government Code, sec. 311.014.

Council. Whenever the term "council" or "town council" or "the council" is used, it shall mean the town council of the Town of Shady Shores, Texas.

State law reference–References to municipal governing body and to members of municipal governing body, V.T.C.A., Local Government Code, sec. 21.002.

County. The term "county" or "this county" shall mean the County of Denton, Texas.

---

* **State law reference–**Authority of municipality to codify ordinances, V.T.C.A., Local Government Code, ch. 53.

Delegation of authority. Whenever a provision of this Code of Ordinances requires or authorizes an officer or employee of the town to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

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

State law reference–"Gender" defined, V.T.C.A., Government Code, sec. 312.003(c).

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

State law reference–Grants of authority, V.T.C.A., Government Code, sec. 312.004.

May. The word "may" is permissive.

State law reference–Construction of word "may," V.T.C.A., Government Code, sec. 311.016.

Month. The word "month" shall mean a calendar month.

State law reference–"Month" defined, V.T.C.A., Government Code, sec. 312.011.

Must and shall. Each is mandatory.

State law reference–Construction of words "must" and "shall," V.T.C.A., Government Code, sec. 311.016.

Number. Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

State law reference–"Number," V.T.C.A., Government Code, sec. 312.003(b).

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

State law reference–"Oath," "swear" and "sworn" defined, V.T.C.A., Government Code, sec. 312.011.

Official time standard. Whenever certain hours are named in this code, they shall mean standard time or daylight saving time, as may be in current use in the town.

State law reference–Standard time, V.T.C.A., Government Code, sec. 312.016.

Or, and. The word "or" may be read "and," and the word "and" may be read "or," as the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships, organizations, business trusts, estates, trusts, and bodies politic and corporate, as well as to individuals.

State law reference–"Person" defined, V.T.C.A., Government Code, sec. 311.005.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

State law reference–"Preceding" defined, V.T.C.A., Government Code, sec. 312.011.

Property. The word "property" shall mean and include real and personal property.

State law reference–"Property" defined, V.T.C.A., Government Code, sec. 311.005.

Real property. The term "real property" shall mean and include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

Signature or subscription. A signature or subscription shall include a mark when a person cannot write.

State law reference–"Signature" and "subscribe" defined, V.T.C.A., Government Code, sec. 312.011.

State. The term "the state" or "this state" shall be construed to mean the State of Texas.

Street. The word "street" shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way, including the entire right-of-way.

Tense. Words used in the past or present tense include the future, as well as the past and present.

State law reference–"Tense," V.T.C.A., Government Code, sec. 312.003(a).

Town and city. Each means the Town of Shady Shores, Texas.

Town administrator, town manager, town secretary, chief of police or other town officers. The term "town administrator," "town manager," "town secretary," "chief of police" or other town officer or department shall be construed to mean the town administrator, town manager, town secretary, chief of police or such other municipal officer or department, respectively, of the Town of Shady Shores, Texas.

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A. Such abbreviations refer to the divisions of Vernon's Texas Statutes Annotated.

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

State law reference–"Written" or "in writing" defined, V.T.C.A., Government Code, sec. 312.011.

Year. The word "year" shall mean a calendar year.

State law reference–"Year" defined, V.T.C.A., Government Code, sec. 312.011.

(Ordinance adopting Code)

Sec. 1.01.005 Severability of parts of code

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

State law reference–Severability of statutes, V.T.C.A., Government Code, sec. 312.013.

Sec. 1.01.006 Repeal of ordinances

The repeal of an ordinance or any portion thereof shall not repeal the repealing clause of an ordinance or revive any ordinance which has been previously repealed. (Ordinance adopting Code)

State law reference–Effect of repeal of statutes, V.T.C.A., Government Code, sec. 311.030.

Sec. 1.01.007 Amendments or additions to code

All ordinances of a general and permanent nature, and amendments to such ordinances, hereafter enacted or presented to the town council for enactment, shall be drafted, so far as possible, as specific amendments of, or additions to, the Code of Ordinances. Amendments to this code shall be made by reference to the chapter and section of the code which is to be amended, and additions shall bear an appropriate designation of chapter, article and section; provided, however, the failure to do so shall in no way affect the validity or enforceability of such ordinances. (Ordinance adopting Code)

Sec. 1.01.008 Supplementation of code

(a) By contract or by town personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the town council during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.

(c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

(Ordinance adopting Code)

Sec. 1.01.009 General penalty for violations of code; continuing violations

(a) Whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars ($500.00).

(b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars ($2,000.00).

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

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

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

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

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

(Ordinance adopting Code)

State law references–Penalties for violations, V.T.C.A., Local Government Code, sec. 54.001; penalty for class C misdemeanor, V.T.C.A., Penal Code, sec. 12.23; requirement of culpability, V.T.C.A., Penal Code, sec. 6.02.

ARTICLE 1.02 ADMINISTRATION

Sec. 1.02.001 Form of government

The town council hereby accepts and adopts the provisions contained in chapters 1–10, title 28, V.A.T.C.S., as may hereafter be amended, pursuant to the authority conferred upon it by V.T.C.A., Local Government Code, section 6.011 et seq. (Ordinance 81 adopted 4/7/86; Ordinance adopting Code)

State law reference–Type A form of government, V.T.C.A., Local Government Code, sec. 5.001; sec. 22.001 et seq.

Sec. 1.02.002 Fiscal year

(a) The fiscal year of the town shall be, and hereby is, changed from the calendar year of January 1st through December 31st, to October 1st through September 30th.

(b) The new fiscal year for the town shall commence October 1, 1998, with the first fiscal year October 1, 1998 through September 30, 1999. The town's budget previously approved for January 1, 1998 though December 31, 1998 shall be amended to provide the appropriate adjustments for the period January 1, 1998 through September 30, 1998.

(Ordinance 121-8-3-98 adopted 8/3/98)

State law references–Authority of municipality to prescribe fiscal year, V.T.C.A., Local Government Code, sec. 101.042; annual budget, V.T.C.A., Local Government Code, ch. 102.

ARTICLE 1.03 TOWN COUNCIL

Sec. 1.03.001 Place system; terms of office

(a) Current election process. The current method of election in the town is staggered terms of two (2) years for each councilmember, and a term of two (2) years for the mayor. This section does not modify the method of election of the mayor. The current process of staggered terms

means that the positions of two (2) of the councilmembers one year, and three (3) the next year, subject to vacancy and appointments, are due for election in each year. The number of candidates running who are elected to office is the number of candidates for whom there are offices available, who have received the highest number of votes.

(b) Place method of elections. Election by the place system would retain the current staggered terms of offices. However, the place system requires candidates seeking the office of councilmember to designate which council place for which they seek election. The incumbent, and/or one or more other candidates, may file for each place. However, a candidate may only file for election for one place. The place system does not designate any specific portion of the town. Each councilmember, regardless of which place number they serve in, serves the entire town, at-large.

(c) Time requirement. Passage of this section is required, in order to be effective, not less than sixty (60) days before the date of the first regular municipal election of councilmembers to be conducted under the place system.

(d) Assignment of place numbers. Immediately upon the passage of this section, the governing body shall assign place numbers to each councilmember's office. This may be done by each councilmember drawing the numbers one through five. Thereafter, each councilmember would serve by their designated "Place No. _____."

(e) Filing for specific place.

(1) When the incumbent councilmember's terms of office expire, any candidate, including the incumbent, who wishes to file for the office of councilmember shall file an application for a specific place on the governing body, such as "Councilmember, Place Number One."

(2) The ballot for an election under the place system must show each office of councilmembers as a separate office designated by place number.

(Ordinance 187-12-2006 adopted 12/4/06; Ordinance adopting Code)

ARTICLE 1.04 BOARDS, COMMISSIONS AND COMMITTEES

Division 1. Generally

Secs. 1.04.001–1.04.030 Reserved

Division 2. Board of Adjustment*

Sec. 1.04.031 Town council to act as board of adjustment

Pursuant to the Texas Local Government Code, section 211.008, the members of the town council are granted the authority to appoint or act as a board of adjustment. (Ordinance 227-9-2010, sec. 1, adopted 9/13/10; Ordinance adopting Code)

* **State law reference–**Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

Sec. 1.04.032 Procedures

(a) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(b) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter [Local Government Code, chapter 211, subchapter A]. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(c) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(Ordinance 227-9-2010, sec. 2, adopted 9/13/10)

Sec. 1.04.033 Authority

(a) The board of adjustment may:

(1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter [Local Government Code, chapter 211, subchapter A] or an ordinance adopted under this subchapter;

(2) Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;

(3) Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and

(4) Hear and decide other matters authorized by an ordinance adopted under this subchapter [Local Government Code, chapter 211, subchapter A].

(b) In exercising its authority under subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

(1) Reverse an order, requirement, decision, or determination of an administrative official;

(2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) Authorize a variation from the terms of a zoning ordinance.

(Ordinance 227-9-2010, sec. 3, adopted 9/13/10)

Sec. 1.04.034 Appeal to board

(a) Except as provided by subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

(1) A person aggrieved by the decision; or

(2) Any officer, department, board, or bureau of the municipality affected by the decision.

(b) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

(c) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

(d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.

(e) A member of the governing body of the municipality who serves on the board of adjustment under L.G.C. section 211.008(g) may not bring an appeal under this section.

(Ordinance 227-9-2010, sec. 4, adopted 9/13/10)

ARTICLE 1.05 EMERGENCY MANAGEMENT*

Sec. 1.05.001 Organization

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

(b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.

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* **State law reference–**Local and interjurisdictional emergency management, V.T.C.A., Government Code, ch. 418.

(c) The director shall be responsible for a program of comprehensive emergency management within the town and for carrying out the duties and responsibilities set forth in this article. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(d) The operational emergency management organization of the town shall consist of the officers and employees of the town so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

(Ordinance 90, sec. 1, adopted 7/6/87)

Sec. 1.05.002 Powers and duties of emergency management director

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

(1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the town and an ongoing program of identifying and requiring or recommending the implementation of measures which should tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.

(2) Supervision of the development and approval of an emergency management plan for the town, and shall recommend for adoption by the town council all mutual aid agreements deemed necessary for the implementation of such plan.

(3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the town council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the town secretary.

(4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purpose of this article. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the town secretary.

(5) Direction and control of the operations of the town emergency management organization as well as the training of emergency management personnel.

(6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the town.

(7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.

(8) Marshaling of all necessary personnel, equipment or supplies from any department of town to aid in the carrying out of the provisions of the emergency management plan.

(9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which town is located, and with other municipalities within the county, for the county-wide coordination of emergency management efforts.

(10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the town.

(11) Authorizing of agreements, after approval by the town attorney, for use of private property for public shelter and other purposes.

(12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.

(13) Other requirements as specified in Texas Disaster Act 1975 (V.T.C.A., Government Code, chapter 418).

(Ordinance 90, sec. 2, adopted 7/6/87)

Sec. 1.05.003 Emergency management plan

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, task, duties, and powers, and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and agents to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster. (Ordinance 90, sec. 3, adopted 7/6/87)

Sec. 1.05.004 Interjurisdictional program

The mayor is hereby authorized to join with the county judge and the mayors of the other towns/cities in the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the town. (Ordinance 90, sec. 4, adopted 7/6/87)

Sec. 1.05.005 Override

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith. (Ordinance 90, sec. 5, adopted 7/6/87)

Sec. 1.05.006 Liability

This article is an exercise by the town of its governmental functions for the protection of the public peace, health, and safety, and neither the town, the agents and representatives of the town, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule, or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the town a license or privilege or otherwise permits the town to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (Ordinance 90, sec. 6, adopted 7/6/87)

Sec. 1.05.007 Commitment of funds

No person shall have the right to expend any public funds of the town in carrying out any emergency management activity authorized by this article without prior approval by the town council, nor shall any person have any right to bind the town by contract, agreement or otherwise without prior and specific approval of the town council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the town when deemed prudent and necessary for the protection of health, life, or property. (Ordinance 90, sec. 7, adopted 7/6/87)

Sec. 1.05.008 Offenses; penalty

(a) It shall be unlawful for any person willfully to obstruct, hinder [or] delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.

(b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the town unless authority to do so has been granted to such person by the proper officials.

(c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.

(d) Convictions for violations of the provisions of this article shall be punishable by fine not to exceed two hundred dollars ($200.00).

(Ordinance 90, sec. 8, adopted 7/6/87)

Sec. 1.05.009 Limitations

This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation. (Ordinance 90, sec. 10, adopted 7/6/87)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.001 Definition of municipal records

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the town or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the town and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner. (Ordinance 262-01-2014, sec. 1, adopted 1/6/14)

Sec. 1.06.002 Additional definitions

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

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

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

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

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

Records management officer means the person designated in section 1.06.005 of this article.

Records management plan means the plan developed under section 1.06.006 of this article.

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

(Ordinance 262-01-2014, sec. 2, adopted 1/6/14)

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* **State law reference–**Local Government Records Act, V.T.C.A., Local Government Code, ch. 201 et seq.

Sec. 1.06.003 Municipal records declared public property

All municipal records as defined in section 1.06.001 of this article are hereby declared to be the property of the town. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records, even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Ordinance 262-01-2014, sec. 3, adopted 1/6/14)

Sec. 1.06.004 Policy

It is hereby declared to be the policy of the town to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice. (Ordinance 262-01-2014, sec. 4, adopted 1/6/14)

Sec. 1.06.005 Designation of records management officer

The town secretary, and the successive holders of said office, shall serve as records management officer for the town. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty days of the initial designation or of taking up the office, as applicable. (Ordinance 262-01-2014, sec. 5, adopted 1/6/14)

Sec. 1.06.006 Records management plan to be developed; approval of plan; authority of plan

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

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

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

(Ordinance 262-01-2014, sec. 6, adopted 1/6/14)

Sec. 1.06.007 Duties of records management officer

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

(1) Administer the records management program and provide assistance to department heads in its implementation;

(2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

(3) In cooperation with department heads, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

(4) Develop procedures to ensure the permanent preservation of the historically valuable records of the town;

(5) Establish standards for filing and storage equipment and for recordkeeping supplies;

(6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the town;

(7) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;

(8) Disseminate to the town council and department heads information concerning state laws and administrative rules relating to local government records;

(9) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the town are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(10) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(11) Report annually to the town council on the implementation of the records management plan in each department of the town, including summaries of the statistical and fiscal data compiled under subsection (10); and

(12) Bring to the attention of the town council noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

(Ordinance 262-01-2014, sec. 7, adopted 1/6/14)

Sec. 1.06.008 Duties and responsibilities of department heads

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

(1) Cooperate with the records management officer in carrying out the policies and procedures established in the town for the efficient and economical management of records and in carrying out the requirements of this article;

(2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

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

(Ordinance 262-01-2014, sec. 8, adopted 1/6/14)

Sec. 1.06.009 Records control schedules to be developed; approval; filing with state

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

(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the town.

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

(d) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.

(Ordinance 262-01-2014, sec. 9, adopted 1/6/14)

Sec. 1.06.010 Implementation of records control schedules; destruction of records under schedule

(a) A records control schedule for a department that has been approved and adopted under section 1.06.009 shall be implemented by department heads according to the policies and procedures of the records management plan.

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

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

(Ordinance 262-01-2014, sec. 10, adopted 1/6/14)

Sec. 1.06.011 Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request. (Ordinance 262-01-2014, sec. 11, adopted 1/6/14)

CHAPTER 2

ANIMAL CONTROL

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ARTICLE 2.01 GENERAL PROVISIONS*

Sec. 2.01.001 Right to keep animals; compliance

It shall be unlawful for any person to keep, own, maintain, use or have in his possession or on premises under his control within the town any livestock, fowl, pet, or other animal, except in compliance with the provisions of this chapter. (Ordinance 273-11-14, sec. I, adopted 11/3/14)

Sec. 2.01.002 Definitions

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Adult. An animal over the age of six months.

Animal. Any living creature, including but not limited to dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal control officer. Any person(s) designated by the town council, through written agreement or otherwise, to enforce the provisions of this chapter, and who is authorized to receive reports of animal bites, investigate bite reports, administer euthanasia, ensure quarantine of suspect rabid animals, and otherwise carry out provisions of the ordinances of the town and the laws of the state that relate to animals, including, without limitation, rabies control and eradication.

Animal premises. An area of a residential or agricultural property, including pens, corrals, and pastures, for the primary use of animals.

Assistance animal or therapy animal. An animal that is specially trained or equipped to help a human being with a disability when:

(1) The person with the disability has satisfactorily completed a specific course of training in the use of the animal; and

(2) Where the animal has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.

At large or running at large. An animal that is not confined to the premises of its owner by a building, wall or fence of sufficient strength or construction to restrain said animal is "at large." An animal that is not on the premises of its owner, or held in the hands of the owner or keeper, or held by means of a leash or chain of proper strength and length to control the actions of the animal, or while such animal is confined in a vehicle or cage, said animal shall be deemed "running at large." The exception to this definition of at large and running at large is the domestic house cat.

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* **State law references**–Authority of governing body to regulate animals, V.T.C.A., Local Government Code, sec. 215.025 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code, ch. 821 et seq.

Cat. Any domesticated member of the feline family.

Commercial kennel. Any lot, building, structure, enclosure or premises where six (6) or more dogs or cats six (6) months of age or over are kept or maintained for direct or indirect sale or exchange; or where commercial boarding, breeding, grooming or training is conducted.

Cow. Any bovine animal, including but not limited to cows, bulls, steers, yearlings, and calves, regardless of age, breed or sex.

Dangerous animal. Any animal which without reasonable provocation habitually attacks other animals, or has without provocation bitten or physically attacked a human being or has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite, but does not include an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured or exhibited cruelty to such animal. This definition also includes any animal defined as a "dangerous wild animal" "prohibited animal," or "dangerous dog" by this chapter.

Dangerous dog. The provisions of Texas Health and Safety Code chapter 822, subchapter D, as amended, entitled "Dangerous Dogs," are adopted by the town and incorporated within this chapter. The provisions of subchapter D include the following:

(1) "Dangerous dog" means a dog that:

(A) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(2) "Secure enclosure" means a fenced area or structure that is:

(A) Locked;

(B) Capable of preventing the entry of the general public, including children;

(C) Capable of preventing the escape or release of a dog;

(D) Clearly marked as containing a dangerous dog; and

(E) In conformance with the requirements for enclosures established by the local animal control authority.

(3) "Owner" means a person who owns or has custody or control of the dog.

Dangerous wild animal. The town adopts title 10, Health and Safety of Animals, chapter 822, Regulation of Animals, subchapter E, Dangerous Wild Animals, of the Texas Health and Safety

Code. Dangerous wild animals shall be considered vicious animals. "Dangerous wild animals" include but are not limited to:

(1) A lion;

(2) A tiger;

(3) An ocelot;

(4) A cougar;

(5) A leopard;

(6) A cheetah;

(7) A jaguar;

(8) A bobcat;

(9) A lynx;

(10) A serval;

(11) A caracal;

(12) A hyena;

(13) A bear;

(14) A coyote;

(15) A jackal;

(16) A baboon;

(17) A chimpanzee;

(18) An orangutan;

(19) A gorilla; or

(20) Any hybrid of an animal listed in this definition.

Dog. Any domesticated member of the canine family.

Domesticated animal. An animal that has been tamed by generations of breeding to live in close association with human beings as a pet, work animal or food source.

Euthanize. The humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death.

Fowl. Any species of feathered animals which are normally kept or used on a farm, a ranch, or similar setting for agricultural purposes. The following and similar species shall be considered to be fowl: chickens, game hens, guineas, peafowl, turkeys, pheasant, quail, geese, ducks, swans or other similar feathered animals regardless of age, breed or sex.

Goat. Any caprine animal, regardless of age, breed or sex.

Harbor. The act of keeping and caring for animals or of providing premises to which the animal returns for food, shelter or care for a period of at least ten (10) days.

Horse. Any member of the equine family, including but not limited to horses, mules, ponies and donkeys, regardless of age, breed or sex.

Impoundment. The seizing, taking, collecting, confining, or capturing of an animal.

Livestock. Common farm animals such as but not limited to: horses, mules, donkeys, cattle, goats, sheep, llamas, alpacas, and swine, regardless of age, breed or sex. And not including potbelly pig or pot-bellied pig as below in "Potbelly pig or pot-bellied pig."

Owner. A person who owns or has custody or control of the animal.

Pen or corral. An enclosure in which livestock is kept. This shall not be interpreted to include a grazing area.

Pet. Any animal that has commonly been kept as a pet in family households in the U.S. for pleasure rather than utility, such as dogs, cats, guinea pigs, rabbits, and hamsters.

Pig. All swine animals, regardless of age, breed or sex.

Potbelly pig or pot-bellied pig. A breed of domesticated miniature Vietnamese, Chinese or Asian pig not exceeding one hundred and fifty pounds.

Premises. A developed residentially zoned lot or a parcel of land owned, leased or controlled by the same person, persons or entity.

Prohibited animal. An animal normally found in a wild state and not normally considered domesticated (with the exception of assistance or therapy animals), including but not limited to the following:

(1) Any animal defined as a wild animal or dangerous wild animal in this chapter.

(2) All venomous reptiles such as poisonous snakes, gila monsters and beaded lizards.

(3) All constrictor snakes such as pythons, boa constrictors and anacondas.

(4) All crocodilians or alligators.

(5) Any animal that is listed as protected, threatened or endangered by the state, the U.S. Endangered Species Act and/or the U.S. Migratory Bird Treaty Act of 1918, as amended.

Rabbit. All members of the leporine family, regardless of age, breed or sex.

Sanitary. Any condition of good order and cleanliness which precludes the probability of disease transmission.

Sheep. All ovine animals, regardless of age, breed or sex.

Stray animal. Any animal found roaming with no physical restraint beyond the premises of an animal's owner or keeper.

Vaccination. An injection of a vaccine approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and administered to produce or artificially increase immunity to a particular disease.

Vaccination certificate. An official vaccination certificate issued by the vaccinating veterinarian, containing certain standard information as follows:

(1) Owner's name, address and telephone number;

(2) Animal identification. Species, sex, age (3 months to 1 year; 1 year or older), size (lbs.), predominant breed, and colors;

(3) Vaccine used, producer, expiration date and serial number;

(4) Date vaccinated;

(5) Rabies tag number, in the case of a rabies vaccination; and

(6) Veterinarian's signature and license number.

Wild animal. An animal that is normally found in a wild state, and not normally considered domesticated.

Wild state. An animal living in its original natural condition; not domesticated.

(Ordinance 273-11-14, sec. II, adopted 11/3/14)

Sec. 2.01.003 Penalty

Any person, firm or corporation (collectively referred to as "person") violating any of the provisions of this chapter shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars ($500.00) for each offense. Each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 273-11-14, sec. IX, adopted 11/3/14)

Sec. 2.01.004 Enforcement; impoundment

(a) Notice of violation. A notice shall be sent to the owner of the animal reported to be in violation of the provisions of this chapter, or to the owner and/or occupant of the premises whereupon said violation exists. The notice shall state:

(1) The nature of the violation; and

(2) The amount of time given to correct the alleged violation.

(b) Failure to correct violation. If the violation is not corrected within the specified time period, a citation may be issued and/or the animal impounded, per procedures described herein.

(c) Immediate impoundment. The following animals may immediately be impounded:

(1) Any animal running at large, as defined herein;

(2) Any animal infected or kept under conditions which could endanger the public or animal health; or

(3) Any animal that has bitten a human being or needing to be placed under observation for rabies determination, as determined by the local health authority.

(d) Authority to issue citation.

(1) The town's animal control officer or police officer shall have the authority to issue citations for any violation of this chapter.

(2) If the person being cited is not present, the town's animal control officer or police officer may send the citation to the alleged offender by registered or certified mail.

(e) Impoundment procedures.

(1) The town council may select and establish a place for impounding all animals under any provision of this chapter.

(2) Reasonable effort shall be made by the town to contact the owner of any animal impounded which is wearing a current vaccination tag; however, final responsibility for location of an impounded animal is that of the owner.

(3) The owner can resume possession of any impounded animal upon payment of any and all impoundment fees and any veterinary bills incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and registration provisions of this code, except where prohibited by state law or this chapter.

(4) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering, or given to a nonprofit humane organization for the purpose of care, as determined by the town.

(5) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the town.

(6) An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition, may sign a written waiver, supplied by the town, allowing the animal to be immediately euthanized in a humane manner, provided that:

(A) No animal that has bitten a human being shall be euthanized before expiration of the ten-day quarantine period.

(B) The owner certifies that the animal is their legal property and the owner pays the town for all euthanization costs.

(f) Interference with animal control officer in performance of duties. It shall be unlawful for any person to forcibly interfere with an animal control officer in order to hinder the performance of his duties.

(Ordinance 273-11-14, sec. VIII, adopted 11/3/14)

State law reference–Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

Sec. 2.01.005 Dogs, cats and ferrets

It shall be unlawful for any person to keep or to permit the keeping of dogs, cats, and/or ferrets on premises owned by him or under his control except as follows:

(1) Running at large. Any person who owns, possesses or harbors a dog and/or ferret within the corporate limits of the town commits an offense if he allows said dog and/or ferret to run at large.

(2) Rabies vaccination. All dogs, cats, and/or ferrets which are kept, harbored or maintained within the corporate limits of the town shall be vaccinated against rabies by a licensed veterinarian in accordance with Texas Health and Safety Code section 826.021.

(3) Commercial kennels prohibited. Commercial kennels are prohibited.

(4) Dangerous dogs prohibited. Dangerous dogs, as defined above, are prohibited within the town.

(5) Maintenance of premises. Areas of premises used by animals must be maintained in clean and sanitary conditions at all times.

(Ordinance 273-11-14, sec. III(A), adopted 11/3/14; Ordinance adopting Code)

Sec. 2.01.006 Livestock

It shall be unlawful for any person to keep or to permit the keeping of livestock on premises owned by him or under his control except as follows:

(1) Minimum area. No livestock shall be kept on any premises of less than one (1) acre.

(2) Number of animals. For each premises one (1) acre or larger, an owner may keep one head of adult livestock for each one-half acre of grazing area. Grazing area includes fenced pasture, pens, and stables where livestock are fed and sheltered.

(3) Distance from residences. It shall be unlawful to erect a structure, pen or corral for the keeping of livestock closer than two hundred (200) feet from any building located on another's property that is used for habitation.

(4) Distance requirement for pigs. The distance requirement is five hundred (500) feet in the case of pigs, with the exception of "potbelly pig or pot-bellied pig," which are not defined as livestock. The distance limitation is 100 feet from the grazing area on premises occupied by potbelly pigs or pot-bellied pigs.

(5) Exceptions to distance provisions.

(A) The distance provisions of this section shall not apply to a structure, pen or other enclosure in which livestock are kept and maintained prior to:

(i) The passage of this chapter.

(ii) The time a residential structure was erected on another's property so as to cause a violation of the distance requirements stated above.

(B) The provisions of this subsection (5) expire if:

(i) Livestock are not kept on the property for any period of six months or more;

(ii) The premises are found to violate the town nuisance ordinance as it relates to animals;

(iii) The premises do not comply with the terms of Ordinance 93 as it regulated animals prior to the passage of this chapter.

(6) Running at large. It shall be unlawful for any person to allow any livestock to run at large.

(7) Fences. Fences for pens, corrals and grazing areas must be of sufficient height and strength to retain said animal.

(8) Cleanliness of premises. Premises must be maintained in clean and sanitary conditions at all times.

(9) Disposal of dead animals. It shall be unlawful for an owner of any dead livestock on private property to fail to lawfully dispose of the dead animal within twenty-four (24) hours of its discovery by the owner.

(Ordinance 273-11-14, sec. III(B), adopted 11/3/14)

State law reference–Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, sec. 215.026(b).

Sec. 2.01.007 Fowl and rabbits

It shall be unlawful for any person to keep or to permit the keeping of fowl and/or rabbits on premises owned by him or under his control except as follows:

(1) Minimum area. No fowl and/or rabbits shall be kept on any premises of less than one-third (1/3) acre.

(2) Number of animals. For each premises one-third (1/3) acre or larger an owner may keep five (5) adult fowl or rabbits for each one-third (1/3) acre. Except that it shall be unlawful for any person to keep more than ten (10) adult fowl and/or rabbits on a property less than one (1) acre.

(3) Roosters. No roosters (male chickens) over the age of three (3) months shall be allowed on properties less than one (1) acre.

(4) Distance from residences. It shall be unlawful to erect a structure, pen or other enclosure for the keeping of fowl and/or rabbits closer than twenty-five (25) feet from any building on another's property that is used for human habitation.

(5) Exceptions to distance provisions.

(A) The distance provisions of this section shall not apply to a structure, pen or other enclosure in which fowl and/or rabbits are kept and maintained prior to:

(i) The passage of this chapter.

(ii) The time a residential structure was erected on another's property so as to cause a violation of the distance requirements stated above.

(B) The provisions of this subsection (5) expire if:

(i) Livestock [Fowl and/or rabbits] are not kept on the property for any period of six months or more;

(ii) The premises are found to violate the town nuisance ordinance as it relates to animals; or

(iii) The premises do not comply with the terms of Ordinance 93 as it regulated animals prior to the passage of this chapter.

(6) Running at large. It shall be unlawful for any person or persons to permit fowl and/or rabbits kept or possessed by them, or under their control, to run at large.

(7) Cleanliness of pens and enclosures. All structures, pens or other enclosures for the keeping of fowl and/or rabbits must be maintained in clean and sanitary conditions at all times.

(8) Coloring animals. It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings or other fowl or rabbit.

(Ordinance 273-11-14, sec. III(C), adopted 11/3/14)

Sec. 2.01.008 Potbelly pigs

It shall be unlawful for any person to keep or to permit the keeping of potbelly pigs on any premises owned by him, or under his control, within the corporate limits of the town, except as follows:

(1) Minimum area. No potbelly pig shall be kept on any premises of less than one-half (1/2) acre.

(2) Premises two acres or less. For each premises two (2) acres or less, an owner may keep two (2) head of adult potbelly pigs.

(3) Premises larger than two acres. For each premises larger than two (2) acres, an owner may keep two (2) head of adult potbelly pigs for each acre.

(4) Distance from residences. Any accessory structure, pen or corral housing potbelly pigs shall be located at least one hundred (100) feet from any neighboring residential structure and shall be screened from view.

(5) Exceptions to distance provisions.

(A) The distance provisions of this section shall not apply to a structure, pen or other enclosure in which potbelly pigs are lawfully kept and maintained prior to:

(i) The passage of this chapter.

(ii) The time a residential structure was erected on another's property so as to cause a violation of the distance requirements stated above.

(B) The provisions of this subsection (5) expire if:

(i) Potbelly pigs are not kept on the property for any period of six months or more;

(ii) The premises are found to violate the town nuisance ordinance as it relates to animals; or

(iii) The premises do not comply with the terms of Ordinance 93 as it regulated animals prior to the passage of this chapter.

(6) Vaccinations. All potbelly pigs shall be vaccinated by a licensed veterinarian by the time they are four (4) months of age and within each subsequent twelve (12) month interval thereafter. A vaccination certificate must be issued to the owner and maintained as proof of vaccination. Required vaccinations are:

(A) Rabies;

(B) Erysipelas; and

(C) Leptospirosis.

(7) Requirements for male animals. Male potbelly pigs over the age of three (3) months and kept on premises two (2) acres or less must be neutered and must have their tusks trimmed at least once per year.

(8) Requirements for female animals. Female potbelly pigs over the age of three (3) months and kept on premises two (2) acres or less must be spayed.

(9) Allowing animals to go upon premises of another. It shall be unlawful for any person or persons to permit potbelly pigs kept or possessed by them, or under their control, to wander in, or upon, or invade the premises of any other person.

(10) Cleanliness of pens and enclosures. All structures, pens or other enclosures for the keeping of potbelly pigs must be maintained in clean and sanitary conditions at all times.

(Ordinance 273-11-14, sec. III(D), adopted 11/3/14)

Sec. 2.01.009 Keeping bees

No person shall keep bees in such a manner as to deny the lawful use of adjacent property or to endanger the health and welfare of anyone in the town. (Ordinance 273-11-14, sec. III(E), adopted 11/3/14)

Sec. 2.01.010 Animals running at large

(a) It is unlawful for any person to allow any animal to run at large within the corporate limits of the town.

(b) The town's animal control officer is authorized to pursue onto private and public property and to impound animals running at large.

(c) If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal, until the rightful owner or the town can be notified and the animal picked up. But in so doing, the property owner confining such animal shall be responsible for the humane care of the animal while it is in his care.

(d) Any animal, except dangerous or wild animals, not reclaimed by the owner may be humanely euthanized or released for adoption after being impounded for 96 hours.

(e) Any impounded dangerous or wild animal may be immediately disposed of as may be deemed appropriate by the town.

(Ordinance 273-11-14, sec. III(F), adopted 11/3/14)

State law references–Animals at large, V.T.C.A., Local Government Code, sec. 215.026; restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

Sec. 2.01.011 Dangerous animals

(a) General requirements. The owner of a dangerous animal may be required, after the appropriate hearing or trial before the municipal court, to do any or all of the following:

(1) Restrain the dangerous animal at all times on a leash in the immediate control of the owner, or in a secure pen or enclosure as prescribed for dangerous animals herein.

(2) Not later than the 30th day after a person learns that the person is the owner of a dangerous animal (learns of an unprovoked attack on a person that causes bodily injury made by the animal or receives notice that a justice court, county court or municipal court has found that the animal is a dangerous animal), the person shall:

(A) Have the dangerous animal implanted with a microchip identifying the owner of said animal.

(B) Obtain liability insurance in the amount of not less than $100,000.00 covering bodily injury or death to any person, or for damages to any person's property, resulting from the keeping of such dangerous animal.

(C) Register the dangerous animal with the town animal control officer, providing the animal control officer with:

(i) The name and address of the owner;

(ii) The breed, age, sex, color and any other identifying marks of said animal;

(iii) The location where the animal is to be kept;

(iv) Two color photographs of the animal;

(v) The microchip number of the animal;

(vi) A copy of the aforementioned certificate of liability insurance; and

(vii) The required registration fee.

(D) The animal control officer shall provide the owner a registration tag designating the animal as dangerous.

(E) The owner must place the tag on the animal's collar and must insure that the animal wears such tag and collar at all times.

(b) Confinement. All dangerous animals shall be securely confined either indoors or in a securely enclosed and locked kennel, pen or structure outdoors as provided herein. Such kennel, pen or structure shall meet the following standards:

(1) All kennels, pens or structures shall comply with all zoning and construction regulations of the town.

(2) All kennels, pens or structures must be of sufficient design and construction to prevent unauthorized entry and to restrain said dangerous animal at all times.

(3) At no place within the kennel, pen or structure shall a dangerous animal be able to put his mouth outside of the enclosure.

(4) All kennels, pens or structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the enclosures.

(5) All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

(6) All kennels, pens or structures must be adequately lighted and ventilated and must be maintained in a clean and sanitary condition.

(7) Signs giving notice of the dangerous animal shall be prominently displayed so that all persons entering such premises are immediately notified a dangerous animal is being kept at the location.

(8) The owner of a dangerous animal shall, at all reasonable times, allow the town's animal control officer, or a designated licensed veterinarian, to enter the premises where the animal is kept and to inspect the animal, the primary enclosure or secure enclosure for the animal, and the owner's records relating to the animal, to ensure compliance with this section.

(c) Leash and muzzle.

(1) It shall be unlawful for any person to permit a dangerous animal to go outside its kennel or place of enclosure unless said animal is securely leashed with a leash no longer than four (4) feet in length and unless said animal is muzzled by a muzzling device sufficient to prevent said animal from biting persons or other animals.

(2) An owner shall be in physical control of a leashed dangerous animal at all times, and it shall be unlawful for said owner to leave such animal tied on a chain, rope or other type leash outside of its kennel or place of enclosure to an inanimate object such as a tree, post, building, car or truck.

(d) Violations.

(1) In the event that the owner of any dangerous animal is found in violation of any provision of this section by a justice court, county court or municipal court, such court shall order the animal control authority to seize the animal and shall issue a warrant authorizing the seizure.

(2) The authority shall seize the animal and provide for the impoundment of the animal in secure and humane conditions.

(3) The owner shall pay any cost or fees assessed by the municipality related to the seizure.

(4) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with the provisions of this section before the 11th day after the date on which the animal is seized or delivered to the authority.

(5) The court shall order the authority to return the animal to the owner if the owner complies with the provisions of this section before the 11th day after the date on which the animal is seized or delivered to the authority.

(e) Animal found dangerous by other jurisdiction. Any animal that that has been declared or found dangerous by the animal control authority or court of another jurisdiction shall be conclusively presumed to be vicious in this jurisdiction.

(Ordinance 273-11-14, sec. III(G), adopted 11/3/14)

State law reference–Dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.

Sec. 2.01.012 Keeping, sale or possession of prohibited animal

It is unlawful for a person to sell, offer for sale, barter, trade, keep, own, harbor, maintain, use, or have in a person's possession a prohibited animal within the corporate limits of the town. (Ordinance 273-11-14, sec. III(H), adopted 11/3/14)

State law reference–Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

Sec. 2.01.013 Animal care; rabies control

The following are established as guidelines for animal care and are not intended to contravene the provisions for animal cruelty in the Texas Penal Code:

(1) All animals shall be fed with a quantity of good wholesome food sufficient to keep them in a well-nourished condition, and such food shall be served to said animals in a clean and sanitary manner.

(2) All animals shall be provided with pure, clean water in sufficient quantities at all times.

(3) All animals shall be provided with proper shelter and protection from the weather.

(4) All stables, pens, corrals, yards or enclosures in which animals reside shall be kept and maintained in a clean and sanitary condition.

(5) All animals shall be provided with veterinary care when needed to prevent suffering.

(6) No person shall beat, cruelly treat, torment, torture, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans. If a peace officer or the town animal control officer has reason to believe that an animal has been or is being cruelly treated, the officer may apply to the town's municipal court for a warrant to seize the animal, and disposition of such animal shall be handled as outlined in title 10, Health and Safety of Animals, chapter 821, Treatment and Disposition of Animals, subchapter B, Disposition of Cruelly Treated Animals, of the Texas Health and Safety Code.

(7) No person shall intentionally or knowingly confine or allow to be confined any animal in a motor vehicle or trailer under such conditions, or for such a period of time, as may endanger the health or well-being of the animal due to heat, lack of food or water or any other circumstance which causes suffering, disability or death of said animal.

(8) It shall be unlawful for any person to knowingly bring into the town any animal having any infectious or contagious disease.

(9) It shall be unlawful for any person to sell or give away any animal under four (4) weeks of age.

(10) It shall be unlawful for any person to keep more than (10) adult animals, excluding fish, on a property of less than one (1) acre.

(11) The town adopts title 10, Health and Safety of Animals, chapter 826, Rabies, of the Texas Health and Safety Code, also known as the Rabies Control Act of 1981.

(A) Any person moving into the town from a location outside of the town shall comply with this chapter within ten days after having moved into the town.

(B) 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 immediately report the incident or animal to the animal control officer of the town.

(C) The animal control officer shall quarantine, have quarantined, and/or test any animal when there is probable cause to believe the animal is rabid, may have been exposed to rabies, or may have exposed a person to rabies, following the

rules set out in Texas Administrative Code title 25, Health Services, rule 169.27, Quarantine Method and Testing.

(Ordinance 273-11-14, sec. IV, adopted 11/3/14)

State law references–Cruelty to livestock animals, V.T.C.A., Penal Code, sec. 42.09; cruelty to nonlivestock animals, V.T.C.A., Penal Code, sec. 42.092; rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.

Sec. 2.01.014 Public nuisances

(a) Noise. No person shall willfully or knowingly keep or harbor on his premises, or elsewhere in the town, any animal or fowl of any kind that makes or creates an unreasonable disturbance of the neighbors or the occupants of adjacent premises or persons living in the vicinity thereof, or permit such animal to make or create disturbing noises by howling, barking, crowing, bawling or otherwise. A person shall be deemed to have willfully and knowingly violated terms of this section if such person shall have been notified by an elected official of the town, or by the town's designated animal control officer, or by any peace officer, of such disturbance and shall have, within twenty-four (24) hours, failed or refused to correct such disturbance and prevent its recurrence.

(b) Odors. The owner or person in possession of animals shall keep yards, pens and enclosures in which such animals reside in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects, or in any manner to endanger the public health or safety.

(c) Failure to remove animal feces.

(1) All animal manure and other excrement shall be disposed of in such a manner so as to prevent it from becoming a public nuisance. An owner or other person having care, custody, or control of an animal commits an offense if he knowingly permits, or by insufficient control allows, the animal to defecate in the town:

(A) On private property other than property owned, leased or controlled by the owner or person having care, custody or control of the animal.

(B) On public property or any other place to which the public or a substantial group of the public has access, including but not limited to a street, sidewalk, alley, park or playground, or any common area of a school.

(2) It is a defense to a prosecution under this subsection that:

(A) The owner or other person having care, custody, or control of the animal immediately and in a sanitary manner removed and disposed, or caused the removal and disposal of, all excreta deposited on the property by the animal;

(B) The animal was an assistance animal or therapy animal, as defined in this chapter, and was in the care, custody, or control of that disabled person at the time it defecated on the property;

(C) The owner or person in control of the property had given prior consent for the animal to defecate on the property; or

(D) The animal was being used in official law enforcement activities.

(Ordinance 273-11-14, sec. V, adopted 11/3/14)

Sec. 2.01.015 Abandonment of animals prohibited

It shall be unlawful for any person to intentionally or knowingly abandon any animal within the corporate limits of the town. (Ordinance 273-11-14, sec. VI, adopted 11/3/14)

State law references–Cruelty by abandoning livestock animal, V.T.C.A., Penal Code, sec. 42.09(a)(3); cruelty by abandoning nonlivestock animal, V.T.C.A., Penal Code, sec. 42.092(b)(4).

Sec. 2.01.016 Poisoning animals prohibited

No person shall poison any domestic animal or livestock or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning a domestic animal or livestock. (Ordinance 273-11-14, sec. VII, adopted 11/3/14)

State law references–Cruelty by poisoning livestock animals, V.T.C.A., Penal Code, sec. 42.09(a)(5); cruelty by poisoning nonlivestock animals, V.T.C.A., Penal Code, sec. 42.092(b)(2).

CHAPTER 3

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ARTICLE 3.01 GENERAL PROVISIONS

Sec. 3.01.001 Fees generally

(a) Fee schedule. Building permit fees, inspection fees and other fees shall be as established in the fee schedule in appendix A of this code.

(b) Refunds. There will be no refunds of building permit fees except in the following instances:

(1) When it is determined that the permit was issued due to an error by the division of building inspection, a full refund may be authorized;

(2) When determined that a permit cannot be legally issued; or

(3) In cases where the building permit has been issued and a fee paid with no portion of the work started; however, the town will, in any case, retain $50.00 or the total amount paid if less than $50.00.

(c) Exemptions. No permit fee or plans checking fee is required for work involving buildings or structures if the title is directly vested in the U.S. government, the state, the county, the town or the public school district.

(d) Commencing work without permit. Where work for which a permit is required is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such fees shall not relieve the person from fully complying with the requirements of the applicable code or ordinances and [in] the execution of the work nor from any other [requirements] prescribed in such code or ordinance.

(e) Valuation estimate. The valuation estimate is not used in determining the permit fee for new construction (building area is used). The dollar value of the proposed work is important to accurately report the total activities in the town. It shall be the present best estimate of the total market value (all of the owner's cost, including contractors' overhead and profit) of the proposed construction work (excluding new land cost).

(f) Additional permits. A new building permit covers work to be done during new construction which is included on the plans submitted. Work done after the final inspection has been made for said permit will require an additional permit as repair, alteration, and additions or finishing of shell buildings or other specific permits or miscellaneous permits.

(g) Enforcement; penalty.

(1) Any person or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction in the municipal court shall be subject to a fine not to exceed two thousand dollars ($2,000.00) for each offense, and each and every day any violation shall continue shall be deemed to constitute a separate offense.

(2) No public or private utility service or authority, including but not limited to electrical, natural gas, butane, water and sanitary sewer, shall be connected to, used by or otherwise consumed at, for or in premises or buildings which are built, transported, moved, used, occupied or vacated within the town unless all fees designated by this

section and required by the ordinances of the town have been paid in full. No permit shall be issued unless all conditions and requirements of the town, including but not limited to the building and construction codes and zoning ordinances, have been complied with by the applicant. It is and shall be unlawful for the applicant to obtain or use the aforementioned utility services without full compliance with this section.

(Ordinance 133-10-2000, secs. I(C)–(G), II, adopted 10/2/00; Ordinance 139-11-2001, secs. I(C)–(G), II, adopted 11/5/01; Ordinance 157-2-2004, secs. I(C)–(G), II, adopted 2/2/04; Ordinance 181-8-2006, secs. I(C)–(G), II, adopted 8/7/06; Ordinance adopting Code)

Sec. 3.01.002 Building permit fee and certificate of occupancy for nonresidential structures

(a) Building permit fee. The building permit fee for nonresidential construction in the town is as set forth in the fee schedule in appendix A of this code. In addition, any reasonable expense incurred by the town to review drainage plans, traffic impact analysis studies, or legal requirements in association with a nonresidential project may be billed to, and shall be reimbursed by, the permit applicant. Nonresidential means all structures not intended for residential dwelling. Public and private schools are considered nonresidential.

(b) Certificate of occupancy. Nonresidential structures may not be occupied until they receive a certificate of occupancy. A certificate of occupancy shall not be issued by the town unless, and until, all required approvals of the town for the building, improvements, parking areas, road and drainage improvements, and any other necessary improvements are completed, inspected, and approved. An exception to this rule would require a bond payable to the town of an amount sufficient for the town to pay for the improvements in the event the permit applicant fails, or refuses, to complete the work.

(Ordinance 245-3-12 adopted 2/6/12; Ordinance 246-4-12 adopted 3/5/12; Ordinance adopting Code)

Sec. 3.01.003 Height of structures

(a) Broadcast towers.

(1) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

Broadcast tower. Any tower supporting 1 or more antennae that transmit or receive any portion of an electromagnetic spectrum for which a federal communication license is required for its operation.

(2) Building and special use permits required. No broadcast tower may be erected within the town limits without the owner or erector of the tower first obtaining a building permit from the town after obtaining the granting of a special use permit for the tower.

(3) Restriction on number. No more than one broadcast tower may be erected on any tract of land containing five acres or less total surface area.

(4) Restrictions on height. No broadcast tower may be erected at a height greater than 35 feet unless a variance to this height restriction is granted upon sufficient presentation to the town of appropriate plans and specifications certified by a licensed structural engineer of the state, which are to be reviewed and evaluated by the town engineer.

(5) Setback requirements. All broadcast towers must be set back from all property lines of at least 1.5 times the maximum height of the tower.

(6) Interference with radio and television reception. No broadcast tower shall be operated in a manner so as to interfere in any manner with the reception of commercial television and radio programming normally and regularly received into the homes of the citizens of the town.

(7) Exemptions. Broadcast towers owned or operated by the town for the purpose of providing radio communications for the town's fire or police department are exempt from the requirements of this section.

(b) Other structures. No other structure, as that term is defined in the town zoning ordinance, may exceed the height of 40 feet without first obtaining a building permit from the town after obtaining the granting of a special use permit. An application for a special use permit shall describe the address, location, type of structure, building materials, and any and all other information which may be required by the town engineer and/or the mayor and/or the town council to evaluate the proposed structure. Issuance of the special use permit must be approved by a majority of the town council.

(c) Penalty. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed five hundred dollars ($500.00), plus court costs.

(Ordinance 263-02-2014 adopted 3/25/14)

ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

Division 1. Generally

Sec. 3.02.001 Penalty

Any person, firm or corporation violating any of the provisions or terms of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense. (Ordinance 160-3-2004, sec. 9, adopted 3/1/04)

Secs. 3.02.002–3.02.030 Reserved

Division 2. Building Code*

Sec. 3.02.031 Adopted

The 2009 edition of the International Building Code is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures, including permits, in the town, except as otherwise specifically provided in this article. The 2009 edition of the International Building Code is hereby made a part of this section as if fully and to the same extent as if copied herein in full. At least one (1) copy of the effective International Building Code shall be kept in the town offices. (Ordinance 160-3-2004, sec. 1, adopted 3/1/04; Ordinance adopting Code)

Secs. 3.02.032–3.02.070 Reserved

Division 3. Residential Code†

Sec. 3.02.071 Adopted

The 2009 edition of the International Residential Code is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings and structures, including permits, in the town, except as otherwise specifically provided in this article. The 2009 edition of the International Residential Code is hereby made a part of this section as if fully and to the same extent as if copied herein in full. At least one (1) copy of the effective International Residential Code shall be kept in the town offices. (Ordinance 160-3-2004, sec. 2, adopted 3/1/04; Ordinance adopting Code)

Secs. 3.02.072–3.02.120 Reserved

Division 4. Electrical Code**

Sec. 3.02.121 Adopted

The 2011 edition of the National Electrical Code is hereby adopted for the purpose of establishing minimum standards for the installation of all electrical wiring, devices and equipment within the town, except as otherwise specifically provided in this code. The 2011 edition of the National Electrical Code is hereby made a part of this section as if fully and to the same extent as if copied herein in full. At least one (1) copy of the effective National Electrical Code shall be kept in the town offices. (Ordinance 160-3-2004, sec. 3, adopted 3/1/04; Ordinance adopting Code)

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* **State law references–**Building and residential codes, V.T.C.A., Local Government Code, sec. 214.211 et seq.; adoption of rehabilitation codes or provisions, V.T.C.A., Local Government Code, sec. 214.215; International Building Code adopted as municipal commercial building code, V.T.C.A., Local Government Code, sec. 214.216.

† **State law references–**International Residential Code adopted as a municipal residential building code, V.T.C.A., Local Government Code, sec. 214.212; building and residential codes, V.T.C.A., Local Government Code, sec. 214.211 et seq.; Texas Residential Construction Commission Act, V.T.C.A., Property Code, ch. 401 et seq.

** **State law references–**National Electrical Code adopted as municipal residential and commercial electrical code, V.T.C.A., Local Government Code, sec. 214.214; Texas Electrical Safety and Licensing Act, V.T.C.A., Occupations Code, ch. 1305.

Secs. 3.02.122–3.02.160 Reserved

Division 5. Plumbing Code*

Sec. 3.02.161 Adopted

The 2009 edition of the International Plumbing Code is hereby adopted for the purpose of establishing rules and regulations for the installation, alteration, repair and replacement of all plumbing piping, fittings, fixtures, and equipment which may be connected to the water and sewer system within the town, except as otherwise specifically provided in this code. The 2009 edition of the International Plumbing Code is hereby made a part of this section as if fully and to the same extent as if copied herein in full. At least one (1) copy of the effective International Plumbing Code shall be kept in the town offices. (Ordinance 160-3-2004, sec. 4, adopted 3/1/04; Ordinance adopting Code)

Secs. 3.02.162–3.02.200 Reserved

Division 6. Mechanical Code†

Sec. 3.02.201 Adopted

The 2009 edition of the International Mechanical Code is hereby adopted for the purpose of establishing, regulating and controlling the design, construction, installation, quality of material, location, operation and maintenance or use of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing and cooling appliances within the town, except as otherwise specifically provided in this code. The 2009 edition of the International Mechanical Code is hereby made a part of this section as if fully and to the same extent as if copied herein in full. At least one (1) copy of the effective International Mechanical Code shall be kept in the town offices. (Ordinance 160-3-2004, sec. 5, adopted 3/1/04; Ordinance adopting Code)

ARTICLE 3.03 DANGEROUS STRUCTURES**

Sec. 3.03.001 Authority; purpose

(a) Subchapter C of chapter 54 of V.T.C.A. Local Government Code is implemented by this article, regarding quasi-judicial enforcement of health and safety ordinances, and chapter 214, subchapter A, Dangerous Structures.

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* **State law references–**Authority to regulate sewers and plumbing, V.T.C.A., Local Government Code, secs. 214.012 and 214.013; authority to regulate plumbing, V.T.C.A., Occupations Code, sec. 1301.551; Plumbing License Law, V.T.C.A., Occupations Code, ch. 1301; adoption of plumbing codes and amendment of codes by municipality, V.T.C.A., Occupations Code, sec. 1301.255.

† **State law reference–**Air Conditioning and Refrigeration Contractor License Law, V.T.C.A., Occupations Code, ch. 1302.

** **State law reference–**Authority of municipality to regulate dangerous and substandard structures, V.T.C.A., Local Government Code, sec. 214.001 et seq.

(b) This article is enacted for the preservation of public safety:

(1) Relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) Relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) Relating to dangerously damaged or deteriorated buildings or improvements; relating to conditions caused by accumulations of refuse, vegetation, or other matter that create breeding and living places for insects and rodents;

(4) Relating to a building code or to the condition, use, or appearance of property in a municipality;

(5) Relating to animal care and control; or

(6) Relating to water conservation measures, including watering restrictions.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.002 Definitions

Dangerous structure means a structure that is in an unsafe condition that could injure, hurt, or harm individuals or property. The following conditions are separately and collectively evidence of a "dangerous structure," yet do not constitute an exclusive list:

(1) Regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;

(2) Is boarded up, fenced or otherwise secured in any manner if the structure constitutes a danger to the public even though secured from entry, or the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure; or

(3) Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare, and which:

(A) Contains one or more interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(B) Exclusive of the foundation, shows 33% or more damage or deterioration to the supporting member or members or 50% or more damage or deterioration to the nonsupporting enclosure or to outside walls or coverings;

(C) Has one or more improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

(D) Has been damaged by fire, wind or other causes so as to have become dangerous to persons or property;

(E) Has become or is so dilapidated, decayed, unsafe or unsanitary or which utterly fails to provide amenities essential to decent living so that they are unfit for human habitation or are likely to cause sickness or disease so as to cause injury to the health or welfare of those living therein;

(F) Has parts thereof which are attached in a manner that they may fall and injure persons or property;

(G) Has a foundation that is not so free of holes, cracks, buckling, crumbling and defects as to support adequately the structure;

(H) Does not have a floor, exterior wall and roof that is not so free of holes, cracks and loose, rotten, warped or protruding boards necessary to protect the occupants of the structure reasonably from weather elements and from danger of collapse;

(I) Does not have interior walls and ceilings that are not so free of holes, cracks, loose plaster, loose and baggy wallpaper, defective materials and structural deterioration as to reasonably serve their purpose and as to protect the occupants of the structure from danger of collapse and of fire; or

(J) Exists in violation of any provision of any applicable building code(s) of the town or any provision of the town's fire code or other ordinances of the town as such provisions relate to minimum standards for buildings or structures.

Occupant means any individual living or sleeping in a building or structure or having possession of a space within a building or structure.

Person means a human being, whether man, woman, or child.

Structure means that which is built or constructed or a portion thereof.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.003 Declaration of nuisance

All structures that are found to be dangerous structures, after notice and hearing, as provided herein, are hereby declared to be urban nuisances and shall be secured, repaired, vacated or demolished as provided herein. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.004 Designation of official

The town's building official or that person's designee shall, with or without the assistance of other town personnel, officials, or consultants, obtain and be prepared to present evidence at hearings presided over by the commission. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.005 Building and standards commission established; meetings

A building and standards commission ("commission") is hereby established, which shall be constituted by the members of the town council to serve as the town's building and standards commission. The purpose of the commission is to hear cases under this article. A majority of the members of the commission must be present for a hearing. Vacancies shall be filled in the same manner that vacancies are filled on the ZBA and the regular membership of the commission and the regular membership of the ZBA shall be the same. A majority of the commission members shall adopt as necessary all rules for hearings and other commission matters in accordance with this article. The town council shall have the authority to review and modify such rules at its discretion. All meetings and hearings conducted by the commission shall be open to the public, except executive sessions held pursuant to Texas Govt. Code ch. 551; and minutes shall be kept of all such meetings and hearings, recording the vote of each member. Said minutes shall be filed in the offices of the town as public records. A majority vote of the commission members voting on a matter is necessary to take any action under this article. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.006 Powers and duties of building and standards commission

(a) The building and standards commission has the authority to enforce the enumerated health and safety ordinances authorized by V.T.C.A., Local Government Code chapter 54, subchapter C, as amended. Specifically, the commission shall have the following powers and duties:

(1) To require the reduction in occupancy load of an overcrowded structure or vacation of a structure that is reasonably dangerous to the health, safety or welfare of the occupants.

(2) To require, as an alternative to demolition of a structure found to be an urban nuisance, the repair of the structure by the owner or by the town.

(3) To require the demolition of a structure found to be an urban nuisance.

(4) To require the removal of personal property from a structure ordered vacated or demolished. Removal may be accomplished by use of town forces or a private transfer company if the owner of the personal property is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personal property. The commission may cause any personal property removed to be stored in the care and custody of a bonded warehouse facility. Cost of removal and storage are the responsibility of the owner of the personal property.

(5) To require a vacant structure or vacant portion of a structure constituting a dangerous condition or nuisance to be securely closed and made safe.

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by town forces or private contract. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed $1,000.00 a day, against a property owner for each day or part of a day that he fails to repair or demolish a structure in compliance with a commission order issued under this article.

(8) To cause an act to be brought in district court in accordance with V.T.C.A., Local Government Code section 214.003, as amended, for the appointment of a receiver for property found to be an urban nuisance.

(9) To require relocation of the occupants of a structure found to be an urban nuisance.

(10) To declare a building substandard in accordance with the powers granted by V.T.C.A., Local Government Code chapter 54, subchapter C (section 54.031 et seq.), as amended.

(11) To issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the town, to enforce and carry out the lawful orders or directives of the commission.

(b) The authority granted in this section is in addition to that granted by V.T.C.A. Local Government Code chapter 214.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.007 Notice of hearing

(a) Except as provided by subsections (a-1) and (a-2) [of Local Government Code section 54.035], notice of all proceedings before the commission must be given:

(1) By personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk; and

(2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(b) The notice must be posted and either personally delivered or mailed on or before the 10th day before the date of the hearing before the commission panel and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one occasion on or before the 10th day before the date fixed for the hearing.

(c) The commission may file notice of a proceeding before a commission panel in the official public records of real property in the county in which the affected property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(d) A municipality must exercise due diligence to determine the identity and address of a property owner, lienholder, or registered agent to whom the municipality is required to give notice.

(e) A municipality exercises due diligence in determining the identity and address of a property owner, lienholder, or registered agent when it follows the procedures for service under section 82.118, Property Code, or searches the following records:

(1) County real property records of the county in which the property is located;

(2) Appraisal district records of the appraisal district in which the property is located;

(3) Records of the secretary of state, if the property owner, lienholder, or registered agent is a corporation, partnership, or other business association;

(4) Assumed name records of the county in which the property is located;

(5) Tax records of the municipality; and

(6) Utility records of the municipality.

(f) When a municipality mails a notice in accordance with this section to a property owner, lienholder, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.008 Hearing and order

A hearing under this article must be held by the commission. After the public hearing, if a building or structure is found by the commission to be a dangerous structure according to the standards set forth in this article, the commission may:

(1) Order the repair, within a fixed period, of buildings found to be in violation of this article;

(2) Declare a building substandard in accordance with the powers granted by this article;

(3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of this article, and

order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;

(4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the commission panel;

(5) Determine the amount and duration of the civil penalty the municipality may recover as provided by [Local Government Code] section 54.017.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.009 Civil penalty

(a) A determination made under [Local Government Code] section 54.036(5) is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the municipality for final judgment in accordance with the established penalty.

(b) To enforce any civil penalty under this article, the municipal secretary or clerk must file with the district clerk of the county in which the municipality is located a certified copy of the order of the commission panel establishing the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.010 Extension of time

If the commission allows the owner, lienholder or mortgagee more than 30 days to repair, remove or demolish the building or structure, the commission shall establish specific time schedules for the commencement and performance of the work (said schedules must be incorporated into the order) and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the commission. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.011 Additional extension of time

The commission may not issue an order allowing an owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or structure or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

(1) Submits a detailed plan and time schedule for the work at the hearing; and

(2) Establishes at the hearing that the work cannot be reasonably completed within 90 days because of the scope and complexity of the work.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.012 Assurances of compliance during extension period

If the commission allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building or structure, the order shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the commission to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the building official to demonstrate compliance with the time schedules. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds $100,000.00 in total value, the commission may include in the order a requirement that the owner, lienholder, or mortgagee post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building or structure under this article. In lieu of a bond, the commission may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the commission. The bond must be posted, or the letter of credit or third party guaranty provided, no later than the 30th day after the date the commission issues the order. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.013 Post-hearing notice requirements

If the owner was not present at a public hearing held under this article, the town secretary shall send a copy of the order to the owner by certified mail, return receipt requested. If the owner or responsible party does not take the ordered action within the time allotted in the order, the town secretary shall make a diligent effort to discover each mortgagee and lienholder having an interest in the structure or in the property on which the structure is located. The town secretary satisfies the requirements of this article to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the town secretary searches the records set forth under section 3.03.007 (due diligence to determine persons in interest) herein. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.014 Contents of post-hearing notice

Once the steps have been taken to identify each mortgagee and lienholder, the building official shall obtain personal delivery on or shall send by certified mail, return receipt requested, to each identified mortgagee and lienholder a notice containing:

(1) An identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) A description of the violation of the town's standards that is present at the structure; and

(3) A statement that the town will vacate, secure, remove or demolish the structure or relocate the occupants of the structure if the ordered action is not taken within a reasonable time.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.015 Filing, publication and mailing of order

The commission shall as soon as possible after the date that the order is issued:

(1) File a copy of the order in the office of the town secretary;

(2) Publish in a newspaper of general circulation in the municipality in which the structure is located a notice containing:

(A) The street address or legal description of the property;

(B) The date of the hearing;

(C) A brief statement indicating the contents of the order; and

(D) Instructions stating where a complete copy of the order may be obtained;

(3) Mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the structure and to any lienholder or mortgagee of the structure.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.016 Remedies in event of noncompliance

If the structure is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated, within the allotted time as applicable under any order of the commission, the town may vacate, secure, remove or demolish the building or structure, or relocate the occupants, at its own expense. This section does not limit the ability of the town to collect on a bond or other financial guaranty that may be required elsewhere in this article. If the town incurs expenses under this section, the town may assess the expenses on, and the town has a lien against, the property on which the structure was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the town for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with reasonable effort, a legal description of the real property on which the structure was located, the amount of expenses incurred by the town, and the balance due. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.017 Additional authority to secure substandard or dangerous structure

The town may secure a building or structure that the building official determines:

(1) Violates the minimum standards of this article or of any provision of any applicable building code(s) of the town or any provision of the town's fire code or other ordinances of the town as such provisions relate to minimum standards for buildings or structures; and

(2) Is unoccupied or is only occupied by persons who do not have a right of possession to the building or structure.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.018 Notice of securing of structure required

Before the 11th day after the date the structure is secured, the town shall give notice of the fact that the structure was secured to the owner by:

(1) Personally serving the owner with written notice;

(2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;

(3) Publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located if personal service cannot be obtained and the owner's post office address is unknown; or

(4) Posting the notice on or near the front door of the structure if personal service cannot be obtained and the owner's post office address is unknown.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.019 Contents of notice of securing of structure

The notice must contain:

(1) An identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) A description of the violation of the town's standards that is present at the structure;

(3) A statement that the town [will] secure or has secured, as the case may be, the structure; and

(4) An explanation of the owner's entitlement to request a hearing about any matter relating to the town's securing of the structure.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.020 Hearing related to securing of structure

If the owner requests a hearing with respect to the town's securing of a structure, the commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the town's securing of the structure, if, within 30 days after the date the town secures the structure, the owner files with the town a written request for the hearing. The town shall conduct the hearing within 20 days after the date the request is filed. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.021 Assessment of expenses related to securing of structure

The town has the same authority to assess expenses relating to the securing of a structure as it has to assess expenses under Local Government Code ch. 214. Remedies in the event of noncompliance and a lien is created under this section in the same manner that a lien is created under Local Government Code ch. 214, and is subject to the same conditions as a lien created under that chapter. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.022 Seizure and sale of property to recover expenses

The town may foreclose a lien on property under the provisions of Local Government Code 54 and 214, and/or the following as applicable:

(1) In a proceeding relating to the property brought under subchapter E, chapter 33, Tax Code (V.T.C.A., Tax Code section 33.91 et seq.); or

(2) In a judicial proceeding, if:

(A) A structure on the property has been demolished;

(B) A lien for the cost of the demolition of the structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and

(C) Ad valorem taxes are delinquent on all or part of the property.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.023 Disposition of salvage materials

When any structure has been ordered demolished and removed, the town shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition, removal and sale, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the owner, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.024 Judicial review

(a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of the commission may present a petition to a district court in Denton County, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed with the district court within 30 days after the date a copy of the final decision of the commission is personally delivered, mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to all persons to whom notice may be required to be sent under this article. The procedures for any such judicial review shall be the same as set forth in Texas Local Government Code section 54.039.

(b) The allowance of the writ does not stay proceedings on the decision appealed from.

(c) The district court's review shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.

(d) Costs may not be allowed against the commission panel.

(e) If the decision of the commission panel is affirmed or not substantially reversed but only modified, the district court shall allow to the municipality all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners as well as all persons found to be in occupation of the property subject to the proceedings before the commission panel.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.025 Lien; abstract

(a) An order issued under [Local Government Code] section 54.036, including any civil penalties assessed under [Local Government Code] section 54.036(5), is enforceable in the same manner as provided in [Local Government Code] sections 214.001(k), (m), (n), and (o). An abstract of judgment shall be ordered against all parties found to be the owners of the subject property or in possession of that property.

(b) A lienholder does not have standing to bring a proceeding under [Local Government Code] section 54.039 on the ground that the lienholder was not notified of the proceedings before the commission panel or was unaware of the condition of the property, unless the lienholder had first appeared before the commission panel and entered an appearance in opposition to the proceedings.

(Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.026 Commission panel decision final

If no appeals are taken from the decision of the commission panel within the required period, the decision of the commission panel is, in all things, final and binding. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.027 Municipal court proceedings not affected

This article does not affect the ability of a municipality to proceed under the jurisdiction of the municipal court. (Ordinance 277-03-2015 adopted 3/9/15)

Sec. 3.03.028 Penalty

Any person, firm or corporation (collectively referred to as "person") violating any of the provisions of this article shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars ($500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense. The civil penalties, liens, costs, and other monetary effects of this article are in addition to, and not in substitution for, the class C misdemeanor offense penalty described in this section. (Ordinance 277-03-2015 adopted 3/9/15)

ARTICLE 3.04 FLOOD DAMAGE PREVENTION*

Sec. 3.04.001 Statutory authorization, findings of fact, purpose and methods

(a) Statutory authorization. The legislature of the state has, in the Flood Control Insurance Act, Texas Water Code, section 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the town does ordain as follows.

(b) Findings of fact.

(1) The flood hazard areas of the town are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

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

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

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* **State law references**–Flood Control and Insurance Act, V.T.C.A., Water Code, sec. 16.311 et seq.; governing body shall adopt ordinances or orders necessary to participate in National Flood Insurance Program, V.T.C.A., Water Code, sec. 16.3145; responsibility to establish flood hazard regulations, V.T.C.A., Water Code, sec. 16.315.

(d) Methods of reducing flood losses. In order to accomplish its purposes, this article uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ordinance 232-2-11, ex. A, art. 1, adopted 2/7/11)

Sec. 3.04.002 Definitions

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

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the 1 percent annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zone A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zone A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year, also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

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

Elevated building means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See "Flood elevation study."

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

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See "Regulatory floodway."

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(A) By an approved state program as determined by the Secretary of the Interior; or

(B) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See "Area of special flood hazard."

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure

before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

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

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 232-2-11, ex. A, art. 2, adopted 2/7/11)

Sec. 3.04.003 General provisions

(a) Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the town.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Denton County, Texas and Incorporated Areas," dated April 18, 2011, with flood insurance rate map (FIRM), dated April 18, 2011, and any revisions thereto, are hereby adopted by reference and declared to be a part of this article.

(c) Establishment of development permit. A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

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

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

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

(Ordinance 232-2-11, ex. A, art. 3, adopted 2/7/11)

Sec. 3.04.004 Administration

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

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

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.

(2) Review permit applications to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this article.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state water development board (TWDB), and also the state commission on environmental quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with section 3.04.003(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 3.04.005.

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, [and] AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by section 65.12.

(c) Permit procedures.

(1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(A) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 3.04.005(b)(2);

(D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(E) Maintain a record of all such information in accordance with subsection (b)(1) of this section.

(2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

(A) The danger to life and property due to flooding or erosion damage;

(B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(C) The danger that materials may be swept onto other lands to the injury of others;

(D) The compatibility of the proposed use with existing and anticipated development;

(E) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(F) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(G) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(H) The necessity to the facility of a waterfront location, where applicable;

(I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) Variance procedures.

(1) The city council shall hear and render judgment on requests for variances from the requirements of this article.

(2) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

(3) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.

(4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (c)(2) of this section have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 3.04.001(c)).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(B) Variances shall only be issued upon:

(i) Showing a good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(C) Any applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(A) The criteria outlined in subsections (d)(1) through (9) of this section are met; and

(B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 232-2-11, ex. A, art. 4, adopted 2/7/11; Ordinance adopting Code)

Sec. 3.04.005 Flood hazard reduction standards

(a) General standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 3.04.003(b), section 3.04.004(b)(8), or subsection (c)(3) of this section, the following provisions are required:

(1) Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to two (2) feet above the base flood elevation. A registered professional engineer, architect,

or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 3.04.004(c)(1)(A), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to two (2) feet above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(A) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than 1 foot above grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

(A) Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred

"substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(C) Require that manufactured homes being placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (b)(4) of this section be elevated so that either:

(i) The lowest floor of the manufactured home is at two (2) feet above the base flood elevation; or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 3.04.004(c)(1), and the elevation and anchoring requirements for "manufactured homes" in subsection (b)(4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(c) Standards for subdivision proposals.

(1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with section 3.04.001(b), (c), and (d) of this article.

(2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet the floodplain development permit requirements of sections 3.04.003(c) and 3.04.004(c) and the provisions of this section.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3.04.003(b) or section 3.04.004(b)(8) of this article.

(4) Base flood elevation data, with the establishment of a floodway, shall be generated by a detailed engineering study for all zone A areas, within 100 feet of the boundary lines of zone A areas, and other streams not mapped by FEMA, as indicated on the community's FIRM.

(5) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

(6) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard established in section 3.04.003(b) are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures:

(A) Have the lowest floor (including basement) elevated to two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or

(B) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 3.04.004(c), are satisfied.

(4) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(e) Floodways. Located within areas of special flood hazard established in section 3.04.003(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed

encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If subsection (e)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by section 65.12.

(Ordinance 232-2-11, ex. A, art. 5, secs. A–E, adopted 2/7/11)

Sec. 3.04.006 Penalty

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $2,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent town from taking such other lawful action as is necessary to prevent or remedy any violation. (Ordinance 232-2-11, ex. A, art. 5, sec. G, adopted 2/7/11)

ARTICLE 3.05 FENCES

Sec. 3.05.001 Purpose; applicability

The purpose of this article is to regulate the construction, erection, enlargement, alteration, and maintenance of all fences within the boundaries of the town in order to provide a practical safeguarding of life, health, and property from hazards that may arise from improper construction of such installations. However, this article shall not apply to fences erected or maintained on property within the town which has agricultural tax exemption status approved by the Denton County Appraisal District. (Ordinance 222-2-2010, sec. 1, adopted 2/1/10)

Sec. 3.05.002 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars ($500.00), plus costs of court. (Ordinance 222-2-2010, sec. 13, adopted 2/1/10)

Sec. 3.05.003 Compliance with other provisions

All fences and fence locations shall conform to the requirements of the zoning ordinance of the town, and nothing in this article shall be construed as permitting construction of a fence which

would violate the provisions of the zoning, swimming pool, or FEMA flood ordinances as the same now exist or may be hereafter amended. (Ordinance 222-2-2010, sec. 5, adopted 2/1/10)

Sec. 3.05.004 Permit to install or alter

(a) It shall be unlawful for any person to install or cause to be installed or to permit any person to install a fence, or to make any alterations, additions or changes to a fence, without first having procured a permit to do so from the building official. Notwithstanding the foregoing, a permit shall not be required for alterations, additions or changes if repairs do not exceed twenty-five (25) percent of the area of the fence over a twelve-month period.

(b) When installing a new fence parallel to and within three (3) feet of an existing fence on the same lot, the existing fence shall be removed. The term "parallel" is defined as a corresponding fence that runs in the same direction as the existing fence but does not have to maintain a precise constant distance from one another.

(c) The fee for a permit required by this section shall be as established in the fee schedule in appendix A of this code and shall be paid prior to the issuance of the permit.

(Ordinance 222-2-2010, sec. 2, adopted 2/1/10)

Sec. 3.05.005 Inspection of new fences

When any fence for which a permit has been issued under this article is completed, it must be inspected. The chief building official's office shall be notified by the property owner within 72 hours of completion of the fence. The chief building official will issue a card of acceptance if the fence complies with the provisions of this article or reject the fence if it does not so comply. A fence that is rejected shall be removed or reconstructed in compliance with this article within the time permitted by the town inspector, to be determined at the time of rejection. (Ordinance 222-2-2010, sec. 9, adopted 2/1/10)

Sec. 3.05.006 Maintenance

All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Such requirements include, but are not necessarily limited to, the following maintenance standards:

(1) The fence shall not be out of vertical alignment more than one foot (1') from the vertical measured at the top of the fence. Except, however, for fencing four feet (4') or less in height, the vertical alignment shall not be more than six inches (6") from the vertical measured at the top of the fence.

(2) Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) having a combined total area of twenty (20) square feet or more of said fences shall be replaced or repaired within sixty (60) days of notification of noncompliance. Fences enclosing swimming pools or spas must be repaired immediately. Repairs of any nature shall be made with materials of comparable composition, color, size, shape, and quality of the original fence to which the repair is being made. Products manufactured for other uses such as plywood,

corrugated steel, or fiberglass panels are prohibited as fencing materials. Nothing herein shall be construed so as to prohibit the complete removal of a fence, unless such fence encloses a swimming pool or spa.

(3) No fencing material and/or supports shall be located within a street or alley right-of-way.

(Ordinance 222-2-2010, sec. 10, adopted 2/1/10)

Sec. 3.05.007 Fences in or near drainage easements, floodways, creeks or rivers

No fence shall be constructed within any drainage easement in the corporate limits of the town unless the town engineer shall have first determined and advised the chief building official, in writing, that he believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement. In that event, fences in or near the drainage must be constructed as set forth below:

(1) Fences perpendicular to or crossing the drainage easement shall provide the following within the drainage easement:

(A) The fence shall have a post set on each side of the easement line.

(B) No fence post or support shall be placed inside the easement without the written approval of the town engineer.

(C) The fence shall be constructed to span from top of bank to top of bank, or from one side of the easement to the other side, whichever distance is further.

(D) The bottom of the fence shall be not less than three inches (3") above the top of the channel/swale bank.

(E) Subsections (A) through (D) above require the fence to be constructed in a manner leaving the drainage easement open and the flow of water unimpeded under the fence. Should the property owner desire to fence in the drainageway (area below the fence), the property owner may use:

(i) Vertical tubular steel or similar material. The tubular steel is to be no more than one inch (1") across, to be spaced not less than four inches (4") apart (no horizontal bars shall be allowed in the drainageway); or

(ii) 4-inch by 4-inch (4" x 4") opening steel mesh, not less than one-fourth inch (1/4") thick.

The solid area of the fence in the drainageway shall not exceed twenty percent (20%) of the total area of the fence, leaving eighty percent (80%) open for the passage of water. There shall be no massing of solid fence material widths greater than one inch (1"), except for corners or posts.

(F) The design and proposed materials are subject to the town engineer’s advance written approval.

(G) The completed construction is subject to inspection and approval by the town. Not obtaining written approval of the "as-built" fence is a violation of this article.

(H) Property owners are required to maintain the banks and contours of drainage easements which may cross their property, and to mow and keep clear of debris the drainageway.

(2) Fences may not, without a specific building permit, be constructed between a residence and the side of a drainage easement nearest to a home. A fence may be constructed by the drainage easement if it is located within one foot of the rear property line, and does not hinder the flow of storm drainage water, and is not constructed in a drainage easement.

(3) Any person who constructs or owns a fence, or property on which a fence or other obstruction is placed in an easement, which does not comply with the terms of this article, and which obstructs the flow of water in a public drainageway or easement, must remove the fence, and any obstruction, or be guilty of a violation of this article.

(Ordinance 222-2-2010, sec. 3, adopted 2/1/10)

Sec. 3.05.008 Electric fences

(a) No fence constructed in such a manner that it may continuously conduct electrical current may be allowed in any zoning district wherein farm animals are not allowed.

(b) Single-strand wires designed to conduct electricity through an approved low voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence. No permit shall be required for the erection and maintenance of such single-strand electric wires.

(Ordinance 222-2-2010, sec. 4, adopted 2/1/10)

Sec. 3.05.009 Location on or protrusion over town property

No privately owned fence or guy wires, braces or any other part of a privately owned fence shall be constructed upon or caused to protrude over property owned by the town. (Ordinance 222-2-2010, sec. 6, adopted 2/1/10)

Sec. 3.05.010 Fence arms

Fence arms shall not be permitted in residential zoning districts. (Ordinance 222-2-2010, sec. 7, adopted 2/1/10)

Sec. 3.05.011 Barbed wire

Barbed wire shall not be permitted except in agricultural pastures for the fencing of livestock. (Ordinance 222-2-2010, sec. 8, adopted 2/1/10)

Sec. 3.05.012 Fences along rear yard or alley line

No fence shall be constructed at a height exceeding eight feet (8') along the rear yard or alley line in residential districts. (Ordinance 222-2-2010, sec. 11, adopted 2/1/10)

Sec. 3.05.013 Fences on side yard line

No fence shall be constructed at a height exceeding eight feet (8') on any side yard line in residential districts up to the building line of the house proper. All such fences constructed on side yard lines in residential districts must be vertical. (Ordinance 222-2-2010, sec. 12, adopted 2/1/10)

ARTICLE 3.06 SWIMMING POOLS, HOT TUBS AND SPAS*

Sec. 3.06.001 Penalty

Any violation of the provisions of this article shall be punishable by a fine not to exceed five hundred dollars ($500.00), and each day such violation shall continue shall constitute a separate offense. (Ordinance 76-98, sec. 4, adopted 6/1/98; Ordinance 176-12-2005, sec. 4, adopted 12/5/05)

Sec. 3.06.002 Abandoned, neglected, inoperable or hazardous pools, hot tubs and spas

Any public or semi-public pool, hot tub or spa, permitted or unpermitted, shall not remain in a condition so as to create a public health hazard or a nuisance to the general public. Any time a public or semi-public pool, hot tub or spa contains any amount of water it shall:

(1) Maintain water clarity so all parts of the pool, hot tub or spa bottom can be easily seen.

(2) Maintain a fence or barrier that:

(A) Is not less than five feet tall;

(B) Has no vertical members more than four inches apart;

(C) Does not apply [allow] the bottom of the fence or barrier to be more than four inches above ground grade; and

(D) Has no general structure that makes the fence or barrier easily climbable or accessible by toddlers.

(3) Maintain all gates in a manner that they are properly self-closing and self-latching, opening outward away from the pool yard.

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* **State law references–**Sanitation of public swimming pools and bathhouses, V.T.C.A., Health and Safety Code, sec. 341.064; swimming pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

(4) Lock and chain all gates if no permit has been issued or if the permit has been suspended.

(5) The gate latch must be at least three inches below the top of the gate with no opening greater than one-half inch in any direction within 18 inches from the latch (including the space between the gate and the gate post).

(Ordinance 76-98, sec. 1, adopted 6/1/98; Ordinance 176-12-2005, sec. 1, adopted 12/5/05)

Sec. 3.06.003 Enclosures

(a) Every person in possession of land within the corporate limits of the town, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, hot tub or spa shall at all times maintain upon the lot or premises on which the swimming pool, hot tub or spa is located, and completely surrounding the swimming pool, hot tub or spa, lot or premises, a fence (constructed of approved fencing materials), wall or other solid structure. The fence, wall or solid structure shall comply with the construction requirements of section 3.06.002 and any additional requirements set forth in this section.

(b) A building permit shall be required for the construction of swimming pools, hot tubs or spas within the limits of the town, and plans for each swimming pool, hot tub or spa shall show compliance with the requirements of this section, and final inspection of such swimming pool, hot tub or spa shall be withheld until compliance with the requirements of this section has been obtained.

(c) The fence or other solid structure required by this section shall be so designed to prevent small children from inadvertently wandering into the pool, and shall not be less than five (5) feet in height, with no openings therein other than doors or gates larger than four inches square, measured in any direction, except that measurement for a picket fence or picket type fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members. All such doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such door or gates securely closed at all times when not in actual use, such latching device to be attached to the upper quarter of such door or gates; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure required by this section need not be so equipped.

(Ordinance 76-98, sec. 2, adopted 6/1/98; Ordinance 176-12-2005, sec. 2, adopted 12/5/05)

ARTICLE 3.07 SIGNS*

Sec. 3.07.001 Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Alter. To change the size, shape or outline, copy, nature of message, intent, or type of sign.

* **State law reference–**Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

Bulletin board. A sign containing information where a portion of that information may be periodically changed, provided that the change shall be effected by the replacement or interchange of letters, numbers, or other graphic symbols by insertion, attachment, or similar means. The use of slate, chalkboard, cardboard, or similar material with pencil, chalk, crayon, or similar types of marking is prohibited.

Canopy. A roof-like structure which extends horizontally more than 1 foot from the face of a building wall and does not have a structural border.

Chief building official. The person designated by the mayor.

Copy. Logos, characters, symbols, or any other portion of a sign which conveys a message or information.

Erect. To build, construct, attach, hang, place suspended, or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes signs located interior to a building but readily visible from the exterior.

Illuminated sign. Any sign which has characters, letters, figures, designs, or outline illuminated directly or indirectly by electric lights, luminous tubes, or other means.

Monument sign. Any sign mounted on a base and which is 5 feet in height or less, with a maximum area of 40 square feet.

On-premises sign. A freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity, event, place, service, or product principally located or primarily manufactured or sold on the premises on which the sign is located.

Projecting structures. Covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where those structures are an integral part of the main building or permanently attached to a main building and do not extend over public property. Projecting structures include marquee, canopy, and fixed-awning type structures.

Roof line. The height which is defined by the intersection of the roof of the building with the wall of the building; except, for mansard-type roofs, the roof line means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding 4 feet in height may be considered as the roof line for the purposes of this article.

Sign. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Structural trim. The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

Vehicle. Any automobile, truck, camper, tractor, van, trailer, or any device capable of being transported, and shall be considered a vehicle in both moving and stationary modes, irrespective of state of repair or condition.

(Ordinance 253-2-2013, sec. 1, adopted 3/4/13; Ordinance adopting Code)

Sec. 3.07.002 Penalty

Any person, firm, or corporation violating any of the provisions of this article shall be subject to the same penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of $500.00 for each offense, and each and every day the violation shall continue shall be deemed to constitute a separate offense. (Ordinance 253-2-2013, sec. 10, adopted 3/4/13)

Sec. 3.07.003 General regulations

(a) No sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. No sign shall be erected so as to project into the public right-of-way or obstruct the view of the public right-of-way by those traveling any street or alley.

(b) No person may affix, paste, stick, scatter, throw, place or display banners, signs or other advertising media upon any telephone or electric light pole or other public property or within any easement or designated right-of-way of any public street or easement.

(c) No sign may be located in a street right-of-way, including medians, and/or obstruct vision of traffic or pedestrians of the street right-of-way.

(Ordinance 253-2-2013, sec. 2(A), adopted 3/4/13)

Sec. 3.07.004 Churches and public schools

Churches or schools only may have illuminated signs, but not of a flashing or intermittent type. Such signs shall not exceed thirty-six (36) square feet in area when attached to the building or when erected where allowed on the property; provided, however, that no such sign shall be erected above the height of six feet; and provided further that no such sign shall be erected above or upon, or be attached to, the roof of any building. (One sign per church or school is permitted, unless town council approval is requested and received.) (Ordinance 253-2-2013, sec. 2(B), adopted 3/4/13)

Sec. 3.07.005 Real estate signs

(a) Residential, on-site. Signs not exceeding 4 square feet in area and not exceeding 4 feet in height in residential districts which advertise the sale, rental or lease of the premises upon which such signs are located only. The number of signs shall be limited to 1 per lot or complex, except, where such lot or complex abuts more than 1 dedicated public street, 1 additional sign shall be allowed for the additional public street.

(b) Temporary directional, off-site. Temporary realtor directional signs located off-premises advertising the sale of real estate, providing such signs do not exceed 4 square feet in area, and providing that signs may contain the word “open” and may contain a directional indicator. Such signs may not be located in a street right-of-way, including medians, and/or obstruct vision of traffic or pedestrians, nor be constructed of paper or cardboard. Signs must be kept well painted

and in good condition and may be utilized only from Friday at 12:00 noon until the following Monday at 12:00 noon. No lot, or subdivision, or lots within a subdivision, shall have more than an aggregate of 5 signs placed in the town pursuant to this section. Each subdivision may have a total of 5 signs, which may be any combination of developer, builder, or realtor signs.

(c) Undeveloped acreage, on-site. Signs for undeveloped or not yet platted acreage of not less than 10 acres may have signs as follows:

(1) Not larger than 32 square feet per side, 64 square feet total per sign;

(2) Not higher than 10 feet in height above the ground surface of the tract;

(3) For tracts greater than 20 acres, there may be 1 sign on each public roadway abutting the tract.

(d) Subdivision directional, off-site. A platted subdivision of not less than 10 acres may have not more than 2 directional signs as follows:

(1) Must be within 1 mile of the subdivision;

(2) Located on a collector or arterial road frontage;

(3) Not less than a 25-foot setback from the right-of-way;

(4) The 2 signs must not be closer together than 1,000 feet;

(5) The sign must be removed upon issuance of any building permit for any of the last 4 lots in this subdivision, or 1 year from the date of the sign permit to construct such signs, whichever comes first;

(6) Not larger than 32 square feet per side, 64 square feet total per sign; and

(7) Not higher than 10 feet in height above the ground surface of the tract.

(e) Residential subdivision permanent identification signs. Residential subdivision permanent identification signs shall be permanent in nature, the design and construction of which shall be submitted for approval to the town council with the preliminary plat of the subdivision. Such signs shall comply with the requirements of a monument sign, unless waived by the town council. The purpose of the subdivision identification sign is the permanent identification of the subdivision, rather than the identification of the builder, contractors, realtors, or other persons or entities responsible for the development and sale of the real estate within the subdivision.

(Ordinance 253-2-2013, sec. 3, adopted 3/4/13)

Sec. 3.07.006 Garage sale signs

Town residents desiring to hold a garage sale may place signs, each of them no more than 4 square feet in area, nor more than 4 feet in height, as measured from grade level to the top of the sign, to advertise the sale. The signs may only be placed in the period of the day before, the sale day(s), and the day after. All signage shall be removed within twenty-four (24) hours of the end of the garage sale. No signs or notices advertising any garage sale shall be placed on any utility

poles or upon private property without permission of the owner thereof. Each person holding a garage sale shall be allowed to place or erect no more than two (2) outside signs in the town, in addition to any at the location of the sale, advertising the garage sale. (Ordinance 253-2-2013, sec. 4(A), adopted 3/4/13; Ordinance adopting Code)

Sec. 3.07.007 Temporary political signs

All political signs shall comply with all state and federal requirements, including Texas Election Code, chapter 255, and Texas Transportation Code, chapters 392 and 393. (Ordinance 253-2-2013, sec. 5, adopted 3/4/13)

Sec. 3.07.008 Public service signs

Public service announcement signs not to exceed 18" x 24" may be placed only in locations designated by the town, school district, LCMUA, Denton County, churches, and/or youth organizations (e.g., Boy Scouts, Girl Scouts, YMCA, or similar charitable organizations with offices in the Lake Cities) for the purpose of public information. The number of signs from any organization may not exceed 6 signs during any one period of 14 days. (Ordinance 253-2-2013, sec. 6, adopted 3/4/13)

Sec. 3.07.009 Nonconforming signs

A permanent sign erected within the town prior to the effective date of this article, which does not conform to the regulations of this article, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended, except as otherwise provided herein. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this article.

(1) Obsolescence or destruction. A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

(2) Repair or reconstruction if damaged. In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50% of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this article.

(3) Removal of unlawful signs. In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this article, the mayor or town secretary shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for the sign to remove the sign or bring the sign into compliance with this article. If the order is not complied with within 10 days, the mayor or town secretary shall revoke the sign permit, if any, and/or cause a complaint to be filed in the municipal court.

(4) Placement and removal of signs. All signs shall be placed by the owner or the party in control of the property or with the permission of the owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this article.

(5) Temporary and portable signs. Nonconforming temporary business signs and portable signs shall be removed or made to conform to the provisions of this article within 30 days after the effective date of this article.

(Ordinance 253-2-2013, sec. 7, adopted 3/4/13)

ARTICLE 3.08 TELECOMMUNICATION TOWERS AND ANTENNAS*

Division 1. Generally

Sec. 3.08.001 Purpose and intent

(a) The purpose of this article is to establish guidelines regulating the location of telecommunication towers and antennas with the objective of minimizing their number, to protect and promote public safety, and to mitigate any adverse visual impacts on the community while promoting the provision of telecommunications service to the public.

(b) The regulations contained in this article have been developed under the following general guidelines as provided in the federal Telecommunications Act of 1996:

(1) Cities have local authority over the "placement, construction and modification" of cellular telephone facilities and other personal wireless telecommunication service facilities.

(2) Regulations "shall not unreasonably discriminate among providers of functionally equivalent services."

(3) Regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

(4) "Denial shall be in writing and supported by substantial evidence."

(5) Cities may not "regulate the placement, construction and modification of personal wireless service facilities on the basis of environmental or radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission regulations concerning such emissions."

(c) Notwithstanding any other provision of this article, telecommunications towers and antennas, when permitted by federal law and the laws of the state, shall be regulated and governed by the following use regulations and requirements.

(Ordinance 267-06-2014, sec. 1, adopted 6/2/14)

* **State law reference–**Wireless communication facilities, V.T.C.A., Business and Commerce Code, sec. 35.111 et seq.

Sec. 3.08.002 Application requirements

All applications for rezoning or a conditional use permit (CUP) for a telecommunications tower, antenna, or other facility to provide a telecommunications service shall include a completed supplemental information form provided by the town regarding said facilities. (Ordinance 267-06-2014, sec. 2(A), adopted 6/2/14)

Sec. 3.08.003 Minimum lot size

Telecommunications facilities, including towers and related equipment buildings, shall be located on a platted lot, or a tract, in excess of ten acres. (Ordinance 267-06-2014, sec. 2(B), adopted 6/2/14)

Sec. 3.08.004 Technical assistance

When a rezoning or CUP is required to comply with the provisions of this article, and when the technical information provided by the applicant is beyond the technical capacity of town staff to review, the applicant, in addition to the usual application fee, shall reimburse the town for the actual cost to the town for the services of a technical expert to review the application and/or information supplement, to a maximum of $5000.00. (Ordinance 267-06-2014, sec. 2(C), adopted 6/2/14)

Sec. 3.08.005 Pre-application meetings

Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the mayor or his/her designee to determine if the location will require a conditional use permit or other approvals, and to review the merits of potential locations. (Ordinance 267-06-2014, sec. 2(D), adopted 6/2/14)

Sec. 3.08.006 Time frames for action on application

The town reserves the right to provide final determination on "'original siting" applications by the end of 150 calendar days, and by the end of 90 calendar days for "co-location" applications. The town will exercise its best efforts to request additional information needed within the first 30 calendar days, activated by the date the applications (both "original siting" and "co-location" applications) are received by the town. This does not preclude the town from requesting additional information outside of the original 30 days of active application. If the request for additional information is made by the town within the first 30 days of application, the timelines above would not begin to count down until the applicant has complied with the request, thus completing the application. (Ordinance 267-06-2014, sec. 6, adopted 6/2/14)

Sec. 3.08.007 Appeals

Any entity that desires to erect or utilize telecommunication facilities that wishes to present evidence that such entity would be limited by the current ordinances or regulations of the town dealing with zoning and land use may apply for such use under this section. The town council shall, upon a showing that strict application of the regulations would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law, modify the subject regulations, consistent with the spirit and intent of this article and section, to the extent necessary to prevent the prohibition. (Ordinance 267-06-2014, sec. 7, adopted 6/2/14)

Sec. 3.08.008 Nuisances

All buildings or structures which are structurally unsafe or which constitute a hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified by any effective and relevant statute or ordinance, are hereby declared to be public nuisances and shall be abated by repair, demolition or removal. (Ordinance 267-06-2014, sec. 8, adopted 6/2/14)

Sec. 3.08.009 Remedies nonexclusive

The remedies provided for in this article are not exclusive of any other remedies that the town may have under state or federal law or other town ordinances. The town may take any, all or any combination of these actions against a violator. The town is empowered to take more than one enforcement action against any violation. These actions may be taken concurrently. (Ordinance 267-06-2014, sec. 9, adopted 6/2/14)

Sec. 3.08.010 Penalty

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction may be punished by a fine not to exceed five hundred dollars ($500.00), plus court costs. (Ordinance 267-06-2014, sec. 12, adopted 6/2/14)

Secs. 3.08.011–3.08.040 Reserved

Division 2. Design, Construction and Use Regulations

Sec. 3.08.041 General standards

(a) Applicable federal and state standards. All telecommunications towers and antennas shall be erected and operated in compliance with current Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state, and local standards.

(b) Structural standards. Telecommunications tower structures must conform to the most current revision of EIA 222 standards.

(c) Co-location. Towers shall be designed and built to accommodate a minimum of two cellular or PCS providers, if over 50 feet (15.239 meters) in height. The owner of the tower must certify to the town that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

(d) Security fencing and building materials. Security fencing, if installed, shall be by a wrought iron fence with evergreen hedge, or a masonry wall, each not less than 6 feet (1.8 meters) in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(e) Setbacks; maximum height. All telecommunication towers shall be located within the buildable area of the lot and not within the front, rear, or side yard building setbacks. New telecommunication towers shall not exceed a height of 100 feet.

(f) Signage. Except as otherwise permitted in this article, no signage, lettering, symbols, images, or trademarks in excess of 200 square inches (1290 square cm) shall be placed on or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulations or other applicable law.

(g) Lighting. Except as otherwise permitted in this article, no signals, lights or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA or other appropriate public authority.

(Ordinance 267-06-2014, sec. 3, adopted 6/2/14)

Sec. 3.08.042 Towers permitted by right

Freestanding monopole telecommunications towers 75 feet (23 meters) or less in height, or antennas mounted to water towers owned by the Lake Cities Municipal Water District (LCMUA), are permitted on water district owned property. (Ordinance 267-06-2014, sec. 4(A), adopted 6/2/14)

Sec. 3.08.043 Towers requiring conditional use permit

Except as otherwise provided in this article, telecommunication towers in excess of 35 feet in height require a conditional use permit. (Ordinance 267-06-2014, sec. 4(B), adopted 6/2/14)

Sec. 3.08.044 Tower spacing

Any new telecommunications tower in excess of 100 feet (30.48 meters) in height must be located a minimum of 1 mile (1.6 km) from any existing tower in excess of 100 feet (30.48 meters) in height. (Ordinance 267-06-2014, sec. 4(C), adopted 6/2/14)

Sec. 3.08.045 Alternative mounting structures

(a) All new alternative mounting structures located in the residential zoning districts are permitted only with a conditional use permit (CUP).

(b) Alternative mounting structures must be similar in color, scale and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment.

(Ordinance 267-06-2014, sec. 4(D), adopted 6/2/14)

Sec. 3.08.046 Airport notification

(a) The owners of any private airport shall be notified by the owner or developer of any proposed construction of a tower or telecommunication support if it is:

(1) Over 200 feet (60 meters) in height above the ground level;

(2) Of a greater height than an imaginary surface extending outward at a slope of 100 to 1 for a horizontal distance of 20,000 feet (6 kilometers) from the nearest point of the nearest runway.

(b) The height of a tower shall not exceed the obstruction standards of any federal law, including but not limited to the Code of Federal Regulations, part 77, as applied to the airstrip in the Hidden Valley subdivision, as it may be amended.

(Ordinance 267-06-2014, sec. 4(E), adopted 6/2/14)

Sec. 3.08.047 Stealth towers

All towers which are required by this article to obtain a conditional use permit are to be constructed [sic] may also, in the discretion of the council, be required to be constructed in a manner that conceals their identity as a cellphone tower installation. This may include construction to resemble a tree, a grain elevator, a smokestack, or other "stealth" tower configuration. (Ordinance 267-06-2014, sec. 4(F), adopted 6/2/14)

Sec. 3.08.048 Antenna mounting standards; dish antennas

The purpose of this section is to promote public safety and maintain order and harmony within the town's residential districts by restricting the size and location of telecommunication antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and insure the integrity of supporting structures.

(1) Whip and panel antenna mounting standards.

(A) Telecommunications antennas, including mounting structures, are allowed on existing electric utility poles, light standards, and telecommunication towers in excess of 40 feet (12 meters) in height, provided that the total length of any antenna does not exceed 15 percent of the height of the existing structure. The height of a telecommunications tower is determined by the highest point of any and all components of the structure, including antennas.

(B) Telecommunications antennas and arrays are allowed by right on existing electric high power transmission towers of metal construction which, prior to the installation of the antenna and arrays, exceed a height of 50 feet.

(C) Existing conforming building element structures (excluding towers) in excess of 50 feet (15 meters) in height may, as a matter of right, be rebuilt, if necessary, to support or contain a new antenna, provided that the new structure is the same height and substantially the same in appearance as the structure it replaces.

(2) Dish antenna mounting standards.

(A) Dish antennas shall not be permitted in any front setback area or side yard setback adjacent to any roadway.

(B) Ground-mounted dish antennas in excess of five feet (1.5 meters) in height shall be screened from roadways and adjacent property by a minimum 6 foot (1.8 meter) high screening fence, evergreen hedge, or masonry wall.

(C) Dish antennas in excess of 10 feet (3 meters) in height, in any position, and/or more than 3 meters in diameter, shall not be more than 10 feet (3 meters) above grade and shall not be permitted in any residential zoning district.

(D) Building/roof mounted dish antennas in excess of one (1) meter in diameter, in residential zoning districts, shall be painted to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.

(3) Structural certification. Prior to the installation of any building/roof mounted telecommunications antenna, antenna array or support structure, the town engineer may require an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

(Ordinance 267-06-2014, sec. 5, adopted 6/2/14)

ARTICLE 3.09 STREETS AND SIDEWALKS*

Division 1. Generally

Secs. 3.09.001–3.09.030 Reserved

Division 2. Excavations and Tunneling

Sec. 3.09.031 Penalty

The violation of any provision of this division shall be punishable by a fine in any amount not exceeding two hundred dollars ($200.00), and each violation thereof shall be and is hereby declared to be a distinct and separate offense, and punishable as such; provided, however, that if the maximum penalty provided by this division for any such offense is greater than the maximum penalty provided for the same or similar offense under the laws of the state, then and in such event, the maximum penalty for violation as provided by state statute shall be the maximum penalty under this division. (Ordinance 68, sec. 8, adopted 11/2/81)

Sec. 3.09.032 Compliance

It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the town without complying with the provisions of this division. (Ordinance 68, sec. 1, adopted 11/2/81)

* **State law references–**Municipal streets, alleys, etc., V.T.C.A., Transportation Code, ch. 311; use of municipal streets and sidewalks for public conveniences and amenities or for private uses, V.T.C.A., Transportation Code, ch. 316.

Sec. 3.09.033 Manner of excavating; time limit for completion

(a) Upon the commencement of tunneling or excavation, proper bracing shall be maintained to prevent the collapse of adjoining ground, and in excavations the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

(b) No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the town department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel, before such pipes, cables or conduits shall be disturbed.

(c) No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

(d) A time limit of 45 (forty-five) days shall be set for completion after the initial start of a project.

(Ordinance 68, sec. 2, adopted 11/2/81)

Sec. 3.09.034 Temporary sidewalk

If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. (Ordinance 68, sec. 3, adopted 11/2/81)

Sec. 3.09.035 Restoration of surface

(a) Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the town shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground.

(b) Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances of the town and under the supervision of the appropriate town official.

(Ordinance 68, sec. 4, adopted 11/2/81)

Sec. 3.09.036 Tunneling required

It shall be unlawful to make any excavation in any portion of a street or sidewalk in the town which is paved with a concrete or asphalt paving. Where necessary, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved the tunnel shall be backfilled with compacted sand. (Ordinance 68, sec. 5, adopted 11/2/81)

Sec. 3.09.037 Protective measures and routing traffic

It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for safety of the general public. (Ordinance 68, sec. 6, adopted 11/2/81)

Secs. 3.09.038–3.09.070 Reserved

Division 3. Reconstruction of Existing Substandard Streets

Sec. 3.09.071 Findings; establishment of priority list and escrow account

(a) Findings.

(1) The town council has determined a need for the reconstruction of substandard town streets.

(2) The town council has determined a need for the establishment of a priority list.

(3) The town council has determined a need to implement a system for entering of a particular street into a reconstruction program.

(b) Establishment of priority list and escrow account. The town council shall cause to be created and maintained:

(1) A priority list of streets within the town limits which will be reconstructed by the town; and

(2) An individual street escrow account from property owners on this individual street for construction within 90 days or mutual agreement between the town and individual property owners as to construction limits.

(Ordinance 102 adopted 7/2/90)

Sec. 3.09.072 Placement on priority list

(a) Recommendation for placement upon this list may be received in any of the following ways:

(1) Request by private citizens;

(2) Petition by neighborhood groups;

(3) Petition by individual street property owners;

(4) Direct town council input.

(b) These recommendations shall be presented for consideration to the town council, which shall vote first on the need of the particular street named for reconstruction and second on the recommended priority number of the street.

(Ordinance 102, sec. I, adopted 7/2/90)

Sec. 3.09.073 Establishment of priorities

Priorities shall be established on the basis of:

(1) The streets in the poorest overall condition.

(2) The amount of traffic which uses the street on a regular basis.

(3) The citizens or property owners along a street to be improved, contributing 100% in the cost of materials necessary for the improvement and labor cost if applicable.

(Ordinance 102, sec. II, adopted 7/2/90)

Sec. 3.09.074 Reconstruction cost guidelines

Property owners participating in reconstruction of their street shall be determined by multiplying their front footage by one-half (1/2) of the cost per foot for construction. The cost allocation shall apply equally to both sides of the street. Labor cost, if applicable, will be shared equally by each property owner. (Ordinance 102, sec. III, adopted 7/2/90)

Sec. 3.09.075 Calculation of footage

Side property lines and rear property lines shall be calculated in the same manner as previously described. No differentiation shall be made between commercial and residential property or standard residential streets, collector streets or thoroughfares. Corner lots shall pay for a corner extending into the intersection equal to the calculations used along the property line. (Ordinance 102, sec. IV, adopted 7/2/90)

CHAPTER 4

BUSINESS REGULATIONS

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ARTICLE 4.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 4.02 PEDDLERS AND SOLICITORS*

Division 1. Generally

Sec. 4.02.001 Definitions

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

Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported, holding a determination letter from the Internal Revenue Service of 501(c)3 or 501(c)4 status.

Contributions means and includes the words alms, money, subscription, property or donations under the guise of a loan or money or property.

Mayor means the mayor of the town.

Peddler means any person who goes upon the premises of any private residence in the town, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this article.

Peddling includes all activities ordinarily performed by a peddler as indicated under the definition of "peddler" in this section.

Person means a natural person or any firm, corporation, association, club, society or other organization.

Solicitation includes all activities ordinarily performed by a solicitor as indicated under the definition of "solicitor" in this section.

Solicitor means any person who goes upon premises of any private residence in the town, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious or other noncommercial purposes.

(Ordinance 183-8-2006, sec. 1, adopted 8/7/06)

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* **State law reference–**Authority of municipality to license, tax, suppress, prevent, or otherwise regulate peddlers, hawkers and pawnbrokers, V.T.C.A., Local Government Code, sec. 215.031.

Sec. 4.02.002 Penalty; civil remedies

(a) Violation of any of the provisions of this article shall, upon conviction, be punishable by a fine not to exceed five hundred dollars ($500.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

(b) In addition to any criminal enforcement, the town or any individual may pursue any available civil remedies deemed appropriate and necessary.

(Ordinance 183-8-2006, sec. 19, adopted 8/7/06)

Sec. 4.02.003 Enforcement

It shall be the duty of any police officer of the town to require any peddler or solicitor who is not known by such officer to be duly permitted to produce his permit and to enforce the provisions of this article against any person found to be violating the same. (Ordinance 183-8-2006, sec. 17, adopted 8/7/06)

Sec. 4.02.004 Claims of exemption

Any person claiming to be legally exempt from the regulations set forth in this article, or from the payment of a permit fee, shall cite to the mayor or authorized representative the statute or other legal authority under which exemption is claimed and shall present to the mayor or authorized representative proof of qualification for such exemption. (Ordinance 183-8-2006, sec. 18, adopted 8/7/06)

Sec. 4.02.005 Entry upon signed premises unlawful; trespass

(a) It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a solicitor or peddler, to enter upon any residential premises in the town where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words “No Peddlers,” “No Solicitors,” or words of similar import.

(b) Nothing in this article shall authorize any solicitor or peddler to commit the offense of trespass, defined in the Texas Penal Code. Any offense of trespass shall be a violation of this article, and grounds for revocation of the permit.

(Ordinance 183-8-2006, sec. 11, adopted 8/7/06)

Sec. 4.02.006 Depositing handbills or advertisements on private premises

Subject to all applicable state and federal laws, and regulations promulgated thereunder, it shall be unlawful in the town for any person, either individually or through the use of a mechanical device, to throw, deposit, or distribute any commercial advertising on any private premises, if requested by anyone on the private premises not to do so, or if there has been placed on such premises in a conspicuous position a sign bearing the words “No Trespassing,” “No Peddlers or Agents,” “No Advertisements,” or any similar notice indicating in the manner that the owners and/or occupants of such premises do not desire to have any such handbills, advertisements, or other information, either in written or electronic media form, left upon the premises. (Ordinance 183-8-2006, sec. 12, adopted 8/7/06)

Sec. 4.02.007 Hours of operation

No person, while conducting the activities of a solicitor or peddler, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 p.m. and 8:00 a.m. (Ordinance 183-8-2006, sec. 13, adopted 8/7/06)

Secs. 4.02.008–4.02.040 Reserved

Division 2. Permit

Sec. 4.02.041 Required; exceptions

It shall by unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the town without first obtaining a permit issued by the town; provided, however, that the following are exempted from the provisions of this section:

(1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable organization;

(4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary;

(5) Any solicitation by or for a volunteer fire department with principal facilities and equipment located in the town.

(Ordinance 183-8-2006, sec. 2, adopted 8/7/06)

Sec. 4.02.042 Permit for sponsoring juvenile peddlers

(a) No person under the age of eighteen (18) shall be permitted to engage in peddling except as provided in this section.

(b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons under eighteen (18) years of age.

(c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(d) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification

so that it is clearly visible at all times when the individuals are peddling or soliciting. A copy of the permit must be displayed on the request of any person solicited.

(Ordinance 183-8-2006, sec. 3, adopted 8/7/06)

Sec. 4.02.043 Application

Every person subject to the provisions of this article shall file with the town an application in writing on a form furnished by the town, which shall provide the following information:

(1) Date of birth, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(2) Names, addresses, driver's license numbers or other form of legally recognized form of identification of all persons who may act as agent or employee of the applicant;

(3) A brief description of the business or activity to be conducted or goods to be sold;

(4) If employed, the name, address and telephone number of the employer, or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(5) The length of time for which the right to peddle or solicit is desired;

(6) The applicant's state sales and use tax permit number, if required by law in order to conduct the proposed business, or proof of exemption if none is required;

(7) If a vehicle is to be used, the make, model, color and license number shall be provided;

(8) Whether the applicant, upon sale or order, shall demand, receive, or accept a deposit or total payment in advance of final delivery;

(9) Felony convictions of any solicitors, their agents, or employees who may be soliciting within the town.

(Ordinance 183-8-2006, sec. 4, adopted 8/7/06)

Sec. 4.02.044 Fees

A fee in the amount provided in the fee schedule in appendix A of this code shall be paid prior to the issuance of a permit. When any solicitor or peddler shall engage in an activity through one or more agents or employees, in addition to the fee for the applicant, a permit fee shall be paid for each agent or employee so engaged, and the fee shall entitle the agent or employee to a permit for the same term and upon the same conditions as that of the primary permit. No permit fee shall be refunded. No fee shall be required of those persons engaging in interstate commerce. (Ordinance 183-8-2006, sec. 5, adopted 8/7/06; Ordinance adopting Code)

Sec. 4.02.045 Issuance

(a) Upon receipt of an application, the mayor, or authorized representative, shall review the application as deemed necessary to ensure compliance with section 4.02.043.

(b) The mayor, or authorized representative, shall endorse his/her approval on the application and shall, upon payment of the prescribed fee, issue the required permit to the applicant.

(c) The permit shall show the name, address and driver's license number of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit will be in effect. The permit will also show the permit number.

(Ordinance 183-8-2006, sec. 6, adopted 8/7/06)

Sec. 4.02.046 Denial

(a) Upon the mayor or authorized representative's review of the application, the mayor or representative may refuse to issue a permit to the applicant for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers and/or their customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(4) The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the mayor or representative that the reasons for such earlier denial no longer exist.

(b) The mayor or authorized representative's disapproval and reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued.

(Ordinance 183-8-2006, sec. 7, adopted 8/7/06)

Sec. 4.02.047 Expiration

All permits issued under the provisions of this article shall expire six (6) months from the date of issuance, unless an earlier expiration date is noted on the permit. (Ordinance 183-8-2006, sec. 8, adopted 8/7/06)

Sec. 4.02.048 Exhibition

Every person required to obtain a permit under the provisions of this article shall exhibit the permit when requested to do so by any prospective customer, town employee, or police officer. (Ordinance 183-8-2006, sec. 9, adopted 8/7/06)

Sec. 4.02.049 Transfer

It shall be unlawful for any person other than the permittee to use or exhibit any permit issued under the provisions of this article. (Ordinance 183-8-2006, sec. 10, adopted 8/7/06)

Sec. 4.02.050 Reasons for revocation

Any permit issued under this article may be revoked or suspended by the mayor, or authorized representative, after notice and hearing, for any of the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for a permit;

(2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;

(3) Conducting solicitation or peddling activities contrary to the provisions contained in this article;

(4) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of peace or trespass, or endanger the health, safety or general welfare of the public.

(Ordinance 183-8-2006, sec. 14, adopted 8/7/06)

Sec. 4.02.051 Notice of revocation hearing

Notice of a hearing for revocation of a permit issued under this article shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee. (Ordinance 183-8-2006, sec. 15, adopted 8/7/06)

Sec. 4.02.052 Appeals

(a) Any person aggrieved by the action or decision of the mayor or authorized representative to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the town council within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.

(b) An appeal shall be taken by filing with the mayor or authorized representative a written statement setting forth the grounds for the appeal.

(c) The mayor or authorized representative shall transmit the written statement to the town council within twenty (20) days of its receipt and the mayor shall set a time and place for a hearing of the appeal.

(d) A hearing shall be set not later than forty (40) days from the date of receipt of the appellant's written statement.

(e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of the notice of the action or decision.

(f) The decision of the town council on the appeal shall be final and binding on all parties concerned.

(Ordinance 183-8-2006, sec. 16, adopted 8/7/06)

ARTICLE 4.03 GARAGE SALES

Sec. 4.03.001 Number of sales

No more than two (2) garage sales per calendar year may be held on the same lot, tract, or residence. The duration of each garage sale is limited to three (3) days. (Ordinance 253-2-2013, sec. 4(B), adopted 3/4/13; Ordinance adopting Code)

Cross reference–Garage sale signs, section 3.07.006.

CHAPTER 5

FIRE PREVENTION AND PROTECTION

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ARTICLE 5.01 GENERAL PROVISIONS*

Sec. 5.01.001 Exemption of town from volunteer firefighter's relief and retirement fund

(a) Findings.

(1) Senate Bill No. 411, as passed by the 65th Legislature of the State of Texas, creates a firefighter's relief and retirement fund for all city or county volunteer fire departments with ten or more members.

(2) Such act prescribes death, disability and retirement benefits, and requires every city which elects to participate in the fund to contribute $12.00 monthly for every volunteer in the service of such unit.

(3) The town constitutes a small percentage of the total land area of the fire district covered by the Lake Cities volunteer fire department.

(4) The town is not presently in the financial position to fund such a program.

(b) Exemption of town. The town hereby exercises its option under the provisions of Senate Bill No. 411, 65th Legislature of the State of Texas, and elects to exempt itself from the provisions of that act.

(Resolution 46 adopted 10/27/77)

ARTICLE 5.02 FIRE CODE

Sec. 5.02.001 Adopted

The 2015 edition of the International Fire Code, including appendix chapters, and the International Fire Code Standards is hereby adopted in its entirety. The 2015 edition of the International Fire Code is hereby made a part of this section as if fully and to the same extent as if copied herein in full. At least one (1) copy of the effective International Fire Code shall be kept in the town offices. (Ordinance 160-3-2004, sec. 6, adopted 3/1/04; Ordinance adopting Code)

Sec. 5.02.002 Penalty

Any person, firm or corporation violating any of the provisions or terms of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense. (Ordinance 160-3-2004, sec. 9, adopted 3/1/04)

* **State law references–**Municipal fire protection, V.T.C.A., Local Government Code, sec. 342.001 et seq.; authority of city to establish fire regulations, V.T.C.A., Local Government Code, sec. 342.003.

ARTICLE 5.03 GENERAL FIRE PROTECTION STANDARDS

Sec. 5.03.001 Scope

(a) The provisions of this code shall supplement any and all laws relating to fire safety and shall apply to all persons without restriction, unless specifically exempted.

(b) The provisions of this code shall apply to existing conditions as well as to conditions arising after the adoption thereof, except that conditions legally in existence at the adoption of this code and not in strict compliance therewith shall be permitted to continue only if, in the opinion of the town council, they do not constitute a distinct hazard to life or property.

(c) Where there is a conflict between a general requirement and a specific requirement for an individual occupancy, the specific requirement shall apply.

(Ordinance 101, sec. I, adopted 5/7/90; Ordinance 115-94, sec. I, adopted 6/6/94)

Sec. 5.03.002 Definitions

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future and the past. Words in the plural number include the singular number, and words in the singular number include the plural number. The masculine gender includes the feminine and neuter. The word "shall" is always mandatory and not merely directory.

Noncombustible. As applied to building construction material, means a material which, in the form in which it is used, is either one of the following:

(1) Material of which no part will ignite and burn when subjected to fire. Any material conforming to UBC Standard No. 4-1 shall be considered noncombustible within the meaning of this section.

(2) Material having a structural base of noncombustible material as defined in subsection (1) above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Public entity. The Town of Shady Shores, Texas.

Rubbish. Useless waste or rejected matter; trash. Rubbish includes waste material from the construction or demolition of buildings.

(Ordinance 101, sec. II, adopted 5/7/90; Ordinance 115-94, sec. II, adopted 6/6/94)

Sec. 5.03.003 Penalty

Any person operating or maintaining any occupancy or premises who shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the enforcement officer or violates any provision of this article shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be subject

to a fine in accordance with the general penalty in section 1.01.009 of this code for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense. (Ordinance 101, sec. XV, adopted 5/7/90; Ordinance 115-94, sec. XVI, adopted 6/6/94; Ordinance adopting Code)

Sec. 5.03.004 Enforcement generally

Whenever the enforcement officer shall find in any building, or on any premises, combustible, hazardous or explosive materials or dangerous accumulations of rubbish, wastepaper, boxes or any highly flammable materials which are so situated as to endanger life or property or shall find that this code is being violated in any way, he shall issue such orders as may be necessary for the enforcement of the fire prevention laws and ordinances governing the same and for the safeguarding of life and property from fire. (Ordinance 101, sec. XIV, adopted 5/7/90; Ordinance 115-94, sec. XV, adopted 6/6/94)

Sec. 5.03.005 Police powers of enforcement officer

The governing body of the town shall appoint an enforcement officer. This enforcement officer shall have the powers of a police officer in performing the duties of enforcing the rules and regulations for the prevention and control of fires and fire hazards under this code. (Ordinance 101, sec. III, adopted 5/7/90; Ordinance 115-94, sec. III, adopted 6/6/94)

Sec. 5.03.006 Right of entry

(a) Whenever necessary to make an inspection to enforce any of the provisions of this code, the enforcement officer shall contact the owner or occupant of the premises and demand entry.

(b) If the building or premises is unoccupied, the enforcement officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry.

(c) If entry is refused, the enforcement officer shall obtain a proper inspection warrant or other remedy as provided by law to secure entry.

(Ordinance 101, sec. IV, adopted 5/7/90; Ordinance 115-94, sec. IV, adopted 6/6/94)

Sec. 5.03.007 Liability for damages

This code shall not be construed to hold the public entity or any officer, elected official, or employee responsible for any damage to persons or property by reason of any inspection or reinspection authorized or provided herein, or by reason of the approval or disapproval of any equipment or process, or for any action in connection with the control or extinguishing of any fire or in connection with any other official duties. (Ordinance 101, sec. V, adopted 5/7/90; Ordinance 115-94, sec. V, adopted 6/6/94)

Sec. 5.03.008 Unsafe buildings or fixtures; condemnation tag; notices and orders

(a) All buildings or structures which are structurally unsafe or which constitute a hazard to safety or to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, fire damage, disaster damage or abandonment as specified in this code or any other effective

ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

(b) Whenever the enforcement officer deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property a written notice to repair or alter as necessary. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made.

(c) When affixed, such tag may be removed only by the order of the enforcement officer, and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

(d) When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the hereinabove mentioned items or devices, the enforcement officer shall notify the building inspector, who shall investigate such hazard and shall cause such hazard to be abated as required under the building code.

(e) The enforcement officer may order the operation or use of any premises, building or vehicle, or portion thereof, that has or is a fire hazard to be discontinued or evacuated.

(f) Any order or notice authorized or required by this code shall be given or served upon the owner, occupant or other person responsible for the condition or violation, or by mailing a copy thereof to such person by registered or certified mail to his last known address.

(g) Any order or notice issued or served as provided in this code shall be complied with by the owner, occupant or other person responsible for the condition or violation to which the order or notice pertains within the specified time limit of the notice. In cases of extreme danger to persons or property, immediate compliance shall be required.

(Ordinance 101, sec. VI, adopted 5/7/90; Ordinance 115-94, sec. VI, adopted 6/6/94)

Sec. 5.03.009 Open burning

(a) Permit required. A permit must be obtained, from the enforcement officer, to kindle or maintain any controlled burn, open fire, bonfire, or rubbish fire. The permit must contain such information as, but not limited to:

(1) The designated location of the proposed fire.

(2) The person or persons responsible for the proposed use of the permit.

(b) Regulations.

(1) No person shall kindle or maintain any controlled burn, open fire, bonfire or rubbish fire, or authorize any such fire to be kindled or maintained, on any private or public land, unless:

(A) The location is not less than fifty (50) feet from any structure and adequate provisions are made to prevent the fire from spreading to within fifty (50) feet of any structure; or

(B) (i) The fire is contained in an approved waste burner that is located safely not less than ten (10) feet from any structure, property line, rubbish, dry grass, weeds, vegetation or any other combustible material.

(ii) Waste burners shall be constructed of brick, concrete hollow tile or other fire-resistive material, other than metal, with a completely enclosed combustion chamber, and shall be equipped with a permanently attached spark arrester, constructed of iron, heavy wire mesh or other noncombustible material, with openings not larger than one-half (1/2) inch. Further, the stack of any such waste burner shall be constructed in accordance with the Uniform Mechanical Code and shall terminate not less than five (5) feet from any combustible roof, overhang or eave construction.

(iii) These restrictions shall not apply to barbecue pits built in accordance with the building code.

(iv) Every waste burner or barbecue pit, and the equipment thereof, shall be maintained in good condition and repair at all times.

(2) All controlled burns, open fires, bonfires or rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire-extinguishing equipment, readily available for use.

(3) The enforcement officer may prohibit any or all controlled burns, open fires, bonfires, or rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

(4) (A) No open burning may take place without a burn permit issued by the town. The applicant must apply to the town and receive a burn permit by providing the required information, and must have received the required permit. Town burn permits, regardless of the day issued, expire on the last day of the month issued.

(B) No open burning may take place on any days which do not meet the following requirements:

(i) All days, which the Denton County emergency services controlled burn log is consulted by the permit holder, and confirms that it is a burn day; and

(ii) The permit holder has registered with the Denton County Emergency Services controlled burn log.

The failure to comply with the requirements of subsections (i) and (ii) above, and/or burning on a day that is not an approved burn day by the Denton County emergency services, is a violation of this section.

(5) No person shall kindle a fire upon the land of another without permission of the owner thereof or his authorized agent.

(Ordinance 101, sec. VII, adopted 5/7/90; Ordinance 115-94, sec. VII, adopted 6/6/94; Ordinance 101 adopted 8/5/96; Ordinance 274-01-2015 adopted 1/12/15)

State law references–Texas Clean Air Act, V.T.C.A., Health and Safety Code, ch. 382; regulation of outdoor burning by state, V.T.C.A., Health and Safety Code, sec. 382.018.

Sec. 5.03.010 Miscellaneous fire hazards

(a) No person shall throw down or drop any lighted match, cigar, cigarette or other burning substance into combustible material or in close proximity thereto.

(b) No person shall deposit hot ashes or cinders, smoldering coals, greasy or oily rags, or substances liable to spontaneous ignition into any combustible receptacle or place the same within ten (10) feet of any combustible materials, except in metal or other noncombustible, covered receptacles. And such noncombustible receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two (2) feet away from any combustible wall or partition.

(c) It shall be unlawful for any person, association of persons, firm or corporation to store any amount of gasoline, diesel or kerosene in any type of container other than a metal or other approved container.

(Ordinance 101, sec. VIII, adopted 5/7/90; Ordinance 115-94, sec. VIII, adopted 6/6/94)

Sec. 5.03.011 Offensive smoke and odors

Waste matter shall not be burned, under permit or otherwise, which shall, in burning, cause or create a dense smoke or odor. (Ordinance 101, sec. IX, adopted 5/7/90; Ordinance 115-94, sec. IX, adopted 6/6/94)

Sec. 5.03.012 Accumulations of waste materials; high grass or weeds

(a) Accumulations of wastepaper, litter, combustible or flammable waste material, waste petroleum products or rubbish of any kind shall not be permitted to remain upon any premises.

(b) All weeds or grass in excess of twelve (12) inches shall be cut down and removed by the owner or occupant of the premises. When total removal of growth from a piece of property is impractical due to size or to environmental factors, approved fire breaks may be established

between the land and neighboring properties. The width of the fire break shall be determined by the town council, who shall take into consideration such things as geographical conditions and the affected neighboring property.

(Ordinance 101, sec. X, adopted 5/7/90; Ordinance 115-94, sec. X, adopted 6/6/94)

Sec. 5.03.013 Explosives prohibited

It shall be unlawful for any person, association of persons, firm, or corporation to store or keep any dynamite, gunpowder in bulk, high explosive shells, bombs, grenades, gun cotton, nitroglycerin or any other kind of explosive, including fireworks, within the corporate limits of the town. (Ordinance 101, sec. XI, adopted 5/7/90; Ordinance 115-94, sec. XI, adopted 6/6/94)

Sec. 5.03.014 Tampering with fire hydrant or fire equipment

(a) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required or maintained under the provisions of this code except for the purpose of extinguishing fires, training purposes, recharging, or making necessary repairs, or when permitted by the fire department. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

(b) No person shall use or operate any hydrant or other valves installed for the purpose of fire suppression unless such person first secures a permit for the use from the fire chief. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the water company which supplies water to such hydrants or other valves.

(c) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant.

(d) The fire department shall have the right-of-way in all cases.

(Ordinance 101, sec. XII, adopted 5/7/90; Ordinance 115-94, sec. XIII, adopted 6/6/94)

Sec. 5.03.015 Fire apparatus access roads

(a) Fire apparatus access roads shall be required for every building, used for habitation, hereafter constructed or moved into the town when any portion of an exterior wall of said structure is located more than one hundred fifty (150) feet from a public right-of-way.

(b) Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(c) The grade for a fire apparatus access road shall not exceed the maximum approved by the fire chief.

(d) The minimum unobstructed width of a fire apparatus access road shall be not less than twenty (20) feet, and shall have an unobstructed vertical clearance of not less than fourteen (14) feet.

(e) All dead-end fire apparatus access roads in excess of one hundred fifty (150) feet shall be provided with provisions for the turning around of fire apparatus as approved by the fire chief.

(f) The required width of any fire apparatus access road shall not be obstructed in any manner, including the parking of vehicles.

(Ordinance 101, sec. XIII, adopted 5/7/90; Ordinance 115-94, sec. XIV, adopted 6/6/94)

ARTICLE 5.04 FIREWORKS*

Sec. 5.04.001 Definitions

For the purposes of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Fireworks. Includes any firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display, and shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specially designated or not.

Person. Includes any natural person, association of persons, partnership, corporation, or agent or officer of a corporation, and shall also include all warehouses, common and private carriers, bailees, trustees, receivers, executors, and administrators.

(Ordinance 230-12-10, sec. 1, adopted 12/6/10)

Sec. 5.04.002 Penalty

Any person, firm, corporation, or organization violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction in the municipal court of the town shall be subject to a fine not to exceed the sum of $2,000.00 for each offense, and each and every day the offense shall continue shall be deemed to constitute a separate offense. (Ordinance 230-12-10, sec. 6, adopted 12/6/10)

Sec. 5.04.003 Fireworks prohibited

It shall be unlawful in the town for any person to manufacture, assemble, store, transport, receive, keep, sell, offer, or have in his or her possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire, or otherwise set in action any fireworks of any description. (Ordinance 230-12-10, sec. 2, adopted 12/6/10)

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* **State law references–**Authority of municipality to regulate the use of fireworks, V.T.C.A., Local Government Code, sec. 342.003; fireworks and fireworks displays, V.T.C.A., Occupations Code, ch. 2154; authority of city to prohibit or further regulate fireworks, V.T.C.A., Occupations Code, sec. 2154.004.

Sec. 5.04.004 Declaration of nuisance; seizure and destruction

The presence of any fireworks within the jurisdiction of the town, in violation of this article, is hereby declared to be a common and public nuisance. The fire marshal or other appointed representative is directed and required to seize and cause to be safely destroyed any fireworks found within the jurisdiction in violation of this article, and any police officer of the town or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally, and to seize and destroy any fireworks found stored illegally in any building in the town. Notwithstanding any penal provision of this article, the town attorney is authorized to file suit on behalf of the town or the fire marshal or other appointed representative, or both, for injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping, or use of fireworks within the jurisdiction of the town and to aid the fire marshal or appointed representative in the discharge of his or her duties and to particularly prevent any person from interfering with the seizure and destruction of such fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to that seizure and destruction. The fire marshal or other appointed representative is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of fireworks, subject to obtaining any lawfully required subpoena. (Ordinance 230-12-10, sec. 3, adopted 12/6/10)

Sec. 5.04.005 Applicability

This article shall be applicable and in force throughout the territory of the town within its corporate limits. (Ordinance 230-12-10, sec. 4, adopted 12/6/10)

Sec. 5.04.006 Burden of proof of exception

In any prosecution for any violation of this article, it shall not be necessary for the prosecution to negate any provision or exception, but the same may be raised by the defendant by way of defense. (Ordinance 230-12-10, sec. 5, adopted 12/6/10)

CHAPTER 6

HEALTH AND SANITATION

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ARTICLE 6.01 GENERAL PROVISIONS*

(Reserved)

ARTICLE 6.02 STAGNANT WATER, RUBBISH AND OTHER OFFENSIVE OR HAZARDOUS SUBSTANCES†

Sec. 6.02.001 Depositing on or along gutter, street, sidewalk or other public place

It shall be unlawful for any person to sweep, throw, dump or deposit into, on or upon or along any drain, gutter, alley, sidewalk, street, public place or thoroughfare, dead carcasses, fish, flesh, fowls, vegetables, stagnant water or other stagnant liquids, slops and waste paper, boxes, shavings, barrels, rubbish, excelsior, trash or other substances of any kind or character which are unwholesome, filthy or offensive and could create a menace to the health of or a fire hazard to the town. (Ordinance 4, sec. 3, adopted 12/13/60)

Sec. 6.02.002 Depositing on premises of another

It shall be unlawful for any person to sweep, throw or deposit upon the property or premises of another, dead carcasses, fish, flesh, fowls, vegetables, stagnant water or other stagnant liquids, slops and waste paper, boxes, shavings, barrels, rubbish, excelsior, trash or other substances of any kind or character which are unwholesome, filthy or offensive and could create a menace to the health of or a fire hazard to the town. (Ordinance 4, sec. 4, adopted 12/13/60)

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* **State law references–**Authority to enforce laws to protect public health, V.T.C.A., Health and Safety Code, sec. 121.003; local regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342; minimum standards of sanitation and health protection, V.T.C.A., Health and Safety Code, ch. 341.

† **State law references–**Municipal regulation of sanitation, V.T.C.A., Health and Safety Code, sec. 342.001 et seq.; illegal dumping, V.T.C.A., Health and Safety Code, sec. 365.012.

CHAPTER 7

MUNICIPAL COURT

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ARTICLE 7.01 GENERAL PROVISIONS*

Sec. 7.01.001 Established

(a) There is hereby established a court which shall be known as the municipal court of the town. The municipal court shall have the jurisdiction and shall be conducted in the manner prescribed and authorized by law. All fines imposed by the municipal court shall be paid into the treasury for the use and benefit of the town.

(b) There shall be such regularly scheduled sessions of the court as, in the discretion of the judge, may be necessary for the timely transaction of the business of the court.

(Ordinance 15, art. 1, adopted 4/11/67; Ordinance adopting Code)

Sec. 7.01.002 Jurisdiction

The municipal court of the town shall have jurisdiction in all criminal cases arising under the ordinances of the town and in all cases arising under the criminal laws of the state in which the punishment is by fine only and where the maximum fine for the offense charged does not exceed five hundred dollars ($500.00) or two thousand dollars ($2,000.00) for a violation of provisions in ordinances that govern fire safety, zoning, or public health and sanitation, including the dumping of refuse and where the offense charged arose within the corporate limits of the town (or outside of the corporate limits but within an area over which the town has jurisdiction and control under the laws of the state). (Ordinance 15, art. 2, adopted 4/11/67; Ordinance adopting Code)

State law reference–Municipal court jurisdiction, V.T.C.A., Government Code, sec. 29.003, Tex. Code Crim. Proc. art. 4.14.

Sec. 7.01.003 Judge; proceedings

(a) Judge. The presiding officer of the municipal court of the town shall be known as the judge (and he may also be officially referred to as town judge, or judge of the municipal court), and he shall have all of the powers, duties, authorities, and qualifications prescribed by law and by this chapter.

(b) Sessions of court. The judge shall set the hours and day for the sessions of the court, and notice of said setting shall be posted in the office of the clerk of the municipal court.

(c) Complaints. All prosecutions for violations of provisions of ordinances of the town shall be commenced in the municipal court by complaint, setting forth specifically and within reasonable certainty the particular act or omission with which the defendant is charged. Such complaint shall be signed and sworn to by the person making the complaint.

(d) Warrant of arrest; arrest without warrant. When any complaint shall be filed as is provided for in this chapter, the judge shall issue a warrant of arrest, which shall be executed by the chief of police or any policeman of the town in a like manner as similar process in justice court may be executed by the sheriff; provided that nothing herein shall be so construed as to prevent the chief of police or any policeman of the town from making arrests without warrant for violation of any

* **State law reference–**Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.

ordinance of the town (or other law within the jurisdiction of said court) when committed in his presence or view, or in any contingencies in which a sheriff or other officer of the state would, by the laws of the state, be permitted to make such arrest.

(e) Trial by jury. In all cases of a misdemeanor, the party charged before the municipal court shall be entitled to a trial by jury, in the same manner and form as provided by law before a justice of the peace. When an application is made for a jury in the trial of a case, the judge shall direct the chief of police or any policeman of the town to summon six (6) disinterested persons who are qualified voters in the town, to act as jurors, to serve. Any person so summoned who shall fail or refuse to act without good cause shown may be fined by the court in any sum not exceeding twenty dollars ($20.00) for the use of the town.

(f) Applicability of state law. The judge shall, in all matters pertaining to the administration of justice, concerning which there are no special provisions, be governed by the laws of the state regulating proceedings in justice courts, so far as the same may be applicable.

(g) Power to punish for contempt of court, take recognizances, etc. The judge shall have power to punish all persons guilty of contempt of court to the same extent and under the same circumstances as the county court; except as may be otherwise herein specially set forth and provided, he shall have the power to take recognizances, admit to bail and forfeit recognizances and bail bonds, under the rules and regulations as now govern the taking and forfeiting of the same as in the county court.

(h) Power to administer oaths and affirmations. The judge shall have the power and authority to administer official oaths, and all oaths and affirmations, and to swear witnesses and jurors in trial before him.

(i) Proceedings generally; form of prosecutions. Except as may be otherwise herein specially provided, the proceedings before the municipal court shall be governed by the same rules which are prescribed by the justice of the peace, under the laws of this state, insofar as they are applicable. All prosecutions in the municipal court, whether under an ordinance or under the Penal Code of the state, shall be commenced “in the name of the State of Texas,” and shall conclude “against the peace and dignity of the State”; and, where the offense is covered by ordinance, the complaint may also conclude “as contrary to such Ordinance.”

(j) Execution of warrants. Warrants or other processes issued by the judge shall be directed to the chief of police or any policeman of the town, but in case of the absence or inability of such officers, such process shall be directed to any peace officer within the town or county, and shall be executed by such officer.

(k) Attendance of witnesses; refusal to testify. The judge shall have power to issue any process necessary to require the attendance of any person as a witness in any case pending before the municipal court. Persons failing or refusing to obey any such process may be fined in any sum not exceeding twenty dollars ($20.00) and shall forthwith be attached. If such witness appears in the municipal court and fails or refuses to testify, be shall be guilty of contempt of court, and may be fined in any sum not to exceed two hundred dollars ($200.00) and, in addition thereto, may be imprisoned, or otherwise punished, as provided by law.

(l) Code of Criminal Procedure to be followed. Except as may be expressly herein otherwise provided, the provisions of the Code of Criminal Procedure of the state now in force regulating the attendance of witnesses in criminal cases tried before a justice of the peace shall (so far as practicable) govern and be applicable to the trial of cases before the municipal court.

(Ordinance 15, art. 3, adopted 4/11/67; Ordinance adopting Code)

State law references–Municipal court judges, V.T.C.A., Government Code, sec. 29.004 et seq.; procedures for processing cases within criminal jurisdiction of municipal court, Tex. Code Crim. Proc. ch. 45.

Sec. 7.01.004 Procedure in traffic cases

(a) Plea of guilty.

(1) In cases where a person is charged with a traffic violation and desires to plead guilty and pay the fine set by order of the judge for the offense charged, an agreement in writing to such effect shall be obtained from the person charged and the amount of the fine collected in cash.

(2) Duplicates of agreements and cash receipts shall be made and filed by the clerk of the municipal court as official records of the disposition of such cases.

(b) Plea of not guilty. In the event that a person charged with a traffic violation fails to plead or desires to plead not guilty, the ticket issued by the arresting officer shall be referred to the municipal court clerk or other proper person, who shall prepare a complaint for the case and cause the same to be filed and docketed as any other case.

(Ordinance 15, art. 5, adopted 4/11/67; Ordinance adopting Code)

Sec. 7.01.005 Applicability of state law; general penalty

All provisions of this chapter are to be read and interpreted as in conformance with current state laws applicable to municipal courts of type A general-law cities in Texas. Accordingly, all provisions as to maximum fines, setting of fines, bond, and other provisions shall be regulated by this section. The maximum fines of all town ordinances are hereby modified to be in conformity with state law, now and as it may hereafter be amended. Therefore, whenever the municipal ordinance prescribes an act as prohibited or made or declared to be unlawful, or an offense or misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of such ordinance shall be punished by a fine not to exceed the sum of $500.00. Provided, however, a fine may not exceed $2,000.00 for a violation of provisions in ordinances that govern fire safety, zoning, or public health and sanitation, including the dumping of refuse. (Ordinance 15, art. 11, adopted 4/11/67; Ordinance 229-01-11, sec. 1(C), adopted 1/–/11)

ARTICLE 7.02 FINES, COSTS AND SPECIAL EXPENSES*

Sec. 7.02.001 Building security fund

(a) Established. There is hereby created and established a municipal court building security fund (the "fund") pursuant to article 102.017 of the Code of Criminal Procedure.

(b) Amount of fee. The municipal court of the town is hereby authorized and required to assess a municipal court building security fee (the "fee") in the amount of $3.00 against all defendants convicted of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a separate assessment of the fee.

(c) Applicability. A person is considered to have been convicted in a case if:

(1) Judgment, sentence or both are imposed on the person:

(2) The person receives deferred disposition; or

(3) The court defers final disposition or imposition of the judgment and sentence.

(d) Collection. The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasurer of the town. All fees so collected and paid over to the treasury of the town shall be segregated in the fund.

(e) Designated use. The fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the municipal court of the town. Security devices and/or services shall include any and all items described in article 102.017(d) of the Code of Criminal Procedure.

(f) Administration. The fund shall be administered by or under the direction of the town council.

(Ordinance 201-12-2007 adopted 12/3/07)

State law reference–Authority to establish municipal court building security fund, Tex. Code Crim. Proc. art. 102.017.

Sec. 7.02.002 Technology fund

(a) Establishment.

(1) There is hereby created and established a municipal court technology fund, herein known as the "fund," pursuant to article 102.0172 of the Code of Criminal Procedure.

(2) The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

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* **State law references–**Municipal court fines, costs and special expenses, Tex. Code Crim. Proc. art. 45.203; costs paid by defendants, Tex. Code Crim. Proc. ch. 102; court costs on conviction, V.T.C.A., Government Code, sec. 102.021; additional court costs on conviction in municipal court, V.T.C.A., Government Code, sec. 102.121; contracts for collection services, Tex. Code Crim. Proc. art. 103.0031.

(b) Amount of fee; assessment and collection.

(1) The fee shall be in the amount of $4.00.

(2) The fee shall be assessed and collected from the defendant upon conviction for an misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:

(A) Judgment, sentence, or both are imposed on the person;

(B) The person is placed on deferred disposition; or

(C) The court defers final disposition or imposition of the judgment and sentence.

(3) The fee shall be collected on conviction for an offense committed on or after September 1, 1999 or for convictions on offenses committed on or after this section is adopted.

(4) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer of the town, who shall deposit the fee into the municipal court technology fund.

(c) Designated use of fund; administration.

(1) The fund shall be used for the purpose of financing the purchase of or to maintain technology enhancements for the municipal court of the town. "Technology enhancements" shall include any and all items described in article 102.0172 of the Code of Criminal Procedure.

(2) The fund shall be administered by or under the direction of the town council.

(Ordinance 200-12-2007 adopted 12/3/07)

State law reference–Authority to establish municipal court technology fund, Tex. Code Crim. Proc. art. 102.0172.

CHAPTER 8

OFFENSES AND NUISANCES

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ARTICLE 8.01 GENERAL PROVISIONS*

(Reserved)

ARTICLE 8.02 MINORS

Division 1. Generally

Secs. 8.02.001–8.02.030 Reserved

Division 2. Curfew†

Sec. 8.02.031 Definitions

All definitions contained within this division are for the purpose of this division only and shall have no impact on any other rule, law or ordinance unless referenced directly within said rule, law or ordinance.

Adult means any person seventeen years of age or older, or who is not defined as in "minor" in this division.

Business operator means any employee, individual, firm, associate, partnership or corporation engaged in or responsible for operating, conducting business or managing any business or establishment.

Curfew or curfew hours means those hours between 12:00 a.m. and 6:00 a.m. inclusive, every day of the week.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately owned place of business operated for profit to which the public is invited.

Guardian means any person or public or private agency to whom legal custody of a child has been given.

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* **State law references–**Authority of governing body to adopt ordinance, rule or police regulation for the good government, peace or order of municipality, V.T.C.A., Local Government Code, sec. 51.001; authority of city to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002; nuisances and general sanitation, V.T.C.A., Health and Safety Code, sec. 341.011 et seq.

† **State law references–**Juvenile curfew in general-law municipality, V.T.C.A., Local Government Code, sec. 341.905; review of juvenile curfew order or ordinance, V.T.C.A., Local Government Code, sec. 370.002; children taken into custody for violation of juvenile curfew or order, Tex. Code Crim. Proc., art. 45.059.

Minor means all persons under seventeen years of age who have not had the disabilities of minority removed in accordance with chapter 31 of the Texas Family Code or who is not legally married at the time.

Parent means any natural, adoptive or step parent or any guardian of any minor child.

Public place means any place to which the public or a portion of the public has access, to include, but not be limited to, parks, alleys, streets, roads, highways, lakes, and the common areas of schools, hospitals, apartment complexes, office buildings, stores, businesses and shops.

Remain means to:

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(Ordinance 191-3-2007, sec. 1, adopted 3/5/07; Ordinance 276-02-2015 adopted 2/9/15; Ordinance adopting Code)

Sec. 8.02.032 Offenses

(a) Violation by minor. It shall be unlawful for any minor to remain, walk, run, stand, drive or ride in or about any public place or establishment in the town between the hours of 12:00 a.m. and 6:00 a.m. inclusive.

(b) Violation by parent or guardian. It shall be unlawful for any parent or guardian to knowingly permit, or by insufficient control allow, any minor to remain, walk, run, stand, drive or ride in or about any public place or establishment in the town between the hours of 12:00 a.m. and 6:00 a.m. inclusive.

(c) Violation by owner or operator of establishment. It shall be unlawful for any business operator to allow any minor to remain upon the premises of any establishment during curfew hours.

(Ordinance 191-3-2007, sec. 2, adopted 3/5/07; Ordinance 276-02-2015 adopted 2/9/15)

Sec. 8.02.033 Penalty; custody provisions; jurisdiction

(a) Any person, firm or corporation violating any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction in the municipal court of the town shall be subject to a fine not to exceed the sum of five hundred dollars ($500.00) for each offense, and each and every day said violation is continued shall constitute a separate offense.

(b) Each minor upon the premises of any establishment constitutes a separate violation under section 8.02.032(c) of this division and shall result in a separate fine.

(c) Any child taken into custody for a violation of this division shall be held in accordance with article 45.059, Texas Code of Criminal Procedure.

(d) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.02.032(a) of this division and shall refer the minor to juvenile court.

(Ordinance 191-3-2007, sec. 3, adopted 3/5/07; Ordinance 276-02-2015 adopted 2/9/15)

Sec. 8.02.034 Affirmative defenses

(a) It is an affirmative defense to prosecution under section 8.02.032(a) and 8.02.032(b) of this division that:

(1) The minor was accompanied by his/her parent or legal guardian.

(2) The minor was accompanied by an adult approved by the minor's parent.

(3) The minor was attending, going to or returning from, without stop or detour and using the most direct route, any school, religious or other activity supervised by adults and sanctioned by a government, civic or church entity that takes responsibility for the minor.

(4) The minor was out as a result of an emergency.

(5) The minor was engaged in lawful employment activity or going to or returning from, without stop or detour and using the most direct route, any lawful employment.

(6) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is an affirmative defense to prosecution under section 8.02.032(c) of this division that:

(1) The business operator notified the police department that the minor was present during curfew hours and refused to leave.

(2) The business operator was unaware of the presence of the minor and assisted the police in identifying the minors.

(3) The minor is an employee of the establishment, is actually engaged in duties related to that employment and is receiving payment for the activity.

(Ordinance 191-3-2007, sec. 4, adopted 3/5/07; Ordinance 276-02-2015 adopted 2/9/15)

Sec. 8.02.035 Enforcement

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.02.034 is present. (Ordinance 191-3-2007, sec. 5, adopted 3/5/07; Ordinance 276-02-2015 adopted 2/9/15)

ARTICLE 8.03 NUISANCES*

Sec. 8.03.001 Authority; purpose

(a) Chapter 217 of the Texas Local Government Code authorizes a type A general-law municipality to:

(1) Abate and remove a nuisance and punish by fine the person responsible for the nuisance;

(2) Define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and

(3) Abate in any manner the governing body considers expedient any nuisance that may injure or affect the public health or comfort.

(b) The town is zoned to lessen congestion in the streets, to secure safety from fire and other dangers, to promote health and general welfare, to provide adequate clean air, to prevent the overcrowding of land and abutting trafficways, to avoid undue concentrations of the population, and to establish zones where family values and the blessings of quiet seclusion makes the area a sanctuary for people.

(c) The town council, in compliance with the laws of the state and the ordinances of the town, and the exercise of the town's legislative discretion and police powers, have concluded that the regulations set forth herein should be adopted.

(Ordinance 255-05-2014, sec. 1, adopted 4/7/14)

Sec. 8.03.002 Definitions

Attractive nuisance means:

(1) The place where the condition that is maintained is one upon which the possessor knew or should have known that small children would likely frequent the place and play about it;

(2) The condition was one which the possessor knew, or should have known, involved unreasonable risk of death or bodily harm to such children;

(3) The child, because of its tender years, did not realize the risk involved in exposing itself to the condition; and

(4) The utility, if any, to the possessor of eliminating the condition was slight as compared to the probability of injury.

Brush means all trees or shrubbery under seven feet (7') in height which are not cultivated, maintained or cared for by persons owning or controlling the premises on which such trees or shrubbery are growing.

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* **State law reference–**Authority of city to define and declare nuisance, V.T.C.A., Local Government Code, sec. 217.002.

Nuisance. For the purpose of this article, "nuisance" includes, but is not limited to, whatever is dangerous to human life or health, whatever renders the ground, the water or the air or the food a hazard or injurious to human life or health or that is offensive to the senses or that is or tends to become detrimental to the public health.

Objectionable, unsightly or unsanitary matter of whatever nature means all uncultivated vegetable growth, objects and matter not included within the meaning of the other terms defined in this section, which are liable to produce or tend to produce disease or an unhealthy, unwholesome or unsanitary condition on the premises or within the general locality where the growth, objects or matter is situated, including, without limitation, the accumulation of stagnant water, carrion, filth, impure or unwholesome matter, weeds in excess of twelve inches (12"), rubbish and brush.

Rubbish means all garbage, trash or refuse, discarded or useless articles, discarded clothing or textiles of all sorts, and in general all litter and other things usually included within the meaning of the term.

Weeds means uncultivated vegetable growth or matter, including grasses, which has grown to a height of more than twelve inches (12") or which, regardless of height, has become an unwholesome or decaying mass or breeding place for mosquitoes or vermin.

(Ordinance 255-05-2014, sec. 2, adopted 4/7/14)

Sec. 8.03.003 Enumeration

The following acts, commissions, omissions, conditions or deeds by any person shall be and hereby are declared to be a nuisance:

(1) Full or overflowing waste receptacles; defective sewage systems. The act of allowing to exist any full or overflowing privy, vault, cesspool, septic tank, garbage can, container, or other receptacle for filth, waste, garbage, and human and/or animal excrement upon any premises owned or controlled by any person or the failure to maintain in proper condition any cesspool, septic tank, or other sewage or septic system.

(2) Improper pumping of cesspool or septic tank. The act of allowing to be pumped the contents of cesspools or septic tanks so as to flow over, seep up, pool, or otherwise exist on any premises without proper pretreatment for sanitation.

(3) Offensive odors from drainage fixtures. The act of allowing any imperfect or faulty trap, sink or water closet or any other drainage appliance or fixture to exist in any house or building within the town from which there shall arise any foul or offensive gas or odor.

(4) Discharge of unsanitary matter onto street or public grounds. The act of casting, draining, throwing or causing to be cast, drained, thrown or distributed into any public street or highway, gutter, alley or other public grounds within the town any kitchen water, water from exhaust pipes, laundry water, or air conditioners or other wastewater, slops, swill or liquid filth, or any other similar unsanitary matter.

(5) Offensive odors from keeping animals. The act of keeping or causing to be kept any animals in pens or enclosed areas upon any premises owned or controlled by a person in such a manner so as to produce foul, obnoxious, or other offensive odors or smells to persons living in the vicinity of such premises.

(6) Accumulations of manure. The act of failing to keep, or the permitting to remain in a condition or manner, any stable, stall, shed or apartment, or any yard or appurtenance, in which any animal(s) shall be kept, on any premises owned or controlled by any person, in which manure or liquid discharge of such animals shall be collected and accumulate (i) which constitutes a breeding place for flies, mosquitoes, or other harmful or disease-carrying insects, or (ii) which is producing foul, obnoxious, or other offensive odors or smells to persons living in the vicinity of such premises; provided that nothing in this subsection shall be so construed as to include manure deposits upon private property for the purpose of cultivation or to be used as fertilizer so long as such fertilizer does not otherwise constitute a nuisance under this article.

(7) Stagnant or unwholesome water. The act of keeping or maintaining of a pool, pond, water retention areas, and/or other accumulation of water upon any premises owned or controlled by any person (i) which is unwholesome, impure, stagnant, or (ii) which constitutes a breeding place for flies, mosquitoes, or other harmful or disease-carrying insects, or (iii) which produces or is capable of producing foul, obnoxious, or other offensive odors or smells to persons living in the vicinity of such premises. Nothing in this subsection shall be construed as to require the removal, drainage, or cleaning of naturally occurring pools, ponds, water retention areas and accumulation of water upon any premises owned or controlled by any person, unless same constitutes a nuisance under this article.

(8) Vehicles used for hauling livestock or fowl. The act of failing or refusing by any owner, operator, agent, or driver of any truck, trailer or other vehicle that is or has been used for the hauling of any livestock, animals or fowls, which contains manure, excreta or liquid discharge and which is parked in or on any highway, road, street, alley, lot, tract of land, or other premises, either public or private, to move such truck, trailer or other vehicle, when notified by the town, to such location as will not disturb the inhabitants of the town by the reason of the foul, obnoxious, or other offensive odor, gases, or fumes caused by the contents of such truck, trailer or other vehicle.

(9) Accumulations of garbage, trash, etc. The act of failing or refusing to act by any person owning or controlling any premises to keep, maintain, and preserve such premises free and clear from all garbage, trash, discarded building materials, and other debris.

(10) Offensive or injurious conditions from accumulations of refuse. The act of allowing paper, plastic, bottles, tires, discarded lumber, rocks, junk or other trash or debris to accumulate or remain on any premises by a person owning or controlling such premises:

(A) In such a manner as to create a harborage or breeding place for rats, vermin or insects;

(B) In such a manner as to be offensive or injurious to the public health; or

(C) In such a manner (i) as to be unpleasant and disagreeable in sight, or (ii) as to produce foul, obnoxious, or other offensive odor, gases, or fumes, to persons living in the vicinity of such premises, to persons who may be in a public place or public right-of-way, or to persons who file an official complaint with the town.

(11) Noise generally. The act of allowing or permitting on any premises owned or controlled by such person the emission of music, sound or other noise in a continuous, or for extended periods of time, in such a manner as to disturb persons living in the vicinity of the premises. It shall be presumed to be a violation of this article if the continuous, or extended periods of time, produce sound or other noise at the property line of such property in excess of:

(A) 75 decibels, between the hours of 6 a.m. to 11 p.m.; and/or

(B) 65 decibels, between the hours of 11 p.m. and 6 a.m.

(12) Noise, dust or pollution produced by motorized units. The act of creating, maintaining, or allowing on premises owned by and/or subject to a person's control:

(A) The continuous, or for extended periods of time in such a manner as to disturb persons living in the vicinity of the premises, operation of motors, or the running and/or driving of motorized units, including but not limited to all-terrain vehicles of either three or four wheels, motorcycles, go-carts, golf carts, cars, trucks, or any other form of motorized or self-propelled vehicle. It shall be presumed to be a violation of this article if such continuous, or extended periods of operation, either with an individual motorized unit, or in the aggregate with other motorized units at the same time, produce a noise or sound at the property line of such property as follows:

(i) 75 decibels, between the hours of 6 a.m. to 11 p.m.; and/or

(ii) 65 decibels, between the hours of 11 p.m. and 6 a.m.;

(B) The act of operating a motorized unit(s) so as to produce dust, dirt or other airborne particles, which individually or in the aggregate with other motorized units at the same time substantially interfere with the comfortable enjoyment of adjacent properties;

(C) The act of operating a motorized unit(s) described above, either individually or in the aggregate with other motorized units at the same time, so as to pollute the air at the property line with noxious or offensive odors, gases, smoke and/or vapors, and/or which produce material discomfort and annoyance to those residing in the vicinity, or which injure their health or property; or

(D) Any combination of noise, dust, and/or pollution emanating from a property as the result of operation of one or more motorized units shall also constitute a nuisance if such factors are present on a continuous basis, or for extended periods of time, causing material discomfort and annoyance to those residing in the vicinity, or which injures their health or property.

(13) Areas used by motorized units. The ownership, operation, or existence of a track, path, motocross practice area, or other area which is designed for, or which is used by, persons operating motorized units in a manner which results in a violation of subsection (12) of this section is prohibited.

(14) Accumulation of carrion, filth or other unwholesome matter. The act of allowing the accumulation of carrion, filth or other impure or unwholesome matter of any kind on premises owned by and/or subject to a person's control.

(15) Weeds. The act of allowing to exist on developed areas of premises owned by and/or subject to a person's control, weeds which have grown to a height of more than twelve inches (12"), or which, regardless of height, have become an unwholesome or decaying mass or breeding place for mosquitoes, insects, or vermin.

(16) Accumulations of rubbish or other objectionable matter. The act of allowing to exist on premises owned by and/or subject to a person's control the accumulation of rubbish, or other unsightly, objectionable or unsanitary matter.

(17) Nuisances defined by Texas Civil Practice and Remedies Code. All common and public nuisances defined by chapter 125 of the Texas Civil Practice and Remedies Code within the authority and jurisdiction of the town and its municipal court are hereby adopted as regulated nuisances by the town, in accordance with said statute.

(18) Disorderly conduct. Any and all elements of the offense of disorderly conduct within the authority and jurisdiction of the town and its municipal court pursuant to chapter 42 of the Texas Penal Code are hereby adopted and prohibited by this article.

(19) Attractive nuisances. The act, or the failure to act, resulting in an attractive nuisance on property owned or subject to a person's control.

(20) Storage of unsightly items. With the exception of one general purpose trailer, one horse or stock trailer, or one boat trailer, unsightly storage items shall be fully screened from adjacent properties, streets and alleys by a six-foot-high solid wood screening fence or by vegetation, at least six feet in height, that is sufficiently dense as to completely screen the storage area. Unsightly items being stored must not be stacked higher than five feet.

(Ordinance 255-05-2014, sec. 3, adopted 4/7/14)

Sec. 8.03.004 Standards for determining nuisance; permits

(a) Standard required for nuisance; presumption of violation. The foregoing nuisances are prohibited within the town. The standard required for a nuisance would be that its effect upon the person complaining of such nuisance is a person of normal or ordinary sensibilities. The foregoing nuisances shall be presumed in violation of this article if it is shown that they take place within a residential zoning district within the town, or that they have occurred within 2,500 feet of any home, school or church existing in the town. Any "act" described in section 8.03.003 shall also include the failure to take action to abate or terminate a nuisance.

(b) Activity authorized by special use permit. It is an affirmative defense to a complaint filed pursuant to section 8.03.003(11) of this article that the property on which the alleged nuisance occurred was an activity expressly authorized pursuant to a special use permit for the property.

(c) Nuisance permit. A permit (a "nuisance permit") to conduct activity otherwise which would be prohibited by this article may be issued by the mayor on written application to the town and payment of a filing fee containing information on the proposed date, time, place, and description of the activity. The person(s) making such application shall be personally subject to any violation of this article which occurs as a result of the activity occurring in a manner exceeding the limits established by permit. No permit issued under this subsection (c) shall be valid for more than a 12-hour time period. A permit for an activity proposed for a longer time period, or for more than three separate 12-hour periods, shall require council approval. Permits described in this subsection (c) are not required of owners of property described in subsection (b) of this section if the special use permit clearly authorizes the activity.

(Ordinance 255-05-2014, sec. 4, adopted 4/7/14)

Sec. 8.03.005 Additional authority to abate dangerous weeds

(a) The city may abate, without notice, weeds that have grown higher than forty-eight (48) inches and are an immediate danger to the health, life, or safety of any person.

(b) Not later than the 10th day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 342.006 of the Health and Safety Code.

(c) The notice shall contain:

(1) Identification, which is not required to be a legal description, of the property;

(2) A description of the violations of this article that occurred on the property;

(3) A statement that the city abated the weeds; and

(4) An explanation of the property owner's right to request an administrative hearing related to the city's abatement of the weeds.

(d) The city shall conduct an administrative hearing on the abatement of weeds under this section if the property owner files with the city a written request for a hearing within thirty (30) days of the date of the notice required under this section.

(e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

(f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 342.007 of the Health and Safety Code. A lien created under this section is subject to the same conditions as a lien created under section 342.007 of the Health and Safety Code.

(g) The authority granted a city by this section is in addition to the authority granted by Health and Safety Code, section 342.006.

(Ordinance adopting Code)

State law reference–Additional authority to abate dangerous weeds without notice, V.T.C.A., Health and Safety Code, sec. 342.008.

Sec. 8.03.006 Abatement procedure

(a) Notice to owner. Should the town health officer or other designated representative determine that a nuisance (defined in section 8.03.003(9), (10), (14), (15), (16), and/or (20)) exists on any lot or parcel of real estate within the town, written notice shall be given to the owner of the lot upon which the nuisance exists. Such notice shall identify the nuisance, identify the property upon which the nuisance exists, and direct the owner to take such action as the town deems reasonable, appropriate and necessary to remove the nuisance. Such notice shall be delivered personally to the owner in writing, by letter addressed to the owner at the owner's address as recorded in the records of the Denton County Appraisal District, or, if personal service cannot be obtained, by publication at least once in the town's official newspaper, by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(b) Abatement by town. If the owner fails or refuses to remove the nuisance within seven (7) days following notice as provided in subsection (a) of this section, the town may do or cause to be done that which will abate such public nuisance, and may pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the person who owns such lot or building. If such work is done or improvements made at the expense of the town, then the expenses shall be assessed on the real estate or lot for which such expense was incurred. In a notice provided under subsection (a) of this section, the town may inform the owner by regular mail and a posting on the property 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 date of the notice, the town without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by such notice occurs within the one-year period, and the town has not been informed in writing by the owner of an ownership change, then the town without further notice may cause the work to be done or make the improvements required, and pay for the work done and improvements made and charge the expenses to the owner as otherwise provided herein.

(c) Collection of expenses; lien. The mayor, town administrator, or town official designated by the mayor shall file a statement of expenses giving the name of the owner, if known, the amount of such expense, the date on which such work was done, and the legal description of the premises upon which such work was done or improvements made with the county clerk. The town shall have a privileged lien on such lot or real estate upon which such work was done, or improvements made, to secure the expenditures so made, in accordance with V.T.C.A., Health and Safety Code, chapter 342, which lien shall be second only to tax liens or liens for street improvements, and which amount shall bear interest at the rate of ten percent (10%) per annum, from the date of payment by the town. For any such expense and interest, suit may be instituted and recovery and

foreclosure of such lien may be had in the name of the town, and the statement of expenses so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

(Ordinance 255-05-2014, sec. 5, adopted 4/7/14)

Sec. 8.03.007 Penalty

Any person, firm or corporation (collectively referred to as "person") violating any of the provisions of this article shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 255-05-2014, sec. 7, adopted 4/7/14)

ARTICLE 8.04 ABANDONED OR JUNKED VEHICLES*

Division 1. Generally

Sec. 8.04.001 Adoption of state law

(a) Junked vehicles. Attached to Ordinance 254-3-2013 is a copy of various provisions of the Texas Transportation Code, chapter 683, regarding junked or abandoned motor vehicles.

Sec. 683.071.	Definition and applicability
Sec. 683.0711.	Municipal requirements
Sec. 683.072.	Junked vehicle declared to be public nuisance
Sec. 683.073.	Offense
Sec. 683.074.	Authority to abate nuisance; procedures
Sec. 683.075.	Notice
Sec. 683.076.	Hearing
Sec. 683.0765.	Alternative procedure for administrative hearing
Sec. 683.077.	Inapplicability of subchapter
Sec. 683.078.	Junked vehicle disposal

Pursuant to section 683.0711 of the Texas Transportation Code, an ordinance adopted by a governing body of a municipality may provide for a more inclusive definition of a junked motor vehicle subject to regulation under this chapter. Therefore the town adopts the wording of the sections of the Texas Transportation Code set forth in the attached exhibit A as a portion of this section, and further adopts the definitions of junked vehicles, abandoned vehicles, public nuisance, and abatement set forth therein. The town specifically adopts the language in exhibit A. Any conflicting statutes in state law are not adopted. Changes subsequent to the adoption of this section by the state legislature of any of the Transportation Code sections noted in exhibit A shall also become amendments to this section.

* **State law reference–**Regulation of abandoned and junked motor vehicles, V.T.C.A., Transportation Code, sec. 683.001 et seq.

(b) Abandoned vehicles. The town further approves and adopts the regulations set forth in chapter 683 of the Texas Transportation Code regarding abandoned motor vehicles.

(Ordinance 254-3-2013, sec. 6(B), (C), adopted 5/6/13)

Sec. 8.04.002 Definitions

Abandoned motor vehicle means a motor vehicle that is left unattended on public property for more than forty-eight (48) hours, or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours, or in excess of twelve (12) hours on any turnpike project constructed and maintained by the state turnpike authority.

Antique auto means passenger cars or trucks that are twenty-five (25) or more years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

Demolisher means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

Junked vehicle means any motor vehicle as defined in V.T.C.A., Transportation Code, sec. 683.071, as amended, which:

(1) Is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled, or discarded; or

(2) Remains inoperable for a continuous period of more than one hundred and twenty (120) days.

Motor vehicle means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

Special interest vehicle means a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

(Ordinance 52, sec. 1, adopted 4/2/90)

Sec. 8.04.003 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the town, shall be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense. (Ordinance 52, sec. 12, adopted 4/2/90; Ordinance adopting Code)

Sec. 8.04.004 Authority to enforce

The administration of the provisions of this article shall be the responsibility of the elected officials of the town, or by whomever that they may authorize. Whoever is so authorized may enter upon private property for the purposes specified in the procedures adopted in this article to examine vehicles or parts thereof, to 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 the procedures. The municipal court shall have authority to issue any order necessary to enforce the procedures set out in this article. Nothing in this article shall affect parking or other ordinances of the town which permit the immediate removal of a vehicle left upon public property or on public rights-of-way when said vehicle constitutes an obstruction of traffic. (Ordinance 52, sec. 10, adopted 4/2/90)

Secs. 8.04.005–8.04.030 Reserved

Division 2. Abandoned Vehicles

Sec. 8.04.031 Authority to take possession

The sheriff's department is authorized to take into custody any abandoned motor vehicle found on public or private property. (Ordinance 52, sec. 2, adopted 4/2/90)

Sec. 8.04.032 Notification of owner and lienholders

The sheriff's department shall notify within ten (10) days, by certified mail, return receipt requested, the last known registered owner and all lienholders of record that it has taken into custody an abandoned motor vehicle under the provisions of this article. The notice shall be as prescribed by V.T.C.A., Transportation Code, section 683.012, as amended, for abandoned motor vehicles. The notice shall specifically state, in addition to the other requirements, that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction to be held by the sheriff's department. (Ordinance 52, sec. 3, adopted 4/2/90)

Sec. 8.04.033 Sale at auction

(a) If an abandoned motor vehicle has not been reclaimed within twenty (20) days after the date of notice and payment of all towing, preservation and storage charges resulting from its impoundment have not been paid, the sheriff's department shall sell the abandoned motor vehicle at a public auction. Proper notice of the public auction shall be given in accordance with the requirements of this code. The giving of notice of the sale of abandoned property shall be sufficient to comply with the requirements of this section.

(b) The sheriff's department shall furnish a sales receipt for each vehicle to the purchaser thereof at the public auction. The proceeds shall be applied first to reimburse the sheriff's department for the expenses of the auction, costs of towing, preserving and storing the vehicle, and all notice and publication costs. Any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and then shall be deposited into a special fund which shall remain available for the payment of auction, towing, preserving,

storage and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from the sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs.

(Ordinance 52, sec. 4, adopted 4/2/90)

Sec. 8.04.034 Disposal to demolisher

The sheriff's department is authorized to apply to the state department of transportation for authority to sell, give away, or dispose of any abandoned vehicle, or vehicle parts, in its possession to a demolisher in accordance with the provisions of V.T.C.A., Transportation Code, chapter 683, as amended. (Ordinance 52, sec. 5, adopted 4/2/90)

Secs. 8.04.035–8.04.060 Reserved

Division 3. Junked Vehicles

Sec. 8.04.061 Declaration of nuisance

Junked vehicles or parts thereof which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, reduce the value of private property, invite vandalism, create fire hazards, constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state, by producing urban blight which is adverse to the maintenance and continuing development of the town, and such vehicles or parts thereof are therefore declared to be a public nuisance. (Ordinance 52, sec. 6, adopted 4/2/90)

Sec. 8.04.062 Abatement procedures

The town, when desiring to remove and dispose of junked vehicles, or parts thereof, as public nuisances, from private property, public property or public right-of-way shall comply with the following procedures:

(1) A notice of not less than ten (10) days, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days, and further that a request for any hearings regarding said nuisance must be made before the expiration of said ten (10) day period. Such notice(s) shall be mailed, by certified mail with a five (5) day return receipt requested, [and] must be sent to the owner or the occupant of the private premises whereupon such public nuisance exists and to the last known registered owner of said vehicle and all lienholders of record. If the notice(s) is/are returned undelivered by the United States Postal Service, official action to abate said nuisance shall be continued on a date not less than ten (10) days from the date of such return.

(2) The requirements of subsection (1) above shall apply to the case of a public nuisance on public property or on a public right-of-way, and such notice(s) shall be sent to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists and the last known registered owner of said vehicle and all lienholders of record.

(3) Where a hearing is requested by the owner of the vehicle, or by the owner or occupant of the premises on which, or adjacent to the public right-of-way on which, such vehicle is located, within ten (10) days after service of the notice to abate the nuisance, a public hearing, prior to the removal of the vehicle or part thereof as a public nuisance, must be held before the municipal judge of the town. It shall be the responsibility of the town prosecuting attorney to prosecute the case on behalf of the town, and should the municipal judge find that such vehicle is a public nuisance as defined herein, he shall enter an order requiring the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall include a description of the vehicle, or parts thereof, and the correct identification number and license number of the vehicle, if available at the site.

(4) If the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided in this section, a complaint may be filed in municipal court for the violation of maintaining a public nuisance. Any person found guilty of maintaining a public nuisance as defined in this section shall be guilty of a misdemeanor and be subject to a fine in accordance with the general penalty provided in section 1.01.009 of this code for each offense and the municipal court shall order the removal and abatement of the nuisance.

(5) The town shall give notice to the state department of transportation within five (5) days after the date of removal of the nuisance, identifying the vehicle or part thereof.

(6) The procedure set out in this section shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner or where it is not visible from the street or other public or private property.

(Ordinance 52, sec. 7, adopted 4/2/90; Ordinance adopting Code)

Sec. 8.04.063 Disposal

Junked vehicles or parts thereof may be disposed of by removal to a scrap yard or demolisher or by any suitable means authorized by the town. (Ordinance 52, sec. 8, adopted 4/2/90)

Sec. 8.04.064 Special interest or antique motor vehicles

Unlicensed operable or inoperable special interest and/or antique motor vehicles may be stored by a collector on his property provided that:

(1) The vehicles and any outdoor storage areas are maintained in such a manner that they do not constitute a health hazard; and

(2) The vehicles or parts thereof are screened in a manner where they are not visible from the street or other public or private property by means of a fence, rapidly growing trees and shrubbery or other appropriate means.

(Ordinance 52, sec. 9, adopted 4/2/90)

CHAPTER 9

PERSONNEL

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ARTICLE 9.01 GENERAL PROVISIONS

Sec. 9.01.001 Human resources policies and procedures manual adopted

The town council hereby adopts the Human Resources Policies and Procedures Manual attached to Ordinance 265-06-2014 as exhibit A. (Ordinance 265-06-2014 adopted 6/2/14)

Sec. 9.01.002 Texas Municipal Retirement System

The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the town, are not included in this chapter, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the town secretary. (Ordinance adopting Code)

State law reference–Texas Municipal Retirement System generally, V.T.C.A., Government Code, ch. 851 et seq.

ARTICLE 9.02 OFFICERS AND EMPLOYEES[*]

Division 1. Generally

Secs. 9.02.001–9.02.030 Reserved

Division 2. Secretary-Treasurer[†]

Sec. 9.02.031 Office created

There is created the office of secretary-treasurer of the town. (Ordinance 1, sec. 1, adopted 11/5/60)

Sec. 9.02.032 Duties

The town secretary-treasurer shall keep true minutes of all meetings had by the town council and true and correct financial records of the town, and shall perform such other and further duties which may from time to time be prescribed by the town council. (Ordinance 1, sec. 2, adopted 11/5/60; Ordinance adopting Code)

Sec. 9.02.033 Term of office

The term of office of the town secretary-treasurer shall be subject to the pleasure of the town council. (Ordinance 1, sec. 3, adopted 11/5/60; Ordinance adopting Code)

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[*] **State law reference–**Other municipal officers in type A municipality, V.T.C.A., Local Government Code, sec. 22.071 et seq.

[†] **State law references–**Appointment of officers, V.T.C.A., Local Government Code, sec. 22.071; powers and duties of city secretary, V.T.C.A., Local Government Code, sec. 22.073; bond and duties of treasurer, V.T.C.A., Local Government Code, sec. 22.075.

Sec. 9.02.034 Compensation

The town secretary-treasurer shall receive such compensation as may be fixed by the town council from time to time. (Ordinance 1, sec. 4, adopted 11/5/60; Ordinance adopting Code)

ARTICLE 9.03 POLICE

Division 1. Generally

Sec. 9.03.001 Office of marshal abolished; duties conferred on chief of police

(a) The town council finds that the town is a city, town or village of the state operating under the general laws, the population of the town is less than 5,000 inhabitants according to the last federal census, and is authorized by [Local Government Code] section 22.076 V.T.C.A. to abolish the office of marshal and confer the duties of the office on a municipal police officer appointed as the governing body directs.

(b) The office of city marshal is hereby dispensed with, and all the powers and duties existing for such office are conferred upon a municipal police officer, who shall be the chief of police, appointed as set forth in section 9.03.033.

(c) The police department and position of chief of police, as previously established by the town council, are hereby ratified, confirmed and continued.

(Ordinance 104, secs. 1–3, adopted 7/1/91; Ordinance adopting Code)

Secs. 9.03.002–9.03.030 Reserved

Division 2. Police Department*

Sec. 9.03.031 Created

There is created the police department of the town. (Ordinance 2, sec. 1, adopted 11/5/60)

Sec. 9.03.032 Composition

The police department shall consist of a chief of police and such other officers and personnel as may be from time to time authorized by resolution passed by the town council. (Ordinance 2, sec. 2, adopted 11/5/60; Ordinance adopting Code)

Sec. 9.03.033 Chief of police

(a) Qualifications. The chief of police shall be a commissioned peace officer of the state.

(b) Appointment. The chief of police shall be nominated by the mayor and confirmed by a majority vote of the town council.

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* **State law references–**Police force in type A general-law municipality, V.T.C.A., Local Government Code, sec. 341.001; commission on law enforcement officer standards and education, V.T.C.A., Occupations Code, ch. 1701.

(c) Authority. The chief of police shall be the executive officer of the police department and shall have complete authority over the police department.

(d) Term. The chief of police shall serve at the pleasure of the town council, who may discharge the chief of police with or without cause by majority vote of the five councilmembers and the mayor.

(e) Compensation. The salary and expenses of the chief of police shall be determined by the town council in their budgetary processes each year.

(f) Authority of town council. The chief of police shall at all times be subject to the orders of the town council, and shall serve as chief of police subject to the pleasure of the town council.

(Ordinance 2, secs. 3–5, adopted 11/5/60; Ordinance 104, sec. 4, adopted 7/1/91; Ordinance adopting Code)

CHAPTER 10

SUBDIVISION REGULATION

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ARTICLE 10.01 GENERAL PROVISIONS

Sec. 10.01.001 Subdivision regulations extended to extraterritorial jurisdiction

(a) All ordinances of the town establishing rules and regulations governing plats and the subdivision of land shall henceforth apply to all land within the extraterritorial jurisdiction of the town.

(b) Any violation of any provision of any such ordinance outside the corporate limits of the town but within the town's extraterritorial jurisdiction shall not constitute a misdemeanor under any such ordinance nor shall any fine be provided for in any such ordinance be applicable to a violation within such extraterritorial jurisdiction.

(c) The town shall have the right to institute an action in the district court to enjoin the violation of any provision of any such ordinance in such extraterritorial jurisdiction.

(Ordinance 72 adopted 4/5/82)

State law references–Extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003.

ARTICLE 10.02 SUBDIVISION ORDINANCE*

Sec. 10.02.001 Adopted

The subdivision ordinance, Ordinance 130, adopted by the town on June 5, 2000, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

* **State law references–**Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212; extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003; recording of plats, V.T.C.A., Property Code, sec. 12.002.

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EXHIBIT A

SUBDIVISION ORDINANCE

ORDINANCE NO. 130

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS ESTABLISHING AND ADOPTING RULES AND REGULATIONS GOVERNING THE PLATTING AND SUBDIVISION OF LAND WITHIN THE JURISDICTION OF THE TOWN OF SHADY SHORES, TEXAS; PROVIDING METHODS OF ENFORCEMENT, FOR METHODS OF INTERPRETATION OF THE ORDINANCE, DEFINING CERTAIN WORDS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR AMENDMENTS AND CHANGES IN THE TERMS OF THE ORDINANCE; FURTHER DEFINING AND PRESCRIBING REQUIREMENTS OF LAND WITHIN THE TOWN OF SHADY SHORES, TEXAS; REGULATING PRELIMINARY PLAN EXHIBITS, PROTECTIVE COVENANTS, FINAL PLATS, STREET LOCATION AND ARRANGEMENT, STREET DESIGN, CONSTRUCTION REQUIREMENTS, STREET NAME SIGNS, UTILITIES AND DRAINAGE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND ($2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS:

SECTION 1

ARTICLE 1. GENERAL PROVISIONS AND POLICIES

SECTION 1.1 AUTHORITY

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Subchapter A and B of Chapter 212 of the Local Government Code. (Ordinance 130 adopted 6/5/00)

SECTION 1.2 SHORT TITLE

This Ordinance shall be known as the SUBDIVISION ORDINANCE of the Town of Shady Shores, Texas. (Ordinance 130 adopted 6/5/00)

SECTION 1.3 POLICY STATEMENTS

A. It is the intent of the Town of Shady Shores to encourage and promote quality development within the Town consistent with the rural atmosphere and quality of life.

B. Development proposals shall be reviewed for conformance with the Town plan and development policy and nonconformance shall be deemed sufficient for denial of the development proposal.

C. It is hereby declared to be the policy of the Town of Shady Shores to consider the subdivision of land and the subsequent development of the subdivided lots as subject to the control of the municipality pursuant to a comprehensive plan of the municipality for the orderly, planned, efficient and economical development of the municipality.

D. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be developed until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, roadways and capital improvements such as schools, recreation facilities, and transportation facilities and improvements.

E. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan or adopted development policies, and the capital budget and program of the municipality. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the comprehensive plan, adopted development plans, the zoning ordinance, and the capital improvements program of the Town of Shady Shores.

(Ordinance 130 adopted 6/5/00)

SECTION 1.4 PURPOSE

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the municipality.

B. To guide the future growth and development of the municipality, in accordance with the Comprehensive Plan and adopted Development Policies.

C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the Town of Shady Shores.

E. To protect and conserve the value of land throughout the Town of Shady Shores and the value of buildings and improvements upon the land.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, drainage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public improvements are available and shall have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

K. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to trees and other natural features.

L. To provide for open spaces through the most efficient design and layout of the land.

(Ordinance 130 adopted 6/5/00)

SECTION 1.5 INTERPRETATION, CONFLICT

A. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

1. Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law, except as expressly repealed by this Ordinance. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

2. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or other private agreement or restriction imposes duties and obligations more restrictive or higher standards than the requirements of these regulations, or where in the determination of the Town Council that such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative.

(Ordinance 130 adopted 6/5/00)

SECTION 1.6 PLATTING REQUIRED

A. Every owner of every tract of land located within the corporate limits or extraterritorial jurisdiction of the Town of Shady Shores who divides the tract into two or more parts as provided in Chapter 212 Subchapter A and B, of the Local Government Code shall cause a plat to be made by a registered public surveyor which shall accurately describe all the said tracts by previously platted lot or block number or by metes and bounds if necessary and locate same as required by this Ordinance. All platted lots shall meet the minimum frontage required by the Zoning Ordinance onto a paved street meeting the right-of-way and pavement requirements of the Thoroughfare Plan to have adequate access to conform to Section 212.004(a) of the Texas Local Government Code.

B. No land shall be subdivided within the corporate limits of the Town of Shady Shores or its extraterritorial jurisdiction until

1. The subdivider/owner has submitted and obtained a review of the Concept Plat by the Planning and Zoning Commission; and

2. The subdivider/owner of property, with any proposed public infrastructure construction, has submitted and obtained a review of the proposal by the Planning and Zoning Commission and

3. The subdivider/owner has obtained approval of the Preliminary Plan (when required) or Final Plat by the Planning and Zoning Commission and Town Council, or Short Form Plat by Planning and Zoning and Town Council; and

4. An approved final plat is filed with the Denton County Clerk.

(Ordinance 130 adopted 6/5/00)

SECTION 1.7 APPROVAL OF PLAT

A. No plat shall be filed of record, no lot may be sold and no transfer of title to any part of such tract shall be made, and no tract of land within the corporate limits or extraterritorial jurisdiction of the Town of Shady Shores shall be improved until a plat shall have been approved by the Town Council, after a recommendation of the Planning and Zoning Commission, in accordance with these provisions and Subchapter A or B of Chapter 212 of The Texas Local Government Code, or a Short Form Plat that has been reviewed by the City Staff and the Planning and Zoning Commission and approved by the Town Council in accordance with Section 4.3 C of this Ordinance, and filed in the plat records of Denton County, Texas.

B. No plat shall be approved by the Planning and Zoning or Town Council unless the plat contains a dedication of land for public improvements and public purposes in accordance with the minimum requirements and standards set forth in this ordinance. Every owner of property which shall hereafter be subdivided into two or more parts or platted into a single lot, shall be required to dedicate to the City that portion of such property as is necessary for the orderly development of streets, roadways, thoroughfares, utilities, emergency access, or other public purposes, and such dedication requirements, as imposed, shall be a prerequisite to plat approval.

C. No plat shall be recommended for approval by the Planning and Zoning Commission or approved by the Town Council unless it generally conforms and unless each lot, block or tract therein fronts upon a dedicated street.

D. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Town Council and endorsed on the plat in writing, unless said change, revision or modification is first submitted to and approved by the Town Council.

(Ordinance 130 adopted 6/5/00)

SECTION 1.8 IMPROVEMENTS REQUIRED

A. The subdivider shall furnish, install and/or construct the water and sewerage systems and the street and drainage facilities necessary for the proper development of the subdivision. All

such facilities shall be designed and constructed in accordance with the Design Provisions provided by LCMUA, and other standards, specifications, and drawings as may be hereafter adopted, approved by the Town Council and LCMUA. No new subdivision with lots less than 22,000 square feet shall be approved unless connected to the Town's public sanitary sewer system.

B. When considered necessary by the Town Engineer, and/or as recommended by the Commission or shown on the master plan, the facilities shall be sized in excess of that dictated by the design criteria to provide for future growth and expansion.

(Ordinance 130 adopted 6/5/00)

SECTION 1.9 CONSTRUCTION; BUILDING PERMITS; CERTIFICATES OF OCCUPANCY

A. No construction of any public improvements shall be initiated by the developer/owner until (1) a final plat has been approved by the Planning and Zoning Commission and Town Council; (2) a Subdivider's Agreement has been approved by the Town Council and signed by the Mayor; (3) all performance and maintenance bonds, or their equivalent, have been provided to the Town; (4) all inspection and permit fees in accordance with the Fee Schedule have been paid; and (5) a Notice to proceed is issued by the Town Engineer.

B. No building permit (including plumbing, electrical and mechanical permits), on-site sewage facility permit, final inspection, certificate of occupancy or other such permit or certificate shall be issued on any tract of land within the corporate limits of the Town unless a plat meeting the requirements of Subchapter A or B of Chapter 212 of the Local Government Code, and in accordance with the provisions of the Subdivision Ordinance, is approved and filed in plat records of Denton County, Texas and all public improvements have been accepted by the Town.

C. PERMIT ISSUANCE: No Building permit, or any sewer, plumbing or electrical permit shall be issued by the Town to the owner or any other person with respect to any property in the subdivision until:

1. Such time as the subdivider/owner has fully completed the improvements required to be made by the terms of this ordinance, including the installation of streets with proper paving, drainage structures or improvements, alleys and the installation of water and sanitary sewer mains, all according to the specifications of the Town and any other required public improvements; and/or

2. The construction of public improvements is suspended due to a stop work order issued by the Town; and/or

3. A Subdivider Agreement has been executed in accordance with Article VI, Section 6.1 of this ordinance and the required performance bond, meeting the requirements set forth in Article VI, Section 6.2 sufficient to pay for the cost of such improvements, as approved by the Town, has been furnished to the Mayor or designee.

D. The Town shall not repair, install, maintain, or provide any streets or other public services in a subdivision unless a final plat has been approved in accordance with this ordinance and filed of record, and unless the standards and requirements of this ordinance have been complied with in full.

E. The Town shall require that franchised utilities not sell or supply any water, telephone, electrical, or natural gas service within a subdivision until a final plat has been approved in accordance with this ordinance and filed of record, and until all requirements of this ordinance have been complied with in full except in the event of an emergency upon the approval of the Town Council.

F. The provisions of this Section shall not be construed to prohibit the issuance of any permits or certificates for any lot upon which a residence building was in existence prior to passage of this Ordinance, not [nor] to prohibit the repair, maintenance or installation of any street or public utility services for, to, or abutting any lot and/or any subdivision, recorded or unrecorded, which was in existence prior to the passage of this Ordinance.

G. No building permit shall be issued by the Town for any structure on any lot in a subdivision which is not serviceable by the community sanitary sewerage collection and treatment system, unless a valid septic tank permit or on-site sewage (aerobic) system permit for the specific lot has been obtained from the Town[.]

(Ordinance 130 adopted 6/5/00)

SECTION 1.10 ACCEPTANCE OF DEDICATION

Any dedication of streets, utilities, easements, public areas or other land shown on a plat shall be deemed to be an offer of dedication which may be withdrawn by the subdivider/owner at any time prior to the filing of the plat in the deed records. Withdrawal of any such dedication shall void any previous approval of the plat. Approval of a plat by the Planning and Zoning Commission or Town Council shall not be deemed an acceptance of any proposed dedication and shall not impose any duty on the Town concerning the improvements or maintenance of such dedication until the Town has actually improved the same or has made entry thereon or use thereof.

A. For any subdivision for which a plat has been filed for record, or where land has been divided by metes and bounds and no plat filed for record, and which has not been approved according to these regulations, or which fails to meet the standards contained or referred to herein, the Planning and Zoning Commission shall recommend to the Town Council, the adoption of a Resolution concerning such failures or lack of approval and indicating that same is in violation of the provisions of this Ordinance. The Town shall cause a copy of such Resolution, signed by the Mayor and attested to and notarized by the Town Secretary or designee, to be filed in the Deed Record of Denton County.

B. If compliance and approval are secured following the filing of said Resolution, the Planning and Zoning Commission shall file in the Deed Records of Denton County an instrument which, in effect, rescinds such earlier filed resolution.

C. Disapproval of a plat by the Council shall be deemed a refusal by the Town to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated

parts until the proper authorities of the Town have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.

(Ordinance 130 adopted 6/5/00)

SECTION 1.11 AMENDMENTS

The Town Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law. (Ordinance 130 adopted 6/5/00)

ARTICLE II. DEFINITIONS

SECTION 2.1 USAGE

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section. Words and terms not expressly defined herein are to be construed according to their customary usage in the practice of municipal planning and engineering. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular, the word "building" includes the word "structure," the word "lot" includes the words "parcel," "plot," or "tract," the word "shall" is mandatory and not discretionary [and] the word "may" is permissive. (Ordinance 130 adopted 6/5/00)

SECTION 2.2 DEFINITIONS

In the interpretation of this ordinance, the following words and terms are to be used and interpreted as defined hereinafter.

Access: Adequate access is defined as having frontage on a paved road meeting the right-of-way and pavement dimensions set forth in the Official Thoroughfare Plan.

Access Controller: The facility controlling vehicular access to private street developments which may be a mechanism or a manned structure.

Access ramp means a route used to provide entry for vehicles and machinery into a channel.

Access road means a route parallel to and at the top of the bank of a channel used to allow maintenance of channels from the top of the bank.

Acreage, Gross: The total acreage of a subdivision, including areas dedicated to the public use such as street and alley rights-of-way.

Acreage, Net: The total acreage of a subdivision less those areas dedicated to public use such as street and alley rights-of-way. Easements, however, shall be included in net acreage calculations. Retention ponds and detention ponds shall not be included.

Administrative Officers: Any office referred to in this Ordinance by title, i.e., Mayor, City Attorney, Town Secretary, Town Engineer, City Planner, etc. Shall be the person so retained in this position by the Town, or his/her duly authorized representative.

Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Applicant: The owner of land proposed to be subdivided or his representative when written consent is obtained from the legal owner of the premises. The terms "applicant," "developer," and "subdivider" are used interchangeably in these Rules, Regulations and Procedures.

Area, Lot: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Authorized Agent: A person empowered by another by notarized statement or power of Attorney to represent, act for and transact business with the Town.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the one-hundred-year flood.

Benchmark, Elevation: A permanent benchmark that identifies the vertical elevation above mean sea level or other approved level.

Block: An area bounded by streets, or a combination of streets, public parks, railroad rights-of-way, or corporate limits; or if said word is used as a term for measurement, it shall mean the distance along a side of a street between the nearest two streets which enters said street on the said side. When necessary, the City Planner shall determine the outline of the block in cases where platting is incomplete or disconnected.

Bond or Surety: An instrument wherein the principal (developer or his authorized agent) and Surety Company bind themselves to perform all covenants, conditions and agreements by the principal to the Town of Shady Shores. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit wherein the principal (developer or his authorized agent) and surety Company bind themselves to perform all covenants, conditions and agreements by the principal to the Town of Shady Shores in an amount and form satisfactory to the Town. All bonds shall be approved by the Town Council wherever a bond is required by the Subdivision Ordinance.

Building: Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or moveable 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 Setback Line: A line parallel or approximately parallel to the street right-of-way line at a specific distance therefrom marking the minimum distance from the street right-of-way line that a building may be erected.

Building Site: Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance and having direct access to a public street.

Capital improvements: Facilities of a permanent nature, such as streets, drainage, sanitary sewer, etc.

Carport means a roof open to the elements on at least three (3) sides for the storage of vehicles. May be freestanding. And should be constructed with materials and in such a way so as to architecturally coordinate with the main structure.

Channel means an open conduit, both natural and man-made, in which water flows with a free surface.

City: The Town of Shady Shores, Texas, together with all its governing and operating bodies.

City Council: The Town Council of the Town of Shady Shores, Texas. (See also Town Council)

City Engineer: "City Engineer" shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated as such by Resolution of the Town Council. (See also Town Engineer)

City Inspector: The firm or person that has been specifically retained by the Town Council to provide inspection services for public improvements or buildings. (See also Town Inspector)

City Planner: The firm or person that has been specifically retained by the Town Council to provide planning service. (See also Town Planner)

City Secretary: The person duly approved by the Town Council and charged with the responsibility of administering the Town's various departments. (See also Town Secretary).

Collector Street: See Street, Collector.

Commission: The Planning and Zoning Commission of the Town of Shady Shores.

Comprehensive Plan: Policies in graphic and text form adopted by the Town Council to govern the general location recommended for land uses, transportation routes, public and private buildings, streets, alleys, squares, parks, and other public and private development and improvements. One plan may cover the entire Town and all of its functions and services, or the comprehensive plan may consist of a combination of plans governing specific geographic areas which together cover the entire Town and all of its functions and services. The Comprehensive Plan includes, but is not limited to, the Zoning Ordinance, the Land Use Plan, Thoroughfare Plan, and Floodplain Map.

Concept Plan: A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the Planning and Zoning Commission, Engineer, or others who are consulted prior to the preparation of the preliminary plat.

Conduit means an open or closed device for conveying flowing water.

Construction Plans: The maps or construction drawings accompanying a subdivision plat that show the specific location and design of all required or proposed improvements to be installed in the subdivision.

Covenant: An agreement to do or refrain from doing certain acts.

Crosswalk: A public right-of-way, four (4) feet or more in width between property lines, which provides pedestrian circulations.

Cul-de-sac: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Culvert means a traverse [transverse] conduit beneath streets and driveways connecting channels.

Dead-End Street: A street, other than a cul-de-sac, with only one outlet.

Dedication: A gift or donation of property or interest in property by the owner to the public.

Density: The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.

Detention Pond: A pond or impoundment designed to store stormwater runoff for controlled release during or immediately following the design storm event.

Developer: An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by the Subdivision Ordinance, including the preparation of a subdivision Plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

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

Drainage area or basin means the land area upon which all rainfall that falls on that area is directed towards or flows to a given point or stream.

Drainage Design Manual means the latest Denton Drainage Design Criteria as amended.

Drainage facilities or system means one (1) or more conduits, channels, ditches, swales, pipes, detention devices or any other device, work or improvement, natural or man-made, which is used, designed or intended to be used to carry, direct, detain or otherwise control stormwater.

Drainage Plan: An engineering study evaluating stormwater runoff and flows that recommends drainage improvements necessary to comply with design standards adopted by the Town.

Drainage Requirements and Design Standards: See Article V of this Ordinance

Drainageway means an existing river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Easement: The word "easement" shall mean an area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. Any public utility shall at all times have the right of ingress and egress to and

from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Emergency: Response by the appropriate Town Department to an alarm or call requiring immediate action in the interest of the public health and safety.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of Engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

Entry turnaround: An opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to re-enter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Erosion Control: Structural and nonstructural techniques to prevent the erosion and sedimentation of soil from rainfall and/or runoff.

ETJ - Extraterritorial Jurisdiction: That property which lies within the Jurisdiction of the Town of Shady Shores for enforcing subdivision plat regulations.

Final Plat: The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location references to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest tenth of a foot. The Final Plan of any lot, tract, or parcel of land shall be recorded in the Records of Denton County, Texas.

Flood boundary and Floodway map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of areas of special flood hazard have been designated.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.

Floodplain: An area identified by the Federal Emergency Management Agency as a one percent or greater chance of flooding (the 100-year floodplain). The channel of a river or other watercourse and the adjacent land as that must be reserved in order to discharge the base flood. The issuance of building permits for construction of any structure within such floodplain is regulated by a separate ordinance governing the safeguards, actions to prevent flooding, types of uses permitted in floodprone areas, etc.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood as defined by the Federal Emergency Management Agency without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe: The area within the floodplain but outside of the floodway.

Force Main: A pipe which conveys water or wastewater under pressure.

Freeboard means the vertical distance between the design water surface level (base flood) and the top of an open conduit left to allow for wave action, floating debris or any other condition or emergency without overtopping the structure.

Geotechnical Testing: Testing by a qualified professional testing laboratory to determine the engineering characteristics of soil, rock and/or fill material.

Government Employees In Pursuit Of Their Official Duties: A government employee, such as the following, but not necessarily limited to; police, fire code enforcement, public works, city engineer, planning, building inspections, and other local, county, state and/or Federal employees; i.e., postal workers, school districts (e.g. school buses), and/or their designee/contractor in the process of addressing functions and activities that relate to the public health, welfare, and safety.

Grade means the inclination or slope of a conduit, channel or natural ground surface, usually expressed in terms of the percentage of number of feet of vertical rise or fall per one hundred (100) feet horizontal distance.

Gravity Flow Main: A pipe which conveys water or wastewater by gravity.

Greenbelt: An open space area consisting of primarily natural features, that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

Head-in Parking: Parking in which the vehicle must back out into a public right-of-way in order to exit the parking stall.

Hydrograph means a graph showing stage, flow, velocity or other property of water versus time at a given point on a stream or conduit.

Infrastructure: Facilities and services needed to sustain manufacturing, residential, commercial and all other land use activities. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.

Inlet means an opening into a storm drain system for the entrance of surface storm runoff.

Lane means a driving surface of a street with a width as specified in the street standards.

Land Use Map: Part of Comprehensive Plan showing current land use.

Land Use Plan: Part of Comprehensive Plan showing future land use.

Landscape Plan: A plan showing the proposed landscape improvements to be made on a site.

Lane Width: Street right-of-way required for vehicular traffic.

Lift Station: A pumping facility which conveys water or wastewater vertically or under pressure through a force main.

Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Master Plan: The phrase "Master Plan" shall be the comprehensive plan of the Town and adjoining areas as adopted by the Town Council and the Planning and Zoning Commission, including all its revisions. This plan indicates the general location recommended for various land uses[,] transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

Notice to Proceed: A written authorization permitting the developer to proceed with construction of the approved public facilities.

Off-site means located outside the boundary of a development[.]

On-site means located within the boundary of a development.

Open Space, Private: Within a subdivision, private open space is private property under common ownership designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Private open space does not include streets, alleys, utility easements, public parks or required setbacks. Private open space within a specific lot is the area included in any side, rear or front yard or any unoccupied space on the lot that is left open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

Open Space, Public: Within a subdivision, public open space is property which has been designated for park land, recreation, or wildlife conservation areas which have been dedicated to and accepted by, the Town of Shady Shores or other Federal, State, or Municipal governmental entity.

Owner of Record: Legal owner or owners of the land.

Park: Land dedicated to, or purchased by, the Town or other Federal, State, or Municipal governmental entity for the purpose of providing public recreation or open space areas.

Party-in-interest: Owner of record or authorized agent.

Pavement Width: The portion of a street available for vehicular traffic.

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Petition: A written request.

Phased Development: A plat presented by the developer that proposes that only part of the tract is to be developed and presented to the Planning and Zoning Commission, the remainder of the tract to be developed at a later date.

Pipe means a closed conduit through which water flows.

Planned Development: A subdivision that consists of a variety of land use types, incorporating a single or variety of types of residential dwelling units, public open spaces, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, which is to be developed as a single entity, under unified control. In tracts within a single zoning district, the planned development suffix allows for flexibility in subdivision while preserving the overall density.

Planning and Zoning Commission: Same as Commission.

Plat: A plan of a subdivision of land creating lots or tracts and showing all essential dimensions and other information necessary to comply with the subdivision standards of the Town of Shady Shores, and subject to approval by the Town in accordance with this Ordinance.

Policy: A statement or document which has been enacted by the governing body of the Town that forms the basis for enacting legislation or making decisions.

Preliminary Plat: A formal document showing the detailed concept of the subdivision, presented with the required accompanying material to the Planning and Zoning Commission for approval. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

Private Access Amenity Plan: A detailed plan to be submitted by the applicant that contains all of the key elements for the private access development, including, but not limited to, private access control mechanisms, screening wall(s), signage, and landscaping.

Private Access Permit Process: The entire process culminating in Town Council approval, based upon recommendations of the Planning & Zoning Commission.

Private Deed Restrictions: Written stipulations which the developer imposes on buyer of property in the subdivision, such as, but not limited to, lot size, setback lines, building size, accessory buildings permitted and land use.

Private Streets: A platted street providing limited local traffic circulation among adjacent lots which is privately owned and maintained, contained with a private street lot, and constructed in accordance with the requirements of this Ordinance.

Private Street Lot: A separate lot owned by the property owners' association whereupon a private street is constructed.

Property Owners' Association: An organization established for the ownership, care, and maintenance of private streets and other private facilities.

Public facilities: Any facilities such as streets or drainage systems which are dedicated for public use.

Public Open Space Easement: An easement that restricts construction or plantings so that open space and/or sight visibility is maintained.

Public Utility and Storm Sewer Easement: An easement upon a private street not having the same width as the lot which is intended to contain a privately owned and maintained pavement as well as publicly owned and maintained water lines, sanitary sewer lines, and such other utility or franchise infrastructure as can be reasonably accommodated.

Replatting: Replatting is the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Resubdivision: A change in an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line.

Retention Pond: A pond or other impoundment designed to store water runoff permanently.

Right-of-Way: Lands dedicated and publicly owned for use as a street, alley or crosswalk.

Road Bed Width: Portion of street available for vehicular traffic.

Sanitary Sewer Collection System/Line: Non-pressurized, gravity flow sanitary sewer system line.

Sidewalk: A paved pedestrian way generally located within public street right-of-way, but outside of the roadway, and build in accordance with Town specifications.

Spread limits means the width of pavement covered by water based on a flood of a certain frequency (ten-year, one-hundred-year flood).

Stacking Area: A setback measured from the public strict [street] right-of-way to the access controller.

Steep Slope: Areas that contain slopes over fifteen percent (15%) grade and are characterized by increased runoff and erosion hazards.

Stop Work Order: A written or verbal directive to cease construction activity.

Street: A public right-of-way, however designated which provided vehicular access to adjacent land:

a. Arterial Streets or Major Thoroughfares provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways leading to other communities.

b. Collector streets provide vehicular circulation within neighborhoods and from local streets to Major Thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as Arterial Streets.

c. Local streets provide direct vehicular access to abutting residential property. Local streets include residential and residential estates designations.

d. A "private street" is a vehicular access way under private ownership and maintenance, that has not been dedicated to the Town and accepted by the Town.

Street Crown means the highest point of a street cross-section, normally located at the centerline of the street.

Street[,] Internal: Generally any street whose entire width is contained within a development.

Street, Perimeter: Any street which abuts a development or one whose width lies partly within a development and partly without, unless otherwise defined by the Town Engineer.

Street Width: The word[s] "street width" shall be the shortest distance between the lines which delineate the rights-of-way of a street.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

Subdivider: Any person or any agent thereof who, having an interest in land, causes it, directly or indirectly, to be divided or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivision" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivider's Agreement: A written contractual agreement between the Town and the Developer establishing the terms and conditions for approval and acceptance of the public improvements required for a development.

Subdivision: Any land, vacant or improved, which is divided into two (2) or more lots, blocks, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision.

Surety Company: An entity which undertakes to pay money or to do any other act, in event that his principal fails therein and is bound with the principal for the payment of a sum of money, or for the performance of some duty or promise.

Surveyor: A person licensed by the State, or Registered Public surveyor, as authorized by the State Statutes to practice the profession of surveying.

Thoroughfare Plan: The officially adopted plan, a part of the Comprehensive Plan, that identifies and classifies the existing and proposed thoroughfares in the Town.

Town: The Town of Shady Shores, Texas, together with all its governing and operating bodies.

Town Council: The Town Council of the Town of Shady Shores, Texas.

Town Engineer: See City Engineer.

Town Inspector: See City Inspector.

Town Planner: See City Planner.

Town Secretary: See City Secretary.

Tract: An undivided parcel of land having access to a public street which can be subdivided into lots.

Utility Easement: An interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Vacation: To cancel, rescind, or render an act that has the effect of voiding a subdivision Plat or a portion thereof as public easement, right-of-way or other dedication.

Variance: An adjustment in the application of the specific regulations of this Ordinance 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.

Vested Rights: A right complete and consummated and of such character that it cannot be divested, defeated or canceled without the consent of the person, or by the unilateral act of another person.

Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.

(Ordinance 130 adopted 6/5/00)

ARTICLE III. ADMINISTRATION

SECTION 3.1 PLANNING AND ZONING COMMISSION

A. MEMBERSHIP:

1. There shall be a City Planning and Zoning Commission consisting of five (5) members appointed by the Mayor with approval of the Town Council. Commissioners shall be appointed for terms of two (2) years and shall be selected from the residents of the Town. Each member shall be appointed to a Place with a designated term.

   (a) Places 1, 3, and 5 terms shall be from October 1 of each odd year to September 30 of the next odd-numbered year.

(b) Places 2, 4, and the alternate terms shall be from October 1 of each even year to September 30 of the next even-numbered year.

2. The Council may appoint one alternate to a two-year term concurrent with Places 2 and 4.

B. REMOVAL FROM OFFICE: The Mayor shall have the authority, with the concurrence of the Town Council, to remove from office all persons appointed to serve on the planning and Zoning Commission who (a.) have accumulated three (3) non-excused absences in a 12-month period or (b.) any other failure to carry out the duties of a commissioner.

C. FILLING VACANCIES: It shall be the duty of the chairman of the Planning and Zoning Commission to notify the Mayor promptly of any vacancies occurring in membership, and the Mayor, with concurrence of the Council, shall promptly fill such vacancies for the unexpired term of the original appointment.

D. OFFICERS, RULES AND MEETINGS:

1. The Planning and Zoning Commission shall elect a chairman and vice-chairman from among its members. Terms of all elected officers shall be for one (1) year.

2. The Town Secretary or her designee shall serve as Secretary to the Planning and Zoning Commission.

3. The Planning and Zoning Commission shall adopt rules subject to ratification by Town Council for its governance for the transaction of its business, and shall keep a record of meeting attendance, resolutions, actions, findings, and determinations, showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting indicating such fact. The record of the Planning and Zoning Commission shall be public record.

4. A quorum shall consist of three (3) members. An agenda shall be prepared by the Town Secretary or her designee for each meeting of the Planning and Zoning Commission.

5. Regular meetings shall be held at least once monthly, on a day and time to be established by Planning and Zoning Commission resolution.

6. Special meetings may be held: (1) on the call of the chairman; or (2) on request of two or more members; or (3) on the call of the Mayor. The calling and posting of such meetings shall be accordance with state law.

7. The commission may review and make recommendations to the Mayor and council in matters of zoning and subdivision control, including:

Review proposed plats as required.

Review proposed zoning amendments as required.

Review the comprehensive plan for the Town.

Make written recommendations to the Mayor and Council.

E. The Town Engineer shall be a licensed Engineer, and shall:

1. Review and make recommendations regarding all Major Plat submittals and Minor Plats where public infrastructure improvements are involved.

2. Review and recommend approval, conditional approval, or disapproval of engineering requirements for the Topography and Preliminary Drainage Plan as required on a Preliminary Plat of a Major Subdivision.

3. Review and recommend approval, conditional approval, or disapproval of Engineering and other requirements (SECTION 4.4) for the Construction Plans and Calculations.

4. Review and recommend approval, conditional approval, or disapproval of any other related materials as required by the Planning and Zoning Commission and/or Town Council.

5. Issue Notice to Proceed for construction, monitor construction through the Town's Inspector and issue Stop Work orders where necessary.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 1, adopted 9/14/09; Ordinance 271-10-14 adopted 10/6/14)

State law reference–Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

SECTION 3.2 VARIANCES

A. Where the Town Council finds that extraordinary hardships or practical difficulties may result from strict compliance with this ordinance or any regulations adopted in compliance with this ordinance, or that public interest may be best served by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured provided that such variances shall not have the effect of nullifying the general intent and purpose of these regulations; and further provided that the Town Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to public safety, health, or Welfare, or injurious to other property;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and

3. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and

4. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

5. That 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 ordinance.

6. In approving variances, the Town Council may impose such conditions, as will, in its judgment, substantially secure the objectives of these regulations.

B. An application for a variance shall be submitted in writing by the applicant at the time when the preliminary plat or final plat is filed for consideration by the Planning and Zoning Commission. The application shall state fully the grounds for the application and all of the facts relied upon by the applicant.

C. The Planning and Zoning Commission shall not recommend a variance unless there are special circumstances or conditions influencing the subdivision involved.

D. In the recommendation of a variance, the Planning and Zoning Commission shall set out the conditions that it finds necessary or advantageous to the public interest in proposing such variances that will not have the effect of nullifying the intent and purpose of these regulations. Financial hardship to the applicant shall not be deemed sufficient reason to constitute the recommendation of a variance.

E. The Planning and Zoning Commission, in the recommendation of a variance to the Town Council, shall submit to them a letter containing all the specific facts and pertinent data upon which such a variance has been based, and such documents shall be entered into the official minutes of the Council Meeting. The Town Council determination, after considering the material submitted by the Planning and Zoning Commission, shall be final.

(Ordinance 130 adopted 6/5/00)

SECTION 3.3 APPEALS

Any subdivider aggrieved by a finding or action of the Planning and Zoning Commission and/or Council shall appeal by filing a written Petition in a court of competent jurisdiction within thirty (30) days from the date of such finding or action, and not thereafter. (Ordinance 130 adopted 6/5/00)

SECTION 3.4 VIOLATIONS

A. In behalf of the Town, the Town Attorney shall, when directed by the Town Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Ordinance.

B. In addition thereto any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

C. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the Town Council shall pass a resolution reciting the facts of such noncompliance and failure to secure final plat approval. The Town Secretary or designee shall when directed by the Town Council cause a certified copy of such resolution under the corporate seal of the Town to be filed in the Deed Records of the County in which such subdivision or part thereof lies. If full compliance and final plan approval are secured after the filing of such resolution, the Town Secretary or designee shall forthwith file an instrument, in the Deed Records of such county stating such.

(Ordinance 130 adopted 6/5/00)

ARTICLE IV. PLAT PROCEDURES, STANDARDS, AND SPECIFICATIONS

SECTION 4.1 GENERAL PROCEDURES

A. No preliminary or final plat for a subdivision shall be recommended for approval by the Planning and Zoning Commission, or approved by the Town Council and no completed improvements shall be accepted by the Town unless they conform to the following standards and specifications:

1. Standard Operating Procedures: The procedures established by this Ordinance and adopted by the Planning and Zoning Commission and Town Council, which detail application procedures, filing dates, review, filing fees as set by the Fee Schedule, standards for concept plats, preliminary plats, final plats, and any accompanying material.

2. Classification: The classification of subdivisions into Major, Minor, Minor with Infrastructure, Replat, or Short Form Subdivisions as established by this Ordinance.

3. Subdivision Design Criteria and Standards: The design criteria and standards as adopted by the City Council which detail the requirements regarding the physical appearance and other standards for the subdivision.

4. Standard Specifications for Construction of Public Improvements: The standards and specifications set by this Ordinance and adopted requirements for the construction of streets, drainage, and sewer facilities.

5. Other Standards: The provisions of the Town Mobile Home Ordinance, the City Building Code, and any other Town ordinances, which are applicable to the particular subdivision.

B. The applicant should confer with Planning and Zoning prior to the preparation of a concept plat and discuss the procedure for obtaining approval of a subdivision plat and the requirements as to the general layout and arrangement of lots, blocks and streets, and minimum design and construction requirements for streets, storm drainage, sewerage and water improvements.

(Ordinance 130 adopted 6/5/00)

SECTION 4.2 CLASSIFICATION OF SUBDIVISIONS

Subdivisions shall be classified as Major, Minor, Minor with Infrastructure, Replat or Short Form at the concept plat stage.

A. MAJOR SUBDIVISION

1. A Major Subdivision shall be one that has been determined to be of such character that is or may have a substantial impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, its neighboring properties, and/or the community at large. As a general rule, subdivisions creating four or more new lots or any subdivision with a proposed new street or requiring extension of the sanitary sewer shall be classified as a Major Plat.

2. A Major Subdivision shall require a concept plat, a preliminary plat with the required accompanying materials, and a Final Plat with required accompanying materials.

B. MINOR SUBDIVISION; MINOR SUBDIVISION WITH INFRASTRUCTURE

1. A Minor Subdivision shall be one that has been determined to be of such character that there shall be minor measurable impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, the neighboring properties, and/or the community at large. As a general rule, subdivisions creating three or fewer new lots and no new streets or other public improvements are required, shall be considered as Minor Plats.

2. A Minor Subdivision which requires connection to the sanitary sewer system shall be classified as a Minor Subdivision with Infrastructure.

3. A Minor Subdivision shall require the submittal of a concept plat and, following approval of the concept plat, shall require the submittal of a final plat with required accompanying materials. A Minor Subdivision with Infrastructure requires approval of the sanitary sewer plans by the Town Engineer.

C. REPLAT

1. A Replat shall include modification of an existing plat that creates new lots or alters any previously dedicated rights-of-way or easements, as provided in Section 212.014 and 212.015 of the Texas Local Government Code. Any Replat that meets the requirements of an amending plat (Section 212.016) including the combination of existing lots, may be processed as a Short Form Plat.

2. A Replat shall be designated as either a Major or Minor Replat using the criteria outlined in paragraphs A.1 and B.1 above.

3. A Minor Replat shall require submittal of a concept plat and, after approval of the concept plat, submittal of a final plat. A Major Replat shall require the submittal of a concept plat, preliminary plat and final plat. Approval of a Replat shall conform to the requirements of Section 212.015 of the Texas Local Government Code and this Ordinance.

D. SHORT FORM PLAT. To facilitate the plat approval process in those instances where the highly formalized approval procedure is not necessary, the Mayor or designee may approve plats in accordance with Section 212.0065 of the Texas Local Government Code when the following conditions are met:

1. The subject property is creating a single platted lot from a single tract of Record, or is reducing the number of platted lots as provided under Section 212.016(a)(9) of the Texas Local Government Code,

2. The submittal of a concept plat,

3. The short form plat and supporting instruments are in compliance with the approved concept plat and the form and content for Final Plats as hereinafter provided,

4. The Short Form plat and supporting instruments are not otherwise in contravention with Chapter 212 of the Texas Local Government Code.

5. Each lot and block has frontage upon a dedicated and improved public street to Town specifications, and financial assurance for necessary improvements is provided in accordance with Article VII [VI] of this Ordinance.

6. All previously dedicated easements on each lot or block have been shown on the Plat.

7. The proposed development neither contains nor creates a significant drainage problem, and topography is not a salient development consideration,

8. All utilities required to serve each block, or lot, are in place or arrangements to provide same have been made with the appropriate agency.

9. Each newly created lot shall have the minimum frontage required by the Zoning Ordinance, and

10. The Chairman of the Planning and Zoning Commission and Mayor sign the plat after Town Council approval.

The Town Secretary or designee shall file a report of all such approvals with the Planning and Zoning Commission, Town Council and in the official Town records.

(Ordinance 130 adopted 6/5/00)

SECTION 4.3 PROCEDURE SUMMARY

Any owner or developer of any lot, tract, or parcel of land located with the corporate limits of the Town of within its jurisdiction who may wish to effect a subdivision of such land shall conform to the general procedure described as follows:

A. The subdivider shall submit a Concept Plat describing the proposed subdivision.

B. PRELIMINARY CONFERENCE: Following submittal of the concept plat to the Town, a preliminary conference should be held with the Planning and Zoning Commission for general comments and clarifications which are usually necessary. Prior to that time, the subdivider should obtain copies of all form[s], publications, design criteria and standards available from the Town for his reference and for the benefit of his/her engineer. The Town Engineer will review all Major Plats and Minor Plats with infrastructure.

C. The subdivider shall prepare and submit to the Town Planning and Zoning Commission a Preliminary Plat of a Major subdivision for its study and recommendations. The preliminary Plat shall then be submitted to the Town Council for final action.

D. Upon approval of the preliminary plat by the Town Council, the subdivider may then prepare a Final Plat and final engineering plans for review by the Town Engineer. Upon approval of the engineering plans by the Town Engineer, the subdivider may then submit the Final Plat to the Planning and Zoning Commission for action. The Final Plat shall be accompanied by the approved engineering plans.

E. Upon approval of any such final plat by the Town Planning and Zoning Commission, the same shall be referred to the Town Council, and the Town Council shall consider such final plat for acceptance of the dedication of all public property therein set forth, provided that the plat shall in all things fully comply with the terms and provision[s] of this Ordinance, and shall take final action on acceptance of the proposed subdivision.

F. Upon acceptance of such plat and public properties by the Town Council, the Mayor or designee shall immediately cause such plat to be recorded in the Records of Denton County, Texas. The recording of this plat shall be the responsibility of the Mayor or designee.

Flow chart indicating the sequence of the steps involved in obtaining approval for subdivision is shown on the following pages.

Subdivision Approval Flow Chart

Initial Review and Plat Determination

Submit Concept Plat Application and Fees

Check for Administrative Completeness

Determination of Plat Type

Four or more lots and/or infrastructure
Major Plat Review Process

Minor Plat Review Process
Three lots or less, no infrastructure

Replat Review Process
Subdivision of an existing platted lot

Short Form Plat Review Process
One lot plat or combination of lots

MAJOR PLAT REVIEW PROCESS

Applicant submits Preliminary Plat

Review by Planning & Zoning Commission
Planning & Zoning Commission meet
On the Second Thursday of the Month

Action by Planning & Zoning Commission

Action by Town Council
Town Council meets
On the First Monday of the Month

Applicant submits Engineering Plans,
Final Plat & Cost Estimates

Approval of Plans and Final Plat

Execution and approval of Subdivider's Agreement

Plat Filed at Denton County

Construction of Public Improvements

MINOR PLAT REVIEW PROCESS

Applicant Submits Final Plat

Public Hearing and Action by Planning & Zoning Commission

Action by Town Council

Plat Filed at Denton County

REPLAT REVIEW PROCESS

Applicant Submits Final Plat

Notice of Public Hearing Mailed and Published

Public Hearing and Action by Planning & Zoning Commission

Action by Town Council

Plat Filed at Denton County

SHORT FORM PLAT REVIEW PROCESS

Applicant Submits Final Plat

Review and Approval

Action by Town Council

Plat filed at Denton County

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, secs. 2, 3, adopted 9/14/09)

SECTION 4.4 TYPES OF PLATS; FORM AND CONTENT

A. CONCEPT PLAT: The concept plat is a plat used for discussion purposes between the subdivider/developer and the Planning & Zoning Commission, and is intended to discover any development problems prior to the subdivider making extensive commitments.

1. Before submitting the Concept plat the applicant should discuss with the Planning & Zoning Chairman the procedure set for the adoption of a subdivision plat and the requirements of the "Design Standards" and of any pertinent Town ordinances. The Town shall also advise the applicant of existing conditions which may affect the proposed subdivision, such as existing or proposed streets, adjacent subdivision or properties, floodplain and drainage, sewage, fire protection, reservation of land, and

similar matters, referring the applicant to the proper agencies if services are not provided by the Town.

The Concept Plat may be drawn in pen or pencil to a convenient scale on a sheet not larger than twenty-four inches by thirty-six inches (24" x 36") and shall show the following:

a) Name of Subdivision

(1) Name of subdivision if property is within an existing subdivision.

(2) Proposed name if not within a previously platted subdivision. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision names. Whenever possible the names shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.

(3) Name of property if no subdivision name has been chosen.

b) Ownership:

(1) Name and address, including telephone number, of legal owner or agent of property.

(2) Name and address, including telephone number of the surveyor responsible for preparation of Plat submittal.

(3) The signature of the owner on the concept plat, or a notarized statement from the owner, authorizing the applicant to submit a concept plat on the property.

(4) Name and address, including telephone number, of the applicant if different from the owner. If the applicant is not the owner of the property, then written approval from the owner shall be provided by the applicant authorizing submittal of the application.

c) Description: Location of property by lot, block, or survey abstract and graphic scale, north arrow and date.

d) Features:

(1) Location of property lines, existing easements, right-of-way, watercourse[s], and existing wooded areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.

(2) Location of significant existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings on or immediately adjacent to the site and utility rights-of-way.

(3) Approximate topography suitable to understand general drainage patterns. This may be obtained from previous topographic maps.

(4) The approximate location and proposed width of all proposed street right-of-way.

(5) Preliminary concept for connection with existing water and sewer system and preliminary concept for collecting and discharging surface water drainage.

(6) The approximate location, dimensions, and area of all parcels of land to be set aside for park or other public use, or for common use of property owners in the proposed subdivision.

(7) The location of temporary stakes to enable the Town to find and appraise features of the Concept Plat in the field if other landmarks are not present.

(8) Whenever the Concept Plat covers only a part of an applicant's contiguous holdings, the applicant shall submit a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

(9) A vicinity map showing streets and other general development of the surrounding area. The Concept Plan shall show all zoning district boundaries within or adjacent to the tract if proposed to be changed from current boundaries.

2. Five copies of the Concept Plat shall be required for any subdivision or replatting of a subdivision. It may be drawn at a standard scale and size suitable for discussion purposes, and shall show the location of the subdivision, number of lots, typical lot depth and width, proposed utilities and streets, and any other information which may be necessary.

3. No concept Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Mayor or designee. The application and fees shall be returned to the applicant until the application is complete.

4. Upon receiving the concept plat, the plat shall be classified as Major, Minor, Minor with infrastructure, Replat, or Short Form plat. After review and discussion with the applicant [of] the plat along with its accompanying reports and other relevant material the Town shall advise the applicant in writing of the specific changes, if any, required by Town ordinance or regulation as a prerequisite for approval and additional changes required.

5. Any applicant which disagrees with the classification of the plat or any requirements imposed on the Concept Plat may appeal first to the Planning and Zoning Commission and then to the Town Council for a review. Upon appeal, the Town Council shall have final authority on any requirements imposed.

B. PRELIMINARY PLAT: The preliminary plat is a formal document showing the detailed concept of the subdivision presented with required accompanying studies to the Planning and Zoning Commission for approval. A preliminary plat is required for all Major Subdivisions.

1. Applicant Procedure: The applicant shall file an application for preliminary plat approval on a form provided by the Mayor or designee at least thirty (30) days prior to Planning and Zoning Commission meeting at which the plat shall be considered.

   The application shall be accompanied by the following:

   a) The filing fee for preliminary plat and the fee for preliminary plat Engineering review as established by Town Fee Schedule.

   b) At least twenty (20) blueline copies of the preliminary plat, drawn in accordance with requirements set forth in this Section. Upon receipt, the Mayor or designee shall distribute copies of the preliminary plat to the following parties:

      6 copies to Planning and Zoning Commission

      1 copy to Mayor

      1 copy to P & Z/Town Council liaison

      1 copy to Town Secretary or designee

      1 copy to Town files

      1 copy to Town Engineer

      6 copies to franchised utilities and Texas Department of Transportation

      Upon approval of the preliminary plat by the Planning and Zoning Commission, the applicant shall submit an additional 11 blueline copies revised to reflect any changes recommended by the Planning and Zoning Commission and signed by the owners and surveyor. Upon receipt, the Mayor or designee shall distribute copies of the revised preliminary to the following parties:

      5 copies to the Town Council

      1 copy to the Mayor

      1 copy to the Town Secretary or designee

1 copy to the Town Engineer

1 copy to the Town files

c) Three (3) blueline copies of the Preliminary Drainage Plan.

d) A written request for any variances, if necessary, within the subdivision and citing the ordinance provision and section to which a variance is being requested.

e) If the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which may be subsequently subdivided as additional units of the same subdivision, a layout of the entire area showing the tentative proposal for streets, blocks, and drainage improvements for such areas.

2. Form and Content of Preliminary Plat: The preliminary plat will be of the form and content as described and will contain as a minimum but not be limited to the following:

a) The preliminary plat shall be drawn to a minimum scale of 100 feet to 1 inch by a licensed surveyor on sheets of 18 x 24 inches, unless otherwise approved by the Town. Whenever the size of the subdivision is such that a full area cannot be covered on a single sheet with space for titles and other required identifications, the plans shall be drawn on separate sheets with matching lines to facilitate joining them together as a continuous composite plat. If more than one sheet is necessary, a photographic reduction of the combined sheets to show the entire subdivision shall be prepared on an 18 x 24 inch sheet.

b) Name and address of the subdivider, owner of record and surveyor

c) The signature of the owner on the preliminary plat, or a notarized statement from the owner, authorizing the applicant to submit a preliminary plat on the property.

d) Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision name. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.

e) Names of contiguous subdivisions and those across adjacent streets, location of contiguous lots, and the name and address of owners of contiguous parcels of land and indication of whether contiguous properties are platted and filed of record.

f) The location of existing blocks, lots, building lines, watercourses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property immediately adjacent on all sides.

g) Other conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.

h) The tract designation and other description according to the real estate records of the county.

i) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. Such primary control points shall be either a Town recorded benchmark or a USGS benchmark, if such monument is within 2,000 feet of the proposed subdivision.

j) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.

k) Subdivision boundary lines of the total proposed for subdivision and the computed acreage of the total area.

l) Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.

m) The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, [and] permanent structures within or contiguous with the proposed subdivision shall be shown.

n) The location, dimensions, rights-of-way, and names of all proposed streets according to current adopted Town policies. When curved streets are proposed, the radius of the curve shall be shown.

o) Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the

name shall be in keeping with the geographical location, the natural features, and/or historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.

p) Topography is required to be shown at contour intervals of not more than two feet (2')

q) The location of existing and proposed sewers, water and gas mains and other public utilities easements and improvements and any existing on-site sewage systems and absorption fields.

r) The location of any existing buildings or other structures.

s) The location of existing and proposed drainage structures, storm drainage easements and improvements. (A copy of all design computations shall be submitted along with the plans.)

t) The location of proposed blocks, lots and other sites within the proposed subdivision.

u) A number shall be used to identify each lot, site or block.

v) The specific size of each lot, in acres, and outside dimensions, in feet.

w) Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.

x) Location of Town's limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.

y) The date of preparation, and date of latest revision.

z) The boundaries and flood elevations of all areas located in flood hazard areas as determined by the FEMA maps provided by the Flood Insurance Administration.

aa) The location of all existing pipeline easements and information concerning the size of the pipe, type of product being transported and the pressure in the pipeline.

bb) The name of the registered Surveyor or Engineer responsible for preparing the plat.

cc) A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided.

dd) A North Point arrow and graphic scale.

ee) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the approximate area in parks and in other nonresidential uses.

ff) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision together with the purpose of conditions or limitations of such dedications, if any.

gg) Additional requirements for Phased Development:

(1) The plat shall show the entire subdivision.

(2) The location of lots and blocks proposed for inclusion in the first section of a development.

(3) Proposed plans for the remainder of the subdivision.

hh) The following notice shall be placed on the face of each preliminary plat by the subdivider. "Preliminary Plat"

ii) The following certificate shall be placed on the preliminary plat by the subdivider:

"Recommended for Approval by Planning & Zoning Commission:

Chairman: _____

Approved by Town Council:
Mayor: _____

Attested by:
Town Secretary: _____

Date of Town Council Approval: _____"

3. <u>Action by Town Staff, Planning & Zoning Commission and Town Council</u>

a) No Preliminary Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Mayor or designee. The application and fees shall be returned to the applicant until the application is complete.

b) The Town Engineer shall make preliminary review comments to the Planning & Zoning Commission.

c) No Preliminary Plat or Preliminary Replat shall be approved unless it is shown to be in compliance with the Comprehensive Plan.

d) A Preliminary Plat or Preliminary Replat will not be accepted for processing if all or any portion of the land area encompassed within the Plat is included in or directly affected by any proposed amendment to the Comprehensive Plan, if

such amendment has been set for formal presentation to the Planning and Zoning Commission or the Town Council by placement on a formal agenda.

e) Whenever a Preliminary Plat is submitted covering an area encompassing five (5) acres or greater, or a Preliminary Replat of an existing subdivision is submitted for consideration by the Planning and Zoning Commission, written notice of the consideration of such submission shall be mailed to the owners of all property located within two hundred feet (200') of the exterior boundaries of the Plat or Replat, exclusive of public street rights-of-way. The notice shall identify the location of the property being platted or replatted and shall specify the time and place where the Planning and Zoning Commission will formally consider action on the platting or replatting. Notice shall be given no earlier than twenty (20) days prior to such hearing and not less than ten (10) days prior to such hearing, and will be mailed to the property owner at their address as reflected in the municipal tax records. This notice requirement shall not apply to proposed Plats or Replats lying within the extraterritorial jurisdiction of the Town.

f) The Planning and Zoning Commission shall act on a plat within thirty (30) days after the plat is filed. The preliminary plat shall be considered filed on the date on which formal application to the Planning and Zoning Commission is made and the requisite fees paid. A plat that is denied for administrative incompleteness shall not be subject to the thirty (30) day review. The Planning and Zoning Commission shall recommend approval, conditional approval, or disapproval of the Preliminary Plat. The preliminary plat is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the date the preliminary plat is filed.

g) The Town Council shall act on a preliminary plat within thirty (30) days after the date the preliminary plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of same. The Town Council shall grant approval, conditional approval or disapproval of the Preliminary Plat. The preliminary plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the preliminary plat is approved by the Planning and Zoning Commission.

h) If a Preliminary Plat is approved by the Town Council subject to certain conditions three (3) copies of a revised Preliminary Plat reflecting those conditions shall be submitted to the Mayor or designee within thirty (30) days after approval or the approval lapses unless the applicant demonstrates good cause for delay in submitting the revised Preliminary Plat. Submission of a Final Plat within thirty (30) days reflecting the conditions approved shall meet the requirements of this provision.

i) Approval of a preliminary plat by the Council shall be deemed an expression of approval of the layout submitted on the preliminary drawings as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or recorded plat. Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the Final Plat for record.

j) Approval or conditional approval of a preliminary plat by the Town Council shall be valid for a period of six (6) months from the date of approval. Failure to prepare a final plat and have it recorded in accordance with the provisions of this Ordinance within six (6) months from the date of preliminary plat approval shall result in the expiration of the previous approval. The six (6) month period for Final Plat submission may be extended up to six (6) months upon a majority vote of the Planning and Zoning Commission if a developer demonstrates good cause why the authorization should continue. The Preliminary Plat extends authorization of the remaining portion of the Preliminary Plat by an additional six (6) month from filing the latest Final Plat.

k) No construction, including grading, shall be commenced on the subdivision prior to acceptance of the final plat and a Notice to proceed is issued by the Town Engineer.

4. Variance: If a variance has been granted, a statement from the Town Council which describes the modification approved, as a part of the conditional approval shall be filed[.]

C. FINAL PLAT

1. Application Procedures: After obtaining approval of any required construction plans by the Town Engineer, the applicant shall file an application for approval of the final plat on forms available at the office of the Town. The application shall be accompanied by the appropriate filing fee. Patching and pasting of paper attachments is not acceptable. All figures and lettering shall be neat and easily legible. For final approval, the final plat must comply in all respects with the approved preliminary plat.

a) Major Subdivision

(1) The applicant shall submit at least six (6) blueline copies of a Final Plat meeting all the requirements as to Form and Content listed below for review by the staff.

(2) The Final Plat shall be accompanied by the following:

(a) The required review and filing fees for Final Plat Approval as set by Town Fee Schedule.

(b) A completed form of Performance and/or Surety Bonds or other Surety Funds as prescribed in Article VI, Section 6.2, for submittal to the Town Attorney for approval.

(c) One copy of private deed restrictions, if any, as filed in the records of Denton County.

(d) Three copies of the Final Drainage Plans, Final Water and Sewer Plans, and Final Street Paving Plans as further defined in Sections 5.5, 5.6 and 5.7 [5.4 C, D and E.].

(e) At least one copy of any other reviews, plans or studies.

(f) The Town Council shall approve all Subdivider's Agreements prior to filing of the Final Plat.

(g) The final plat applications shall be considered complete only upon receipt of all items required in paragraphs (a) through (f) above. Upon approval of all submittals by the Town, the applicant shall submit two Mylar and six blueline copies measuring 18" x 24" of the plat, signed and suitable for filing purposes.

b) Minor Subdivision

(1) Following the review and classification of the concept plat as a Minor Subdivision by the Town, if the applicant wishes to proceed with the subdivision, he shall file a request on a form provided by the Town to appear before the Planning and Zoning Commission. This request must be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.

(2) The applicant shall submit at least 13 blueline copies of a Final Plat meeting all requirements as to Form and Content listed below, at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.

(3) The Final Plat shall be accompanied by the following:

(a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.

(b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.

(c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.

(d) An approved financial assurance instrument for paving of any perimeter streets, in accordance with Article VII [VI] of this Ordinance.

(4) Upon recommendation of approval from the Planning and Zoning Commission, the applicant shall submit at least eleven (11) revised blueline copies of the final plat for review by the Town Council. The revised bluelines shall reflect any changes required to meet conditions imposed by the Planning and Zoning Commission and all copies shall be signed by the owners and surveyor.

(5) Upon approval by the Town Council, the applicant shall submit two (2) mylars and six (6) blueline copies of the revised Final Plat, signed and suitable for filing with the County.

c) Replat

(1) Following the review and classification of the concept plat as a Replat by the Town, the applicant shall file a request on a form provided by the Town to appear before the Planning and Zoning Commission. This request must be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear. Processing of a Replat shall conform to the requirements of Sections 212.014 and 212.015 of the Texas Local Government Code.

(2) The applicant shall submit at least 13 blueline copies of a Final Plat meeting all requirements as to Form and content listed below, at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.

(3) The Final Plat shall be accompanied by the following:

(a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.

(b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.

(c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.

(d) An approved financial assurance instrument for paving of any perimeter streets, in accordance with Article VII [VI] of this Ordinance[.]

(e) The names and mailing addresses of all owners of lots within 200 feet of the proposed replat; as indicated on the most recently approved tax roll.

(4) The Mayor or designee shall cause the publication of a notice of the public hearing in the official newspaper at least 16 days prior to the hearing and mail written notice of the hearing to all property owners within the original subdivision whose lots are within 200 feet of the proposed Replat.

(5) Upon recommendation of approval from the Planning and Zoning Commission following the public hearing, the applicant shall submit at least eleven (11) revised blueline copies of the final plat for review by the Town Council. The revised bluelines shall reflect any changes required to meet conditions imposed by the Planning and Zoning Commission and all copies shall be signed by the owners and surveyor.

(6) Upon approval by the Town Council, the applicant shall submit two (2) mylars and six (6) blueline copies of the revised Final Plat, signed and suitable for filing with the County.

d) Short Form Plat

(1) Following the review and classification of the concept plat by the Town, the applicant shall submit eleven (11) signed blueline copies of a Final Plat meeting all requirements as to Form and Content listed below.

(2) The Final Plat shall be accompanied by the following:

(a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.

(b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.

(c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.

(3) Upon approval by the Town and the Town Council, the applicant shall submit two (2) mylars and six (6) blueline copies of the revised Final Plat, signed and suitable for filing with the County.

(4) Any applicant aggrieved by a decision or condition imposed by the Town may appeal to the Planning and Zoning Commission and Town Council. In such event, the applicant shall file the number of copies required for a Minor Plat, along with a written appeal of the requirement by the Town.

2. Form and Content: The final plat shall comply in all respects with the approved Preliminary Plat for a Major Subdivision or the approved Concept Plat for a Minor Subdivision, Replat or Short Form Plat. The applicant shall submit the Final Plat drawn by a licensed surveyor and shall include the following:

a) The final plat shall be drawn to a minimum scale of 100 feet to 1 inch by a licensed surveyor on sheets of 18 x 24 inches, unless otherwise approved by the Town. Whenever the size of the subdivision is such that a full area cannot be covered on a single sheet with space for titles and other required identifications, the plans shall be drawn on separate sheets with matching lines to facilitate joining them together as a continuous composite plat. If more than one sheet is necessary, a photographic reduction of the combined sheets to show the entire subdivision shall be prepared on an 18 x 24 inch sheet.

b) A blank 3-inch by 3-inch block shall be provided at the lower right-hand corner of each sheet for the recording stamp by the Denton County Clerk.

c) Name and address of the subdivider, owner of record, and surveyor.

d) The signature of the owner on the final plat, or a notarized statement from the owner, authorizing the applicant to submit a final plat on the property.

e) Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town Council before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or

be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision names. Whenever possible the name shall be in keeping with the geographic location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.

f) Names of contiguous subdivisions, location of contiguous lots, and indication of whether contiguous properties are platted and filed of record.

g) The tract designation and other description according to the real estate records of the county.

h) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. Such primary control points shall be either a Town recorded benchmark or a USGS benchmark, if such monument is within 2,000 feet of the proposed subdivision.

i) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.

j) Subdivision boundary lines of the total area proposed for subdivision and the computed acreage of the total area.

k) Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.

1) The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, [and] permanent structures within or contiguous with the proposed subdivision shall be shown.

m) The location, dimensions, rights-of-way, and names, of all proposed streets according to current adopted Town policies. When curved streets are proposed, the radius of the curve shall be shown.

n) Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the

name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.

o) The location of existing and proposed public utilities easements and improvements.

p) The location of existing and proposed drainage structures, storm drainage easements and improvements.

q) The location of proposed blocks, lots, and other sites within the proposed subdivision.

r) A number shall be used to identify each lot, site or block.

s) The specific size of each lot, in acres, and outside dimensions, in feet.

t) Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.

u) Location of Town limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.

v) The date of preparation, and date of latest revision.

w) The location of all existing pipeline easements and information concerning the size of pipe, type of product being transported and the pressure in the pipeline.

x) The name of the registered Surveyor or Engineer responsible for preparing the plat.

y) A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided.

z) A North Point arrow.

aa) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the area in parks and in other nonresidential uses.

bb) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision, together with the purpose of conditions or limitations of such dedications, if any.

cc) The following certificate shall be placed on the final plat by the subdivider:

"Recommended for Approval by Planning and Zoning Commission:

Chairman: _____

Approved by Town Council:
Mayor: _____

Attested by:
Town Secretary: _____

Date of Town Council Approval: _____"

dd) "FINAL PLAT" Designation listed on face of all copies.

ee) Metes and bounds description including total acreage according to County Deed Records.

ff) For a phased development the dedication shall be only for the section approved. A statement signed and acknowledged by the owner dedicating all street, alleys, easements, parks and other open spaces to public use, and the developer's certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by said developer before a Notary Public. When applicable, an agreement showing the subdivider has made provision for perpetual maintenance thereof to the inhabitants of the subdivision should be shown or referenced on the fact of the Plat. An example of such a dedication instrument would read as follows:

STATE OF TEXAS
COUNTY OF DENTON

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

I (we), the undersigned, owner(s) of the land shown on this plat Within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

are designated herein as the _____ subdivision to the Town of Shady Shores, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements[,] rights-of-way and public places thereon shown for the purpose and consideration therein expressed

_____
Owner

Date: _____

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to be the person whose name is subscribed to the foregoing instruments, and acknowledge[d] to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____ 20___

_____
Notary Public

_____ County

gg) A notation of [on] the Plat indicating that "Any public utility, including the Town of Shady Shores, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths, or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easements shown on the Plat. Any public utility, including the Town of Shady Shores, shall have the right at all times of ingress and egress to and from and upon said easements for the purposes of constructing, reconstructing, inspection, patrol[,] maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone."

hh) Public open space easements (P.O.S.E.) shall be indicated on all lots adjoining two (2) intersecting public streets and shall have a minimum dimension of Twenty-five feet (25') along each portion adjacent to a public street right-of-way.

ii) Certificate, including the original seal and the original signature of the surveyor responsible for surveying the subdivision area.

STATE OF TEXAS
COUNTY OF DENTON

CERTIFICATE OF SURVEYOR

I, the undersigned, a (public surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal) _____
Registered Public Surveyor

Date: _____

jj) Deed restrictions for the subdivision shall be shown on the plat or on 8-1/2 x 11 inch paper attached as a supplement to the plat.

kk) A statement on the face of the final plat requiring the lot owners to connect to a sewage collection system when made available.

ll) Five sets of Engineering Plans and Specifications where applicable.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 4, adopted 9/14/09)

SECTION 4.5 VACATING AND AMENDING PLATS

A. A recorded plat may be vacated in accordance with the procedures and requirements set forth in Section 212.013 of the Local Government Code.

B. An amended plat may be filed in accordance with the procedures and requirements set forth in Section 212.016 of the Local Government Code. The Planning and Zoning Commission may approve and issue an amending plat, which may be recorded and controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by the owners of the property being replatted and is solely for one or more of the following purposes:

1. to correct an error in any course or distance shown on the preceding plat;

2. to add a course or distance that was omitted on the preceding plat;

3. to correct an error in a real property description shown on the preceding plat;

4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.

5. to show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. to correct an error in courses and distances of lot lines between two (2) adjacent lots if:

   a) both lot owners join in the application for amending the plat;

   b) neither lot is abolished;

   c) the amendment does not attempt to remove recorded covenants or restrictions; and

   d) the amendment does not have a materially adverse effect on the property rights of the other owners in the plat;

8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

9. to relocate one or more lot lines between one or more adjacent lots if:

   a) the owners of all those lots join in the application for amending the plat;

   b) the amendment does not attempt to remove recorded covenants or restrictions; and

   c) the amendment does not increase the number of lots; or

10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

   a) the changes do not affect applicable zoning and other regulations of the municipality

   b) the changes do not attempt to amend or remove any covenants or restrictions; and

   c) the area covered by the changes is located in an area that the Planning and Zoning Commission or Town Council has approved, after a public hearing, as a residential improvement area.

11. To replat one or more lots fronting on an existing street if:

   a) The owners of all those lots join in the application for amending the plat;

   b) The amendment does not attempt to remove recorded covenants or restrictions;

   c) The amendment does not increase the number of lots; and

   d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. PROCEDURE

1. An application for vacating or amending a plat shall be filed with the Planning and Zoning Commission on forms provided by the Town.

2. The appropriate filing fee as set forth in the Fee Schedule shall be paid at the time of application.

3. Amended plats should meet the same requirements set forth in the Ordinance as for Short Form plats.

4. The Planning and Zoning [Commission] may recommend and the Town Council may approve, conditionally approve or disapprove any amended plat or vacation request in accordance with the procedures for plat approval set forth in this article.

(Ordinance 130 adopted 6/5/00)

SECTION 4.6 SIGNING AND RECORDING OF SUBDIVISION PLAT

A. SIGNING OF PLAT

1. The Chairman of the Planning & Zoning Commission and the Mayor shall sign all copies of the approved Final Plat.

2. If Public Improvements are to be installed and a surety required, the Chairman of the Planning and Zoning Commission and the Mayor shall endorse approval only after the Subdivider's Agreement has been approved by the Town Council, and all fees have been paid.

3. The signature of the Chairman of the Planning and Zoning Commission and the Mayor indicate approval of the platting of the land, not the improvements to be placed thereon.

B. RECORDING OF PLAT

1. It shall be the responsibility of the Town Secretary or designee to file the plat with the County Clerk's office.

2. A copy of the approved plat with all signatures shall be returned to the applicant. Additional copies can be provided upon prior arrangement with the Town.

(Ordinance 130 adopted 6/5/00)

SECTION 4.7 PROCESSING OF FINAL PLAT AND CONSTRUCTION PLANS

A. No Final Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Town. The application and fees shall be returned to the applicant until the application is complete.

B. Upon receipt of the final plat with construction plans and the required filing fees, the Town shall check the plat as to its conformity with the Town Comprehensive Plan, Land Use Plan, zoning districts, lot size requirements, subdivision and street names and other applicable Town standards.

C. The Town shall transmit copies of the final plat and construction plans to the Town Engineer who will check same for conformity with applicable engineering standards and specifications set forth herein as well as with generally accepted engineering principles when not covered specifically herein. The Town Engineer shall submit a written report to the Town with his/her suggestions as to modifications[,] additions, alterations or other matters pertinent to the plat.

D. The Planning and Zoning Commission shall act on a plat within thirty (30) days after the plat is filed. The plat is considered filed when formal application has been made for approval to the Planning and Zoning Commission and the requisite fees paid. The Plat is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the plat is filed[.]

E. The Town Council shall act on a plat within thirty (30) days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of the same. The plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of same.

F. If a final plat is disapproved, the Planning and Zoning Commission or Town Council, as the case may be, on request of an owner of an affected tract, shall certify the reasons for the action taken on the application.

G. If the Planning and Zoning Commission or Town Council, as the case may be, fails to act on a plat within the prescribed period, the Planning and Zoning Commission or Council, as the case may be, on request shall issue a certificate stating the date the plat was filed and that the Planning and Zoning Commission or Council, as the case may be, failed to act on the plat within the period.

H. If the final plat is approved the Town shall have the approval certificate on the plat executed by the Mayor and attested by the Town Secretary or designee, contingent to the developer paying all inspection fees, impact fees, assessment charges and pro-rata charges.

I. After the final plat and plans have been approved by the Town Council, but before the construction of water, sewer, street or drainage improvements are started, the Subdivider shall furnish the Town with six (6) sets of the completed plans and specifications.

J. Lot markers shall be iron pins not less than one-half inch (1/2") in diameter and no less than eighteen inches (18") long and shall be set flush with the ground at each lot corner. Block corners shall be set prior to construction of public facilities and all lot corners shall be set prior to the issuance of any building permits. Elevation benchmarks shall be set as required by the Town Engineer.

K. The final plat shall be recorded by the Town in the office of the County Clerk of the County within ten (10) days from and after the date of final acceptance by the Town Council.

L. Upon filing the plat in the County Records, the Town shall have two (2) photostatic copies made by the County Recording Clerk on standard 18-inch by 24-inch sheets showing the Volume and Page where filed. One (1) copy will be placed in the permanent plat record book at the Town Hall.

M. The final plat shall be accompanied by certificates from the Town, School District and County Tax Collectors showing that all Town, School District and County taxes on the land being subdivided have been paid to the current year. All impact fees, assessments and applicable pro-rata charges shall be paid to the Town prior to issuance of a Notice to Proceed to commence construction by the Town Engineer.

(Ordinance 130 adopted 6/5/00)

SECTION 4.8 WHERE A SUBDIVISION IS A UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the Preliminary Plat shall cover the entire area of common ownership or joint development, showing the tentative proposed layout of streets, blocks[,] drainage, and other improvements for such areas. Thereafter, Final Plats of subsequent units of such subdivision shall conform to such approved preliminary Plat, unless changed by the Planning and Zoning Commission. However, except where the subdivider agrees to such change, the Planning and Zoning Commission may change such approved Preliminary Plan only when it finds:

A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or

B. That adherence to the previously approved overall layout will be detrimental to the public health, safety, or welfare; or will be injurious to other property in the area.

If a Final Plat or any combination of Final Plats comprises ninety percent (90%) or more of the unplatted property in common ownership on the Preliminary Plat and the remaining unplatted land would be three (3) acres or less, then a Final Plat for the entire remainder of the property shall be submitted for approval.

(Ordinance 130 adopted 6/5/00)

ARTICLE V. ENGINEERING PLANS AND STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

SECTION 5.1 PRELIMINARY DRAINAGE PLAN

For a Major Subdivision, this sheet shall be submitted with the Preliminary Plat. For a Minor Subdivision, Replat or Short Form Plat, this sheet shall be submitted with the Final Plat when required by the Town Engineer. This sheet shall be prepared on a reproducible copy of the Plat so that the same information shall be repeated together with the following:

A. Topographical information including contour lines on a basis of two-foot (2') intervals for all Major Subdivisions and Minor Subdivisions as recommended. All elevations shall be on U.S. Geologic Survey datum or referenced to a Town benchmark on the same datum. The datum used shall be specified on the drawing.

B. Any proposed changes in topography shown by contour lines on a basis of two-foot (2') vertical intervals.

C. Areas contributing drainage to the proposed plat shall be shown on small scale supplemental drawings. The information to be submitted shall include the area, slope and type of development in the contributing area.

D. The locations of drainage from the proposed plat including contributing areas shall be shown together with the quantity of drainage. All drainage must be planned in the best interests of the immediate and adjacent properties.

E. Drainage arrows shall be shown for all streets and drainage easements. When the maximum permissible capacity of streets to carry stormwater is exceeded the location of storm sewers, curb inlets and open channels shall be shown.

F. Supplemental information showing the preliminary design calculations for drainage shall be furnished on 8-1/2 x 11 inch paper attached to the Preliminary Drainage Plan.

G. The exact location, dimension, description, and flow lines of existing drainage structures, including road and driveway culverts, and the location, flow line and floodplain of existing watercourses within the subdivision or contiguous tracts.

H. The width of drainage and other easements shall be shown.

I. A preliminary erosion and sedimentation plan shall be provided.

(Ordinance 130 adopted 6/5/00)

SECTION 5.2 PRELIMINARY WATER AND SEWER PLAN

This sheet shall be submitted with the Preliminary Plat for Major Subdivisions and shall be prepared from the Preliminary Plat, but shall also include topographical contours at the intervals specified for Preliminary Drainage Plan, and shall show the following:

A. Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.

B. Indicate the direction and distance to, and size of the nearest water mains and sewers in the event they are not on or adjacent to the tract, showing invert elevation of sewers, if any.

C. The size and location of all proposed sewer mains and proposed easements, if required, including manholes. Preliminary grades for each main between manholes and the depth at each manhole shall be shown. Preliminary sewer plans are required to determine location of easements.

D. The size and location of all proposed water distribution mains including valves and fire hydrants.

E. The size of water mains according to requirements of the LCMUA.

In the event water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of the nearest ones, showing invert elevation of sewers.

(Ordinance 130 adopted 6/5/00)

SECTION 5.3 PRELIMINARY STREET AND GRADING PLAN

This sheet shall be submitted with the Preliminary Plat for Major Subdivisions and shall be prepared from the Preliminary Plat, showing topographical contours as applicable, and showing the following:

A. Type of street to be constructed (i.e. Hot Mix Asphalt Concrete (HMAC) or Portland cement).

B. Classification (i.e. arterial, collector, residential).

C. Additional easement or right-of-way requirements.

D. Design Standards used.

E. Relationship of existing and planned streets, to topographical conditions, if applicable.

F. Planned grading contours, elevations, earthworks, slopes, retaining walls, or other grading information required by the Town Engineer.

(Ordinance 130 adopted 6/5/00)

SECTION 5.4 CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

These plans shall be submitted along with a copy of the Final Plat to the Town Engineer for review and approval for Major Subdivisions, and for Minor Subdivisions with Infrastructure when required.

A. GENERAL REQUIREMENTS

1. Prior to the commencement of any construction of public works improvements, the developer or person who intends to construct such project shall present plans, specifications, and projections of probable cost setting forth in detail all elements of construction to the Town for approval. In the case of public improvements associated with subdivision development, the engineering plans (including descriptions of all necessary off-site easements) must be approved in accordance with all requirements of this Subdivision Ordinance prior to approval of the final plat.

2. The developer shall retain a registered Civil Engineer, licensed to practice in the State of Texas, for all design in new subdivisions or developments, including streets, storm drains, water and sanitary sewers. Each plan shall show the seal and signature of the registered professional Engineer who prepared the plan.

3. These plans shall be submitted on standard 24 x 36 inch sheets, and shall include the information required herein. Plan and profile sheets shall be oriented with the plan view at the top portion of the sheet.

4. Two (2) copies of the engineering plans and a copy of the Final Plat shall be submitted to the Town Engineer for review and approval.

5. Five (5) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Planning and Zoning Commission and shall be based on studies approved by the Planning and Zoning Commission at the time of preliminary plat approval.

6. Five (5) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Town Council.

7. Upon approval of the plans, the Developer shall furnish two (2) sets of signed final approved plans to the Town.

B. CONTENT OF PLANS, SPECIFICATIONS AND COST ESTIMATES

1. The plans shall include plan view, profile and section views of the proposed improvements. Construction details of all structures and appurtenances including dimensions, reinforcing, and components such as grate and manhole covers shall be shown. The proposed curb and gutter type and location in relation to the centerline and right-of-way, the proposed sidewalk dimension and the proposed parkway grading shall be shown on street plans. This information shall be given for each of the different types of streets and alleys in the subdivision. Soils test by an approved soil testing laboratory shall be submitted with the plans to determine the limits and amount of lime or cement stabilization required.

2. The plans shall include the alignment of each street, alley, crosswalk and drainage and any other easement, and a beginning and end station of the point of intersection of each curve. The station and angle of each intersection with another street, alley, or drainage easement, the station and radius of each curb return, the location of all monuments and the length, width, thickness of base, subgrade and surface material of each street.

3. The plans shall also include the location, description and elevation of all benchmarks, the direction of storm drainage flow at each intersection, the flow line elevation of each drainage structure, the flow line elevation of each storm sewer at each point of change of grade and each end and the intervening gradient, the profiles of streets, alleys, and drainage structures shall show the natural ground at adjacent property lines and the proposed centerline.

4. The plans and profiles should be drawn at a scale of one inch (1") to forty feet (40') horizontal and one inch (1") to four feet (4') vertical on sheets no larger than eighteen inches by twenty-two inches (18" x 22") in size. North arrow and date of preparation must be shown on each sheet. All public work improvement plans shall bear the seal and signature of a Professional Engineer registered in the State of Texas.

5. The applicant shall also submit an Engineering Report that includes all calculations and assumptions used in the design of the proposed improvements.

6. Cost projections shall be prepared using quantities shown on the construction plans and recent unit prices from bids on similar projects. Reasonable contingencies should be included to cover uncertainty in the projection. Actual bids supported by bid and performance bonds may be used in lieu of projections of probable cost.

7. Upon approval of the construction plans, specifications and projections of probable cost by the Town Engineer, approval of the contract documents, bonds and financial assurance; acquisition of all necessary off-site easements, and upon receipt of the inspection fees, the Town shall issue a permit for the construction of public improvements.

C. FINAL DRAINAGE PLANS: Upon approval of the preliminary drainage study, the Developer shall submit detailed plans, specifications and cost projections prepared by a registered Professional Engineer registered in the State of Texas and experienced in municipal drainage work. Existing and proposed flow lines of all improvements shall be shown. Unless otherwise specified herein, drainage requirements shall be based on the City of Denton Drainage Design Criteria. The Hydraulic Manual prepared and compiled by the Texas Department of Transportation Bridge Division, with current revisions, may be used in cases not covered by the of Denton City Drainage Design Criteria.

1. Five (5) copies of final grading and drainage plans, indicating two foot (2') contours. All street width and grades shall be indicated on the plan, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated. Upon approval, four (4) copies of the construction plans shall be submitted.

2. A general location map of the subdivision showing the entire watershed (a 7-1/2 minutes USGS Quadrangle is satisfactory).

3. Calculations showing the anticipated design stormwater flow, including watershed area slope, volume and percent runoff, and time of concentration. When a drainage ditch, culvert, channel or storm sewer is proposed, hydraulic calculations including flow routes and rates for the design storm shall be submitted showing the basis for design.

4. When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications shall be submitted showing complete construction details. Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5, or 10 feet vertically.

5. Sufficient copies of detailed cost estimates.

6. A plan of the development shall be submitted depicting the final grading contours, and elevators [elevations], earthwork, slopes, retaining walls, minimum finished floor elevations of all structures, and any other information considered necessary by the Engineer for the Town at a scale of 1" = 100' minimum.

D. FINAL WATER AND SEWER PLANS

1. Five (5) copies of the Final Water and Sewer Plans as submitted to the Town of Shady Shores. The plans shall show the location and dimension of existing and proposed right-of-way or easements in which the lines are to be located and the location of fire hydrants. These plans shall be submitted with the Final Plat for Major Subdivisions and shall be prepared from the Preliminary Plat, but shall also include topographical contours and shall show the following

   a) Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.

   b) A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc. And a plat of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, and fittings, etc., in conformance with the criteria as shown in the part of the Ordinance listed as “Design Provisions.” Each plan shall show the seal and signature of the registered Professional Civil Engineer who prepared the plans. Each sheet shall include north point, scale, date, and benchmark description to sea level datum. If the applicant does not propose to install a sewage collection system, a preliminary sewage collection plan may be required, suitable for determination of easement requirements.

   c) Indicate the direction and distance to, and size of the nearest water mains and sewers in the event they are not on or adjacent to the tract, showing invert elevation of sewers, if any.

   d) A plan and profile of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, and fittings and other facilities. A profile is required for all water lines 6 inches in diameter and larger. Each sheet shall include north point, scale, date, and benchmark description to sea level datum.

   e) The size and location of all proposed sewer mains and proposed easements, if required, including manholes. Grades for each main between manholes and the depth at each manhole shall be shown. Sewer plans are required to determine location of easements.

   f) The size and location of all proposed water distribution mains including valves and fire hydrants.

   g) The size of water mains according to requirements of the LCMUA.

h) Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5 or 10 feet vertically.

E FINAL STREET PAVING PLANS: Five (5) copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, and monuments, and sufficient copies of detailed cost estimates. Upon approval (4) copies of the construction plans shall be submitted.

1. A plan and profile of each street with centerline and top curb grades, existing and proposed ground line shown. Each street shall include north point, scale, date, and benchmark description to sea level datum and showing the following:

   a) Type of street to be constructed (i.e. Portland cement, H.M.A.C.).

   b) Classification (i.e. arterial, collector, residential).

   c) Additional easement or right-of-way requirements.

   d) Design Standards used.

   e) Relationship of existing and planned streets, to topographical conditions, if applicable.

   f) Planned grading contours, elevations, earthworks, slopes, retaining walls, or other grading information required by the Town Engineer.

2. Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5 or 10 feet vertically.

3. The typical cross-section of proposed streets showing the width of roadways and type of surface shall be shown.

4. All other requirements of the current street standards shall be included in the plans.

5. The plans shall contain a certificate of approval for signature of the Town Secretary or designee and Town Engineer.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 5, adopted 9/14/09)

SECTION 5.5 OTHER UTILITIES

The Subdivider must furnish a written statement to the Town designating that the subdivision will be served with gas or will be total electric service. If a gas distribution system is to be installed then all distribution main and service lines shall be installed before street construction is complete.

The Subdivider must furnish a written statement to the Town designating how the subdivision will be served by electrical, natural gas, telephone and cable television. Utility construction shall be coordinated with street construction to avoid unnecessary pavement cuts.

(Ordinance 130 adopted 6/5/00)

SECTION 5.6 DESIGN SUMMARY

A separate document of report entitled "Engineering Report" shall be submitted with final plans and specifications. This report shall summarize calculations and other Engineering information pertaining to the major items of design significance as may be necessary in the Town's review of the plans and specifications to determine whether the facilities proposed for construction have been designed in accordance with the intent of the Design Standards contained or referenced herein. Calculations should include drainage facilities, water demand, sewage flows, and any others which are considered necessary by the Town. (Ordinance 130 adopted 6/5/00)

SECTION 5.7 STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

The Town of Shady Shores, Texas, herein has adopted the Standard Specifications for Public Works Construction (1995, as amended) as published by the North Central Texas Council Governments (NCTCOG), plus any local amendments adopted by the Town of Shady Shores, for use in public works or facilities construction within the Town of Shady Shores and its Extraterritorial jurisdiction. These specifications are adopted in their entirety. All builders, developers, and contractors are to utilize said specifications in the construction of any public facilities or projects which are anticipated to be dedicated to, accepted by, or utilized by the public within the Town of Shady Shores and its extraterritorial jurisdiction. To the extent that any of the provisions of these standard specifications are in conflict with any other Town ordinances, the most restrictive or exacting standard shall apply. (Ordinance 130 adopted 6/5/00)

SECTION 5.8 DRAINAGE REQUIREMENTS AND DESIGN STANDARDS

A. PURPOSE: The standards and requirements of this section are adopted for the following purposes:

1. To protect human life, health and property;

2. To provide for the sound use and development of all areas in such a manner as to minimize flood impacts;

3. To retain natural floodplains in a condition that minimizes interference with floodwater conveyance, floodwater storage, aquatic and terrestrial ecosystems, and groundwater and surface water;

4. To minimize erosion and sedimentation problems and enhance water quality; and

5. To minimize future operational and maintenance expenses.

B. DEFINITIONS: The words defined herein shall apply to any word used in this section which is not otherwise defined.

Access ramp: means a route used to provide entry for vehicles and machinery into a channel.

Access road: means a route parallel to and at the top of the bank of a channel used to allow maintenance of channels from the top of the bank.

Base flood: means the flood have [having] a one (1) percent chance of being equaled or exceeded in any given year. Also known as the one-hundred-year flood.

Channel: means an open conduit, both natural and man-made, in which water flows with a free surface.

Conduit: means any open or closed device for conveying flowing water.

Culvert: means a transverse conduit beneath streets and driveways connecting channels.

Detention: means the storage of storm runoff for a controlled release during or immediately following the design storm.

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

Drainage area or basin: means the land area upon which all rainfall that falls on that area is directed towards or flows to a given point or stream.

Drainage Design Manual: means the latest Denton Drainage Design Criteria as amended.

Drainage facilities or system: means one (1) or more conduits, channels, ditches, swales, pipes, detention devices or any other device, work or improvement, natural or man-made, which is used, designed or intended to be used to carry, direct, detain or otherwise control stormwater.

Drainageway: means an existing river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Flood boundary and Floodway map (FBFM): means an official map of a community issued by the Federal Emergency Management Agency, where areas within the boundaries of areas of special flood hazard have been designated.

Flood insurance rate map (FIRM): means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study: means the official report provided by the Federal Emergency Management Agency containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.

Floodplain: means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood.

Freeboard: means the vertical distance between the design water surface level (base flood) and the top of an open conduit left to allow for wave action, floating debris or any other conditions or emergence without overtopping the structure.

Grade: means the inclination or slope of a conduit, channel or natural ground surface, usually expressed in terms of the percentage of number of feet of vertical rise or fall per one hundred (100) feet horizontal distance.

Hydrograph: means a graph showing stage, flow, velocity or other property of water versus time at a given point on a stream or conduit.

Inlet: means an opening into a storm drain system for the entrance of surface storm runoff.

Lane: means a driving surface of a street with a width as specified in the street standards.

Off-site: means located outside the boundary of a development.

On-site: means located within the boundary of a development.

Pipe: means a closed conduit through which water flows.

Spread limits: means the width of pavement covered by water based on a flood of a certain frequency (ten-year, one-hundred-year flood).

Street crown: means the highest point of a street cross-section, normally located at the centerline of the street.

C. GENERAL REQUIREMENTS: General requirements for development of an area shall include the following drainage considerations:

1. Drainage study required. All drainage studies, calculations and designs both off-site and on-site shall be based upon the full development of the drainage basin.

2. Drainage improvements required. All developments shall provide for any new drainage facilities, the improvement of any existing drainage facilities, channel improvement or grading, driveway adjustments, culvert improvements or any other improvements, drainage facility or work which is necessary to provide for the stormwater drainage needs of the development in accordance with the requirements and design standards of this section, including but not limited to any drainage facilities, improvements or other work which is necessary to:

    a) Adequately protect the development from flooding, including the effects of the one-hundred-year flood;

    b) Provide for the conveyance of all stormwater from the development when fully developed to an adequate discharge point.

    c) Provide for the conveyance of existing storm drainage flowing through the development.

d) Properly control any increase in the upstream or downstream stage, concentration or water surface elevation caused by the development to a minimum.

3. Off-site drainage. Off-site drainage facilities and improvements shall be provided by the development wherever additional stormwater runoff from the development would adversely affect any off-site property or would overload an existing drainage facility, whether natural or man-made. If the developer cannot obtain the necessary easements to make required off-site drainage improvements, upon the request of the developer after compliance with the provisions contained herein, the Town may bring condemnation proceedings to obtain the off-site drainage easements.

4. Detention facilities. Detention facilities may be used to reduce peak discharges. All detention facilities shall comply with the design criteria of this section. Detailed engineering studies of the entire basin shall be required to ensure that the timing of peak flows has not been altered to create higher peak flow elsewhere in the basin. Detention facilities may be constructed in phases, if phased so as to provide for the timely needs of the development.

5. Development in Floodplains. Development within a floodplain as defined by the base flood is prohibited.

6. Floodplain modification and permitting. When any development desires to redefine the floodplain area as defined by the Federal Emergency Management Agency within the development, the necessary engineering studies shall be submitted. The studies will demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community and the limits of the revised floodplain area. The area within the floodplain which will be necessary to provide for the drainage needs of the development shall be dedicated to the public as a drainage easement on the final plat.

7. Drainageways and improvements

a. Generally, drainageways which are still functioning primarily in a natural and adequate state shall not be altered or improved to provide for the drainage needs of a development, unless there is no other reasonable means or method to provide for such drainage as determined by the Town Engineer.

b. As part of the required improvements, all debris, small brush, vines and other obstructions shall be cleared from that portion of any channel located within or on the perimeter of the development, as directed by the Town Engineer, prior to the connection of any utilities for any building within a development. A development may also be required to provide clearing of off-site floodways to the extent necessary to adequately receive or convey stormwater runoff from the development, based on the roughness coefficient approved during the design process for the final plat.

c. Development discharging stormwater runoff into a floodway shall provide supplemental vegetation, on-site and off-site, when necessary to preserve or restore any disruption to the natural state. The vegetation planted shall be as

approved by the Town Engineer. The vegetation requirement shall apply to any portion of any floodway, on-site or off-site, which would be affected by runoff from the development.

8. Minimum finished floor elevation. Minimum finished floor elevations for proposed development areas subject to flooding shall be two (2) feet above the one-hundred-year flood elevation based on ultimate watershed development conditions, and shall be substantiated by an elevation certificate, certified by a licensed professional engineer. The elevation certificate must be presented before the issuance of a building permit.

[9.] General design manual adopted. General design standards shall be as follows:

1. Drainage design manual adopted. The City of Denton Drainage Criteria as amended is adopted. In addition to meeting the requirements expressly set out herein, all drainage systems shall comply with the design requirements contained in the drainage design manual adopted by ordinance. Where there is any conflict between a provision set forth herein this ordinance and a provision of the drainage design manual, the provisions herein shall apply.

2. Drainage computation data. Design of drainage facilities and improvements shall be based on hydraulic and hydrologic computations prepared by the developer engineer. Computations and data shall be submitted to the Town Engineer for approval.

3. Street access crossing channels. No development shall be designed to access a public street across a channel without providing adequate clearance for the channel. Channels serving drainage areas greater than one (1) square mile in an area shall have one (1) foot of freeboard between the design water surface and the lowest beam of the bridge or structure. Channels serving drainage areas less than one (1) square mile in area shall have one (1) foot of freeboard between the design water surface and the lowest top of curb or pavement elevation of the street.

4. Channel requirements. Channel regulations and improvement shall be in accordance with the following:

a) Channels which serve as drainageways shall be maintained in a natural state as provided for in this section. Undeveloped branches of natural channels and creeks of local drainage systems should remain in a natural state unless maintenance and hydraulic considerations require improvements.

It shall be the policy of the Town to discourage the destruction of natural drainageways by construction of lined channels and other structural measures, where non-structural flood control is feasible.

b) Open Channel Design: Open channel capacity shall be calculated by Manning's Formula and roughness coefficients shall be as follows:

TYPE OF LINING	ROUGHNESS COEFFICIENT "N"	MAXIMUM PERMISSIBLE MEAN VELOCITY
Mowed Grass	0.035	8 ft./sec.
Natural Vegetation	0.080	5 ft./sec.
Concrete Lined	0.015	15 ft./sec.

Side slopes of channels shall be no steeper that [than] 3:1 in earth and 2:1 when lined with concrete[.]

c) The minimum grade allowed on a channel or ditch shall be 0.5% (five-tenths foot per one hundred feet) for a concrete-lined channel or ditch and 1.0% (one foot per one hundred feet) for a grass-lined channel or ditch unless otherwise approved by the Town Engineer.

d) Channels shall have one (1) foot of freeboard above the one-hundred-year flood.

e) The design for all open channels shall be based on geotechnical investigations, unless determined to be unnecessary by the Town Engineer.

5. Lot drainage. Generally, each lot shall be designed or graded to direct stormwater into and abutting street, channel or inlet. If drainage is provided in the rear of any lot by channel or closed storm drainage system the facilities shall be designed for the one-hundred-year flood. Where it is not practical to provide abutting drainage facilities for each lot, drainage facilities shall generally be required whenever the stormwater runoff from more than two (2) lots is directed across a third residential lot.

[10.] Design criteria. Design criteria shall be as follows:

1. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement and/or right-of-way conforming substantially to the limit of the one hundred (100) year flood. In the new subdivisions the developer shall provide all the necessary easement and right-of-way required for drainage structures, including storm drain piping and open channels. Easement width for storm sewer pipe shall not be less than twenty (20) feet.

2. Drainage structures are to be constructed at all street crossings over the major streams in the Town and shall accommodate the 100-year design discharge.

3. Curb height on all streets are to be not more than six (6) inches and at least equal to the depth of water at design flow.

4. In determining the most feasible flood control method, consideration shall be give to non-structural measures as well as structural measures.

5. The combined capacity of storm drain pipe, street and surface drainage shall contain the one hundred (100) year design flow within Street Rights-of-way and/or drainage easements.

6. In developments adjacent to floodplains, all floor elevations shall be at least two (2) feet above the one hundred (100) year flood elevations and shall be substantiated by an elevation certificate, certified by a licensed professional engineer. The elevation certificate must be presented before the issuance of a building permit.

7. In areas where the 100-year flood elevation has been previously determined the 100-year flood elevation shall not be increased due to new development.

8. Design flood frequencies. The following listed facilities shall be designed to handle the flood frequencies indicated:

Facility	**Flood Frequency (Years)**
Enclosed pipe system, if needed	10
Driveway culverts and roadside ditches	25
Street right-of-way	100
Improved and natural channels	100
Culverts	100
Bridges	100
Floodplain	100

9. Street drainage requirements

   a. The permissible water spreads for curbed streets are based on the ten-year flood. A minimum of one lane of traffic shall remain open during a ten-year flood. Drainage flows across intersections will not be allowed during a ten-year flood except at valley crossings.

   b. Street crowns for curbed streets shall be reduced for approximately one hundred (100) feet on each side of valleys, and only one (1) valley crossing for each street shall be used at an intersection.

   c. Concrete valley gutters shall be provided where the gutter flow must be carried across intersections of curbed streets, minimum width of valley gutters shall be eight (8) feet.

10. Pipe system requirements

   a. Storm drain systems capable of conveying the ten-year frequency flood are required when water spread and intersection cross flow limits are exceeded for curbed streets. Closed pipe systems shall be required for discharges up to and including the equivalent flow of a forty-eight (48) inch pipe, unless the grade of the natural ground is less than 0.5 percent,

then an enclosed pipe system shall be required for discharges up to and including one hundred (100) c.f.s.

b. The minimum velocity with the pipe flowing full shall be three (3) c.f.s. per second.

c. The minimum storm drain pipe diameter shall be eighteen (18) inches.

d. Pipe upper inverts at changes in pipe sizes should be set at the same elevation.

e. Vertical curves in the conduit will not be permitted, and horizontal curves will be permitted only with the approval of the Town Engineer.

f. Manholes shall be place[d] at the connection of two (2) or more laterals, at pipe junctions having pipe sizes greater than twenty-four (24) inches, at alignment changes and at the beginning of the storm drain system. Maximum manhole spacing shall be as follows:

Pipe Size (inches)	**Maximum Spacing (feet)**
18-36	600
42-60	1,000
Larger than 60	No limit

11. Culverts. All street culverts shall meet the following requirements:

a. Culverts shall be of sufficient size (minimum 18") to carry the expected water flow within the channel, be made of approved classes of reinforced concrete pipe (RCP) or corrugated metal pipe (CMP), and shall be jointed together properly by materials approved by the Town Engineer.

b. Culvert discharge - velocity limitations

Culvert Discharging On To:	**Maximum Allowable Velocity (F.P.S.)**
Native soil	5
Sod Earth	8
Paved or Riprap Apron	15
Rock	15

c. Headwalls shall be provided at all culverts.

12. Detention ponds. The following requirements and design standards shall apply to detention ponds to the extent they do not conflict with any applicable federal or state laws or regulations, as amended:

a. The one-hundred-year flood shall be used to determine the volume of detention storage required. Detention facilities shall be designed so that any additional runoff generated by the proposed development will not

increase the amount of original discharge for storm frequencies from the five-year to the one-hundred-year flood.

b. The modified rational method shall be used to construct runoff hydrographs for detention storage design when the contributing drainage area is two hundred (200) acres or less. The procedures outlined in Soil Conservation Service Technical Release No. 20 (TR-20) or in the U.S. Corps of Engineers' Flood Hydrographs Package (HEC-1) shall be used to determine runoff hydrographs for detention storage design when the contributing drainage area exceeds two hundred (200) acres. The Town Engineer may approve the use of other methods for runoff hydrographs when appropriate.

c. The outflow structure of a detention basin discharging water into any natural stream or unlined channel shall discharge at a culvert discharge rate.

d. Detention basins resulting from excavation shall provide positive drainage. The side slopes for any excavated detention basin, which is not in rock, shall not exceed 4:1.

e. Earthen embankments used for water impoundments must be constructed according to specifications for fill material and be designed based upon geotechnical investigations of the site.

f. Detention basins shall be designed with adequate ingress and egress to allow for regular maintenance, including periodic desilting and debris removal.

13. Easements. In addition to any other provisions herein relating to easements for improvements, the following requirements for easements for drainage improvements, channels and facilities required for any development by this section shall apply:

1. All drainage systems and facilities which are not to be included within an existing or proposed public street right-of-way shall be located within easements to be dedicated to the town and shall have adequate access to a public street. Prior to acceptance of any public drainage facilities, all easements within which the facilities are located shall be cleared of all buildings, structures, or other obstacles that would interfere with access to the easements.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 6, adopted 9/14/09)

SECTION 5.9 MONUMENTATION AND BENCHMARKS

The boundaries of any subdivision presented for review and filing shall be monumented and such monuments shall be duly noted on said plat and within the accompanying dedication instrument according to Rule 663.11 of the Texas Board of Land Surveying (Certification and

Monumentation of Surveys), in no case shall a boundary course of said subdivision to be monumented in intervals greater than 1,300 feet.

Subsequent to installation of utilities and pavements, all lot corners, curve points and changes in course in any line with [within] the subdivision shall be monumented in accordance with said Board of Land Surveying Rule 663.11 by the platting surveyor under the sponsorship of the developer.

A. All monuments shall be of materials recognizable as being those property boundary monuments by professional surveying standards, and shall be of sufficient length and girth and placed in locations sufficiently stable to withstand abuse of normal conditions with significant movement.

   1. Under most circumstances no steel rods smaller than 1/2" in diameter and shorter than 13" in length should be used nor should pipes smaller than 1/2" inside diameter and shorter than 13" in length be used.

   2. No monument made of a wood material shall be used.

B. The point of beginning for land in a subdivision described by metes and bounds should be clearly defined on the plat, and any plat shall be clearly related to the survey, tract, or subdivision of which it is a part.

C. All distances shown on the final plat shall be horizontal ground lengths.

D. A minimum of three (3) elevation benchmarks shall be installed in all Major subdivision reflecting elevation using North American Datum of 1927 and the National Geodetic Vertical Datum of 1929. The Town Engineer may require the installation of additional benchmarks in unusually large or complex site.

(Ordinance 130 adopted 6/5/00)

SECTION 5.10 EROSION AND SEDIMENTATION CONTROL

All construction projects shall include temporary erosion and sedimentation controls in accordance with item 3.12 of the Standard Specifications and Storm Water Quality Best Management Practices for Construction Activities published by the North Central Texas Council of Governments. Storm Water Pollution Prevention Plans shall be submitted for approval by the Town Engineer prior to approval of construction projects. (Ordinance 130 adopted 6/5/00)

ARTICLE VI. SUBDIVIDER'S AGREEMENT, FINANCIAL ASSURANCE AND CONSTRUCTION CONTRACTS FOR PUBLIC IMPROVEMENTS

SECTION 6.1 PROCEDURES

A. CONTRACT REQUIRED: The owners shall be required to execute a Subdivider's Agreement as a condition of plat approval whenever the installation of community facilities or public improvements is required. The Town Attorney shall prepare the Subdivider's Agreement after the final engineering plans and cost estimates have been approved.

B. APPROVAL OF CONTRACT

1. After the contract has been signed by the developer and the required performance bond, payment bond, surety, or irrevocable letters of credit, and maintenance bonds meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. have been posted with the Town, the Town Secretary or designee shall forward the Subdivider's Agreement to the Town Attorney for review and approval.

2. The Mayor shall review and sign the contract on behalf of the Town after receiving comments of the Town Attorney and approval by the Town Council.

3. If any special provisions or deviations from established policies are included in the contract, specific approval of only the special provisions or deviations by the Town Council is required.

4. No construction work shall begin on the subdivision before the Subdivider's Agreement is approved and signed by the Mayor. This provision shall preclude the moving of dirt except in conditions covered in other development regulations.

5. The Town will use its best effort to expedite all necessary instruments and documents within the Town administration.

C. CHANGES IN CONTRACT: Any subsequent changes in the plans and specifications of the approved project proposed by the developer shall necessitate an amendment to the Subdivider's Agreement and amendments to all required financial assurance instruments. An increase in the project scope shall also require an increase in the Inspection Fee, as authorized in paragraph 6.3.A below. The Developer shall bear the full cost of any additional work required by the Town Attorney and/or Town Engineer in revising and/or reviewing the revised documents and approval shall not be granted until such additional fees are paid.

(Ordinance 130 adopted 6/5/00)

SECTION 6.2 PERFORMANCE BONDS AND MAINTENANCE BONDS

A. Performance bonds, sureties or irrevocable letters of credit in forms provided by the Town Attorney meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. shall be required for any required public improvements or community facilities prior to the filing of the Final Plat and issuing of any building permits. Bonds, irrevocable letters of credit, certificates of deposit or cash deposits will be for 100% of the value, as determined by the Town Engineer, of the construction costs of all facilities to be constructed by the developer.

B. The developer shall provide a maintenance bond meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. guaranteeing and agreeing to pay any necessary maintenance for a period of two (2) years in an amount equal to 100 percent of the value of the construction costs of all facilities to be constructed by the developer.

(Ordinance 130 adopted 6/5/00)

SECTION 6.3 INSPECTIONS AND APPROVAL OF PUBLIC IMPROVEMENTS

A. The Town Council shall establish fees for the inspection of public improvements as part of the Fee Schedule. No person shall be granted notice to proceed to construct, reconstruct, cut or repair any street, drainage or sanitary sewer facility without paying the fees for the inspection of such work.

B. The Subdivider's contractor shall give at least twenty-four (24) hours' notice in writing to the Town of intent to commence actual construction of the facilities in order for inspection personnel to be made available.

C. The Subdivider shall delay connection of buildings to service lines of sewer and water mains until said sewer and water mains and service lines have been completed and accepted by the Town.

D. It shall be the duty of the Subdivider to notify all contractors and subcontractors working for him that all of their work is subject to inspection by the Town inspector at any time. Certification of materials being used may be required by the Town inspector.

E. Laboratory tests required by the Town inspector shall be performed by approved independent testing laboratories and will be at the discretion of the Town inspector. Approved laboratories are laboratories that are members of the American Council of Independent Laboratories and shall comply with standard recommended practice for inspection and testing agencies for concrete, steel, and bituminous materials as used in construction, ASTM Designation E 329. All costs for laboratory tests shall be borne by the Subdivider or his Contractor.

F. Should any point not be covered in the plans, or Subdivider's Agreement, the Subdivider shall be required to contact the Town Engineer for a determination as to the Town's requirements.

G. Any work, which in the opinion of the Town inspector that does not meet the Town requirements or has not had proper Town inspection shall be corrected. The inspector shall notify the contractor and subdivider in writing, of the reasons for requiring the contractor to cease all operations until the defect has been corrected in order to comply with Town requirements and receive proper inspection.

(Ordinance 130 adopted 6/5/00)

SECTION 6.4 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

A. The Planning and Zoning Commission may recommend and the Town Council may defer, reduce, or waive at the time of plat approval, subject to appropriate conditions, the provision of any of all such improvements as, in its judgment, are not necessarily in the interest of the public health, safety, and general welfare[.]

B. Whenever it is deemed necessary by the Planning and Zoning Commission and Town Council to defer the construction of any improvements required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements prior to approval and recording of the final plat.

(Ordinance 130 adopted 6/5/00)

SECTION 6.5 PUBLIC CONSTRUCTION CONTRACTS

For projects where the Town of Shady Shores will act as owner, plans and specifications shall be prepared by the Town Engineer and projects bid according to requirements of the Texas Local Government Code. Contractors will be required to provide performance bonds, payment bonds, insurance and a two-year maintenance bond in accordance with Town requirements. The developer shall be required to pay a cash deposit to cover the work in accordance with the terms of the Developer's Agreement.

A. Since the developer is providing a financial assurance surety to cover performance under Section 6.2 A, a separate performance and payment bond is not required from the contractor. However, it may be in the developer's best interest to require those from his/her contractors since the Town will not release the financial assurance until work is complete and a release of lien is provided by subcontractors.

B. MAINTENANCE BOND: The contractor will be required to make a Maintenance Bond of not less than one hundred percent (100%) of the contract price conditioned upon the maintenance of and the repairs to the construction under contract for a period of two (2) years from the date of acceptance of the project. All contractors employed by the subdivider shall furnish the Town a good and sufficient maintenance bond, in an amount equal to one hundred (100%) percent of the costs of the improvements required for the first year and twenty-five percent (25%) for the second year, executed by a reputable and solvent corporate surety, holding a license to do business in the State of Texas, in favor of the Town to indemnify the Town against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the Town. Such Bond to be approved as to form and legality by the Town Attorney.

C. STATE SALES TAX: This contract is for the improvement of streets, storm sewers and utilities in right-of-way which has been dedicated to the Public and the Town of Shady Shores, an organization which qualifies for exemption pursuant to the provisions of Article 20.04 (F) of the Texas Limited Sales, Excise and Use Tax Act.

   The Contractor performing this contract can probably purchase, rent or lease all material, supplies and equipment used or consumed in the performance of this contract by issuing to his supplier an exemption certificate in lieu of the tax, said exemption certificate complying with State Comptroller's ruling #95-0.07. Any such exemption certificate issued by the Contractor in lieu of the tax shall be subject to the provisions of the State Comptroller's ruling #95-0.09 as amended to be effective October 2, 1976.

D. INSURANCE: Prior to commencing the work, the Contractor shall furnish to the Town of Shady Shores and/or Owner proof of satisfactory carriage of insurance in accordance with the standard requirements of Contractors doing work of the nature herein proposed.

E. INDEMNIFICATION: Approval by the Town Engineer, of any plans, designs or specifications submitted by the developer pursuant to the commencing of work shall not constitute or be deemed to release the responsibility or liability of the developer, contractor, their engineers, employees, officers or agents for the accuracy and competency of their design and specifications prepared by the developer's consulting engineer, his officers, agents, servants or employees, it being the intent of the developer and the Town that the approval by the Town Engineer, signifies the Town's approval on only the general design concept of the improvements to be constructed. In addition the Developer shall indemnify and hold harmless the Town, its officers, agents, servants and employees, from any loss, damage, liability or expense on account of any damages to property and injuries, including death, to all and all persons which may arise out of any defect, deficiency or negligence of the Developer's engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the Town, its officers, agents, servants or employees, or any of them, rendered against them or any of them in connection with the development plans, designs, or specifications. All responsibility and liability for drainage to adjacent and downstream properties from the development will accrue to the Developer or his/her Contractors. The Contractor further agrees to comply with all applicable laws, regulations, ordinances, buildings and construction codes of the Town of Shady Shores and the State of Texas, and with any regulations for the protection of workers which may be promulgated by the government, and shall protect such work with all necessary lights, barriers, safeguards, and warnings as are provided for in said specifications and in the ordinance[s] and regulations of said Town.

(Ordinance 130 adopted 6/5/00)

SECTION 6.6 GENERAL CONSTRUCTION REQUIREMENTS

Prior to initiating any construction work, the contractor and all subcontractors shall conduct a preconstruction conference with the Town, Town Engineer, Town inspector, and all affected franchised utilities. Prior to the Conference, the contractor shall provide a proposed construction sequence and schedule and a traffic safety plan, if required, for review and approval by the Town Engineer. As a general rule, the following construction sequence shall be employed.

Step 1. Install temporary erosion sedimentation controls
Step 2. Excavate detention ponds
Step 3. Rough cut streets
Step 4. Install utilities
Step 5. Final grading
Step 6. Paving
Step 7. Finish detention ponds
Step 8. Hydro-mulch, final cleanup

(Ordinance 130 adopted 6/5/00)

SECTION 6.7 APPROVAL OF WORK

All work performed in construction, reconstruction, cutting and repairing of streets, storm sewer and other public improvements shall be subject to the approval of the Town Engineer, whose decision shall be final.

The Town shall not release the obligations of any financial assurance, including performance bonds, until the improvements have been approved and accepted by the Town. The Developer is strongly urged to withhold final payment to the Contractor until such acceptance occurs, since the Town shall hold the Developer responsible for completion of the project. The Town shall not approve or arbitrate quantities for which payment is to be based.

(Ordinance 130 adopted 6/5/00)

SECTION 6.8 OWNERSHIP AND MAINTENANCE OF COMPLETED PUBLIC FACILITIES

Upon acceptance of completed construction, all street improvements including construction of streets, alleys, thoroughfares, curbs, gutters, storm sewers, and drainage channels within dedicated right-of-way and easements shall be and remain the property of the Town of Shady Shores. The Contractor shall be responsible for maintenance of the completed public improvement for a two (2) year period, following acceptance by the Town. After expiration of the two (2) year maintenance period, the improvements shall be maintained by the town. (Ordinance 130 adopted 6/5/00)

SECTION 6.9 RECORDS

The Town shall maintain a record of the project, front foot basis determined by the Town Engineer, refund limit, date construction was completed, limits upon which front foot fee may be Collected, and the name of the developer entitled to refund. (Ordinance 130 adopted 6/5/00)

ARTICLE VII. DESIGN STANDARDS AND REQUIREMENTS

SECTION 7.1 GENERAL DESIGN PRINCIPLES

The quality of design of the Town is dependent on the design quality of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the community. Therefore the design of each subdivision shall be prepared in accordance with the design principles, concepts and standards in the Comprehensive Plan, and in accordance with the following provisions:

A. PHYSICAL CONDITIONS: The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Trees and native vegetation should be preserved. The system of streets and sidewalks, and the layout and arrangement of blocks and lots should be designed to take advantage of the natural and scenic qualities of the area. Land which the Town finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formation, utility or pipeline easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surroundings,

shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning and Zoning Commission and Town Council that will solve the problems created by the unsuitable land conditions.

B. The following general design requirements ensure that the proposed subdivision is coordinated with its immediate neighbors with respect to land use, street constructions, utilities, drainage facilities and the possible dedication of parks and open spaces.

1. Conformity with Comprehensive Plan: The subdivision shall conform to the Comprehensive Plan of the Town and elements thereof.

2. When a tract is subdivided into larger than normal building lots, such lots shall be so arranged as to permit the logical location and opening of future streets and possible resubdivision of lots with provision for adequate easements and connections.

3. When the plat to be submitted includes only part of the contiguous property owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

4. The subdivision plat shall provide for the logical extension of abutting and proposed utilities and drainage easements and improvements in order to provide for system continuity and to promote future development of adjacent areas.

5. Provision for Future Subdivision: If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

6. Reserve Strips Prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

7. Access to Lots: Each lot shall abut on a dedicated public street or an approved private street.

8. Public Improvements: All public improvements shall be designed and constructed in a manner to meet or exceed the Town of Shady Shores Specifications.

9. Access to Subdivision: Each subdivision shall be designed to have at least two points of access.

(Ordinance 130 adopted 6/5/00)

SECTION 7.2 PRESERVATION OF TREES AND NATIVE VEGETATION

A. Landscape shall be preserved in its natural state to the greatest extent feasible. Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural environment and to minimize the necessity for removing trees, native vegetation, and soil, or the

addition of fill. Site clearing, beyond what is necessary to provide locations for structures, driveways, parking, or small yard areas not visible from the street, shall not be permitted. The developer shall leave undisturbed native tree growth to the maximum extent feasible. (Ordinance 130 adopted 6/5/00)

SECTION 7.3 LAND UNSUITABLE FOR SUBDIVISION

Any land which, in its natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, resubdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site. Thereafter the Town Council may approve plats; however, construction upon such land shall be prohibited until the specific improvements have been planned and construction guaranteed. (Ordinance 130 adopted 6/5/00)

SECTION 7.4 EASEMENTS

A. GENERAL POLICY: All utilities shall be provided in street right-of-ways except for special circumstances approved by the Planning and Zoning Commission. In such cases, the following standards shall prevail:

1. All utility easements shall be fifteen (15) feet unless special circumstances warrant additional or reduced easements which can be recommended by the Planning and Zoning Commission and approved by the Town Council. The Planning and Zoning Commission may require easements of greater width for the extension of storm sewers, water lines or sanitary sewers and other utilities when it is deemed necessary.

2. Employees of the Town of Shady Shores and its agents shall have the authority to enter premises at any time for the purpose of inspecting, repairing or construction within any easement.

3. Where not adjacent to a public way, easements at least 15 feet wide of utility construction service, and maintenance shall be provided where necessary in locations approved by the Planning and Zoning Commission. Easements of at least seven and one half (7-1/2) feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as electric, telephone, street lights and natural gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way.

4. When the town finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate easement and/or to provide utilities, the subdivider shall obtain such easement or make arrangement with the Town to obtain them[.]

5. Drainage easements shall generally be located along the existing drainageway and should be of sufficient width for the designed improvements to be installed and enough extra width for maintenance equipment to be able to work.

6. Emergency access easements and fire lanes will be provided where required by the Town inspector, acting as the Fire Marshal. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet and have a minimum inside turning radius of twenty-five feet (25'). Any emergency

access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty (80) feet with an additional distance of ten (10) feet on all sides clear of permanent structures. These easements shall be paved to Design Standards and Specifications recommended by the Town Engineer.

7. All easements shall be so designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.

B. UTILITY EASEMENTS

1. Any franchised public utility, including the Town of Shady Shores, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system and any of the easements shown on the plat; and any public utility, including the Town of Shady Shores, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, Patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time, of procuring the permission of anyone.

2. All easements which will be used for water and/or sewer facilities, or which may potentially be used in the future for water and/or sewer facilities shall be designed to meet those required by LCMUA.

C. PUBLIC OPEN SPACE RESTRICTION: Visibility triangles shall be provided at all street intersections, either as dedicated right-of-way or as public open space easement. The minimum triangle shall be thirty-five feet (35') along each right-of-way line, though additional open space easement may be required when necessary to achieve the necessary sight distances.

(Ordinance 130 adopted 6/5/00)

SECTION 7.5 STREETS

A. GENERAL: The arrangement, classification, character, extent, width, grade and location of all streets shall conform to the Official Thoroughfare Plan and the official street construction standards and shall be designed in accordance with the following provisions:

1. The subdivider shall be required to dedicate appropriate right-of-way for all streets required within or abutting said subdivision in accordance with the adopted Official Thoroughfare Plan.

2. Where a residential subdivision borders on or contains an existing or proposed arterial street, the Planning and Zoning Commission shall require that access to such streets be limited where possible by:

   a) The subdivision of lots so as to back into the primary arterial and front onto a parallel local street with no access from the arterial;

b) Providing a series of cul-de-sac, U-shaped local streets, or short loops entered from and designed generally at right angles to a parallel street, with the rear lot lines of their terminal lots backing into the arterial street.

3. The arrangement, character, extent, width, grade and location of all proposed streets shall be related to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such streets.

4. Relation to Adjoining Street System: The proposed street system shall extend all existing major streets and such collector streets up to logical termination. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved. All streets should be designed to be in line with existing streets in adjoining subdivisions. Street layout shall provide for continuation of collector streets in areas between arterials. Those local streets designed [designated] by the Planning and Zoning Commission shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. In general, these extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining unplatted lands.

5. Projection of Streets: 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.

6. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.

7. Design of Local Streets: Local streets shall be laid out so as to serve only local traffic and discourage their use by through traffic. Local streets in residential subdivision shall be designed in a curvilinear manner, except when:

   a) In the determination of the Planning and Zoning Commission, the shape or topography of the subdivision, existing zoning or the pattern of the adjacent street would make the provision of such curvilinear streets impractical; or

   b) The subdivision is part of and conforms to an unexpired Preliminary Plat approved prior to the adoption of these Rules, Regulations and Procedures.

8. Adequate Access: To insure adequate access to each subdivision, there should be at least two (2) planned points of ingress and egress.

9. Relation to Lots: All streets should be planned so that all resulting lots shall be sufficient size and shape to conform to applicable zoning regulations.

10. Street Names: 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. Streets shall be named to provide continuity with existing streets.

B. STREET COSTS AND TOWN PARTICIPATION: The owner or developer shall be responsible and pay all costs for the design and construction of streets within the proposed development. The developer shall build these street[s] in accordance with Town standards.

C. DESIGN REQUIREMENTS: Design requirements are summarized in Table 7.1. The Planning and Zoning Commission may require curb and gutter for some street classifications. Curb, gutter and paving requirements for streets, unless otherwise specified in Standard Specifications for Public Works Construction, shall follow the Standard Specifications for Public Work Construction (latest edition) of the North Central Texas Council of Governments.

1. Pavement Width: Streets shall be designed to the width required by the Thoroughfare Plan, Table 7.1 or as may be specified by the Planning and Zoning Commission and Town Council. All pavement widths shall be measured from the face of one curb to the face of the opposite curb. Wider pavement widths shall be provided when required by the Planning and Zoning Commission and Town Council to handle increased or unusual traffic conditions.

[TABLE 7.1]
SUMMARY OF RECOMMENDED THOROUGHFARE DESIGN STANDARDS FOR COLLECTOR AND RESIDENTIAL THOROUGHFARES

	Residential Streets
1. Pavement Width (Feet) (Face to face)	27 x 2
2. Pavement Section	
a. Stabilized subgrade (in)	6
b. Asphalt/Concrete Pavement (in)	6/5
3. Number of Traffic Lanes	2
4. Lane widths (feet)	2 [sic]
5. Right-of-way width (feet)	50
6. Vehicle Capacity Policy (Vehicles/hr. Vehicles/day)	400/5,250
7. Design speed (mph)	30
8. Minimum grade (%)	0.5
9. Maximum grade (%)	–
10. Minimum Centerline Radius (feet)	–
11. Stopping Sight Distance (feet)	200
12. Minimum Median Width (feet)	N/A
13. Minimum Spacing Median Opening (feet)	N/A
14. Minimum Radius for curb Returns at intersection (feet)	N/A

2. Street Section: The Town of Shady Shores minimum street section for a local residential street or rural collector shall be not less than six inches (6") of lime stabilized subgrade and five inches (5") of reinforced concrete, with a minimum crown of five inches (5"). The minimum section for collector and thoroughfare streets is six inches (6") of lime or cement-stabilized concrete. As a part of the soils test for determining lime or cement content, a pavement design shall be provided for thoroughfares. The design shall be in accordance with AASHTO Guidelines and shall

be based upon a 20-year design life. Commercial and industrial-use roadways shall have a minimum section of six inches (6") of lime or cement stabilized subgrade and eight inches (8") of HMAC pavement.

A parabolic crown shall be provided in accordance with the Town's standard details. A five-inch (5") crown is required for a local residential street. Any concrete for street sections shall have a minimum compressive strength of 3000 pounds per square inch (psi). The Town Engineer may require more stringent design requirements in locations of unusual soil or traffic conditions. Any deviations from the typical sections shall require the approval of the Town Engineer.

When required, twenty-four-inch (24") monolithic concrete curb and gutter shall be provided in accordance with the Town's standard details. In all cases, the developer's engineer shall conduct geotechnical tests which may dictate an increase in the pavement section. Any deviations from the typical section shall require the approval of the Town Engineer.

The developer's engineer shall provide soil tests to determine by recommendation of a reputable soil testing laboratory, if lime stabilization of the subgrade is needed in conjunction with the reinforced concrete pavement. The recommendations shall address the percentage (%) of lime to be applied. As a part of the soils test for determining lime or cement content, a pavement design shall be provided for thoroughfares. The design shall be in accordance with AASHTO Guidelines and shall be based upon a 20-year design life. A pavement design shall be provided for commercial and industrial use roadways. A parabolic crown shall be provided in accordance with the Town's standard details. The distance between expansion joints shall not exceed 600 feet. A five-inch (5") crown is required for a local residential streets. The concrete for all street sections shall have a minimum compressive strength of 3000 pounds per square inch (psi). The Town Engineer may require more stringent design requirements in locations of unusual soil or traffic conditions. Any deviations from the typical sections shall require the approval of the Town Engineer.

Consideration may be given to permitting a different subgrade and pavement thickness from the foregoing provided that the developer's engineer provides soils test and design calculations based on the Texas Twinaxial Method and all such soils test and calculations are approved by the Town Engineer.

All materials furnished for the paving of streets and all construction methods shall fully conform to the appropriate sections of the Standard Specifications for Public Works Construction (NCTCOG).

3. Street Alignment: A curved street pattern which follows the topography is preferred to a grid pattern imposed upon the land. This provides use of the streets for drainage purposes, a more interesting pattern of development, and slows traffic driving through residential neighborhoods. Streets should traverse the topography in the following manner:

   a) Cross streams and drainageways at a right angle; this minimizes bridge and culvert costs.

b) Streets on sloping terrain should gradually cross hills rather than directly up and down.

c) Cul-de-sacs and loop streets should curve with the flow of the topography to best handle drainage.

d) Where possible, drainage should be away from the cul-de-sac or loop street.

e) Property boundaries should not serve as the primary basis for street layout, with other property features (topography, soils, vegetation, etc) serving as the overall guide.

4. Intersections: Intersections should have only two streets intersecting at right angles. This provides the safest type of intersection. Another type of intersection is the "T" intersection. These are useful for discouraging through traffic and should be used more than 125 feet away from any other intersection.

   Intersections shall be designed to as near right angles as possible and in no case shall vary from ninety degrees by more than 5 degrees with specific authorization by the Planning and Zoning Commission and Town Council. The intersection of two local streets shall have a minimum curb return radius of fifteen feet (15'). The intersection of a local street or collector street with collector street shall have a minimum curb return radius of twenty-five feet (25'). Intersection of a collector street or thoroughfare with a thoroughfare shall have a minimum curb return radius of thirty-five feet (35'). If the intersection angle between any two streets varies by more than 5 degrees from a right angle, the minimum curb return shall be determined and approved by the Town Engineer.

   Visibility triangles shall be provided at all street intersections either as dedicated right-of-way or as public open space easement. The minimum triangle shall be thirty-five feet (35') along each right-of-way line, though additional open space easement may be required when necessary to achieve the necessary sight distance.

5. Cul-de-sacs and Loop Streets: Streets designated to be dead-ended permanently shall be platted and constructed with a paved cul-de-sac, in accordance with the following provisions:

   a) The maximum length of a cul-de-sac with a permanent turnaround shall be six hundred (600) feet, unless specifically recommended by the Planning and Zoning Commission and approved by the Town Council. The Planning & Zoning Commission and Town Council may approve longer cul-de-sacs for developments with extra-wide lots and fewer than 20 lots fronting on the cul-de-sac.

   b) A street ending permanently in a cul-de-sac less than six hundred (600) feet in length shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet, and a street right-of-way diameter of at least one hundred ten (110) feet. On cul-de-sacs which have been approved for lengths greater than six hundred feet (600'), the turn-around shall have an outside roadway diameter of at least one hundred feet (100') and a street right-of-way diameter of one hundred twenty feet (120').

c) When the Town Council determines that there is a reasonable expectation that a dead-end street will be extended within two (2) years, construction of a temporary cul-de-sac may be approved. The Town Council upon recommendation by the Planning and Zoning Commission, may waive temporary cul-de-sac requirements for dead-end streets when the street is less than two hundred (200) feet in length. Any dead-end street of a temporary nature, if longer than two hundred (200) feet, shall have a paved turning area of ninety (90) feet in diameter for a cul-de-sac. Any temporary cul-de-sac over six hundred feet (600') in length shall have a paved turning area of one hundred feet (100') in diameter. Temporary dead-end streets shall provide for the future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turn-around for excess right-of-way shall be provided. The portion of the temporary cul-de-sac which will serve as the extension of the street shall be constructed in accordance with the Town standards, while the remaining portion of the temporary cul-de-sac may be constructed with an all-weather surface adequate to accommodate, fire, sanitation and school bus vehicles.

d) Cul-de-sacs and loop streets shall drain to other streets or dedicated drainage easements[.]

6. One-Way Streets: One-way streets are generally prohibited in the Town.

7. Minimum and Maximum Grades: Street and alley grades should conform to the natural terrain where possible and shall conform to the requirements in Table 7.1.

8. Horizontal Curves: Horizontal curves for local streets shall not be less than two hundred fifty feet (250') along the centerline radius, collector streets not less than four hundred feet (400') along the centerline radius, and thoroughfares not less than one thousand two hundred feet (1,200') along the centerline radius. Local streets should be designed in a curvilinear manner to the extent possible, and avoid long street segments with a maximum centerline radius less than eight hundred feet (800'). These requirements may be made more stringent by the Town Engineer if deemed necessary to provide minimum stopping distance, sight distance, design speeds, and other safety requirements consistent with good engineering practices.

9. Design Speeds: Unless otherwise approved by the Town Council, design speeds shall be in conformance with Table 7.1.

10. Driveways and Median Openings:

a) Each land owner is entitled to access to the Town street and thoroughfare system. On the other hand, it is Town policy to limit the number of driveways entering streets and thoroughfares to protect public safety and maintain traffic efficiency. Therefore each land owner is entitled to only one driveway for each lot or parcel. Additional drive approaches shall be approved only when it has been determined that the additional driveway is necessary for adequate traffic circulation and that street efficiency and safety are preserved. Circle drives will be generally permitted when the Town Inspector determines that traffic safety is not hindered.

c) [b)] No driveway shall be located within seventy-five feet (75') of a street intersection unless no other point of access can be provided. Likewise, driveways shall be located a minimum of seventy-five feet (75') from any median opening unless the median opening directly serves the driveways. The minimum separation between driveways shall be seventy-five feet (75') unless for low density residential access onto a local street. Deviation from these standards shall be allowed only upon approval of the Town Engineer. Driveways should be located directly opposite each other to minimize the potential points of conflict. The use of common driveways for adjacent property shall be encouraged.

Driveways entering onto access roads of controlled access highways shall be prohibited for a distance of one hundred feet (100') before the intersection of roadway surfaces on exit ramps to a point three hundred feet (300') after the intersection of the travelways. Driveways are prohibited for a distance of one hundred feet (100') before the intersection of travelways on any entry ramp to a point one hundred feet (100') beyond the intersection of roadway surfaces and otherwise meet or exceed all other requirements of the Texas Department of Transportation.

c) Minimum Spacing between Driveways

(1)

Street Classification	Number of Curb Cuts
Primary Arterials (P6D)	One per 300 feet of frontage
Secondary Arterials (M4U)	One per 200 feet of frontage
Collector (RC)	One per 100 feet of frontage
Local (residential)	10-foot separation unless joint access

d) Sight Distance, On-site Maneuvering and Parking Lot Design: Adequate site distance and on-site maneuvering should be available from every driveway. Any movement for which adequate sight distance is not available or any parking lot design that does not provide adequate on-site maneuvering should not be permitted. For example, if parking is within twenty-five (25) feet of driveway for commercial or multifamily developments under three (3) acres or within fifty (50) feet of driveway for commercial or multifamily development over three (3) acres, either the parking should be rearranged or joint access should be considered or access to another street should be sought.

e) Median Openings: If and when medians are constructed on any arterial street, spacing between median opening should be at least four hundred (400) feet. The spacing may be reduced to three hundred (300) feet if a competent traffic study shows that a lesser spacing will still safely and efficiently accommodate left-turn movements to existing and projected future development in the immediate vicinity.

f) Width of Driveway Approaches:

(1) Residential: Residential driveways to serve single car garages, carports, and/or storage areas shall be not less than ten (10) feet nor more than twenty (20) feet in width, measured at the property line. Residential

driveways to serve two (2) car garages, carports, and/or storage areas shall be no less than eleven (11) feet, not [nor] more than twenty-four feet in width, measured at the property line. When residential driveways are required to serve three or more car garages, carports, and/or storage areas, the size and location of the driveway(s) shall be subject to the approval of the Town Engineer, after an adequate engineering analysis of the parking, maneuvering and access requirements. A driveway should not begin less than five (5) feet from the point of tangency of the corner radius of an intersection.

Driveways shall provide a minimum of eighteen feet (18') between the property line and any garage door, gate, or other obstruction to provide for safe parking or stack space off of the public right-of-way.

The radius of all driveway returns shall be a minimum of five (5) feet. Residential driveways shall not be constructed closer than ten (10) feet apart. If permitted, low density residential driveways entering onto collector or thoroughfare streets shall have a minimum curb return radius of ten feet (10').

g) Permit Procedure: The location of any driveway ingress or egress from any lot onto any public street or right-of-way shall be approved by the Town.

11. Traffic-Control and Street Signs: The developer shall provide all street identification signs and attachment hardware for streets within the subdivision. The street identification signs shall be constructed of extruded aluminum and shall have black reflective letters on a white background indicating the street name and block numbers. The Developer shall provide poles and any necessary traffic-control signs (such as stop signs) as directed by the Town Engineer.

12. Sidewalks: Sidewalks shall be provided in locations required by the Planning and Zoning Commission and Town Council. Sidewalks shall be constructed of concrete. Sidewalks shall have a minimum width of four feet (4') and a minimum pavement thickness of four inches (4") of reinforced concrete. In location where sidewalks must be located immediately adjacent to the curb and gutter, the minimum width shall be five feet (5'). Sidewalks shall have a minimum cross slope of one-fourth inch per foot for drainage.

13. Parking lots: The required number of parking and loading spaces shall be provided in accordance with the Town’s Zoning Ordinance. Parking shall be designed to facilitate efficient traffic movement with a minimum conflict. All parking maneuvers shall be accomplished off of public right-of-ways. Off-street parking layouts shall afford the driver the ability to accomplish all maneuvers to enter or exit the parking spaces on private property. Off-street parking areas shall be maintained by the Owner.

Nothing in this section shall require the changing of existing driveways and/or parking except under one or more of the following conditions:

a) During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards.

b) During new building construction or major additions and remodeling of existing buildings all driveways and parking requirements will be brought into conformity with the present standards.

12. [14.] Medians: Medians shall not be constructed in dedicated public right-of-way unless specifically required by and/or approved by the Planning and Zoning Commission and Town Council. Medians approved for aesthetic purposes shall be maintained by, and at the expense of, the dedicator in accordance with specific contractual arrangements with the Town. Medians required for traffic shall be designed for minimum maintenance.

(Ordinance 130 adopted 6/5/00)

SECTION 7.6 BLOCKS AND LOTS

A. BLOCKS

1. The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face of greatest dimension, or on which the greatest number of lots face. The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face or [of] least dimension, or on which the fewest number of lots face. The length, width and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, and needs for convenient access, circulation, control and safety of street traffic.

2. In general, intersecting streets should be provided at such intervals as to serve traffic adequately and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths should not exceed one thousand three hundred twenty (1,320) feet. Where no existing subdivision controls, the blocks should not be less than five hundred (500) feet in length; however, in cases where physical barrier, property ownership, or individual usage creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.

3. Where long blocks in the vicinity of a school, park of [or] shopping center are platted, the Planning and Zoning Commission may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block. If required, the walkway shall be not less than four (4) feet nor more than eight (8) feet in width, and shall have a concrete walk of a minimum width of four (4) feet through the block from sidewalk to sidewalk, or curb to curb, or if no street, to the property line adjacent to school, park or shopping center.

B. LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

2. All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Rear lot lines should be straight and avoid acute angles with side yard lines. Odd-shaped lots should be avoided. Where utility easements are to be located along rear lot lines, these lines should be as straight as possible for long lengths.

3. No lot shall have less area of [or] width at the building line than is required by the zoning regulations that apply to the area in which it is located.

4. Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon future action by the Town Council or other property [properly] designated authority, lot lines shall also be shown on the preliminary plat appropriate to a use which does not require such action. Proposed uses shall be shown on the preliminary plat.

5. Generally lots should be deeper than they are wide. It is recommended to have the depth twice the width. The important consideration is to assure that the lots are neither too deep or too shallow to allow for good placement of a dwelling unit on a lot.

6. Corner lots shall be larger than interior lots so that dwellings can be placed further from the street. Corner lots shall be 10 to 20 percent larger than interior lots. Lots facing onto heavy traffic streets shall be avoided. This can be accomplished by providing deeper lots with the houses backing onto the heavy traffic street. Other methods include, a) providing an access street parallel to the major street, b) cul-de-sac if the property has sufficient depth, or c) provide a loop street, if the property has sufficient depth and width.

7. Surface drainage must be diverted away from house sites. Sufficient slope must exist on the lot to enable drainage to run off from the building site across sidewalks, and onto the street. Swales may be needed to provide drainage from back yards.

8. Building Lines: Front and second front building lines shall be shown on all lots in the subdivision. The building lines shall be listed in accordance with the applicable zoning ordinances.

9. [Reserved]

(Ordinance 130 adopted 6/5/00; Ordinance adopting Code)

SECTION 7.7 DRAINAGE

A. GENERAL: The Planning and Zoning Commission shall not recommend for approval any plat of a subdivision which does not make adequate provisions for storm or floodwater runoff

channels or basins. Drainage provision shall ensure that [the] health and safety of the public and the property in times of flood. Development shall not increase the peak flow discharge or velocities over natural conditions, particularly to adjacent and downstream properties. Storm drainage facilities shall be designed in accordance with the City of Denton Drainage Design Criteria (1990) unless otherwise specified herein. For drainage requirements and design standards see Article 5, Section 5.8 of this ordinance. (Ordinance 130 adopted 6/5/00)

SECTION 7.8 SANITARY SEWER

A. GENERAL: All subdivisions developed subsequent to this Ordinance shall be provided with an approved sewerage disposal system conforming to the current criteria adopted by the LCMUA and the requirements of the Texas Natural Resources Conservation Commission "Design Criteria for Sewerage Systems" or "Construction Standards for Private Sewerage Facilities." Materials and construction shall meet the requirements of Standard Specifications for Public Works Construction.

B CONNECTION TO THE SANITARY SEWER SYSTEM: Subdividers shall be responsible for providing any approved public sanitary sewer system consistent with the Comprehensive Plan, throughout the entire subdivision such that all lots, parcel, or tracts of land will be capable of connecting to the sanitary sewer system except as otherwise approved by the Town Engineer. Where an approved public sanitary sewer collection main or outfall line is within a reasonable distance of the subdivision as determined by the Town Council, but in no case less than one-half mile away and connection to the system is both possible and permissible, the subdivider shall be required to bear the cost of connecting his/her subdivision to such sanitary sewer system.

C. SEPTIC TANKS

1. Septic tank systems and other sewerage disposal facilities must comply with all Town of Shady Shores requirements and Ordinances.

2. Septic tanks shall be installed in accordance with the most current standards established by the Texas Natural Resources Conservation Commission and other applicable Town Ordinances.

D. OTHER INDIVIDUAL SYSTEMS: Other individual septic systems can be considered if satisfactory evidence is submitted certifying that the system meets all requirements and standards of the Texas Natural Resources Conservation Commission and The Town of Shady Shores.

(Ordinance 130 adopted 6/5/00)

SECTION 7.9 WATER SUPPLY AND DISTRIBUTION

A. BASIC POLICY: Water systems shall be planned, designed and constructed in accordance with the most current set of rules and regulations of the LCMUA. The design of water distribution systems, if needed, must be approved by the LCMUA. Proof of approval in writing must be provided to the Town before plat approval is granted.

All developments within the jurisdiction of the Town of Shady Shores shall be required to have approved water supply and sanitary sewerage facilities and shall be required to connect to the

LCMUA facilities, where available, unless alternative arrangements have been approved by the Town.

B. WATER WELLS (INDIVIDUAL): Developments may be approved with alternative water facilities according to the following criteria:

1. Water well operation and quality meet the minimum requirements of the Texas Natural Resources Conservation Commission and The Town of Shady Shores.

2. Water wells are not utilized in any commercial sale of the water.

C. PUBLIC OR PRIVATE WATER AND/OR SEWER COOPERATIVE SYSTEMS: All new public or private water and/or sewer cooperative systems are expressly prohibited under this Ordinance, if Town or other approved services are available as provided for in this Ordinance.

(Ordinance 130 adopted 6/5/00)

SECTION 2
(PENALTY CLAUSE)

Any person, firm, or corporation that violates, disobeys, neglects or refuses to comply with. or that resists the enforcement of the provisions of this ordinance, shall be fined Two thousand dollars ($2,000.00) for each offense. Each offense that occurs shall constitute a separate violation and shall be punishable as such. (Ordinance 130 adopted 6/5/00)

SECTION 3
(CUMULATIVE CLAUSE)

This ordinance shall be cumulative of all provisions of Ordinances of the Town of Shady Shores, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. (Ordinance 130 adopted 6/5/00)

SECTION 4
(SEVERABILITY CLAUSE)

It is hereby declared to be the intention of the Town of Shady Shores that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section. (Ordinance 130 adopted 6/5/00)

SECTION 5
(SAVINGS CLAUSE)

All rights and remedies of the Town of Shady Shores are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning which may have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending

litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts. (Ordinance 130 adopted 6/5/00)

SECTION 6
(EFFECTIVE DATE)

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides. (Ordinance 130 adopted 6/5/00)

CHAPTER 11

TAXATION

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ARTICLE 11.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 11.02 SALES AND USE TAX*

Sec. 11.02.001 Adopted

A one percent (1%) local sales and use tax was adopted by the voters of the town at an election held on the 15th day of January, 1977. (Ordinance 45 adopted 1/17/77)

Sec. 11.02.002 Tax on sale of gas and electricity for residential use

(a) The tax heretofore imposed by the town pursuant to the provisions of the Local Sales and Use Tax Act is hereby continued on the sale, production, distribution, lease or rental of and the use, storage or other consumption of gas and electricity for residential use.

(b) The sale, production, distribution, lease or rental of and the use, storage or other consumption of gas and electricity for residential use shall not be exempt from the tax imposed by the town under the Local Sales and Use Tax Act.

(Ordinance 51 adopted 9/4/78)

State law reference–Authority of municipality to impose tax on sales of gas and electricity, V.T.C.A., Tax Code, sec. 321.105.

* **State law reference–**Authority of municipality to impose local sales and use tax, V.T.C.A., Tax Code, ch. 321.

CHAPTER 12

TRAFFIC AND VEHICLES

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ARTICLE 12.01 GENERAL PROVISIONS*

Sec. 12.01.001 Ordinances saved from repeal

All ordinances authorizing the placement of traffic-control devices, including stop signs, yield signs, and other traffic-control signals and markings; the designation of speed zones, no-passing zones, no-parking zones, one-way streets, and through streets; and other ordinances regulating traffic on specific streets or parts of streets in the town are not included in this code but are specifically saved from repeal upon adoption of this code. Such ordinances are on file in the town secretary's office. (Ordinance adopting Code)

ARTICLE 12.02 OPERATION OF VEHICLES†

Division 1. Generally

Sec. 12.02.001 Stopping at stop sign

(a) Manner of stopping. Where a stop sign is erected as provided for herein, at or near the entrance to any intersection, the town council may designate any street intersection as a stop intersection and designate the streets upon which vehicles shall stop before entering such intersections. Whenever any intersection has been so designated, the mayor shall cause the same to be identified by the erection of stop signs indicating which vehicles approaching the intersection shall stop, and it shall be the duty of the driver of any vehicle approaching such a sign to bring such vehicle to a complete stop at such sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or a traffic-control signal. After having so stopped, such driver shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so closely as to constitute an immediate hazard. Such driver, after having so yielded, may proceed, and the drivers of all other vehicles approaching on the intersecting street shall yield the right-of-way to the vehicle so proceeding into or across the intersection.

(b) Penalty. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction may be punished by a fine not to exceed two hundred dollars ($200.00), plus court costs.

(Ordinance 75, secs. 6, 8, adopted 12/5/83; Ordinance adopting Code)

State law references–Manner of stopping at stop sign, V.T.C.A., Transportation Code, sec. 544.010; vehicle entering stop intersection, V.T.C.A., Transportation Code, sec. 545.153.

Secs. 12.02.002–12.02.050 Reserved

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* **State law references–**Rules of the road, V.T.C.A., Transportation Code, title 7, subtitle C, ch. 541 et seq.; powers of local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.202; limitation on local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.203.

† **State law reference–**Operation and movement of vehicles, V.T.C.A., Transportation Code, ch. 546.

Division 2. Speed Limits*

Sec. 12.02.051 Generally

(a) No person shall operate or drive any vehicle on any street within the town at a greater speed than thirty (30) miles per hour, unless signs are erected designating another speed in accordance with this division.

(b) Notwithstanding any other provisions of this division, no person shall drive a vehicle on a street 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 the street in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (b), drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or street or highway conditions.

(Ordinance 75, sec. 1, adopted 12/5/83)

State law references–Maximum speed requirement, V.T.C.A., Transportation Code, sec. 545.351; prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352.

Sec. 12.02.052 Driving at slow speed

No person shall drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. (Ordinance 75, sec. 3, adopted 12/5/83)

State law reference–Minimum speed regulations, V.T.C.A., Transportation Code, sec. 545.363.

Sec. 12.02.053 Signs

Whenever the speed limit of thirty (30) miles per hour, as prescribed above, is, by the provisions of this division or other ordinances of the town council, increased or decreased at any intersection or other place or upon any part of a street, the mayor shall erect appropriate signs giving notice of such speed limit, and no such limit shall be effective unless such signs are erected at such intersection or other place or part of such street. (Ordinance 75, sec. 4, adopted 12/5/83; Ordinance adopting Code)

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* **State law references–**Authority to establish or alter prima facie speed limits, V.T.C.A., Transportation Code, sec. 542.202(12); speed restrictions, V.T.C.A., Transportation Code, sec. 545.351 et seq.; authority of municipality to alter speed limits, V.T.C.A., Transportation Code, sec. 545.356.

Sec. 12.02.054 Exemptions

The provisions of this division regulating the speed of vehicles shall not apply to vehicles operated by the fire department of the town responding to calls, nor to police patrols, or ambulances responding to emergency calls. (Ordinance 75, sec. 5, adopted 12/5/83)

State law reference–Exception for emergencies, V.T.C.A., Transportation Code, sec. 545.365.

Sec. 12.02.055 Penalty

Any person who shall violate any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction may be punished by a fine not to exceed two hundred dollars ($200.00), plus court costs. (Ordinance 75, sec. 8, adopted 12/5/83)

ARTICLE 12.03 PARKING*

Sec. 12.03.001 Definitions

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

Motor vehicle, whether it be a passenger vehicle, truck, tractor or other motorized vehicle, as defined in the Texas Transportation Code.

Recreational vehicle means:

(1) A vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home.

(2) A boat, boat trailer, personal watercraft, and similar equipment.

(Ordinance 254-3-2013, sec. 1, adopted 5/6/13)

Sec. 12.03.002 Penalty

Any person, firm or corporation (collectively referred to as "person") violating any of the provisions of this article shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars ($500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense. (Ordinance 254-3-2013, sec. 9, adopted 5/6/13)

Sec. 12.03.003 Parking of recreational vehicles in right-of-way

It shall be unlawful for the owner, occupant or person in charge of property zoned for residential district uses to permit the parking, standing or storing of recreational vehicles within the right-of-

* **State law references–**Authority to regulate parking, V.T.C.A., Transportation Code, sec. 542.202(2); stopping, standing and parking, V.T.C.A., Transportation Code, sec. 545.301 et seq.; privileged parking for persons with disabilities, V.T.C.A., Transportation Code, ch. 681.

way of any town or county street or highway located within the municipal limits of the town. (Ordinance 254-3-2013, sec. 2, adopted 5/6/13)

Sec. 12.03.004 Parking of certain vehicles prohibited in residential zones

(a) It shall be unlawful to park or stand the following vehicles upon property zoned for residential district uses, or any street, alley or public or private property adjacent to such property:

(1) Box-truck, box-van, tow-truck, dump truck, concrete-mixing truck, road tractor, truck tractor, tractor trailer, semi-tractor, truck equipped with a boom or platform or similar vehicles.

(2) Motor vehicle, truck, van, bus or similar vehicle which is more than 23 feet in length, eight feet in width or ten feet in height.

(b) This section does not prohibit the parking of any of the vehicles listed in subsections (a)(1) and (2) above for the purpose of expeditiously loading or unloading passengers, freight or merchandise, a recreational vehicle, as defined in section 12.03.001, that is parked or stored in accordance with said section, or the storage of vehicles customary and incidental to the operation of a school or child care center.

(Ordinance 254-3-2013, sec. 3, adopted 5/6/13)

Sec. 12.03.005 Parking of trailers in right-of-way

(a) Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Trailer means a vehicle without means of motivation and designed to be towed, hauled or pulled by a motor vehicle.

(b) Prohibition. It shall be unlawful for the owner, occupant or person in charge of property zoned for residential use to permit the parking, standing or storing of a trailer on public right(s)-of-way.

(c) Exceptions. This section does not prohibit the temporary parking of a trailer for the purpose of expeditiously loading or unloading freight or merchandise, or a recreational vehicle as defined in section 12.03.001 that is parked or stored in accordance with that section, or the storage of trailers customary and incidental to the operation of a school.

(Ordinance 254-3-2013, sec. 4, adopted 5/6/13)

Sec. 12.03.006 Overnight parking on public street

No motor vehicles, tractors, trailers, boats, recreational vehicles, or motor homes shall be parked on a public street or street easement overnight. (Ordinance 254-3-2013, sec. 5, adopted 5/6/13)

Sec. 12.03.007 Parking junked or abandoned motor vehicle on street or street easement

Junked or abandoned motor vehicles shall not be parked on a public street or street easement at any time. (Ordinance 254-3-2013, sec. 6(A), adopted 5/6/13)

CHAPTER 13

UTILITIES

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ARTICLE 13.01 GENERAL PROVISIONS[*]

Sec. 13.01.001 Jurisdiction over electric utility

The governing body of this municipality does hereby elect to have the public utility commission of the state exercise exclusive original jurisdiction over electric utility rates, operations, and services within the existing and future incorporated limits of this municipality. (Ordinance 98 adopted 3/3/90)

State law reference–Municipal jurisdiction over electric utility, V.T.C.A., Utilities Code, ch. 33.

ARTICLE 13.02 ON-SITE SEWAGE FACILITIES[†]

Sec. 13.02.001 Enforcement of state rules

The town clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce chapter 366 of the Texas Health and Safety Code (H&SC) and chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in section 13.02.004 of this division. (Ordinance 186-11-2006, sec. 5, adopted 11/6/06; Ordinance 197-9-2007, sec. 5, adopted 9/10/07)

Sec. 13.02.002 Area of jurisdiction

The rules shall apply to all the area lying within the incorporated limits of the town. (Ordinance 186-11-2006, sec. 6, adopted 11/6/06; Ordinance 197-9-2007, sec. 6, adopted 9/10/07)

Sec. 13.02.003 Compliance with state rules

Any permit issued for an on-site sewage facility within the jurisdictional area of the town must comply with the rules adopted in section 13.02.004 of this division. (Ordinance 186-11-2006, sec. 7, adopted 11/6/06; Ordinance 197-9-2007, sec. 7, adopted 9/10/07)

Sec. 13.02.004 State rules adopted

The rules, title 30 Texas Administrative Code (TAC) sections 285.1–285.91 and TAC [chapter 30], attached to Ordinance 197-9-2007, promulgated by the state commission on environmental quality for on-site sewage facilities are hereby adopted, and all officials and employees of the town having duties under said rules are authorized to perform such duties as are required of them under said rules. (Ordinance 186-11-2006, sec. 8, adopted 11/6/06; Ordinance 197-9-2007, sec. 8, adopted 9/10/07)

Sec. 13.02.005 State rules incorporated by reference

The rules, 30 TAC chapters 30 and 285, and all future amendments and revisions thereto, are incorporated by reference and are thus made a part of these rules. A copy of the current rules is

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[*] **State law references–**Municipal utilities generally, V.T.C.A., Local Government Code, ch. 402; miscellaneous powers and duties of utilities, V.T.C.A., Utilities Code, ch. 181.

[†] **State law reference–**On-site sewage disposal systems, V.T.C.A., Health and Safety Code, ch. 366.

attached to these rules as appendix I. (Ordinance 186-11-2006, sec. 9, adopted 11/6/06; Ordinance 197-9-2007, sec. 9, adopted 9/10/07)

Sec. 13.02.006 Local regulations

The town, wishing to adopt more stringent rules for its on-site sewage facility ordinance, understands that the more stringent conflicting local rule shall take precedence over the corresponding state commission on environmental quality requirement. Listed below is the more stringent rule adopted by the town:

(1) To ensure all systems meet chapter 285 rules, regardless of the acreage involved, any new construction, alteration, repairs, or extension of an OSSF located within the town's jurisdiction are required to be permitted and licensed.

(2) In order to provide greater public health and safety protection, the town shall require the contracted maintenance for all OSSFs using aerobic treatment to be conducted by a TCEQ registered maintenance company. There shall be no homeowner/property owner maintenance of an on-site sewage disposal system using aerobic treatment unless the property owner/homeowner is a TCEQ registered maintenance provider for their aerobic treatment unit.

(Ordinance 197-9-2007, sec. 10, adopted 9/10/07)

Sec. 13.02.007 Certification of inspectors

The OSSF inspector of the town must be certified by the state commission on environmental quality before assuming the duties and responsibilities. (Ordinance 186-11-2006, sec. 10, adopted 11/6/06; Ordinance 197-9-2007, sec. 11, adopted 9/10/07)

Sec. 13.02.008 Collection of fees

All fees collected for permits and/or inspections shall be made payable to the town. (Ordinance 186-11-2006, sec. 11, adopted 11/6/06; Ordinance 197-9-2007, sec. 12, adopted 9/10/07)

Sec. 13.02.009 Appeals

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the town council. (Ordinance 186-11-2006, sec. 12, adopted 11/6/06; Ordinance 197-9-2007, sec. 13, adopted 9/10/07)

Sec. 13.02.010 Penalties

This division adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in chapters 341 and 366 of the Texas Health and Safety Code, chapters 7, 26, and 37 of the Texas Water Code and 30 TAC chapters 30 and 285. (Ordinance 186-11-2006, sec. 13, adopted 11/6/06; Ordinance 197-9-2007, sec. 14, adopted 9/10/07)

ARTICLE 13.03 WATER WELLS*

Sec. 13.03.001 Penalties

(a) Any person, firm or corporation found to be in violation of any provision of this article (with the exception of section 13.03.003) shall be guilty of a misdemeanor and shall be liable to a fine of not more than five hundred dollars ($500.00) for each violation. Each day in which a violation shall continue shall constitute a separate offense.

(b) Any person, firm or corporation found to be in violation of section 13.03.003 (public water supply protection) shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars ($2,000.00) for each violation. Each day in which a violation shall continue shall constitute a separate offense.

(Ordinance 213-11-208, sec. 7, adopted 11/3/08)

Sec. 13.03.002 Permit required; conditions

(a) It shall be unlawful for any person, firm or corporation to commence drilling, boring or digging a water well within the corporate limits of the town without a permit.

(b) The town may issue a water well permit only on lots containing 30,000 square feet or more, and which are zoned residential or agricultural.

(c) No new permits authorizing the drilling, boring or digging of a private water well for a domestic water supply purpose (e.g., potable water) within the corporate limits of the town shall be issued unless no other water source is readily available. All existing wells must meet all other health and safety provisions of this article if the well was operated prior to the date of this article.

(d) No well shall be permitted under this section if the wellhead of the proposed well is within 1,320 feet, measured on a direct line, from the wellhead of a public well connected to the LCMUA's water system.

(e) Permits authorizing the drilling, boring or digging of a private water well for irrigation purposes within the corporate limits of the town may be issued only if the applicant meets all applicable town, county, LCMUA, and state regulations. A permit may be revoked and the well capped in the event of a violation, in addition to fines for the violation of this article.

(f) Permits authorizing the drilling, boring or digging of a private water well within the corporate limits of the town shall only be issued by the town secretary or designee.

(g) The issuance of a well permit does not indicate that the town makes any representation concerning the likelihood of successful completion of the proposed water well, its quality, utility, duration or length of production.

(h) The town secretary or designee shall not issue a well permit until authorized by a resolution entered in the minutes of the town.

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* **State law reference–**Water wells, V.T.C.A., Water Code, sec. 28.011 et seq.

(i) Any person, firm or corporation desiring to drill, bore, or dig a water well within the corporate limits of the town shall file an application with the town secretary. Four copies of the complete application are required (two for the town, one for the town engineer, and one to be provided to LCMUA).

(j) The application shall provide the following information for the proposed well and the property on which the proposed water well is to be located:

(1) Name and address of the property owner(s):

(2) Location of the property where the proposed well is to be located (street address, block, lot, addition);

(3) Purpose for which the proposed well would be used (irrigation, watering of livestock);

(4) Scaled site plan or plat depicting the dimensions of the lot where such proposed well is to be located, including location of all easements, utility lines, connections or utility appurtenances and the distance from the proposed well to each;

(5) A state-licensed water well driller must be hired to dig the well, and must provide the following information:

(A) Type of proposed well (dug, drilled, bored or driven);

(B) Proposed depth of well;

(C) Diameter of well;

(D) Any other information required by the town;

(6) Location and exact distance from the proposed water well to any septic tank(s); sewer lift stations; sewer lines (trunks, collectors, laterals); the closest LCMUA well site; water lines (supply, mains, laterals, service); gas lines (supply, mains, service); underground telephone lines; streets, alleys, thoroughfares; animal or livestock pens, barns or shelters; dump grounds (public or private); creeks or streams; lakes or ponds; and any flood zone area;

(7) Size and type of pump and casing to be used;

(8) Depth of cementing of casing and method of cementing;

(9) Manner and site of the well water storage tank and description of the distribution system;

(10) Any other information requested by the town.

(k) All water wells, whether drilled, bored, cored or constructed, shall be completed by a state-licensed water well driller and pump installer in conformance with all the applicable state and local laws rules, regulations, requirements and specifications.

(l) Water wells shall be located so that there will be no measurable pollution or contamination from any source. Water wells shall also be located in accordance with the rules and regulations of the state commission on environmental quality (TCEQ) and the state department of licensing and regulation.

(m) A completed water well drilling log shall be submitted to the town by the approved state-licensed water well driller and pump installer prior to the completion inspection.

(n) The applicant shall deposit a fee for a water well permit in the amount provided in the fee schedule in appendix A of this code.

(Ordinance 213-11-208, sec. 1, adopted 11/3/08; Ordinance adopting Code)

Sec. 13.03.003 Public water supply protection

(a) It is required that the LCMUA's water system be protected from any residence or establishment where an actual or potential contamination hazard exists. TCEQ rules section 290.44 has listed private/individual/unmonitored wells as a health hazard to a public water system. All water wells must be drilled and operated in compliance with TCEQ and LCMUA regulations.

(b) To protect the LCMUA's water system, a backflow prevention assembly is required at LCMUA's water meter. TCEQ rules section 290.44 lists an air gap or reduced pressure detector assembly as means of providing the level of protection required.

(c) Definitions.

Air-gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch. (TCEQ 290.38)

Reduced pressure backflow assembly (RPBA). An assembly consisting of two independently operating check valves, spring loaded to the closed position, separated by a spring loaded differential pressure relief valve loaded to the open position.

(d) Prior to any use of the completed permitted well, and at any time thereafter, the LCMUA shall have the right to inspect and approve the backflow prevention assembly.

(e) A RPBA shall be tested in accordance with LCMUA's requirements, the town's plumbing ordinance, and TCEQ rules section 290.44 annually. Copies of the test shall be submitted to the town and the LCMUA.

(f) Any area of town which is dual certified and holds its own certificate of convenience and necessity (CCN), such as Hidden Valley, and has been operating its own water system for 10 years or more, is entitled to the same obligations and privileges as LCMUA has with respect to this article. This provision is for the system being operated, and does not exempt individual homeowners within the dual certified area from the restrictions and requirements of this article.

(Ordinance 213-11-208, sec. 2, adopted 11/3/08)

Sec. 13.03.004 Abandonment

It shall be unlawful to abandon any water well drilled without first notifying the town secretary or designee and permanently plugging such well in accordance with the rules and regulations of the TCEQ and the department of licensing and regulation. (Ordinance 213-11-208, sec. 3, adopted 11/3/08)

Sec. 13.03.005 Granting or denial of permit

After receipt of a complete water well application and filing fee, the town secretary or designee shall forward copies of the application to LCMUA and the town engineer for review. After receipt of a report on the application from LCMUA and the town engineer, the permit request may be placed on the agenda of the next regularly scheduled meeting of the town council. The council may pass a resolution authorizing the granting of a water well permit or rejecting the permit based on the reports of LCMUA and/or the town engineer, and the council's determination of the effect of the well on the health, safety, and welfare of the citizens of the town. Failure to pass a resolution authorizing the granting of a permit within the sixty (60) day period after the receipt of a complete water well permit application shall automatically constitute a denial of the application. (Ordinance 213-11-208, sec. 4, adopted 11/3/08)

Sec. 13.03.006 Use of well

(a) It shall be unlawful for any person, firm or corporation to use or permit the use of any water produced for domestic purposes, or to use or operate the well and its related plumbing and water, in violation of this article.

(b) It shall be unlawful for any person, firm or corporation to use or permit the use of any water produced from such well until a certificate of completion has been issued by the town secretary or designee of the town.

(c) Prior to any use of a completed permitted well, and at any time thereafter, the town's designated representative shall have the right to inspect the completed well construction.

(Ordinance 213-11-208, sec. 5, adopted 11/3/08)

Sec. 13.03.007 Furnishing of utilities to well

No person, firm or corporation having a franchise in the town shall furnish power, water, and/or gas to any water well drilled, bored, or dug within the corporate limits of the town unless and until a certificate of completion has been issued for the well by the mayor or designee of the town. (Ordinance 213-11-208, sec. 6, adopted 11/3/08)

CHAPTER 14

ZONING

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ARTICLE 14.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 14.02 ZONING ORDINANCE*

Sec. 14.02.001 Adopted

The zoning ordinance, Ordinance 256-5-2013, adopted by the town on May 6, 2013, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. The numbering for the definitions in article 1.1 has been omitted without notation. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

* **State law references**–Planning and zoning generally, V.T.C.A., Local Government Code, chs. 211, 212, 371; municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

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EXHIBIT A

ZONING ORDINANCE

ORDINANCE NO. 256-5-2013

(Revised Comprehensive Zoning Ordinance Restating Ordinance 124)

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF SHADY SHORES AS HERETOFORE AMENDED, BY ESTABLISHING AND PROVIDING REGULATIONS FOR ZONING DISTRICTS AS SET FORTH HEREIN; PROVIDING FOR SPECIAL CONDITIONS; REVISING AND RESTATING ORDINANCE 124 IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF $2,000.00 FOR EACH OFFENSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Shady Shores Planning and Zoning Commission and the governing body of the Town of Shady Shores, in compliance with the laws of the State of Texas and the ordinances of the Town of Shady Shores have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance of the Town of Shady Shores should be amended to zone the land described herein;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Shady Shores, Denton County, Texas:

ARTICLE 1.1 DEFINITIONS

(a) Certain words used in this Ordinance are defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular. The word "shall" is mandatory and not discretionary.

Accessory Building is a subordinate building attached, or detached, and used for a purpose customarily incidental to the main building, not involving the conduct of a business, and not built for or used for living quarters. An Accessory Building is located on the same lot or tract as the main building. Such as, but not limited to: a private garage or carport for automobile or boat storage, tool house, greenhouse, home workshop, children's playhouse, barn or storage building. See regulations at Article 2.1(k) [Article 2.1(c)(2)(K).]

A private airplane hangar, as defined in Article 1.1(a)(4), is not an accessory building and is regulated under Article 2.1(c)(2)(J)(iii).

Adult Care Center is a facility that provides care for six (6) or more persons over 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.

Agricultural Building is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

Airplane Hangar, Private is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, for the storage only of airplanes and for the private use of the occupants of the premise on which it is located.

Alley is a public or private right-of-way, which extends only secondary means of access to adjacent property.

Breezeway is an unenclosed passage connecting two buildings or portions of a building.

Building is a structure for the support or shelter of any use or occupancy.

Building Line or Setback Line is the minimum distance a building may be erected from a street, alley or lot line.

Business means commercial or mercantile activity engaged as a means of livelihood or economic dealings.

Caretaker is a person who spends more than 50% of his time working at the residence of, and performing duties for the family occupying the premises to which the caretaker's house is an accessory building.

Caretaker's Quarters is an accessory dwelling unit for a bona fide caretaker and his or her immediate family on a lot not less than ten acres. The Caretaker's Quarters may not exceed one-half of the size of the Main Building.

Carport - a Carport is a Type 2 Accessory Building, which is more specifically defined as follows: Carport means an enclosure, not exceeding 12 feet in height and completely open to the free movement of air from floor to roof on at least two sides, designed primarily for the shelter of motor vehicles.

Child Care Center is a facility that provides care for seven (7) or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.

Coverage is that area or percentage of lot area covered by all buildings and structures. The largest of the roof, floor, or other structure is used for the calculation of lot coverage.

Customary Home Occupation is an occupation customarily carried on in the home by a member of the occupant's family, without structural alterations in the building or in any of its rooms, without the installation or outside storage of any machinery, equipment or materials other than that customary to normal household operations, without the employment of persons not residing in the home, without the use of a sign to advertise the occupation, without offering a commodity for sale on the premises, which does not cause the generation of additional traffic in the street, or vehicles parking at or near the residence and which does not create obnoxious conditions to neighboring properties such as noise, odor, light or smoke.

District means a section of the Town of Shady Shores for which the regulations governing the lot areas, building size, heights and setbacks are specified as one of the zoning districts defined in this Comprehensive Zoning Ordinance.

Drive Approach is the portion of the driveway extending from the right-of-way line, or private street easement line, to the main travel surface of the road.

Driveway is a vehicle travelway connecting the parking spaces on a lot, or tract of land, to the right-of-way or private street.

Dwelling, Multiple is a building, which is designed to be occupied by two or more families living independently of each other.

Dwelling, One-family is a building having accommodations for and occupied by only one family.

Dwelling Unit means one or more rooms designed to accommodate one family and containing only one kitchen plus living, sanitary and sleeping facilities.

Easement means an interest in land owned by another that entitles its holder to a specific limited use of said land and that has been recorded in the office of the County Clerk of Denton County, Texas, or is in conformance with the lawful definition of a public prescriptive easement.

Eaves are the lowest border of a roof, including any overhang.

Family means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

Farm, Ranch, Garden and Orchard is an area of five (5) acres or more which is used for the growing of usual farm products, vegetables, fruits, trees, and/or grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep. Including the necessary accessory uses for raising, treating and storing products raised on the premise, but not including the commercial feeding of offal and garbage to swine and other animals, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Floor Area is the total square feet of floor space in a building measured to the outside faces of the exterior walls.

Front Yard is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the front of the lot.

Garage, Private is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, with capacity for not more than five (5) motor-driven vehicles, for storage only and for the private use of the occupants of the premise on which it is located.

Greenhouse - A greenhouse may be constructed of material approved by the city engineer provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the residential building code requirements. A Greenhouse is included in Type 1, 2 and 3 Accessory buildings dependent on size, and location.

Height means the vertical distance measured from the average established grade at the street lot line or from the average natural ground level, if higher than the street, to:

(A) The midpoint of the vertical dimension between the lowest eaves and the highest ridge of a structure with a gable, hip or gambrel roof; and

(B) The midpoint of the vertical dimension of the dome for a structure with a dome roof; and

(C) The deck line of structures with mansard roofs; and

(D) The highest point of the structure for any other structure.

Note: in measuring the height of a building, the following structures shall be excluded: chimneys, ornamental cupolas, domes or spires, none of which shall be more than 15 feet taller than the medium height of the building.

Hobby is an accessory use carried on by the occupant of the premise in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed are not sold on the premise, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

Institution is a building or buildings occupied by a nonprofit organization or corporation, or any nonprofit establishment for such use.

Junk means and shall include but not be limited to: scrap iron, tin, brass, copper, lead, zinc, or any other scrap metal and their alloys; bones, rags, used cloth, rubber, tires, rope, tinfoil, bottles, or cotton; inoperable or broken tools, machinery, appliances, fixtures, or utensils; used boxes, crates, lumber, or pipe fittings; inoperable automobiles or airplanes; and any other manufactured goods that are worn, deteriorated or obsolete so as to make them unusable in their existing condition.

Kindergarten is a school for more than six (6) children of pre-school age in which constructive endeavors, object lessons or helpful games are prominent features of the curriculum.

Lakefront is property on the shoreline of Lake Lewisville, which abuts land owned by the U.S. Corps of Engineers.

Lot, is land identified by metes and bounds, or lot and block if platted, which is occupied or to be occupied by a building and its accessory building(s), and including such open spaces as are required under this Ordinance, and having frontage on a public or private street in accordance with this zoning ordinance, and the subdivision regulations of the Town.

Lot Area: The net area of the lot, exclusive of any portion of private streets, alleys, or right-of-ways.

Lot, Corner: A lot or parcel of land abutting two (2) or more streets at their intersection, or abutting two (2) parts of the same street which form an interior angle of less than 135 degrees. (Reference Figure #1, Appendix A.)

Lot Coverage: The proportion of a lot or site covered, or permitted to be covered, by a building and all structures.

Lot Depth: The average horizontal distance between the front and rear lot lines. (Reference Figure #2, Appendix A.)

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (Reference Figure #3, Appendix A.)

Lot, Flag: A lot having access to a street by means of a parcel or portion of land having a greater depth than its frontage, and having a width less than the minimum required lot width. (Reference Figure #1, Appendix A.)

Lot, Interior: A lot whose side lot lines do not abut upon any street. (Reference Figure #1, Appendix A.)

Lot Line: A line dividing one lot from another, or from a street or place. (Reference Figure #4, Appendix A.)

Lot of Record: A lot which is created by an approved subdivision, the plat of which has been duly recorded in the office of the appropriate county clerk.

Lot Width: The shortest distance between the side lot lines measured at the front building line. (Reference Figure #5, Appendix A.)

Main Building means a building on a lot intended for occupancy by the main use.

Main Use means those uses defined in Article 3.2 for which a property may legally be used.

Manufactured or Mobile Home means a structure transportable, in one or more sections, which is built on a permanent chassis and which is designed for use, with or without a permanent foundation, when connected to the required utilities, and is in compliance with HUD requirements[.]

Manufactured or Mobile Home Park means a site of 5 or more acres that has been established for the placing of Manufactured or Mobile Homes, allowing for such to be connected to utilities and used as single-family dwellings.

Nonconforming Structure means a structure which does not conform to the regulations of this ordinance but which was lawfully constructed under the regulations in force at the time of construction.

Nonconforming Use means a use that does not conform to the use regulations of this ordinance but which was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

Open Storage: The outside placement of an item, including all types of trailers, for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

Parking Space means open space with a surface of 4" reinforced concrete, or substitute approved by the Town engineer and the Town Council, or garage space reserved exclusively for the parking of motor vehicles that has a minimum rectangular area of nine (9) feet in width and twenty-two (22) feet in length.

Person means any natural person, association of persons, partnership, corporation or society. The term "person" shall include both singular and plural and shall include both the feminine and masculine gender.

Plat: A map of a subdivision or site plan that represents a tract of land showing the boundaries and location of individual properties and streets.

Rear Yard is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the rear of the lot.

Reversed Frontage means a corner lot fronting the street, which was originally platted as a side yard.

Right-of-Way means an area, publicly owned, dedicated to public use for pedestrian and/or vehicular movement.

Right-of-Way Line is a dividing line between a lot, tract, or parcel of land and the public right-of-way.

Setback line is the minimum distance a building may be erected from a right-of-way, private street, alley, or lot line. Also referred to as building line.

Side Yard is an open and unoccupied space on the same lot with a building, between the building and the side property line extending through from the street or front property line to the rear property line. Any property line that is not a front line or a rear line shall be deemed a side line.

Signs: Any device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise. Signs are regulated by separate ordinance.

Standard Masonry Construction: That form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, cementitious panel boards, or other similar building materials, approved in advance by the building inspector, or combination of these materials.

Story is that portion of a building between any two successive floors or between the top floor and the ceiling above it. A half story being under a gable, hip or gambrel roof and having wall plates on at least two exterior walls, extending not more than two feet above an adjacent full story wall.

Street: Any public thoroughfare dedicated to the public and not designated as an alley, also known as "Public Street" or "Right-of-Way"

Street Line: The dividing line between the street and the abutting property.

Street, Private is a private vehicular accessway shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "private street" shall be inclusive of alleys and is also known as "Road, Private."

Street Right-of-way: A street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.

Structural Alteration is any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Structure is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up composed of parts, joined together in some definite manner; excluding fences, retaining walls, sidewalks, driveways and curbs.

Subdivider is an individual, firm, association, syndicate, partnership, or corporation dividing or proposing to divide land so as to effect a subdivision of [land] hereunder for himself, or for itself, or for another.

Subdivision is the division of any lot, tract or parcel of land into two or more lots or sites for the planned purpose of sale or of building development, whether immediate or future. The term includes resubdivision, but does not include the division of land for agricultural purposes into parcels or tracts of ten acres (10) or more and not involving any new streets, alleys or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided, in accordance with the ordinance of the Town, and the state law.

Trailer, Boat is a vehicle without means of motivation, designed to be hauled, towed, or pulled by a motor vehicle, which by design is used for the transporting of boats.

Trailer, Construction is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which by design may be used for:

(A) A temporary office or storage building,

(B) The conveyance, storage or display of construction materials including, but not limited to, lumber, forms, pipe, wire, sand, rock, concrete, landscape materials or plants, or

(C) The conveyance, storage or display of construction equipment such as, but not limited to, earth moving equipment, ditching machines, generators or tools.

(D) Empty flatbed trailers, less than eighteen feet in length with two or less axles are not included within this definition.

Trailer, General purpose is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which is eighteen feet in length or less, has two or less axles, and is not being used as a construction trailer.

Trailer, Horse or Stock is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which is designed for the transporting of livestock.

Trailer, Travel or Recreational is a vehicular portable structure built on a chassis designed to be hauled, towed or pulled by a motor vehicle and designed to be used for travel and recreational purposes.

Visibility Clearance Area is the portion of a corner lot (in all zoning districts) which is to be left open and unobstructed by fences, structures, shrubs, trees or other plant life.

(A) This area is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of the adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection. (Reference Figure #6, Appendix A.)

(B) The area between two and one-half feet and eight feet in height, measured from the grade of the street adjacent to the visibility triangle.

(C) Shrubs in this area must be kept trimmed so as to be shorter than two and one-half feet tall and trees are to be kept trimmed so as not to have any side branches below eight feet.

Zoning Classification is a classification assigned to a particular area of the town within which zoning regulations are uniform.

(A) *R-1350-1 District* means the residential district established under Article 2.2.

(B) *R-1500-3/4 District* means the residential district established under Article 2.3.

(C) *R-1800-1/2 District* means the residential district established under Article 2.4.

(D) *R-2000-1/2* is all property within the Town that has not been rezoned to a R-1350-1, R-1500-3/4, R-1800-1/2, or Planned Development District, as defined in Article 2.5

Zoning District Map is the official map upon which the zoning districts of the town are delineated.

(b) Words and terms not expressly defined above are to be construed, for purposes of this zoning ordinance, in accordance to their customary usage in the practice of municipal planning and engineering.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, sec. I, adopted 7/13/15)

ARTICLE 1.2 PURPOSE

(a) Establishing of Controls and Comprehensive Plan

(1) These regulations and controls shall be known and may be cited as the "Zoning Ordinance" of the Town.

(2) The purpose of this ordinance is to prevent ill effects of urbanization by providing for the orderly, safe and healthful development of the area within the Town and within the area surrounding the Town and to promote the health, safety and general welfare of the community.

(3) These regulations are adopted under the authority granted by the laws of the State of Texas and particularly as contained in The Texas Local Government Code Chapters 211 (Municipal Zoning Authority) and Chapter 212 (Municipal Regulation of Subdivisions and Property Development).

(4) No person shall create a subdivision of land within the corporate limits of the Town or within the extraterritorial jurisdiction thereof without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations set forth herein.

(5) The Town shall have extraterritorial jurisdiction concerning land not within the corporate limits as cited by the Texas Local Government Code chapter 42 (Extraterritorial Jurisdiction of Municipalities).

(b) Scope: In order to implement the purpose of these regulations it shall be the intent of the controls:

(1) To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, landslides or other such menaces;

(2) to provide proper utilities and services for adequate drainage, water supply and disposal of sanitary and industrial waste;

(3) to provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation;

(4) to furnish adequate sites, convenient to schools, parks, playgrounds, beaches and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;

(5) to provide adequate light and air;

(6) to prevent the overcrowding of land;

(7) to avoid undue concentration of population;

(8) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

(9) to ensure that all subdivision and land development relates directly to the adopted Town Plan (Comprehensive Plan).

(c) General:

(1) All property not specifically zoned otherwise by city ordinance within the Town is zoned R-2000-1/2 Residential. All property to be platted or subdivided properties shall be R-2000 Residential, unless the owner applies for and is granted by the Town Council a change in zoning by Ordinance specific to that property. Subdivision and platting of the property shall comply with the Zoning District regulations on the property, and shall be platted or subdivided in accordance with the Town's subdivision ordinance and regulations. No other subdivisions will be recognized by the Town. Prior to the consideration of the plat by the Town Planning and Zoning Commission and the Town Council, the Town Engineer will check the plat and make recommendations, all in accordance with the Texas Local Government Code chapter 212 (Municipal Regulation of Subdivisions and Property Development) and the Subdivision Regulations of the Town.

(2) It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide or plat any land into lots, blocks and streets within the Town which has not been laid off, subdivided and platted according to these regulations and the rules of the Town Zoning Commission.

(3) No officer or employee of the Town shall perform, or cause to be performed, any work upon any street or in any addition or subdivision of the Town, unless all requirements of these regulations have been complied with by the owner of said addition or subdivision.

(4) The Town hereby defines its policy to be that the Town will take all legal action available to the Town to prosecute illegal subdivisions, and/or any unlawful construction in the Town. No permits shall be issued, nor improvements begun, until approval has been given of any required plats, rezoning, and permits.

(5) No construction of new buildings, structural alterations to existing buildings nor additions to existing buildings shall begin until a building permit has been issued by the Town of Shady Shores, Texas. Such permit shall be posted in a conspicuous place at the construction site until the construction is complete and final inspections have been made.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.1 ZONING CLASSIFICATIONS

(a) Required: The Town of Shady Shores is hereby defining districts. The use heights and regulations are uniform within each District.

R-1350-1 Residential District

R-1500-3/4 Residential District

R-1800-1/2 Residential District

R-2000-1/2 Residential District

(b) Maps:

(1) Zoning Map - Each area of land in the Town of Shady Shores zoned under this ordinance or any pre-existing ordinance shall be shown on the zoning map of the Town of Shady Shores, Texas.

(2) Planning Map - Town of Shady Shores, as a portion of the comprehensive plan established for planning growth and development within the Town, attached hereto is a planning map, indicating future land use and zoning within the Town.

(3) FEMA Flood Insurance Rate Map (FIRM) - A map created by the NFIP for floodplain management and insurance purposes. The FIRM shows the Town of Shady Shores' base flood elevations, flood zones and floodplain boundaries.

(c) Regulations Applicable to all Areas of the Town:

(1) All consideration possible will be given to the preservation of the natural environment. Placement of dwellings and other improvements will be planned with a minimum number of trees to be removed.

(2) Area Regulations:

(A) Required front, side & rear yards:

(i) Required front, side and rear yards must be open and unobstructed, except for fences, shrubs and trees except as otherwise provided in this section.

(ii) No covered porch, covered terrace or accessory building shall project into the required front, side or rear yard setback area of the lot.

(B) Side Yard: For the purpose of side yard regulations, one (1) main building and one (1) or more accessory buildings shall be considered as one (1) building when occupying one (1) lot; provided, however, there shall be a minimum of ten (10) feet between the sides of the buildings on the same lot.

(i) On corner lots there shall be a side yard of not less than fifteen (15) feet, or the minimum side yard required by the district in which the lot is located, whichever is greater, on the street side of the lot. In the case of side street or reversed frontage (where corner lot faces an intersecting street) there shall be a side yard on the street side equal to the front yard on the lots in the rear.

(ii) No accessory building on a corner lot shall be located all or in part in the front or side yard setback areas adjacent to a public street.

(C) Setback and Side Yard Measurements: All setback and side yard minimum requirements are measured from the property lines of the lot.

(D) Height Limit: No main or miscellaneous (chimneys monuments, cupolas, domes, spires, standpipes, false mansards, and other similar structures) structure shall exceed the height of thirty-five (35) feet measured from the foundation of the house on lots that are at least 1/4 acre and are within 100 yards of lakefront area.

(i) Basis of Height Measurements: The height of a building shall be measured from the finished floor.

(E) Lot Area: On any lot held under separate distinct ownership from adjoining lots at the time of passage of this ordinance, such separately owned property being of record at the time, a single-family dwelling may be erected even though the lot be of less area than required by the regulations relating to lot area; provided, however, that in any event the combined area of the dwelling and accessory building shall not cover more than forty (40) percent of the total area of the lot.

(F) Drainage: Subdivisions and lots shall have a registered engineer's storm drainage plan prepared to provide drainage to standards required by the Town Engineer, and with the approval of the Town Council. The subdivision or lot must then be developed in strict conformity with the drainage plan, and maintained in compliance with the drainage plan by the owner.

(G) Manufactured Houses, Mobile Homes, Travel Trailers & Construction Trailers: No manufactured house, mobile home, travel trailer, construction trailer, or similar structure shall be moved into the Town of Shady Shores and used as a dwelling or otherwise unless:

(i) The Zoning Board of Adjustments approves a variance.

(ii) It is a manufactured house or mobile home to be located in an existing mobile home park, in compliance with Ordinance No. 188-1-2007, as amended [Article 3.10 of the Code of Ordinances].

(H) Parking: There shall be provided, in connection with every use permitted, off-street parking spaces in accordance with the provisions of Article 3.3.

(I) Sewage Requirements: Unless served by the Lake Cities Municipal Utility Authority, each residence and each dwelling unit shall be provided with and connected to a properly constructed and adequate aerobic system or septic tank of not less than 500 gallon capacity, and with not less than 200 feet of lateral lines. And, such aerobic system shall be built and maintained in accordance with any and all rules and recommendations of the Department of Public Health of the State of Texas as authorized by the Texas Health and Safety Code, Chapter 366, and the same shall meet or exceed the minimum requirements of the Federal Housing Administration. A satisfactory percolation test is required prior to the issuance of a building permit. All must comply with Town of Shady Shores Ordinance 197-9-2007, as amended [article 13.03 of the Code of Ordinances].

(J) Type of Materials:

(i) Exterior wall construction for residential structures shall consist of a minimum of 75% standard masonry construction with no single wall face of any residence containing less than 50% of its exposed surface of standard masonry construction, excluding windows and doors, as defined in Article 1.1.

(ii) Exterior wall construction for accessory buildings shall meet the requirements of Article 2.1(K) [Article 2.1(c)(2)(K).]

(iii) Airplane hangars built on residential lots shall be built using colors to coordinate with the main structure and with the lower 1/3 of each wall, excluding doorways, to be consistent with the main structure masonry.

(iv) Agricultural buildings must be constructed of new materials meeting the building code of the Town, or the specific provisions of this ordinance. They may not be architecturally compatible with the principal residence if the accessory building meets the requirements of a Type 1 Accessory Building.

(K) Accessory Building Regulations: All accessory buildings must be of one of the types listed below. A building permit is required for all accessory buildings prior to the commencement of construction. All accessory buildings shall meet the following requirements:

(i) The building, (except a Carport on a lot of less than 1/2 acre) shall be located behind the residence, and shall not be located within the rear or the side yard setback areas of the rear yard. A structure with a roof, without walls, for the storage of, vehicles, trailers, boats and/or farm implements, may be classed as either a Type 1 or Type 2 Accessory building, but is only permitted to be located on properties with Agricultural Tax Exemptions or on properties of more than 5 acres or under 1/2 acre.

(ii) Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the city engineer or designee.

(iii) All Accessory Buildings maximum height and square footage limits shall be as set forth below in (vii) [subsection (viii)].

(iv) Masonry is as defined in Article 1.1 DEFINITIONS (62) Standard Masonry Construction of this Zoning Ordinance.

(v) Type 1 Accessory Buildings. This type or class of accessory building consists of accessory buildings that support the agricultural use of the property as defined or permitted in areas with Agricultural Tax

Exemptions (or a lot size of not less than 5 acres), such as barns, loafing sheds, private stables or tool/equipment sheds. Electricity and water connections are permitted. Use as living quarters is prohibited. If toilet and/or shower facilities are provided, adequate wastewater disposal must be provided and approved by the Town building inspector.

(1) Maximum Size: The maximum number of square feet of usable enclosed area is regulated by lot size, below in (vii) [subsection (viii)].

(2) Location: All portions of the accessory building must be:

a. not less than 30 feet from any property line of an adjacent owner, and

b. not less than 40 feet from any dwelling on any adjacent property, and

c. not less than 40 feet from any road,

whichever is greater.

(3) Construction: The building's construction materials must be of material defined by the Town Building Codes. The Type 1 Accessory Building does not have to comply with "Standard Masonry Construction" and may be constructed of wood and/or factory painted or colored sheet metal, including standing metal seam products. Corrugated metal is not allowed.

(4) Maximum Height: The height of the building shall not exceed 24 feet in height, or the height of the main building, whichever is less.

(vi) Type 2 Accessory Buildings. This type or class of accessory building consists of accessory buildings that are not classed as Type 1 Accessory Buildings or Type 3 Accessory Buildings. Type 2 accessory buildings include but are not limited to a shop or recreation building, swimming pool cabana, boat storage, detached garage for boat, recreational vehicle and motor vehicle storage, home office, tool/equipment storage, greenhouse or stable. Type 2 Accessory buildings may not be used for living quarters, or commercial purposes and may not be used as rental property. No Type 2 Accessory building will be permitted unless there is a principal residential dwelling on the property. A carport for the storage of vehicles, trailers, boats and/or farm implements classed as a Type 2 Accessory building is only permitted to be located on properties that are less than 1/2 acre or on properties not less than 5 acres in size, or on lots that are between 1/2 acre and 5 acres with Agricultural exemptions.

(1) Maximum Size: The maximum number of square feet of usable enclosed area of the Accessory building is regulated by lot size, below in (vii) [subsection (viii)]. The covered floor space of all structures on the property, including all accessory buildings and

the principal residence may not exceed the maximum lot coverage of the property. Porch areas may not exceed an additional 20% of the total usable enclosed area.

(2) Maximum Height: The height of the building shall not exceed the height regulated by lot size, below in Article (vii) [subsection (viii)], or the height of the main building, whichever is less.

(3) Location: Type 2 Accessory buildings must be located not less than the minimum front and rear setback and side yard requirements from the property lines, as required in the zoning district in which the accessory building is to be located.

(4) Construction: The building's construction materials must be substantially similar in color, composition and design as that of the residential building, the lower 1/3 of each wall excluding doorways must be brick or masonry, and generally meet the requirements for the principal residential building. Corrugated sheet metal siding is expressly prohibited. Roofing material must also be substantially similar in color, composition and design as that of the residential building and comply with the Town's building codes. For accessory buildings in excess of 300 square feet, including, but not limited to, detached garages each exterior wall shall be constructed with not less than the lower one third (1/3) of the wall as masonry construction[.]

(5) Foundation: A concrete foundation is required for all Type 2 Accessory buildings, with the exception of "Greenhouses."

(vii) Type 3 Accessory Buildings. Type 3 Accessory buildings include pre-fabricated buildings and buildings on skids used for the storage of tools, lawn care equipment, and similar storage related to the residential dwelling on the property.

(1) Maximum Size: 300 square feet.

(2) Location: A Type 3 Accessory building must be located not less than the minimum front and rear setback and side yard requirements from the property lines, as required in the zoning district in which the accessory building is to be located.

(3) Maximum Height: 12 feet in height.

(4) Construction: Accessory buildings of 300 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface.

(vii)[viii] LOT SIZE DETERMINES THE TYPE AND SIZE OF ACCESSORY BUILDINGS.

(1) Less than 1/2 acre: One Type 2 (not to exceed 700 square feet and 16 feet in height) or one Type 3 accessory building.

(2) 1/2 acre to less than 1 acre: One Type 2 (not to exceed 1500 square feet and 16 feet in height) or one Type 3 accessory building.

(3) 1 to less than 2 acres: One Type 1 or Type 2 (not to exceed 2000 square feet and 16 feet in height) and one Type 3 accessory building.

(4) 2 to less than 5 acres: The total of all accessory structures should not to exceed 4500 square feet and 16 feet in height with a maximum of three (3) accessory structures of Type 1, 2 and/or 3.

(5) 5 acres or more: Not more than four (4) type 1 or type 2 Accessory buildings. The total cumulative floor space of all accessory buildings, (Type 1, 2, and/or 3) may not exceed ten [percent] (10%) of the lot size. The height of Type 1 and Type 2 accessory buildings may not exceed 24 feet. Type 3 may not exceed 12 feet in height. The building materials do not have to match the principal residence.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, secs. II, IV, adopted 7/13/15)

ARTICLE 2.2 "R-1350-1" RESIDENTIAL DISTRICT REGULATIONS

(a) Use Regulations: In a R-1350-1 Residential District no land shall be used and no building erected or converted to any other use than permitted in ARTICLE 3.2.

(b) Building Regulations:

Minimum Size: The minimum floor area of the main building shall be one thousand three hundred and fifty (1,350) square feet living area, which excludes, porches, breezeways, and attached garages.

(c) Area Regulations:

(1) Front Yards: There shall be a front yard for every building having a depth of not less than forty (40) feet from the front property line to the face of the building.

(2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than twenty-five (25) feet, measured from the side property line to the side of the building.

(4) Corner Lots: refer to Article 2.1 (c) (2) (B) (i) (ii).

(5) Lot Area: The minimum area of any lot shall be one acre.

(6) Lot Width: The minimum lot width shall be one hundred and fifty (150) feet.

(7) Lot Depth: The minimum lot depth shall be one hundred and twenty-five (125) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.3 "R-1500-3/4" RESIDENTIAL DISTRICT REGULATIONS

(a) Use Regulations: In a R-1500-3/4 Residential District, no land shall be used and no buildings be erected for or converted to any other use than permitted in ARTICLE 3.2.

(b) Building Regulations:

Minimum Size: The minimum floor area of the main buildings shall be fifteen hundred (1500) square feet living area, which excludes porches, breezeways, attached garages and caretaker's quarters.

(c) Area Regulations:

(1) Front Yards: There shall be a front yard for every building having a depth of not less than thirty-five (35) feet from the front property line to the face of the building.

(2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than twenty-five (25) feet measured from the side property line to the side of the building.

(4) Corner Lots: refer to Article 2.1 (c) (2) (B) (i) (ii)

(5) Lot Area: The minimum lot area of any lot shall be 3/4 of an acre.

(6) Lot Width: The minimum lot width shall be one hundred and twenty-five (125) feet.

(7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty percent (30%) percent [sic] of the total area of any lot.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.4 "R-1800-1/2" RESIDENTIAL DISTRICT REGULATIONS

(a) Use Regulations: In a R-1800-1/2 Residential District, no land shall be used and no building shall be erected or converted to any other use than permitted as per ARTICLE 3.2.

(b) Building Regulations:

Minimum Size: The minimum floor area of the main building shall be eighteen hundred (1,800) square feet living area, which excludes porches, breezeways, attached garages and caretaker's quarters.

(c) Area Regulations:

(1) Front Yards: There shall be a front yard for every building having a depth of not less than twenty-five (25) feet measured from the front property line to the face of the building.

(2) Rear Yards: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) Side Yards: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than fifteen (15) feet measured from the side property line to the side of the building.

(4) Corner Lots: refer to Article 2.1 (c) (2) (B) (i) (ii)

(5) Lot Area: The minimum area of any lot shall be 1/2 acre.

(6) Lot Width: The minimum lot width shall be one hundred (100) feet.

(7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.5 "R-2000-1/2" RESIDENTIAL DISTRICT REGULATIONS

These regulations are minimum standards to be used on all lots in the Town of Shady Shores that have not been rezoned to a R-1350-1, R-1500-3/4, R-1800-1/2, or Planned Development District.

(a) Use Regulations: In a R-2000-1/2 Residential Area, no land shall be used and no building erected or converted to any other use than permitted in ARTICLE 3.2.

(b) Building Regulations:

Minimum Size: The minimum floor area of the main building shall be two thousand (2,000) square feet living area, which excludes porches, breezeways, attached garages and caretaker's quarters.

(c) Area Regulations:

(1) Front Yards: There shall be a front yard for every building having a depth of not less than twenty-five (25) feet from the front property line to the face of the building.

(2) Rear Yard: There shall be a rear yard for every building which shall have a depth of not less than twenty-five (25) feet measured from the back of the building to the rear property line.

(3) Side Yard: There shall be two (2) side yards for each building, one on each side of the building. No side yard shall be less than ten (10) feet, measured from the side property line to the side of the building.

(4) Corner Lots: refer to Article 2.1 (c) (2) (B) (i) (ii).

(5) Lot Area: The minimum lot area in the Town of Shady Shores shall be 22,000 square feet, excluding Public Right-of-Ways, alleys, and Private streets.

(6) Lot Width: The minimum lot width shall be one hundred (100) feet.

(7) Lot Depth: The minimum lot depth shall be one hundred (100) feet.

(8) Lot Coverage: The combined area of the main building and accessory buildings shall not cover more than thirty (30) percent of the total area of any lot.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 2.6 MANUFACTURED AND INDUSTRIAL HOUSING REGULATIONS*

SECTION 1 [Manufactured Housing Regulations Adopted; Nonconforming Uses]

A. The Comprehensive Zoning Ordinance of the Town of Shady Shores, Texas, Ordinance No. 124, as heretofore amended be, and the same is hereby amended by adopting "Manufactured Housing" regulations set forth in Exhibit A, incorporated in this ordinance in their entirety.

* **Editor's note–**Article 2.6 of Ord. 256-5-2013 provided: "The provisions of Ordinance 188-1-2007, entitled 'Manufactured and Industrial Housing Regulations' are adopted and incorporated as this Article 2.6." Ord. 188-1-2007 is included herein as enacted, excepting section 4 "Severability," section 5 "Repealer," section 6 "Penalty, section 7 "Publication" and section 8 "Effective date," all of which were omitted from this article. The title of article 2.6 has been changed from "Planned Development Districts" to "Manufactured and Industrial Housing Regulations."

B. The areas of Town which may have manufactured housing, with written approval of the Town, as shown by passage of a resolution or ordinance by the Town Council, are as follows:

1. An area of Town specifically zoned as a "Manufactured Housing" district.

2. A single lot or lots which are recognized by the Town as a lot, or lots, which have, under applicable law, a nonconforming use status. A nonconforming use is defined and regulated as follows:

NONCONFORMING USES

(a) Any lawful use of property existing on the date of the original adoption of the Comprehensive Zoning Ordinances of Shady Shores, which does not conform to the regulations prescribed herein, shall be deemed a nonconforming use and may be continued subject to such regulations as to the maintenance of premises and conditions of operations as may, in the judgment of the Town Council, be reasonably required for the protection of adjacent property. A nonconforming use may not be expanded within an existing building nor may the building be expanded or structurally altered to accommodate the nonconforming use. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification; however once a change is made to a more restrictive use, the use shall not be changed back to the prior nonconforming use.

(b) A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. If a nonconforming use is discontinued for a period exceeding six months, such nonconforming use shall be deemed to have been abandoned and any future use thereof shall conform to the terms of this ordinance.

(c) If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a nonconforming use not to exceed 50 percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded or enlarged.

(d) At the discretion of the Town Council, incremental site improvements, including, but not limited to, landscaping or screening, may be made without meeting the minimum requirements of this ordinance where no building or circulation changes are proposed.

(e) The business known as Lakeside Manor, at 425 South Shady Shores Road, is a legal nonconforming use on residentially zoned property. As a nonconforming use, it is limited to not more than forty-three (43) manufactured housing units only, installed and provided in accordance with this ordinance, and applicable state law. Three buildings on the site are used as residences, and one is used as an office for the manufactured housing park. In the event the owners of the park tear down one or more of these four buildings, one new residential manufactured housing unit may replace each building removed, not to exceed four units.

3. Special use permit [conditional use permit] - An area subject to and operating as a manufactured housing area is subject to all requirements of these regulations, unless specifically modified by the Special Use Permit [Conditional Use Permit] for the area.

(Ordinance 188-1-2007, sec. 1, adopted 1/8/07)

SECTION 2 State Law and Regulations

A. This ordinance is adopted, and subject to, applicable state laws. To the full extent applicable and legally authorized, the requirements and standards of chapter 1201 of the Texas Occupations Code, and chapter 80 of Title 10, Part 1 of the Texas Administrative Code are adopted, and incorporated herein in this ordinance. A violation of said state law, collectively the "State Requirements," is also a violation of the health, safety and welfare requirements of this ordinance. Specifically excluded from Town enforcement is any provision of state law which falls exclusively to the jurisdiction of a state or federal agency, e.g., the Texas Department of Housing and Community Affairs, the Texas Attorney General, or the Denton County District Attorney.

B. The provisions in A. above shall also apply to Industrialized Housing, as regulated in chapter 1202 of the Texas Occupations Code, and related statutes.

C. Attached to this ordinance, for purposes of illustration of state regulations to be followed, are the following provisions:

Rule § 80.54	Requirements for the Installation of Manufactured Homes
Rule § 80.55	Generic Standards for Anchoring Systems
Rule § 80.64	Procedures for Alterations
Rule § 80.66	Rebuilding or Repairing a "Salvaged" Manufactured Home
Rule § 80.119	Installation Responsibilities
Rule § 80.123	License Requirements

D. Any person required by state law to be licensed under the State Requirements shall produce such license, licenses or state required permit on request by the Town. The failure to produce a license or permit required by the State Requirements on request by the Town is a violation of this ordinance.

State required licenses include, but are not limited to the following (TAC, Title 10, Part 1, Chapter 80, Subchapter E, Rule 80.123):

1. Manufacturer

2. Retailer

3. Broker

4. Rebuilder

5. Installer

6. Homeowner's Temporary Installation

7. Salesperson

State required permits include, but are not limited to:

1. Statement of ownership and location (Section 1201.205, Texas Occupations Code)

(Ordinance 188-1-2007, sec. 2, adopted 1/8/07)

SECTION 3 Industrialized Housing Regulations

A. The Town adopts all the regulatory authority granted cities and towns by Section 1202 of the Texas Occupations Code. The standards applied to industrialized housing (as defined in the Occupations Code) shall conform to the Town's zoning classification of R-2000-1/2 to the full extent authorized by the Occupations Code. This includes the following, as applicable:

1. land use and zoning requirements;

2. building setback requirements;

3. side and rear yard requirements;

4. site planning and development and property line requirements;

5. subdivision control; and

6. landscape architectural requirements.

B. The Town does require the following for industrialized housing:

1. for compliance with mandatory building codes, a complete set of designs, plans, and specifications bearing the council's stamp of approval for each installation of industrialized housing or buildings in the municipality;

2. all applicable local permits and licenses be obtained before construction begins on a building site;

3. in accordance with applicable state rules, that all modules or modular components bear an approved decal or insignia indicating inspection by the state; and

4. the Mayor, in consultation with the Building Inspector, may establish procedures for the inspection of:

   (a) the erection and installation of industrialized housing or buildings to be located in the municipality, to ensure compliance with mandatory building codes and commission rules; and

   (b) all foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications.

5. The Procedures described by subsection B.4, above, may require:

   (a) before occupancy, a final inspection or test in accordance with mandatory building codes; and

   (b) correction of any deficiency identified by the test or discovered in the final inspection.

6. Permits and Related Requirements -

   (a) Single-family industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.

   (b) For purposes of this section, single-family or duplex industrialized housing is real property.

   (c) Single-family industrialized housing is required to:

      (1) have a value equal to or greater than the medial taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;

      (2) have exterior siding, roofing, roof pitch (or roofing pitch), foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

      (3) comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

      (4) be securely fixed to a permanent foundation.

   (d) For purposes of subsection B.6.(c), "value" means the taxable value of the industrialized housing and the lot after installation of the housing.

(Ordinance 188-1-2007, sec. 3, adopted 1/8/07)

Exhibit A - Manufactured Housing

A. PURPOSE.

1. A Manufactured Housing Permit area is designated in order to provide an adequately controlled area for the placement of Manufactured Homes, and to assure an environment suitable for family living. The terms "HUD-Code Manufactured Home,"

"Mobile Home," "Manufactured Housing" and "Recreational Vehicle" as used herein are as defined in applicable Texas state law, as amended.

(a) a "HUD code manufactured home" is defined as follows:

(A) means a structure:

(i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;

(ii) built on a permanent chassis;

(iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

(iv) transportable in one or more sections; and

(v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on-site, at least 320 square feet;

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and

(C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

(b) a "Mobile home" is defined as follows:

(A) means a structure:

(i) constructed before June 15, 1976;

(ii) built on a permanent chassis;

(iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

(iv) transportable in one or more sections; and

(v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on-site, at least 320 square feet; and

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home.

2. Any violations of the provisions of any prior Ordinance or Permit regarding Manufactured Housing and/or Mobile Homes passed, which occurred prior to the date of any amendments to this Zoning Ordinance in effect on the date of any violation of this Ordinance shall be interpreted as still being in effect on the date any

violation is prosecuted. Further, no amendments to this ordinance shall waive, accept, or approve any nonconforming use which existed immediately prior to the date this Ordinance is enacted.

B. PRINCIPAL PERMITTED USES. Rental lots for placement of Manufactured Homes with utilities.

C. GENERAL PROVISIONS.

1. MOBILE HOMES (CONSTRUCTED PRIOR TO JUNE 15, 1976). No mobile home may be installed for use or occupancy as a residential dwelling unit within the Town of Shady Shores, effective the date of this Ordinance. Any mobile home previously legally permitted and used or occupied as a residential dwelling unit within the Town is deemed a nonconforming use. A permit for such legal nonconforming use and occupancy shall be granted for a lawful nonconforming mobile home within the Town so long as a replacement is a HUD-Code Manufactured Home, and is located within the Permitted Areas of the Town.

2. HUD-CODE MANUFACTURED HOMES (CONSTRUCTED ON OR AFTER JUNE 15, 1976). No HUD-Code Manufactured Homes (constructed on or after June 15, 1976) shall be permitted as a residential dwelling, or otherwise, unless the installation is within a manufactured housing permit district approved by the Town. (An application to install a new HUD-Code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the Mayor denies the application in writing, within 45 days of the receipt of the application, setting forth the reason for denial. Denial reasons include, but are not limited to an unsafe or unsanitary condition of the manufactured housing.

3. RECREATIONAL VEHICLES. No Recreational Vehicle may be installed, used, or occupied as a residential dwelling within the corporate limits of the Permit Area.

4. WASTEWATER REQUIREMENTS. All wastewater connections, plumbing, and drainage requirements within the permitted areas shall meet the highest standards of federal, state and county regulations including those of Lake Cities Municipal Utility Authority ("LCMUA").

5. MANUFACTURED HOME PARKS.

(a) SITE PLAN REQUIRED. A Manufactured Home Permit Area shall provide a site plan and construction plans (5 copies) drawn to scale, acceptable to the Town Engineer, complying with the requirements of the Subdivision Ordinance. A preliminary and final plat is required on all Manufactured Home Parks. The boundary survey shall be prepared by a Registered Professional Land Surveyor and layout and design shall be prepared by a Registered Professional Engineer. The Manufactured Home park shall comply with the design and construction requirements of the Town's subdivision ordinance regarding supporting data, drainage, paving, and utility facilities. The site plan and construction plans shall show:

(i) The area and dimensions of the tract of land, with identification of location and boundaries

(ii) The number, location and size of all Manufactured Home spaces

(iii) The number and specifications of sewer lines and riser pipes

(iv) The location and specifications of water lines and service connections

(v) The location and details of lighting, electrical and gas systems

(vi) The location and specifications of all Buildings constructed or to be constructed within the park

(vii) Existing and proposed topography

(viii) The location of fire mains, including the size, the hydrants, and any other equipment which may be provided

(ix) Proposed pavement sections

(x) Proposed storm drainage facilities, with calculations

(xi) Proposed wastewater treatment facilities.

(b) PARK AND LOT SIZE REQUIREMENTS.

(1) Minimum Park Size. A site to be developed as a Manufactured Home Park shall have a minimum area of five (5) acres, unless permitted by the Town Council at a smaller size.

(ii) Minimum Manufactured Home Lot Size. Each Manufactured Home space shall have a minimum area of 2,400 square feet exclusive of any floodplain or easements; however, no Manufactured Home space shall have dimensions less than 50 feet the narrow dimension nor 70 feet on the long dimension, not including off-street parking required.

(c) TEMPORARY HOOKUPS. No temporary hookups will be permitted. Power, water, and sewer service must be supplied to every lot.

(d) STREETS, PARKING AND TRAFFIC.

(i) Streets. An internal street system (which shall also be drainage, utility, fire, and emergency access easement) shall provide access to each Manufactured Home space. Such internal street system shall comply with Subdivision Ordinance requirements regarding streets including construction requirements.

Driveways and Parking Areas are considered private. Maintenance of driveways and parking areas shall be a private responsibility. All other streets shall be dedicated as public, unless stated otherwise in the ordinance zoning the property.

(ii) Tenant Parking. Tenants shall be provided with at least two (2) off-street parking spaces for each Manufactured Home space. Each parking space shall be hard surfaced and located so as to eliminate interference with access to parking areas provided for either Manufactured Homes or public parking in the Manufactured Home Park.

(iii) Visitor and Supplemental Parking. In addition to parking spaces required for each Manufactured Home unit, there shall be provided for the Manufactured Home Park:

One visitor space for every four (4) Manufactured Home spaces, and

One supplemental parking or vehicle storage space for every two (2) Manufactured Home spaces for the parking or storage of boats, recreational vehicles, and similar vehicles or equipment.

These visitor and supplemental spaces may be located anywhere within the Manufactured Home community provided that no Manufactured Home space shall be situated further than one hundred fifty (150) feet from a visitor space.

All supplemental parking areas shall be screened by fencing and/or landscaping.

(e) SIGNS. All signage will comply with the Ordinance zoning the Property, and shall comply with the Town Sign ordinance. Private streets shall indicate that they are private. A Manufactured Home Park shall have no more than one sign visible from a public street, which shall be no larger than three feet by four feet, and the top of which shall be no higher than five feet above grade.

(f) ACCESS. Every Manufactured Home Park of more than 10 units shall have at least two points of direct access to and from a public street and each Manufactured Home space shall have direct access to an internal public street. Where an internal street provides access, the same shall be used as an emergency access easement to allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services.

Each emergency access easement shall have a clear, unobstructed width in compliance with Town ordinances on street and road design, shall connect to a dedicated public street, or shall have a turn-around radius with a minimum of at least forty (40) feet in radius of paving. Corners of intersecting streets shall have sufficient turning area to permit free movement of emergency vehicles.

(g) WALKWAYS. Designated, paved walkways will be provided on both sides of roadways or streets.

(h) ELECTRIC AND TELEPHONE SERVICE. All distribution and service lines of electrical, telephone, television, and other wirer type utilities shall be underground, except that the system of supply lines for multiple subdivision

service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below the ground level. Where the underground installation of such facilities is not a standard practice of the utilities involved, the Subdivider, Developer or Owner shall make all arrangements for payments associated with the nonstandard installation.

(i) DRAINAGE AND SOIL PROTECTION. The ground surface in all parts of a Manufactured Home Park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each Manufactured Home space shall provide adequate drainage for placement of a Manufactured Home.

No portion of any Lot shall be located below the 100-year floodplain. Drainage facilities shall comply with the Town Subdivision Regulations.

(j) FIRE SAFETY. Storage and handling of flammable gases and liquids:

Whenever liquefied petroleum gases are stored and/or dispensed, their handling and storage shall comply with requirements of the Town ordinances as applicable.

Wherever gasoline, fuel, oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with requirements of the Town ordinances and State regulations.

(k) WATER SUPPLY FACILITIES. Water supply facilities for fire protection service shall meet the minimum requirements of the Key Rate Schedule for a standard Town as last adopted by the State Board of Insurance of Texas and the minimum requirements of the Town.

(l) FIREFIGHTING.

(i) Approaches to all Manufactured Homes shall be kept clear for firefighting.

(ii) The owner or agent of a Manufactured Home Park shall be responsible for the instruction of his/her staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. The owner shall provide standard Town fire hydrants located within one hundred (100) feet of all Manufactured Home spaces, measured along the driveways or streets.

(iii) The owner or agent of a Manufactured Home Park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

(iv) The owner or agent of a Manufactured Home Park shall provide an adequate system of collection and safe disposal of rubbish, approved by the Town.

(m) MANUFACTURED HOME SPACING STANDARDS. In order to provide adequate separation of Manufactured Homes and of other Buildings and Structures for the purposes of safety against the hazards of fire and explosion, and to promote structural safety in the placement of Manufactured Homes on their respective sites, the following spacing standards shall apply:

(i) The minimum front yard setback shall be twenty (20) feet from the nearest corner of the Manufactured Home to the front line of the Manufactured Home space.

(ii) No Manufactured Home shall be closer than thirty (30) feet to the outer perimeter property line. If the Manufactured Housing District is adjacent to a non Manufactured Housing District, the setback from the outer perimeter property line shall be at least the setback of the adjacent district, if the setback of the adjacent district is greater than thirty (30) feet.

(iii) Other structures on each Manufactured Home space must be placed to the back of the Manufactured Home space and must be a minimum of ten (10) feet away from any line of the Manufactured Home space.

(iv) The minimum distance between Manufactured Homes at any point shall be twenty-five (25) feet.

(v) The average vertical clearance height of the Manufactured Home frame above the finished ground elevation shall not exceed three (3) feet.

(n) LANDSCAPING. The park will provide attractively and esthetically designed and installed screening (on public road) and landscaping to assure privacy and suitable environments for Manufactured Home occupants. The proposed screening and landscape plan shall be submitted for review and approval by the Town. Landscaping areas will be not less than five (5%) percent of the gross site area.

(o) COMMUNITY BUILDINGS AND SERVICE FACILITIES.

(i) Structural and Other Requirements for Buildings. Construction of all buildings shall comply with applicable ordinances of the Town. All portions of Structures shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

All rooms containing sanitary or laundry facilities shall:

Have Sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, lavatories, and other plumbing fixtures shall be constructed of

dense, nonabsorbent, waterproof materials or covered with moisture-resistant materials.

Have as least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than ten (10%) percent of the floor area served by them.

Have at least one window which can be opened easily or have a mechanical device which will adequately ventilate the room.

(ii) Sanitary Facilities. Toilets shall be located in separate compartments equipped with self-closing doors. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

Hot and cold water shall be furnished in every lavatory, sink, and laundry fixture; and cold water shall be furnished in every water closet and urinal.

(iii) Lighting. Illumination level shall be maintained as follows:

General seeing tasks: At least five (5) footcandles.

Laundry room work area: At least forty (40) footcandles.

Toilet room in front of mirrors: At least forty (40) footcandles.

Pedestrian walkways: At least five (5) footcandles.

Visitor and supplemental parking areas: At least five (5) footcandles.

Recreation Areas: At least five (5) footcandles.

(p) STORAGE FACILITIES. Storage facilities with a minimum size of 640 square feet per Manufactured Home space, shall be provided on the space, or in compounds located within one hundred (100) feet of each space. Wherever provided, storage facilities shall be faced with masonry, porcelainized enamel, baked enamel, steel, or other material equal in fire resistance, durability, and appearance. All storage facilities shall be anchored to a concrete slab.

(q) INCINERATORS. Incinerators will be specifically prohibited. Incineration of trash and garbage will be prohibited.

(r) RECREATIONAL AREAS. Every Manufactured Home Park shall have at least one (1) visibly identifiable recreation area for the benefit and use of its residents. Not less than five (5%) percent of the gross site area of the Manufactured Home Park shall be devoted to recreational facilities. Playground space shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards. Lighting must be provided for all recreation areas.

(s) WATER SYSTEM.

(i) Supply. An adequate, safe and potable supply of water shall be provided by the owner or agent. Connection shall be made to the LCMUA water system.

The Manufactured Home Park shall have a commercial water meter from LCMUA, regardless of the distribution of the water within the Manufactured Home Park.

(ii) Connections. The water supply system shall be connected by pipes to all Manufactured Homes, buildings, and other facilities requiring water. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with State and Town regulations and requirements.

All water line mains will be eight (8) inches or larger, or as approved by LCMUA, and the Fire Chief.

Individual water riser pipes and connections shall be constructed and maintained in accordance with the Town ordinances, as applicable.

(t) ELECTRICAL UTILITIES. The wiring, fixtures, equipment and appurtenances of every electrical wiring system shall be installed and maintained in accordance with applicable ordinances and regulations for such systems.

Power distribution lines shall be located underground. All power distribution lines, individual electrical connections and grounding of the Manufactured Homes and equipment shall comply with the Town ordinances, as applicable.

(u) SEWAGE OR WASTEWATER FACILITIES.

(i) A connection to municipal sanitary sewage service shall be required at the landowner's cost.

(ii) All requirements of the County, Town and the State of Texas as to sanitation, water quality preservation and pollution will be met. Where any such statutes or regulations are in conflict, the more restrictive statute or regulation shall apply, as determined by the Building Inspector of the Town, subject to the review and approval of the Mayor. Unless otherwise stated in such regulations, each residential unit within a Manufactured Housing District shall be connected to a sanitary sewer line.

(iii) Sewage or Wastewater Connections. All materials used for sewer connections shall be in accordance with the Town ordinances and/or LCMUA regulations, as applicable.

Each Manufactured Home stand shall be provided with at least four (4) inch diameter sewer riser pipe. The sewer riser pipe shall extend at least four (4) inches above the ground and shall be so located on each stand that the sewer connection to the Manufactured Home drain outlet will approximate a vertical position.

The sewer connection to the Manufactured Home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the Town ordinances, as applicable.

Provision shall be made for plugging the sewer riser pipe when no Manufactured Home occupies the space. Surface drainage shall be diverted away from the riser.

(v) FUEL AND SUPPLY STORAGE.

(i) Natural gas piping systems shall be installed underground and maintained in accordance with applicable ordinances and regulations governing such systems. Each Manufactured Home space provided with piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas and shall be in accordance with applicable Town ordinances.

(ii) Liquefied petroleum gas systems shall not be installed.

(w) REFUSE HANDLING AND COLLECTIONS. The storage, collection and disposal of refuse shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

(i) Storage Facilities. One or both of the following systems shall be used:

a) If refuse is gathered at the individual Manufactured Home spaces, it shall be stored in flytight, watertight, rodentproof containers, which shall be located at each manufactured home site. Containers for this use shall be provided by the park in sufficient number and capacity to properly store all refuse.

b) In lieu of storage at individual sites, centrally located refuse containers, appropriately screened, and having a capacity of three (3) cubic yards or larger may be provided. Such containers shall be so designed as to prevent spillage or container deterioration, and to facilitate cleaning around them.

(ii) Removal. Refuse and garbage shall be removed from the park at least once each week. The licensee or agent shall insure that containers in the park are emptied regularly and are maintained in a usable, sanitary condition.

(x) INSECT AND RODENT CONTROL. Grounds, Buildings, and Structures shall be maintained free of insect and rodent harborage and infestation. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be maintained so as to prevent the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth.

(y) STRUCTURAL PROTECTION.

Anchorage of Manufactured Homes: To insure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each Manufactured Home shall be provided according to applicable state law for Wind Zone I areas.

(i) Permanent Structures.

Park Buildings, Patio Awnings, and Cabana Roofs: All permanent park buildings, patio awnings, and cabana roofs hereafter constructed and all extensions to existing Structures shall comply with applicable ordinances of the Town.

(ii) General Application. These provisions for structural protection shall also apply to individual Manufactured Home Lots.

(z) RESPONSIBILITIES OF PARK MANAGEMENT. The licensee, or his agent, of every Manufactured Home Park located within the corporate limits of the Town shall operate and maintain the park in compliance with these regulations and with all other applicable ordinances of the Town. He shall provide adequate supervision to maintain the Park, its facilities, and equipment in good repair and in a clean and sanitary condition.

The licensee or agent shall notify park occupants of all applicable provisions of these and state regulations and inform them of their duties and responsibilities under the regulations. The licensee or agent shall bear final responsibility for any violations of the ordinances set forth for Manufactured Home parks, except as specifically outlined as the responsibility of park occupants.

(i) Registration.

All Information Required: The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:

Statement of ownership and location for each unit;

Name and address of park residents;

Manufactured Home registration data including make, length, width, year of manufacture, and identification number;

Location of each Manufactured Home within the park by space or lot number and street address;

Dates of arrival and departure.

(ii) Information to Tax Assessor-Collector. The licensee or agent shall furnish to the Tax Assessor-Collector for the Town, no later than January 10th and July 10th of each year, a list of all Manufactured Home residents in the park on the last day of the preceding month. The register shall provide information on the make, length, width, year of manufacture and identification number of the Manufactured Home; the address or location description of said Manufactured Home within the park; and information on Manufactured Homes which have moved out of the park since the last report including the foregoing data plus the departure dates of each Manufactured Home and, if known, its destination. Said lists shall be prepared using forms provided by the Tax Assessor-Collector for the Town.

(aa) RESPONSIBILITIES OF OWNER/AGENT. The Owner/Agent shall ensure that every occupant of a space in a Manufactured Home Park located within the corporate limits of the Town shall maintain their manufactured home space, its facilities and equipment in good repair and in a clean sanitary condition. He/she shall be responsible for proper placement of his/her manufactured home in its manufactured home space and proper installation of all utility connections in accordance with the instructions of the Park Management.

(i) Skirting and Additions. Fire-resistant skirting with the necessary vents, screens and/or openings shall be required on all Manufactured Homes in Manufactured Home Parks and shall be installed within ten (10) days after emplacement of the Manufactured Home. Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair.

(ii) Prohibition of Storage Under Homes. The use of space immediately underneath a Manufactured Home for storage shall be prohibited.

(bb) INSPECTIONS.

(i) Inspections by Public Officials. The mayor or his or her designee, and the Fire Chief or his designee, are hereby authorized and directed to make such inspections as are necessary to determine compliance with these regulations.

(ii) Authority to Inspect. The Mayor or the Mayor's designee, the Fire Marshal or his designee, the Tax Assessor-Collector, and the Water Superintendent shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting or investigating conditions relating to the enforcement of these regulations.

(iii) Access to Premises. It shall be the duty of every occupant of a Manufactured Home Park to give the Park Manager, his agent, or authorized employee access to any part of such park at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with these regulations.

(Ordinance 188-1-2007, ex. A, adopted 1/8/07)

ARTICLE 3.1 APPLICABLE REGULATIONS

(a) Use: No building or structure shall be erected, raised, moved, placed, extended, enlarged, converted, constructed, reconstructed, or structurally altered, and no building or structure shall be used or designed to be used or occupied for any purpose other than those permitted by these regulations; and no land shall be used or occupied for any purpose other than those permitted by these regulations.

(b) Height: No building or structure shall be erected, raised, constructed, extended, enlarged, reconstructed, or structurally altered so as to extend the height limit established by these regulations.

(c) Area: No lot shall be reduced or diminished so that the yards or other open spaces shall be smaller, nor shall the density of population be increased in any manner except in conformity with the regulations hereby established. No side yard areas for the building shall be included as part of the required areas of any other building. No parking area or parking space which exists at the time these regulations become effective or which subsequent thereto is provided for the purpose of complying therewith shall thereafter be relinquished or reduced, in any manner below the requirement established hereby; every building hereafter erected for human habitation shall be of standard masonry construction and shall be located on a lot as herein defined and in no case shall there be more than one building or use on one lot, except as hereinafter provided.

(d) Rules and Regulations: The Council shall adopt regulations governing the submittal and review of plats and subdivisions and rules of procedure to govern its actions. Such rules and regulations shall be consistent with the provisions of this ordinance.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.2 DWELLING REGULATIONS OF THE TOWN OF SHADY SHORES

(a) Uses Permitted:

(1) One-Family dwellings

(2) Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees. Not for commercial purpose.

(3) Accessory buildings

(4) Home occupation, defined as business activity in the home that does not involve more than 1 other unrelated person, client visitation without appointment, operation of commercial trucks, or signage or outside storage of business-related equipment or materials.

(5) Installations of telephone companies, either publicly or privately owned; fire stations, sewage lift stations, water towers and water lines, transformer stations, and transmission lines for all public utilities, either privately or publicly owned.

(b) Conditional Uses: The following uses may be permitted only under Conditional Use Permits granted in the manner specified in ARTICLE 3.5 [3.4] below.

(1) Airports or aircraft landing fields and airport facilities.

(2) Public buildings for use by City, County, State, or Federal Governments.

(3) Medical and dental clinics, private schools, child care centers, adult care centers, and kindergartens which are not legally established as a residence. Must be on sites of one (1) acre or more.

(4) Institutions of religious assembly, subject to federal law regulating religion.

(5) Riding academies, public stables on tracts on sites of five acres or more.

(6) Mobile home parks or trailer courts. (See Article 2.6 [Article 3.10 of the Code of Ordinances])

(7) Private clubs and community buildings owned and operated by nonprofit organizations on sites of three (3) acres or more.

(8) Barbering and coiffuring when limited to a homeowner. No signage allowed.

(9) Picnic groves and areas on sites of one (1) acre or more.

(10) Sewing, dress, and suit making where located in the home of the owner; and where operated by the homeowner.

(11) Music studios, photographic studios, studios for portrait and similar painting, making of art objects, art crafts, and printing, where located in the home of the owner, and where operated by the homeowner.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, sec. V, adopted 7/13/15)

ARTICLE 3.3 OFF-STREET PARKING REQUIREMENTS

There shall be provided in connection with the appropriate allowable uses, off-street parking space, enclosed or open, in accordance with the requirements indicated:

(a) Single-family dwelling: There shall be at least a single car garage with 400 square feet of defined parking space and at least 800 square feet additional parking space for non-garage.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.4 CONDITIONAL USE PERMITS

(a) Conditional Use Permits Authorized: The uses listed or referred to in ARTICLE 3.2 (b) may be authorized or permitted by Conditional Use Permits which may be granted, upon application to the Town Council, in the manner hereinafter described in this Article.

(b) Application and Procedure:

(1) Upon receipt of an application for a Conditional Use Permit by the Town Council, such application shall be referred to the Zoning Commission for investigation as to the effect of the proposed location and character of the Conditional Use on the Master Town Plan for the Town of Shady Shores, Texas. Application for a Conditional Use Permit does not constitute an authorization or an assurance that the use will be permitted. Each Conditional Use Permit must be evaluated as to its probable effect on the adjacent properties and the Community welfare and may be approved or denied as the findings indicate appropriate. Each Conditional Use Permit must be granted by the Town Council by separate ordinance.

(2) At the public hearing according to the law, The Zoning Commission shall report its recommendations to the Town Council, and if such report is favorable toward the application, the Town Council may, after public notice and hearing according to law, grant such Conditional Use Permit, including therein such specific conditions of use as the Zoning Commission may deem essential to preserve the integrity of the Master Town Plan, and such additional special conditions as the Town Council may deem essential to protect neighboring property.

(3) A Conditional Use Permit shall be granted by the Town Council with or without a favorable report from the Zoning Commission as long as the council shall find from the evidence submitted that such conditional use:

(A) Is consistent with the spirit, purpose and intent of these Ordinances

(B) Will not substantially and permanently injure the appropriate use of neighboring property; and

(C) Will substantially serve the public convenience and welfare.

(c) Violation of Conditions: Violation of any of the conditions contained in a Conditional Use Permit by any person, association of persons, firm or corporation using or occupying property under such permit shall constitute a violation of this Article, and any such violation shall be punishable as provided in Penalty for Violations, Article 4.4. and/or the revocation of the Conditional Use Permit.

(d) Discontinuance of Conditional Use: Upon the discontinuance of a conditional use on any property, the uses then permitted by ARTICLE 3.2 (a) shall apply as if such permit had not been issued.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.5 NONCONFORMING USES

(a) Existing Buildings, Structures, And Uses: Except as hereinafter specified, any use, building, or structure existing at the time of the adoption of the original Zoning Ordinance of the Town may be continued, even though that use, building, or structure may not conform with the provisions of this ordinance for the district in which it is located; provided, however, that this section shall not apply to any use, building, or structure established in violation of any ordinance previously in effect in the city, unless that use, building, or structure now conforms with this ordinance.

(b) Conditional Uses. Any use existing on the effective date of Ord. 242A [124] which is listed as a conditional use in the use district where it is located shall remain a nonconforming use until a special use permit [conditional use permit] is obtained as provided in this ordinance.

(c) Alteration of Nonconforming Uses. No existing building or premises devoted to a use that is not permitted by this chapter in the use district in which the building or premises is located shall be enlarged or improved, except when required to do so by law or written order, unless the use thereof is changed to a use that is permitted in the district in which the building or premises is located, and except as follows.

(1) When authorized by the City Council in accordance with the provisions of this chapter, the substitution for a nonconforming use of another nonconforming use, or an extension of a nonconforming use, may be made.

(2) Whenever a nonconforming use has been changed to a conforming use, that use shall not thereafter be changed to a nonconforming use.

(3) When authorized by the City Council in accordance with the provisions of this chapter, enlargement or completion of a building devoted to a nonconforming use may be made upon the lot occupied by that building, where that extension is necessary and incidental to the existing use of the building and does not exceed 25% of its area of nonconformity, as measured by the square footage of the building or land area.

(4) When authorized by the City Council in accordance with the provisions of this chapter, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for that use prior to the date on which

that use of the building became nonconforming, if no structural alterations, except those required by law, are made therein.

(d) Cessation of Use of Building or Land. For the purposes of the succeeding divisions, a use shall be deemed to have ceased when it has been discontinued for 12 months, whether with the intent to abandon the use, or not.

(e) Construction Approved Prior to Ordinance. Nothing herein shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this chapter, or any amendment thereto, where construction thereof, conforming with those plans, shall have been started prior to the effective date of this chapter or the amendment, and where that construction shall have been completed in a normal manner within the subsequent 6-month period, with no interruption, except for reasons beyond the builder's control.

(f) Repair Of Unsafe Buildings. Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority.

(g) Damage or Destruction.

(1) Any nonconforming structure except a dwelling, which is damaged as measured by the cost to repair as more than 50% of the then appraised value for tax purposes above its foundation, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, shall not be restored or reconstructed and used as it was before that happening. If the structure is damaged less than 50% of its then appraised value for tax purposes, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event.

(2) Dwellings may be restored or reconstructed provided that the reconstruction or restoration is at least to the same size and quality as the damaged or destroyed dwelling.

(h) Repairs and Maintenance.

(1) A nonconforming structure may be repaired and maintained as necessary to keep it in sound condition, but no structural alterations shall be made unless required by law or ordinance or unless authorized by the Council.

(2) Except as otherwise provided in this chapter, the total structural repairs and alterations that may be made to a nonconforming structure shall not exceed 50% of its appraised value for tax purposes. This restriction on rebuilding does not apply to accessory dwellings or single-family residences.

(i) Moving of Nonconforming Structure or Building. No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district where relocated.

(j) Regulation of Nonconforming Uses: The right to continue a nonconforming use shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, at the discretion of the Town Council be reasonably required for the protection of adjacent property. A nonconforming use, when abandoned or discontinued, shall not be resumed. For the purpose of this Article, abandonment or discontinuance shall be defined as follows:

(1) When land being used for a nonconforming use shall cease to be used in a bona fide manner for twelve (12) calendar months;

(2) When a building or structure is designed or arranged for a nonconforming use and shall cease to be used in a bona fide manner as a nonconforming use for a continuous period of twelve (12) consecutive months;

(3) The Town Council shall have the authority in case of substantial hardship, to extend the above limits not to exceed six (6) months.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.6 COMPLETION OF EXISTING BUILDINGS

Construction:

(a) Nothing herein shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these Articles, and which entire building shall be completed within one year from the date of the passage of this ordinance.

(b) Nothing herein contained shall require any change in plans, construction, or designated use of building for which a building permit has heretofore been issued, and which entire building shall be completed within six (6) months from the date of the passage of this ordinance.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 3.7 BOARD OF ADJUSTMENT*

(a) Establishment. There is hereby created a Board of Adjustment, which shall be organized, appointed, and function as follows.

(b) Organization.

(1) The Board of Adjustment shall consist of 5 members who are residents of the city, each to be appointed by resolution of the City Council for a term of 2 years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original

* **State law reference–**Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

appointment was made. The City Council may provide for the appointment of 2 alternate members of the Board who shall serve in the absence of 1 or more of the regular members when requested to do so by the Mayor or City Secretary, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of 4 members. The alternate members, when appointed, shall serve for a term of 2 years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

(2) The person acting as Ordinance Administrator for the city shall be an ex-officio member of the Board of Adjustment without power of vote, and as an ex-officio member of the Board shall set up and maintain a separate file for each application for appeal and variance received and shall record therein the names and addresses of all persons, firms, and corporations to whom notices are mailed, including the date of mailings and the person by whom the notices were delivered to the mailing clerk, post office, or mailbox, and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the city.

(3) The Board shall forthwith notify in writing the City Council, the Commission, and the City Building Inspector of each decision, interpretation, and variance granted under the provisions of this chapter.

(c) Operational Procedure.

(1) The Board of Adjustment shall adopt rules to govern its proceedings; provided, however, that the rules are not inconsistent with this chapter or state law. Meetings of the Board shall be held at the call of the chairperson and at other times as the Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oath[s] and compel the attendance of witnesses.

(2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board may be made in writing by any person aggrieved or by any municipal officer, department, or board affected by any decision of the Administrator. The appeal shall be filed with the Board by the Administrator within 15 days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to that appeal. Formal notice of the appeal shall be issued by the Administrator, this notice to specify the grounds upon which the appeal is made.

(4) Appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In these cases, proceedings shall not be stayed otherwise than by a

restraining order which may be granted by the Board or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(5) Upon notice of appeal being given to the Administrator and before the appeal shall be construed as having been perfected, the applicant must file with the notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, that amount in no case to be less than $25.

(6) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of 6 months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that 6-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the 6-month period, but those conditions shall in no wise have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(7) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any variance granted or authorized by the Board under the provisions of this chapter shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 180 days from the date of the favorable action of the Board, unless the Board shall have in its action approved a longer period of time and has so shown that specific longer period of time in the minutes of its action. If the building permit or certificate of occupancy shall not have been applied for within the 180-day period or extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. This termination and waiver shall be without prejudice to a subsequent appeal, and the subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

(d) Actions of the Board.

(1) In exercising its powers, the Board of Adjustment may, on conformity with the provisions of the statutes of this state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such an order, requirement, decision, or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(2) The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance in this chapter.

(3) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, or board of the municipality, may present to a court of record (district court) a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 10 days after the filing of the decision in the office of the Board and not thereafter.

(e) Notice of Hearing Before the Board Required. The Board of Adjustment shall hold a public hearing on all appeals made to it, and written notice of the public hearing shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. This notice shall be given not less than 10 days nor more than 30 days before the date set for the hearing to all above-mentioned owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. The notice may be served by depositing the same, properly addressed and postage paid, in the U.S. post office. Notice shall be given by publishing the same in official publication of the city at least 10 days and not more than 30 days prior to the date set for the hearing, which shall state the time and place of the hearing.

(f) Authority of the Board.

(1) A variance is an authorization by the Board of Adjustment granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

(2) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use.

(3) (A) A variance may be granted an applicant when the Board finds:

(i) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to that land or building and do not apply generally to lands or buildings in the same district or neighborhood, and that those circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building;

(ii) The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

(iii) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

(iv) The literal enforcement and strict application of the provisions of this chapter will result in an unnecessary hardship inconsistent with the general provisions and intent of this chapter, and in granting the variance the spirit of the chapter will be preserved and substantial justice done.

(B) The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this chapter under the power and authority herein granted.

(C) In granting any variance under the provisions of this chapter, the Board may designate conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this chapter.

(4) The Board may:

(A) Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter;

(B) Interpret the intent of the Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Zoning Map and none of the rules set forth herein apply;

(C) Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a nonconforming structure or use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;

(D) Permit the change of occupancy from one nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first;

(E) Permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required;

(F) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by that building; provided the reconstruction does not, in the judgment of the Board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure;

(G) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard; and

(H) Permit variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, or off-street loading regulations where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, and where the variance is necessary to permit a specific parcel of land which differs from other parcels of land in the

same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standard established by this chapter shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a modification be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the district.

(g) Appeals from the Board. Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment, may seek review by a court of record of that decision, in the manner provided by the laws of this state.

(Ordinance 256-5-2013 adopted 5/16/13)

State law reference–Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

ARTICLE 4.1 ENFORCEMENT

Building Inspector: The provisions of these Articles shall be administered by the Building Inspector of the Town of Shady Shores, Texas or the Mayor, the Code Enforcement Officer, or the Mayor's designee.

(a) All applications for building permits shall be accompanied by a plat in triplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, its position on the lot, house plans, and such other information as may be necessary to provide for the enforcement of these regulation[s].

(b) A careful record of such applications, plans and plats shall be maintained by the Building Inspector.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 4.2 ENFORCEMENT INTERPRETATION

(a) Uses Prohibited by Other Ordinances: Nothing in this ordinance shall be construed as repealing any existing ordinances of the Town of Shady Shores regulating nuisances or permitting uses which are now prohibited by ordinance.

(b) Deed Restriction: No provision or application of these Articles shall be construed as affecting in any manner the rights of individual property owners to privately enforce deed restrictions upon the use of any property zoned under the terms of this ordinance if such restrictions are of higher or more restrictive classification than the provisions contained herein.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 4.3 CHANGES AND AMENDMENTS

(a) Authority to Amend: The Town Council may from time to time on its own action, or on petition of an interested property owner or owners, amend, supplement or change by ordinance the boundaries of the District or the regulations herein established, and may create additional Districts and establish separate regulations applicable to the additional Districts created.

(b) Filing Petition Fee: Each and every petition to the Town Council, as provided in subsection (a) of this Article, shall be filed with the Town Secretary prior to being presented to the Town Council, and shall be accompanied by the fee established in current ordinance, payable to the Town of Shady Shores. No part to be returned regardless of the action taken on the petition.

(c) Referral to Zoning Commission: Before taking any action on any proposed amendment, supplement or change, the Town Council shall submit the same to the Zoning Commission for its recommendation and report.

(d) Public Hearing and Notice:

(1) A public hearing shall be held by the Town Council before adopting any such amendment, supplement or change.

(2) Notice of such hearing shall be given in the manner prescribed by law, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.

(e) Amendment Over Protest: Unless such proposed amendment, supplement or change has been approved by the Zoning Commission; or if a protest against such proposed amendment, supplement or change has been filed with the Town Secretary; duly signed and acknowledged by the owners of twenty (20) percent or more either of the area or the lots included in such proposed changes, or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots; such amendment, supplement or change shall not become effective except by a three-fourth (3/4) vote of all the members of the Town Council.

(Ordinance 256-5-2013 adopted 5/16/13)

State law reference–Procedures governing adoption of zoning regulations and district boundaries, V.T.C.A., Local Government Code, sec. 211.006.

ARTICLE 4.4 PENALTY FOR VIOLATIONS

(a) Violations: Any person, association of persons, firm or corporation violating any of the provisions of this ordinance or failing to comply therewith, or with any of the requirements thereof, or building or altering any building or structure in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not more than Two Thousand dollars ($2,000.00). Each and every day any such violation continues shall constitute a separate offense.

(b) Persons Responsible for Violations: The owner or owners of any building, structure or premises, or part thereof, where anything in violation of this ordinance shall be placed or shall

exist, and the architect, builder, contractor, agent, person, firm, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction thereof, shall be fined as provided in subsection (a) of this Article.

(Ordinance 256-5-2013 adopted 5/16/13; Ordinance 279-07-2015, sec. VI, adopted 7/13/15)

ARTICLE 5.1 DUTIES OF BUILDING OFFICIAL (INSPECTOR)

(a) The Building Official shall receive applications required by the construction codes of the Town of Shady Shores, Texas; issue permits; and furnish the prescribed certificates. He shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the construction codes. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in codes and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(b) Inspections required under the provisions of the construction codes shall be made by the Building Official, or his duly appointed assistants, provided the person who shall make plumbing inspections shall be licensed in accordance with the Plumbing License Law of 1947. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provisions of the construction codes shall be issued on such reports unless the same are in writing and certified by a responsible officer of such service.

(c) The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued.

(d) All such records shall be open to public inspection during office hours, but shall not be removed from the office of the Building Official without his written consent.

(e) The Building Official shall make written reports to the Town Council once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

(f) The Building Official shall perform such other duties, as the Town Council shall, from time to time, impose upon the office.

(Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 5.2 LIABILITY OF TOWN OFFICIALS

To the extent legally authorized, any officer, employee, or appointed official charged with the enforcement of the construction codes, acting for the Town in the discharge of his duties, shall not thereby render himself liable personally. And, he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act, required or

permitted, in the discharge of his duties. Any suit brought against any officer, employee or appointed official, because of such act performed by him in the enforcement of any provision of the construction codes shall be defended by the attorney for the Town of Shady Shores, Texas, or his designee, until the final termination of the proceedings. (Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 6.1 SEVERABILITY CLAUSE

If for any reason any section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance. For it is the definite intent of this Town Council that every section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance be given full force and effect for its purpose. (Ordinance 256-5-2013 adopted 5/16/13)

ARTICLE 6.2 REPEALING CLAUSE

All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this ordinance are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this ordinance shall remain in full force and effect. (Ordinance 256-5-2013 adopted 5/16/13)

APPENDIX A

FIGURES

FIGURE 1 LOTS

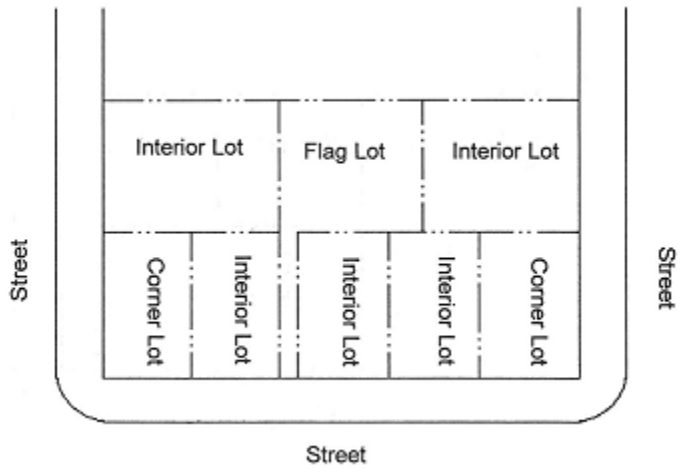
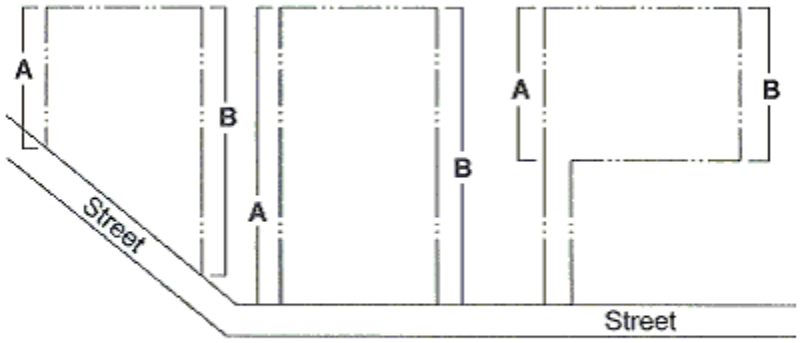


FIGURE 2 LOT DEPTH



$$\text{Lot Depth} = \frac{A+B}{2}$$

FIGURE 3 LOT, DOUBLE FRONTAGE

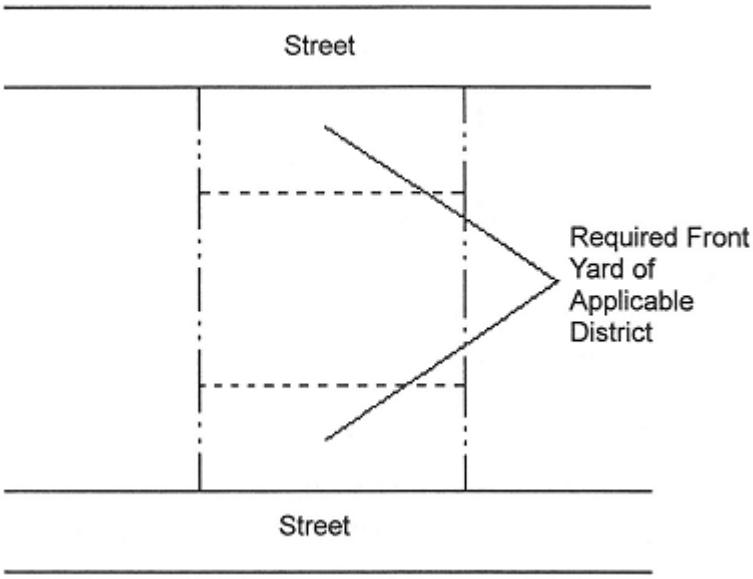


FIGURE 4 LOT LINES

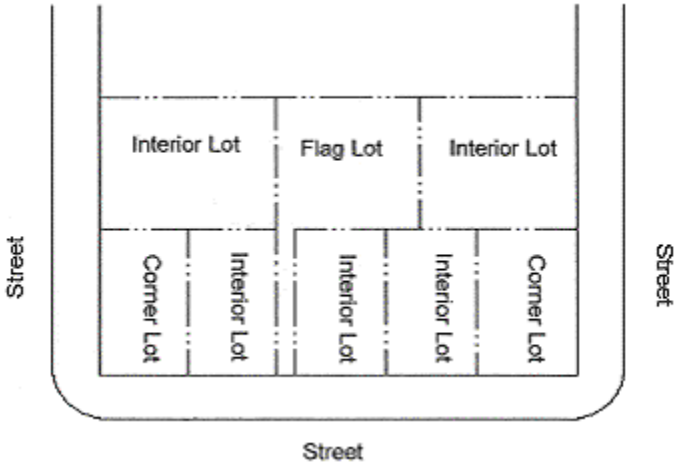
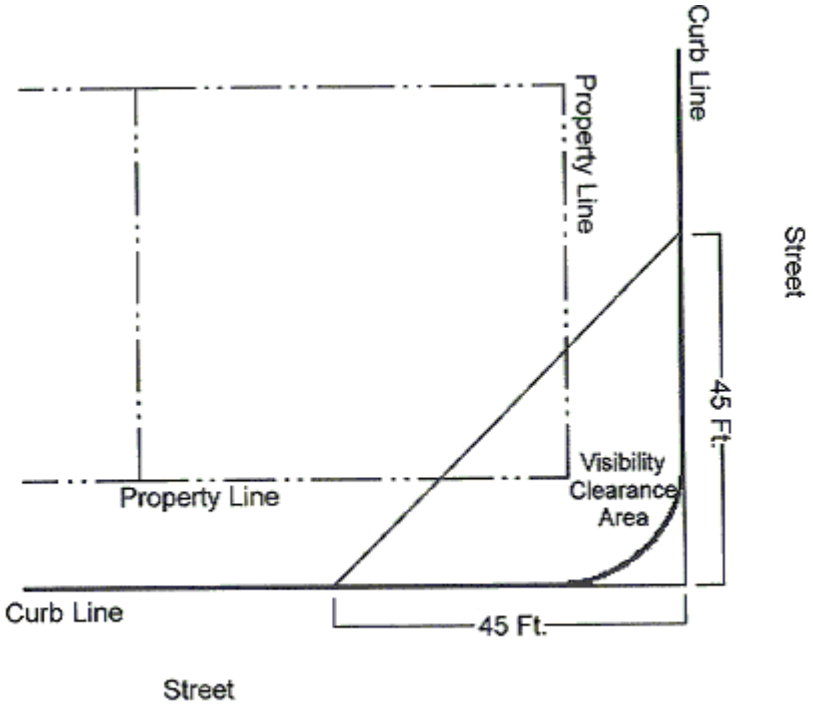


FIGURE 5 LOT WIDTH

FIGURE 6 VISIBILITY CLEARANCE AREA



(Ordinance 256-5-2013 adopted 5/16/13)

APPENDIX A

FEE SCHEDULE

ARTICLE A1.000 GENERAL PROVISIONS A-7
Sec. A1.001 Fees charged A-7
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[Next page is A-7.]

ARTICLE A1.000 GENERAL PROVISIONS

Sec. A1.001 Fees charged

The fees, charges, penalties, costs and other expenses to be charged by the town are hereby adopted as set forth in this appendix, titled fee schedule. It is required by this appendix that the fees set forth herein shall be paid by those receiving or requesting city services as listed herein. (Ordinance 237-8-2011, sec. 1, adopted 8/1/11; Ordinance 278-06-2015, sec. 1, adopted 6/8/15)

Sec. A1.002 Penalty

Any person, firm, company, partnership, corporation, or association violating any provision of this appendix shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount of not more than five hundred dollars ($500.00) for each such violation, and each and every day that the provisions of this appendix are violated shall constitute a separate and distinct offense. (Ordinance 237-8-2011, sec. 4, adopted 8/1/11; Ordinance 278-06-2015, sec. 4, adopted 6/8/15)

ARTICLE A2.000 BUILDING, PLANNING AND DEVELOPMENT FEES

Sec. A2.001 Building permit fees

New Residential Permit Fees

	Admin Cost	Inspection	Total
Plan review	$15	$30	$45
New residence	$0.60 per square foot plus required inspections		
T-pole	$0	$45	$45
Piers inspection (if applicable)	$0	$45	$45
Plumbing rough (water test) & form board survey	$0	$90	$90
Foundation	$0	$45	$45
Seconds Inspections			
Framing	$0	$45	$45
Fireplace	$0	$45	$45
Electric rough	$0	$45	$45
Mechanical rough	$0	$45	$45
Plumbing top out	$0	$45	$45
Gas (water test)	$0	$45	$45
Brick ties	$0	$45	$45
Flatwork approach and culvert	$0	$45	$45
Meter releases			
Final electric	$0	$45	$45
Gas	$0	$45	$45
Finals			
Finals building	$0	$45	$45
Finals mechanical	$0	$45	$45

	Admin Cost	Inspection	Total
Finals plumbing	$0	$45	$45
Finals electrical	$0	$45	$45
Certificate of occupancy	$0	$45	$45
Accessory structure (add plan review and required inspections as listed above)	$0.50 square foot		

Miscellaneous Fees

	Admin Cost	Inspection	Total
Electrical permit	$40	$90	$130
Plumbing permit	$40	$90	$130
Hot water heater	$40	$90	$130
Roof permit	$40	$90	$130
Approach culvert flatwork	$25	$90	$115
Red-tag fee	$45	$45	$90
Fence permit (per 300 linear feet)	$25	$90	$115
Energy permit	$80	$60	$140
Engineer review			
Engineer site visit			
Sprinkler permit	$80	$90	$170
Backflow inspection	$25	$45	$70
Patio/gazebo w/slab	$80	$90	$170
Patio/gazebo w/slab/electric	$90	$110	$200
Swimming pool	$450	$315	$765
Moving permits (structures)	$350		$350

Variance Fees

Filing fee for application for variance pursuant to building code, plumbing code, or mechanical code	$500.00

(Ordinance 133-10-2000, sec. I(B), adopted 10/2/00; Ordinance 139-11-2001, sec. I(B), adopted 11/5/01; Ordinance 157-2-2004, sec. I(B), adopted 2/2/04; Ordinance 181-8-2006, sec. I(B), adopted 8/7/06; Ordinance 237-8-2011, ex. A, adopted 8/1/11; Ordinance 245-3-12 adopted 2/6/12; Ordinance 246-4-12 adopted 3/5/12; Ordinance 278-06-2015, ex. A, adopted 6/8/15; Ordinance adopting Code)

Sec. A2.002 Zoning permits

	Admin Cost	Inspection	Total
Replat application	$350		$350
Variance application	$500		$500
Zoning change application	$350		$350

(Ordinance 133-10-2000, sec. I(B), adopted 10/2/00; Ordinance 139-11-2001, sec. I(B), adopted 11/5/01; Ordinance 157-2-2004, sec. I(B), adopted 2/2/04; Ordinance 181-8-2006, sec. I(B), adopted 8/7/06; Ordinance 237-8-2011, ex. A, adopted 8/1/11; Ordinance 278-06-2015, ex. A, adopted 6/8/15)

Sec. A2.003 Professional fees

	Admin Cost	Inspection	Total
Site plan review	$35	$350	$385
Concept plan review (major)	$100	$1,000	$1,100
Concept plan review (minor)	$35	$350	$385
Replat (residential) (major) engineer reviews			
Preliminary plat engineer review	$70	$700	$770
Final plat engineer review	$35	$350	$385
Replat (residential) (minor) engineer review			
Final plat engineer review	$35	$350	$385
Pre-construction meeting	$53	$525	$578
Zoning change application engineer review	$35	$350	$385
Minor replatting fee	$35	$350	$385
Driveway culvert analysis	$18	$175	$193
On-site meeting	$35	$350	$385
Attorney review	$500		$500

(Ordinance 133-10-2000, sec. I(A), (B), adopted 10/2/00; Ordinance 139-11-2001, sec. I(A), (B), adopted 11/5/01; Ordinance 157-2-2004, sec. I(A), (B), adopted 2/2/04; Ordinance 181-8-2006, sec. I(A), (B), adopted 8/7/06; Ordinance 237-8-2011, ex. A, adopted 8/1/11; Ordinance 278-06-2015, ex. A, adopted 6/8/15; Ordinance adopting Code)

ARTICLE A3.000 HEALTH AND SAFETY FEES

Sec. A3.001 Health and safety permits

	Admin Cost	Inspection	Total
Septic (new or replacement system)	$385	$175	$560
Septic repair (additional lateral lines)	$250	$25	$275
Septic reinspection	$75	$25	$100
Septic plan review	$85	$25	$110
Septic complaint	$125	$25	$150
Water well permit	$350	$25	$375
Health inspections	$25	$100	$125
School cafeteria		$100	$100

(Ordinance 133-10-2000, sec. I(B), adopted 10/2/00; Ordinance 139-11-2001, sec. I(B), adopted 11/5/01; Ordinance 157-2-2004, sec. I(B), adopted 2/2/04; Ordinance 181-8-2006, sec. I(B), adopted 8/7/06; Ordinance 237-8-2011, ex. A, adopted 8/1/11; Ordinance 278-06-2015, ex. A, adopted 6/8/15)

ARTICLE A4.000 ADMINISTRATIVE AND MISCELLANEOUS FEES

Sec. A4.001 Miscellaneous charges

	Admin Cost	Inspection	Total
Solicitor's permit	$75		$75
Public information requests	*as outlined in Government Code		
Returned check charge	$35		$35
Document filings	$25	actual cost	$25
Town hall reservation ($200 deposit required)			$0
Residents	$75		$75
Non-residents	$300		$300

(Ordinance 237-8-2011, ex. A, adopted 8/1/11; Ordinance 278-06-2015, ex. A, adopted 6/8/15)

APPENDIX B

ORDINANCE DISPOSITION TABLE

This table shows the location or gives the disposition of the ordinances within the Shady Shores Code of Ordinances. The abbreviation "NIC" means the ordinance is not included in this code, though not necessarily repealed. In the "Supp. No." column, the letters "CA" indicate the ordinance was published in the original code as adopted. When an ordinance has been added as part of a code supplement, the supplement number will be added accordingly.

Ord. No.	Date	Description	Disposition	Supp. No.
1	11/5/60	Secretary-treasurer		
		1. Office created	Sec. 9.02.031	CA
		2. Duties	Sec. 9.02.032	CA
		3. Term of office	Sec. 9.02.033	CA
		4. Compensation	Sec. 9.02.034	CA
2	11/5/60	Creates police department		
		1. Department created	Sec. 9.03.031	CA
		2. Composition	Sec. 9.03.032	CA
		3. Authority of chief	Sec. 9.03.033(c)	CA
		4. Authority of town commission	Sec. 9.03.033(f)	CA
		5. Compensation of chief	Sec. 9.03.033(e)	CA
3	11/8/60	Annexation	NIC	CA
4	12/13/60	Unsightly and unsanitary conditions		
		1. Prohibited conditions	Rpld. by Ordinance adopting Code	CA
		2. Removal	Rpld. by Ordinance adopting Code	CA
		3. Depositing on public place	Sec. 6.02.001	CA
		4. Depositing on premises of another	Sec. 6.02.002	CA
		5. Declaration of nuisance	Rpld. by Ordinance adopting Code	CA
		6. Penalty	Rpld. by Ordinance adopting Code	CA
5	–/–/–	Grants franchise to Lake Dallas Telephone Co., Inc.	NIC	CA
6	–/–/–	Grants light and heat franchise to Texas Power and Light Co.	NIC	CA
7	–/–/–	Approves rate schedules by Texas Power and Light Co.	NIC	CA
8	9/11/62	Subdivision of land	Superseded by Ord. 130	CA
9	6/12/63	Grants franchise to Lone Star Gas Co.	NIC	CA
10	8/13/63	Imposes additional charge on Texas Power and Light Co.	NIC	CA
11	10/5/63	Grants franchise to Lake Dallas Telephone Co.	NIC	CA
12	6/14/66	Zoning commission	Rpld. by Ordinance adopting Code	CA

Ord. No.	Date	Description	Disposition	Supp. No.
13	12/13/66	Amends zoning commission ordinance [Ord. 12], sec. II.C; meetings	Rpld. by Ordinance adopting Code	CA
14	2/13/67	Adopts zoning ordinance	Superseded by Ord. 124	CA
15	4/11/67	Establishes corporation court		
		Art. 1 Corporation court	Sec. 7.01.001	CA
		Art. 2 Jurisdiction	Sec. 7.01.002	CA
		Art. 3 Recorder and court; qualifications, powers, duties and regulations	Sec. 7.01.003	CA
		Art. 4 Clerk of the corporation court	Rpld. by Ord. 229-01-11	CA
		Art. 5 Procedure in traffic cases	Sec. 7.01.004	CA
		Art. 6 Bail before trial	Rpld. by Ordinance adopting Code	CA
		Art. 7 Bail after trial	Rpld. by Ordinance adopting Code	CA
		Art. 8 Court costs	Rpld. by Ordinance adopting Code	CA
		Art. 9 Severability	NIC	CA
		Art. 10 Repealer	NIC	CA
		Art. 11 General penalty	Sec. 7.01.005	CA
16	4/9/68	Nuisances	Amnd. by Ord. 148-1-2003	CA
17	4/9/68	Junked vehicles	Superseded by Ord. 52	CA
18	12/10/68	Gas rates charged by Lone Star Gas Co.	NIC	CA
19	1/14/69	Amends gas rates approved 12/10/68	NIC	CA
20	10/14/69	Regulates rates by Lake Dallas Telephone Co., Inc.	NIC	CA
21	12/16/69	Fixes rates by Lone Star Gas Co.	NIC	CA
22	11/17/70	Annexation	NIC	CA
23	1/12/71	Abandons specific street	NIC	CA
24	3/9/71	Amends art. 1.5 of zoning ordinance; dwelling district	Superseded by Ord. 124	CA
25	4/13/71	Grants conditional use permit	NIC	CA
26	4/23/71	Annexation hearing	NIC	CA
27	6/8/71	Approves extraterritorial jurisdiction agreement	NIC	CA
29	10/12/71	Annexation hearing	NIC	CA
30	11/9/71	Grants conditional use permit	NIC	CA
31	12/14/71	Annexation	NIC	CA
32	1/11/72	Approves rates by Texas Power and Light Co.	NIC	CA
28	6/12/73	Annexation	NIC	CA
33	6/12/73	Annexation	NIC	CA
34	7/10/73	Fixes rates by Lone Star Gas Co.	NIC	CA
35	7/10/73	Annexation hearing	NIC	CA
36	8/14/73	Annexation	NIC	CA
37	12/7/73	Approves rates by Texas Power and Light Co.	NIC	CA
38-1	11/4/74	Adopts Uniform Building Code, 1970 edition	Amnd. by Ord. 38-1 (adopted 5/5/86)	CA
38-2	11/4/74	Adopts Uniform Plumbing Code, 1970 edition	Amnd. by Ord. 38-2 (adopted 5/5/86)	CA

Ord. No.	Date	Description	Disposition	Supp. No.
38-3	11/4/74	Adopts National Electrical Code, 1971 edition	Amnd. by Ord. 38-3 (adopted 5/5/86)	CA
39	11/18/74	Annexation	NIC	CA
	4/1/75	Sewer use	Rpld. by Ordinance adopting Code	CA
40	7/7/75	Rates by Texas Power and Light Co. (as per city)	NIC (did not receive)	CA
41	10/20/75	Fixes rates by Lone Star Gas Co.	NIC	CA
42	11/3/75	Rates by Lake Dallas Telephone Co. (as per city)	NIC (did not receive)	CA
43	6/7/76	Fixes rates by Lone Star Gas Co.	NIC	CA
44	12/6/76	Calls sales and use tax election	NIC	CA
45	1/17/77	Sales and use tax election results; one percent tax adopted	Sec. 11.02.001	CA
47	9/5/77	Contract between Lake Cities Area Volunteer Fire Department, Inc. and Lake Dallas, Corinth, Hickory Creek and Shady Shores	NIC	CA
R46	10/27/77	Exempts town from the volunteer firemen's relief and retirement fund	Sec. 5.01.001	CA
48	2/6/78	Building permit fees	Superseded by Ord. 133-10-2000	CA
49	6/5/78	Approves rates by Texas Power and Light Co.	NIC	CA
50	8/10/78	Amends zoning ordinance arts. 1.4, 1.5, 1.7, 1.8 and 1.12	Superseded by Ord. 124	CA
51	9/4/78	Continuation of local sales and use tax on gas and electricity for residential use	Sec. 11.02.002	CA
52	9/4/78	Junked vehicles	Superseded by Ord. 52 (adopted 4/2/90)	CA
53	4/2/79	Establishes conditions necessary for approval of flood insurance	Superseded by Ord. 118-3-1997	CA
54	9/3/79	Grants conditional use permit	NIC	CA
58	12/3/79	Fixes rates by Lone Star Gas Co.	NIC	CA
55	12/6/79	Amends zoning ordinance	Superseded by Ord. 124	CA
56	12/6/79	Amends zoning ordinance, adds art. 9; swimming pools	Superseded by Ords. 124 and 76-98	CA
57	12/6/79	Amends zoning ordinance; fees	Amnd. by Ord. 57-A	CA
58 amnd.	–/–/–	Amends rates by Lone Star Gas Co.	NIC	CA
59	1/7/80	Temporarily suspends rates by Texas Power and Light Co.	NIC	CA
60	1/7/80	Amends Ord. 33 [38-3], sec. 1A and 1B; National Electrical Code, 1971 edition	Superseded by Ord. 160-3-2004	CA
61	5/5/80	Approves rates by Texas Power and Light Co.	NIC	CA
62	7/7/80	Amends Ord. 57, sec. 1.B-7; fees	Superseded by Ord. 124	CA
57-A	–/–/81	Amends zoning ordinance; fees	Amnd. by Ord. 57 amnd. (adopted 9/12/83)	CA
63	3/23/81	Amends zoning ordinance	Superseded by Ord. 124	CA
64	5/4/81	Amends franchise with Lone Star Gas Co.	NIC	CA
65	8/3/81	Approves rates by Texas Power and Light Co.	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
66	9/14/81	Amends zoning ordinance	Superseded by Ord. 124	CA
67	9/14/81	Rezoning	NIC	CA
68	11/2/81	Excavation and tunneling regulations		
		Sec. 1 Use regulation	Sec. 3.09.032	CA
		Sec. 2 Manner of excavating	Sec. 3.09.033	CA
		Sec. 3 Sidewalks	Sec. 3.09.034	CA
		Sec. 4 Restoring surface	Sec. 3.09.035	CA
		Sec. 5 Tunneling required	Sec. 3.09.036	CA
		Sec. 6 Protective measures and routing traffic	Sec. 3.09.037	CA
		Sec. 7 Severability	NIC	CA
		Sec. 8 Penalty	Sec. 3.09.031	CA
69	1/4/82	Temporarily suspends effective date for rates by Texas Power and Light Co.	NIC	CA
70	3/1/82	Temporarily suspends effective date for rates by Texas Power and Light Co.	NIC	CA
71	3/1/82	Fixes rates by Lone Star Gas Co.	NIC	CA
72	4/5/82	Extends town ordinances governing plats and subdivision of land to extraterritorial jurisdiction	Sec. 10.01.001	CA
73	6/7/82	Approves rates by Texas Power and Light Co.	NIC	CA
57 amnd.	9/12/83	Amends zoning ordinance; fees	Amnd. by Ord. 57 amnd. (adopted 1/7/85)	CA
74	10/3/83	Notice of annexation proceedings	NIC/incomplete	CA
75	12/5/83	Speed limits, stop signs		
		Sec. 1 Maximum limits generally	Sec. 12.02.051	CA
		Sec. 2 Maximum limits on specific streets	NIC	CA
		Sec. 3 Minimum limits	Sec. 12.02.052	CA
		Sec. 4 Speed limit signs	Sec. 12.02.053	CA
		Sec. 5 Exemptions from article	Sec. 12.02.054	CA
		Sec. 6 Stop signs generally	Sec. 12.02.001(a)	CA
		Sec. 7 Specified intersections for the erection of stop signs	NIC	CA
		Sec. 8 Penalty	Secs. 12.02.001(b), 12.02.055	CA
76	2/6/84	Amends Ord. 56; zoning	Amnd. by Ord. 76-98	CA
77	7/2/84	Grants garbage franchise to Lake Area Disposal Service, Inc.	NIC	CA
78	8/6/84	Grants conditional use permit	NIC	CA
79	8/6/84	Fixes rates by Lone Star Gas Co.	NIC	CA
57 amnd.	1/7/85	Amends zoning ordinance; fees	Amnd. by Ord. 84	CA
80	7/1/85	Amends zoning commission ordinance, [Ord. 12], sec. II-C; meetings	Rpld. by Ordinance adopting Code	CA
82-2-3-86	2/3/86	Flood damage prevention	Rpld. by Ord. 232-2-11	CA
81	4/7/86	Adopts ch. 1-10 of title 28, Vernon's Annotated Civil Statutes	Sec. 1.02.001	CA
38-1 amnd. 5-86	5/5/86	Adopts Uniform Building Code, 1985 edition	Superseded by Ord. 160-3-2004	CA
38-2 amnd. 5-86	5/5/86	Adopts Uniform Plumbing Code, 1985 edition	Superseded by Ord. 160-3-2004	CA
38-3 amnd. 5-86	5/5/86	Adopts National Electrical Code, 1985 edition	Superseded by Ord. 160-3-2004	CA

Ord. No.	Date	Description	Disposition	Supp. No.
84	5/5/86	Amends zoning ordinance, art. 1.14; fees	Amnd. by Ord. 57 amnd. (adopted 1/5/87)	CA
85	11/13/86	Grants conditional use permit	NIC	CA
86	12/16/86	Terms of office for mayor and board of aldermen	Superseded by Ord. 187-12-2006	CA
57 amnd. 87	1/5/87	Amends Ord. 57; fees	Amnd. by Ord. 95	CA
90	7/6/87	Emergency management		
		Sec. 1 Organization	Sec. 1.05.001	CA
		Sec. 2 Emergency management director – Power and duties	Sec. 1.05.002	CA
		Sec. 3 Emergency management plan	Sec. 1.05.003	CA
		Sec. 4 Interjurisdictional program	Sec. 1.05.004	CA
		Sec. 5 Override	Sec. 1.05.005	CA
		Sec. 6 Liability	Sec. 1.05.006	CA
		Sec. 7 Commitment of funds	Sec. 1.05.007	CA
		Sec. 8 Offenses; penalties	Sec. 1.05.008	CA
		Sec. 9 Severability	NIC	CA
		Sec. 10 Limitations	Sec. 1.05.009	CA
38-3-5-86-A 89	11/2/87	Amends Ord, 38-3-5-86; National Electrical Code, 1985 edition	Superseded by Ord. 160-3-2004	CA
92	6/6/88	Grants franchise to Lone Star Gas Co.	NIC	CA
94	11/8/88	Amends Ords. 38-1, 38-2, 38-3, 38-4; technical building codes (as per city)	Did not receive (did not receive a copy of Ord. 38-4)	CA
57 amnd.-88 95	11/8/88	Amends Ord. 57; fees	Amnd. by Ord. 91	CA
57 amnd.-88 91	12/5/88	Amends Ord. 57; fees	Amnd. by Ord. 57-94	CA
93	10/2/89	Animal control	Rpld. by Ord. 273-11-14	CA
97	2/5/90	Approves rates by Texas Utilities Electric Co.	NIC	CA
98	3/3/90	Elects to have public utility commission exercise jurisdiction over electric utility rates, operations and services	Sec. 13.01.001	CA
52 96	4/2/90	Amends Ord. 52; junked vehicles		
		Sec. 1 Definitions	Sec. 8.04.002	CA
		Sec. 2 Authority to take possession of abandoned motor vehicles	Sec. 8.04.031	CA
		Sec. 3 Notification of owner and lien-holders	Sec. 8.04.032	CA
		Sec. 4 Auction of abandoned motor vehicles	Sec. 8.04.933	CA
		Sec. 5 Disposal to demolishers	Sec. 8.04.034	CA
		Sec. 6 Junked vehicles – Public nuisance	Sec. 8.04.061	CA
		Sec. 7 Procedures for abating public nuisances – Junked vehicles	Sec. 8.04.062	CA
		Sec. 8 Disposal of junked vehicles	Sec. 8.04.063	CA
		Sec. 9 Special interest and/or antique motor vehicles	Sec. 8.04.064	CA
		Sec. 10 Authority to enforce	Sec. 8.04.004	CA
		Sec. 11 Severability	NIC	CA
		Sec. 12 Penalty	Sec. 8.04.003	CA

Ord. No.	Date	Description	Disposition	Supp. No.
101	5/7/90	Fire protection regulations		
		Sec. I Scope	Sec. 5.03.001	CA
		Sec. II Definitions	Sec. 5.03.002	CA
		Sec. III Authority to enforce	Sec. 5.03.005	CA
		Sec. IV Right of entry	Sec. 5.03.006	CA
		Sec. V Liability for damages	Sec. 5.03.007	CA
		Sec. VI Inspections and unsafe buildings	Sec. 5.03.008	CA
		Sec. VII Open burning	Sec. 5.03.009	CA
		Sec. VIII Fire hazards	Sec. 5.03.010	CA
		Sec. IX Offensive smoke and odors	Sec. 5.03.011	CA
		Sec. X Accumulation of waste materials and high grass or weeds	Sec. 5.03.012	CA
		Sec. XI Explosive prohibited	Sec. 5.03.013	CA
		Sec. XII Tampering with fire hydrant or fire equipment	Sec. 5.03.014	CA
		Sec. XIII Fire apparatus access roads	Sec. 5.03.015	CA
		Sec. XIV Enforcement	Sec. 5.03.004	CA
		Sec. XV Penalty	Sec. 5.03.003	CA
99	7/1/90	Amends Ord. adopted 4/1/75; connection to public sewer	Rpld. by Ordinance adopting Code	CA
100	7/1/90	Adopts revised sewer use adopted 11/13/84; connection to public sewer (city has no record of ord. adopted 11/13/84/ coincides with Ord. adopted 4/1/75)		
		Amends sec. 2(4); use of public sewer required	Rpld. by Ordinance adopting Code	CA
		Amends sec. 3(9); building sewers and connections	Rpld. by Ordinance adopting Code	CA
102	7/2/90	Reconstruction of existing substandard streets		
		Findings	Sec. 3.09.071	CA
		Sec. I Placement upon list	Sec. 3.09.072	CA
		Sec. II Establishment of priorities	Sec. 3.09.073	CA
		Sec. III Reconstruction cost guidelines	Sec. 3.09.074	CA
		Sec. IV Calculation of footage	Sec. 3.09.075	CA
106	7/2/90	Abandons specific street	NIC	CA
103	4/3/91	Requirements for connection to wastewater facilities	Rpld. by Ordinance adopting Code	CA
107	6/3/91	Quit claim deed	NIC	CA
104	7/1/91	Dispenses with office of marshal; reaffirms creation of police department		
		Sec. 1 Authorization	Sec. 9.03.001(a)	CA
		Sec. 2 Application	Sec. 9.03.001(b)	CA
		Sec. 3 Reaffirmation of creation of police department	Sec. 9.03.001(c)	CA
		Sec. 4 Requirements		
		A. Qualifications	Sec. 9.03.033(a)	CA
		B. Appointment	Sec. 9.03.033(b)	CA
		C. Authority	Sec. 9.03.033(c)	CA
		D. Term	Sec. 9.03.033(d)	CA
		E. Compensation	Sec. 9.03.033(e)	CA

Ord. No.	Date	Description	Disposition	Supp. No.
105		Voided (as per city)		
108	1/4/93	Fixes rates by Lone Star Gas Co.	NIC	CA
109	1/4/93	Amends Ord. 75; speed limits, stop signs (as per city)	Did not receive	ca
110	1/4/93	Gas rates charged by Lone Star Gas Co. (as per city)	NIC/ did not receive	CA
114	2/10/93	Amends fee schedule (as per city)	Did not receive	CA
111-93	4/12/93	Rules for on-site sewerage facilities	Superseded by Ord. 186-11-2006	CA
112-93	5/24/93	Quit claim deed	NIC	CA
113-93	6/7/93	Amends franchise with Texas Utilities Electric Co.	NIC	CA
57-94	5/2/94	Amends Ord. 57; fees	Superseded by Ord. 133-10-2000	CA
115-94	6/6/94	Fire protection regulations		
		Sec. I Scope	Sec. 5.03.001	CA
		Sec. II Definitions	Sec. 5.03.002	CA
		Sec. III Authority to enforce	Sec. 5.03.005	CA
		Sec. IV Right of entry	Sec. 5.03.006	CA
		Sec. V Liability for damages	Sec. 5.03.007	CA
		Sec. VI Inspections and unsafe buildings	Sec. 5.03.008	CA
		Sec. VII Open burning	Sec. 5.03.009	CA
		Sec. VIII Fire hazards	Sec. 5.03.010	CA
		Sec. IX Offensive smoke and odors	Sec. 5.03.011	CA
		Sec. X Accumulation of waste materials and high grass or weeds	Sec. 5.03.012	CA
		Sec. XI Explosives prohibited	Sec. 5.03.013	CA
		Sec. XII Fireworks prohibited	Superseded by Ord. 230-12-10	CA
		Sec. XIII Tampering with fire hydrant or fire equipment	Sec. 5.03.014	CA
		Sec. XIV Fire hydrant apparatus access roads	Sec. 5.03.015	CA
		Sec. XV Enforcement	Sec. 5.03.004	CA
		Sec. XVI Penalty	Sec. 5.03.003	CA
116-94	12/5/94	Regulates drilling of water wells for private use	Superseded by Ord. 213-11-2008	CA
105-94	12/15/94	Grants conditional use permit	NIC	CA
117-96	4/1/96	Cancels general election; unopposed candidate	NIC	CA
101	8/5/96	Amends Ord. 101, sec. VII.B; open burning	Sec. 5.03.009(b)(4)	CA
118-3-1997	3/3/97	Flood damage prevention	Superseded by Ord. 232-2-11	CA
118-97	–/–/–	Cancels general election, unopposed candidate	NIC	CA
119-97	4/7/97	Cancels general election, unopposed candidate	NIC	CA
120-98	4/6/98	Cancels general election, unopposed candidate	NIC	CA
76-98	6/1/98	Amends Ord. 56; pools and spas		
		Sec. 1 Abandoned, neglected, inoperable or hazardous pools, hot tubs and spas	Sec. 3.06.002	CA
		Sec. 2 Swimming pool enclosures	Sec. 3.06.003	CA

Ord. No.	Date	Description	Disposition	Supp. No.
76-98, cont'd.		Sec. 3 Repealer	NIC	CA
		Sec. 4 Penalty	Sec. 3.06.001	CA
121-8-3-98	8/3/98	Changes fiscal year	Sec. 1.02.002	CA
122-98-24	–/–/98	Annexation	NIC	CA
123	2/1/99	Grants franchise to Conserv Gas	NIC	CA
124	5/11/99	Comprehensive zoning ordinance	Amnd. by Ord. 256-5-2013	CA
125-99	8/11/99	Annexation	NIC	CA
126-8-99	8/11/99	Annexation	NIC	CA
127-99	8/25/99	Rezoning	NIC	CA
128-2-7-2	2/7/00	Establishes board of adjustment	Superseded by Ord. 227-9-2010	CA
129-A-7-2000	4/3/00	Cancels general election, unopposed candidates	NIC	CA
130	6/5/00	Subdivision regulations	Ch. 10, ex. A	CA
131-9-2000	9/7/00	Adopts annual budget, FY 00-01	NIC	CA
132-9-2000	9/7/00	Tax levy, FY 00-01	NIC	CA
133-10-2000	10/2/00	Fee schedule		
		Sec. I		
		A. Plat fees	Sec. A2.003	CA
		B. Building permit fees, inspections, health permits, zoning fees	Secs. A2.001–A2.003 Sec. A3.001	CA
		C. Refunds	Sec. 3.01.001(b)	CA
		D. Fee examination [exemption]	Sec. 3.01.001(c)	CA
		E. Double fee	Sec. 3.01.001(d)	CA
		F. Valuation estimate	Sec. 3.01.001(e)	CA
		G. Additional permit	Sec. 3.01.001(f)	CA
		Sec. II Penalty	Sec. 3.01.001(g)	CA
134-2-2001	2/5/01	Orders general election	NIC	CA
135-3-2001	3/5/01	Approves rates by TXU Gas Co.	NIC	CA
136-8-2001	8/6/01	Abandons specific easement	NIC	CA
137-9-2001	9/10/01	Adopts annual budget, FY 01-02	NIC	CA
138-9-2001	9/10/01	Tax levy, FY 01-02	NIC	CA
139-11-2001	11/5/01	Amends Ord. 133-10-2000; fee schedule		
		Sec. I		
		A. Plat fees	Sec. A2.003	CA
		B. Building permit fees, inspections, health permits, zoning fees	Secs. A2.001–A2.003 Sec. A3.001	CA
		C. Refunds	Sec. 3.01.001(b)	CA
		D. Fee examination [exemption]	Sec. 3.01.001(c)	CA
		E. Double fee	Sec. 3.01.001(d)	CA
		F. Valuation estimate	Sec. 3.01.001(e)	CA
		G. Additional permit	Sec. 3.01.001(f)	CA
		Sec. II Penalty	Sec. 3.01.001(g)	CA
140-1-2002	2/4/02	Orders general election	NIC	CA
141-4-2002	4/1/02	Cancels general election, unopposed candidate	NIC	CA
142-7-2002	7/1/02	Amends rates with TXU Gas Co.	NIC	CA
143-9-2002	9/5/02	Adopts annual budget, FY 02-03	NIC	CA
144-9-2002	9/5/02	Tax levy, FY 02-03	NIC	CA
145-10-2002	10/7/02	Annexation	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
146-10-2002	10/7/02	Amends franchise with Oncor Electric Delivery Co.	NIC	CA
147-10-2002	10/7/02	Amends franchise with TXU Gas Co.	NIC	CA
148-1-2003	1/6/03	Amends Ord. 16; nuisances	Amnd. by Ord. 255-4-2013	CA
149-1-2003	1/6/03	Abandons right-of-way	NIC	CA
150-2-2003	2/3/03	Orders general election	NIC	CA
151-4-2003	4/7/03	Cancels general election, unopposed candidates	NIC	CA
152-6-2003	6/2/03	Denies rate change by TXU Gas Co.	NIC	CA
153-9-2003	9/3/03	Adopts annual budget, FY 03-04	NIC	CA
154-9-2003	9/3/03	Tax levy, TY 03-04	NIC	CA
155-9-2003	9/3/03	Amends Ord. 124; regulates drilling and production of gas wells	Superseded by Ord. 256-5-2013	CA
156-10-2003	10/6/03	Records management	Superseded by Ord. 262-01-2014	CA
157-2-2004	2/2/04	Amends Ord. 139-11-2001; fee schedule	Amnd. by Ord. 181-8-2006	CA
		Sec. I		
		A. Plat fees	Sec. A2.003	CA
		B. Building permit fees, inspections, health permits, zoning fees	Secs. A2.001–A2.003 Sec. A3.001	CA
		C. Refunds	Sec. 3.01.001(b)	CA
		D. Fee examination [exemption]	Sec. 3.01.001(c)	CA
		E. Double fee	Sec. 3.01.001(d)	CA
		F. Valuation estimate	Sec. 3.01.001(e)	CA
		G. Additional permit	Sec. 3.01.001(f)	CA
		Sec. II Penalty	Sec. 3.01.001(g)	CA
158-2-2004	2/2/04	Orders general election	NIC	CA
159-3-2004	3/1/04	Grants franchise to Conserv Gas, LTD.	NIC	CA
160-3-2004	3/1/04	Adopts most recent editions of various technical and construction codes		
		Sec. 1 International Building Code adopted	Sec. 3.02.031	CA
		Sec. 2 International Residential Code adopted	Sec. 3.02.071	CA
		Sec. 3 National Electrical Code adopted	Sec. 3.02.121	CA
		Sec. 4 International Plumbing Code adopted	Sec. 3.02.161	CA
		Sec. 5 International Mechanical Code adopted	Sec. 3.02.201	CA
		Sec. 6 International Fire Code adopted	Sec. 5.02.001	CA
		Sec. 7 Repealer	NIC	CA
		Sec. 8 Severability	NIC	CA
		Sec. 9 Penalty	Secs. 3.02.001, 5.02.002	CA
161-7-2004	7/5/04	Changes street names	NIC	CA
162-8-2004	8/2/04	Provides waiver to special condition requirement for specific plat	NIC	CA
163-9-2004	9/6/04	Provides temporary moratorium on acceptance and processing of permits	NIC	CA
164-9-2004	9/6/04	Provides waiver to special condition requirement for specific plat	NIC	CA
165-9-2004	9/9/04	Adopts annual budget, FY 04-05	NIC	CA
166-9-2004	9/9/04	Tax levy, FY 04-05	NIC	CA
167-2-2005	2/7/05	Grants conditional use permit	NIC	CA
168-2-2005	2/7/05	Orders general election	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
169-4-2005	4/4/05	Grants conditional use permit	NIC	CA
170-5-2005	5/5/05	Grants conditional use permit	NIC	CA
171-5-2005	5/5/05	Amends Ord. 75; stop signs	NIC	CA
172-6-2005	6/6/05	Approves Atmos GRIP request	NIC	CA
173-9-2005	9/12/05	Adopts annual budget, FY 05-06	NIC	CA
174-9-2005	9/12/05	Tax levy, FY 05-06	NIC	CA
175-10-2005	10/3/05	Denies Atmos GRIP request	NIC	CA
176-12-2005	12/5/05	Amends Ord. 76; regulations for pools, hot tubs and spas		
		Sec. I Abandoned, neglected, inoperable and hazardous public or semi-public pools, hot tubs, and spas, fencing requirements	Sec. 3.06.002	CA
		Sec. II Swimming pool enclosures	Sec. 3.06.003	CA
		Sec. III Repealer	NIC	CA
		Sec. IV Penalty	Sec. 3.06.001	CA
177-2-2006	2/6/06	Closes portion of specific street	NIC	CA
178-2-2006	2/6/06	Temporarily closes specific street	NIC	CA
179-2-2006	2/6/06	Orders general election	NIC	CA
180-7-2006	7/10/06	Denies rate change by Atmos Energy Corp.	NIC	CA
181-8-2006	8/7/06	Amends Ord. 157-2-2004; fee schedule		
		Sec. I		
		A. Plat fees	Sec. A2.003	CA
		B. Building permit fees, inspections, health permits, zoning fees	Secs. A2.001–A2.003 Sec. A3.001	CA
		C. Refunds	Sec. 3.01.001(b)	CA
		D. Fee examination [exemption]	Sec. 3.01.001(c)	CA
		E. Double fee	Sec. 3.01.001(d)	CA
		F. Valuation estimate	Sec. 3.01.001(e)	CA
		G. Additional permit	Sec. 3.01.001(f)	CA
		Sec. II Penalty	Sec. 3.01.001(g)	CA
182-8-2006	8/7/06	School zone on Dobbs Road	NIC	CA
183-8-2006	8/7/06	Peddlers and solicitors		
		Sec. 1 Definitions	Sec. 4.02.001	CA
		Sec. 2 Permit requirements and exemptions	Sec. 4.02.041	CA
		Sec. 3 Permit for sponsoring juvenile peddlers	Sec. 4.02.042	CA
		Sec. 4 Permit application	Sec. 4.02.043	CA
		Sec. 5 Fees	Sec. 4.02.044	CA
		Sec. 6 Application review and permit issuance	Sec. 4.02.045	CA
		Sec. 7 Denial of permit	Sec. 4.02.046	CA
		Sec. 8 Permit expiration	Sec. 4.02.047	CA
		Sec. 9 Permit exhibition	Sec. 4.02.048	CA
		Sec. 10 Transfer prohibited	Sec. 4.02.049	CA
		Sec. 11 Entry upon signed premises unlawful and trespass	Sec. 4.02.005	CA
		Sec. 12 Hand bills and advertisements	Sec. 4.02.006	CA
		Sec. 13 Hours of solicitation	Sec. 4.02.007	CA
		Sec. 14 Permit revocation	Sec. 4.02.050	CA
		Sec. 15 Notice and hearing	Sec. 4.02.051	CA

Ord. No.	Date	Description	Disposition	Supp. No.
183-8-2006, cont'd.		Sec. 16 Appeals	Sec. 4.02.052	CA
		Sec. 17 Enforcement	Sec. 4.02.003	CA
		Sec. 18 Claims of exemption	Sec. 4.02.004	CA
		Sec. 19 Violations and penalty	Sec. 4.02.002	CA
184-9-2006	9/21/06	Adopts annual budget, FY 06-07	NIC	CA
185-9-2006	9/21/06	Tax levy, FY 06-07	NIC	CA
186-11-2006	11/6/06	Rules for on-site sewage facilities		
		Sec. 1 Preamble adopted	NIC	CA
		Sec. 2 Findings	NIC	CA
		Sec. 3 Adoption	NIC	CA
		Sec. 4 Conflicts	NIC	CA
		Sec. 5 Chapter 366	Sec. 13.02.001	CA
		Sec. 6 Area of jurisdiction	Sec. 13.02.002	CA
		Sec. 7 On-site sewage facility rules	Sec. 13.02.003	CA
		Sec. 8 On-site sewage facility rules adopted	Sec. 13.02.004	CA
		Sec. 9 Incorporation by reference	Sec. 13.02.005	CA
		Sec. 10 Duties and powers	Sec. 13.02.007	CA
		Sec. 11 Collection of fees	Sec. 13.02.008	CA
		Sec. 12 Appeals	Sec. 13.02.009	CA
		Sec. 13 Penalties	Sec. 13.02.010	CA
187-12-2006	12/4/06	Election of aldermen by place system	Sec. 1.03.001	CA
188-1-2007	1/8/07	Amends Ord. 124; manufactured and industrial housing regulations	Ch. 14, ex. A, art. 2.6	CA
189-2-2007	2/5/07	Orders general election	NIC	CA
190-3-2007	3/5/07	Grants conditional use permit	NIC	CA
191-3-2007	3/5/07	Juvenile curfew		
		Sec. 1 Definitions	Sec. 8.02.031	CA
		Sec. 2 Offenses	Sec. 8.02.032	CA
		Sec. 3 Penalty clause; custody provisions; jurisdiction	Sec. 8.02.033	CA
		Sec. 4 Affirmative defenses	Sec. 8.02.034	CA
		Sec. 5 Enforcement	Sec. 8.02.035	CA
192-3-2007	3/5/07	Grants conditional use permit	NIC	CA
193-4-2007	4/2/07	Cancels general election; unopposed candidates	NIC	CA
194-7-2007	7/2/07	Changes two specific street names	NIC	CA
195-7-2007	7/2/07	Amends budget, FY 06-07	NIC	CA
196-9-2007	9/10/07	Grants conditional use permit	NIC	CA
197-9-2007	9/10/07	Rules for on-site sewage facilities		
		Sec. 1 Preamble adopted	NIC	CA
		Sec. 2 Findings	NIC	CA
		Sec. 3 Adoption	NIC	CA
		Sec. 4 Conflicts	NIC	CA
		Sec. 5 Chapter 366	Sec. 13.02.001	CA
		Sec. 6 Area of jurisdiction	Sec. 13.02.002	CA
		Sec. 7 On-site sewage facility rules	Sec. 13.02.003	CA
		Sec. 8 On-site sewage facility rules adopted	Sec. 13.02.004	CA
		Sec. 9 Incorporated by reference	Sec. 13.02.005	CA

Ord. No.	Date	Description	Disposition	Supp. No.
197-9-2007, cont'd.		Sec. 10 Amendments	Sec. 13.02.006	CA
		Sec. 11 Duties and powers	Sec. 13.02.007	CA
		Sec. 12 Collection of fees	Sec. 13.02.008	CA
		Sec. 13 Appeals	Sec. 13.02.009	CA
		Sec. 14 Penalties	Sec. 13.02.010	CA
198-9-2007	9/10/07	Adopts annual budget, FY 07-08	NIC	CA
199-9-2007	9/10/07	Tax levy, FY 07-08	NIC	CA
200-12-2007	12/3/07	Municipal court technology fund	Sec. 7.02.002	CA
201-12-2007	12/3/07	Municipal court building security fund	Sec. 7.02.001	CA
202-2-2008	2/4/08	Approves agreement with Atmos Energy Corp.	NIC	CA
203-2-2008	2/4/08	Orders general election	NIC	CA
204-4-2008	4/7/08	Cancels general election, unopposed candidates	NIC	CA
205-5-2008	5/5/08	Amends franchise with Atmos Energy Corp.	NIC	CA
206-5-2008	5/5/08	Speed limits	NIC	CA
207-7-2008	7/7/08	Amends Ord. 75; specific stop signs	NIC	CA
208-9-2008	9/8/08	Amends Ord. 198-9-2007; budget, FY 07-08	NIC	CA
209-9-2008	9/8/08	Adopts budget, FY 08-09	NIC	CA
210-9-2008	9/8/08	Tax levy, TY 08-09	NIC	CA
211-9-2008	9/8/08	Parking and storing of recreational vehicles, boats, boat trailers, personal water craft and similar equipment	Rpld. by Ord. 254-3-2013	CA
212-10-2008	10/6/08	School zone on Garza Road	NIC	CA
213-11-2008	11/3/08	Drilling and operation of water wells for private use		
		Sec. 1 Well permit	Sec. 13.03.002	CA
		Sec. 2 Public water supply protection	Sec. 13.03.003	CA
		Sec. 3 Permit restrictions	Sec. 13.03.004	CA
		Sec. 4 Council action	Sec. 13.03.005	CA
		Sec. 5 Use of the well	Sec. 13.03.006	CA
		Sec. 6 Utilities to water well	Sec. 13.03.007	CA
		Sec. 7 Penalties	Sec. 13.03.001	CA
214-2-2009	2/2/09	Orders general election	NIC	CA
215-8-2009	8/10/09	Abandons specific right-of-way	NIC	CA
216-9-2009	9/14/09	Grants conditional use permit	NIC	CA
217-9-2009	9/14/09	Amends Ord. 130; subdivision ordinance		
		Sec. 1 Recommendations; amends sec. 3.1, E, items 2, 3, and 4	Ch. 10, ex. A, sec. 3.1.E.2, 3, 4	CA
		Sec. 2 Plat procedure; amends sec. 4.3, D	Ch. 10, ex. A, sec. 4.3.D	CA
		Sec. 3 Major plat review process chart; amends sec. 4.3	Ch. 10, ex. A, sec. 4.3	CA
		Sec. 4 Type of plats, form and contents; amends sec. 4.4, C, 2, gg	Ch. 10, ex. A, sec. 4.4.C.2(gg)	CA
		Sec. 5 Construction plans for public improvements; replaces sec. 5.4 intro and 5.4, A, general requirements	Ch. 10, ex. A, sec. 5.4 intro, 5.4.A	CA
		Sec. 6 Drainage requirements and design standards; amends sec. 5.8, C, 8.4, c	Ch. 10, ex. A, sec. 5.8.C.[9.]4(c)	CA

Ord. No.	Date	Description	Disposition	Supp. No.
218-9-2009	9/14/09	Amends Ord. 209-9-2008; budget, FY 08-09	NIC	CA
219-9-2009	9/14/09	Adopts annual budget, FY 09-10	NIC	CA
220-9-2009	9/14/09	Tax levy, FY 09-10	NIC	CA
221-1-2010	1/4/10	Speed limit on Smokey Lane	NIC	CA
222-2-2010	2/1/10	Fencing requirements		
		Sec. 1 Purpose	Sec. 3.05.001	CA
		Sec. 2 Permit to install or alter	Sec. 3.05.004	CA
		Sec. 3 Fences in or near drainage easements, floodways, creeks or rivers	Sec. 3.05.007	CA
		Sec. 4 Electric fences	Sec. 3.05.008	CA
		Sec. 5 Compliance with other provisions	Sec. 3.05.003	CA
		Sec. 6 Location on or protrusion over town property	Sec. 3.05.009	CA
		Sec. 7 Fence arms	Sec. 3.05.010	CA
		Sec. 8 Barbed wire	Sec. 3.05.011	CA
		Sec. 9 Inspection of new fences	Sec. 3.05.005	CA
		Sec. 10 Maintenance	Sec. 3.05.006	CA
		Sec. 11 Residential districts– Rear yard or alley line	Sec. 3.05.012	CA
		Sec. 12 Vertical fences on side yard line	Sec. 3.05.013	CA
		Sec. 13 Penalty	Sec. 3.05.002	CA
223-2-2010	2/1/10	Orders general election	NIC	CA
225-9-2010	9/7/10	Adopts annual budget, FY 10-11	NIC	CA
224-9-2010	9/13/10	Approves rates by Atmos Energy Corp.	NIC	CA
226-9-2010	9/–/10	Tax levy, FY 10-11	NIC	CA
227-9-2010	9/13/10	Authorizes town council to act as board of adjustment		
		Sec. 1 Duties and authority	Sec. 1.04.031	CA
		Sec. 2 Procedures of board of adjustment	Sec. 1.04.032	CA
		Sec. 3 Authority of board	Sec. 1.04.033	CA
		Sec. 4 Appeal to board	Sec. 1.04.034	CA
228-10-2010	10/–/10	Amends Ord. 219-9-2010; budget, FY 09-10	NIC	CA
230-12-10	12/6/10	Fireworks		
		Sec. 1 Definitions	Sec. 5.04.001	CA
		Sec. 2 Fireworks prohibited	Sec. 5.04.003	CA
		Sec. 3 Fireworks a public nuisance	Sec. 5.04.004	CA
		Sec. 4 Applicability	Sec. 5.04.005	CA
		Sec. 5 Prosecution; not necessary to negate exceptions	Sec. 5.04.006	CA
		Sec. 6 Penalty	Sec. 5.04.002	CA
229-01-11	1/–/11	Amends Ord. 15; corporation court		
		Sec. 1 Ordinance No. 15 modified		
		A. Judge (recorder); repeals art. 1, sec. B	NIC	CA
		B. Municipal court clerk; repeals art. 4	NIC	CA
		C. Penalty revisions	Sec. 7.01.005	CA
231-2-11	2/7/11	Calls general election	NIC	CA
232-2-11	2/7/11	Repeals Ord. 82-2-3-86; adopts flood damage prevention		
		Sec. 1 Adoption	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
232-2-11, cont'd.		Sec. 2 Enforcement and penalties	NIC	CA
		Exhibit A Flood damage prevention ordinance		
		Art. I Statutory authorization, findings of fact, purpose and methods	Sec. 3.04.001	CA
		Art. 2 Definitions	Sec. 3.04.002	CA
		Art. 3 General provisions	Sec. 3.04.003	CA
		Art. 4 Administration	Sec. 3.04.004	CA
		Art. 5(A)–(E) Provisions for flood hazard reduction	Sec. 3.04.005	CA
		Sec. 5(G) Penalties for noncompliance	Sec. 3.04.006	CA
233-2-11	2/7/11	Amends Ord. 207-7-2008; stop signs	NIC	CA
234-4-2011	4/4/11	TMRS	NIC	CA
235-7-11	7/13/11	Calls special election, unexpired term for council member	NIC	CA
236-7-2011	7/13/11	Amends Ord. 75; stop signs	NIC	CA
237-8-2011	8/1/11	Fee schedule		
		Sec. 1	Sec. A1.001	CA
		Sec. 4	Sec. A1.002	CA
		Attachment		
		Introduction; charges for outside service	Omitted by Ord. 278-06-2015	CA
		Building permits	Sec. A2.001	CA
		Inspections	Sec. A2.001	CA
		Health and environmental permits and inspection	Sec. A3.001	CA
		Miscellaneous permit/fees		
		Variance to zoning ordinance	Sec. A2.002	CA
		Document filings	Sec. A4.001	CA
		Solicitor's permit	Sec. A4.001	CA
		Administrative/records fees	Sec. A4.001	CA
		Zoning related fees	Secs. A2.002, A2.003	CA
238-9-2011	9/12/11	Adopts annual budget, FY 11-12	NIC	CA
239-9-2011	9/12/11	Tax levy, FY 11-12	NIC	CA
240-9-2011	9/12/11	Speed limit on Cielo Lane	NIC	CA
241-10-11	10/3/11	Speed limits in Cielo Subdivision	NIC	CA
242-10-11	10/3/11	Amends budget, FY 10-11	NIC	CA
243-1-12	2/6/12	Speed limit on Everett Court	NIC	CA
244-2-12	2/6/12	Orders general election	NIC	CA
245-3-12	2/6/12	Building permit fees for nonresidential construction and public schools		
		Sec. 1 Building permit fee	Secs. 3.01.002(a), A2.001	CA
		Sec. 2 Occupancy	Sec. 3.01.002(b)	CA
247-5-12	2/6/12	Amends Ord. 244-2-12; general election	NIC	CA
246-4-12	3/5/12	Amends Ord. 245-3-12; building permit fees for nonresidential construction and public schools		
		Sec. 1 Building permit fee	Secs. 3.01.002(a), A2.001	CA
		Sec. 2 Occupancy	Sec. 3.01.002(b)	CA
248-6-12	9/10/12	Adopts annual budget, FY 12-13	NIC	CA

Ord. No.	Date	Description	Disposition	Supp. No.
249-7-12	9/10/12	Tax levy, FY 12-13	NIC	CA
250-8-2012	10/22/12	Amends budget, FY 11-12	NIC	CA
251-9-2012	11/5/12	Annexation	NIC	CA
252-1-2013	2/4/13	Orders general election	NIC	CA
253-2-2013	3/4/13	Sign regulations		
		Sec. 1 Definitions	Sec. 3.07.001	CA
		Sec. 2 Sign regulations		
		A. General	Sec. 3.07.003	CA
		B. Churches and public schools	Sec. 3.07.004	CA
		Sec. 3 Real estate	Sec. 3.07.005	CA
		Sec. 4 Garage sale signs		
		A. Size and duration	Sec. 3.07.006	CA
		B. Number of sales	Sec. 4.03.001	CA
		Sec. 5 Temporary political signs	Sec. 3.07.007	CA
		Sec. 6 Public service signs	Sec. 3.07.008	CA
		Sec. 7 Nonconforming signs	Sec. 3.07.009	CA
		Sec. 8 Repealer	NIC	CA
		Sec. 9 Severability	NIC	CA
		Sec. 10 Penalty clause	Sec. 3.07.002	CA
254-3-2013	5/6/13	Parking and storing recreational vehicles, boats, boat trailers, trailers, personal water craft, motor vehicles, tractors and similar equipment		
		Sec. 1 Definitions	Sec. 12.03.001	CA
		Sec. 2 Restrictions on recreational vehicles parked in the right-of-way of any town or county street or highway within the town	Sec. 12.03.003	CA
		Sec. 3 Parking of prohibited vehicles	Sec. 12.03.004	CA
		Sec. 4 Parking of trailers	Sec. 12.03.005	CA
		Sec. 5 Overnight public street parking	Sec. 12.03.006	CA
		Sec. 6 Junked or abandoned motor vehicles		
		A. Parking on street prohibited	Sec. 12.03.007	CA
		B. Adoption of state law – Junked vehicles	Sec. 8.04.001(a)	CA
		C. Adoption of state law – Abandoned vehicles	Sec. 8.04.001(b)	CA
		Sec. 7 Severability	NIC	CA
		Sec. 8 Repealer	NIC	CA
		Sec. 9 Penalty	Sec. 12.03.002	CA
255-4-2013	–/–/13	Amends Ord. 148-1-2003; nuisances	Superseded by Ord. 255-05-2014	CA
256-5-2013	5/6/13	Revises and restates Ord. 124; zoning regulations	Ch. 14, ex. A	CA
257-6-2013	8/5/13	Amends Ord. 75; stop signs	NIC	CA
258-7-2013	9/9/13	Repeals Ord. 2012-10-2008; school zone on West Shady Shores Road	NIC	CA
259-8-2013	9/–/13	Adopts annual budget, FY 13-14	NIC	CA
260-9-2013	9/–/13	Tax levy, FY 13-14	NIC	CA
261-10-2013	10/23/13	Amends budget, FY 12-13	NIC	CA
262-01-2014	1/6/14	Records management		
		Sec. 1 Definition of municipal records	Sec. 1.06.001	CA

Ord. No.	Date	Description	Disposition	Supp. No.
262-01-2014, cont'd.		Sec. 2 Additional definitions	Sec. 1.06.002	CA
		Sec. 3 Municipal records declared public property	Sec. 1.06.003	CA
		Sec. 4 Policy	Sec. 1.06.004	CA
		Sec. 5 Designation of records management officer	Sec. 1.06.005	CA
		Sec. 6 Records management plan to be developed; approval of plan; authority of plan	Sec. 1.06.006	CA
		Sec. 7 Duties of records management officer	Sec. 1.06.007	CA
		Sec. 8 Duties and responsibilities of department heads	Sec. 1.06.008	CA
		Sec. 9 Records control schedules to be developed; approval; filing with state	Sec. 1.06.009	CA
		Sec. 10 Implementation of records control schedules; destruction of records under schedule	Sec. 1.06.010	CA
		Sec. 11 Destruction of unscheduled records	Sec. 1.06.011	CA
263-02-2014	3/25/14	Regulates height of all structures	Sec. 3.01.003	CA
255-05-2014	4/7/14	Nuisances		
		Sec. 1 General enactment	Sec. 8.03.001	CA
		Sec. 2 Definitions	Sec. 8.03.002	CA
		Sec. 3 Enumeration	Sec. 8.03.003	CA
		Sec. 4 Nuisance standards and locations	Sec. 8.03.004	CA
		Sec. 5 Abatement procedure	Sec. 8.03.006	CA
		Sec. 6 Severability	NIC	CA
		Sec. 7 Penalty	Sec. 8.03.007	CA
264-03-2014	4/7/14	Cancels general election, unopposed candidates	NIC	CA
265-06-2014	6/2/14	Adopts human resources policies and procedures manual		
		Sec. 1. Recitals	NIC	CA
		Sec. 2 Adoption of manual	Sec. 9.01.001	CA
		Attachment – Employee handbook	NIC	CA
266		SKIPPED (as per city)		
267-06-2014	6/2/14	Telecommunication towers and antennas		
		Sec. 1 Purpose and intent	Sec. 3.08.001	CA
		Sec. 2 General provisions		
		(A) Applications	Sec. 3.08.002	CA
		(B) Platted lots	Sec. 3.08.003	CA
		(C) Technical assistance	Sec. 3.08.004	CA
		(D) Pre-application meetings	Sec. 3.08.005	CA
		Sec. 3 Telecommunications tower standards	Sec. 3.08.041	CA
		Sec. 4 Tower location standards		
		(A) Towers permitted by right	Sec. 3.08.042	CA
		(B) Towers requiring a conditional use permit (CUP)	Sec. 3.08.043	CA
		(C) Tower spacing	Sec. 3.08.044	CA
		(D) Alternative mounting structures	Sec. 3.08.045	CA

Ord. No.	Date	Description	Disposition	Supp. No.
267-06-2014, cont'd.		(E) Airport notification	Sec. 3.08.046	CA
		(F) Stealth towers	Sec. 3.08.047	CA
		Sec. 5 Antenna mounting standards	Sec. 3.08.048	CA
		Sec. 6 Time frames	Sec. 3.08.006	CA
		Sec. 7 Appeal	Sec. 3.08.007	CA
		Sec. 8 Violations deemed nuisance	Sec. 3.08.008	CA
		Sec. 9 Remedies nonexclusive	Sec. 3.08.009	CA
		Sec. 10 Severability	NIC	CA
		Sec. 11 Repealer	NIC	CA
		Sec. 12 Penalty	Sec. 3.08.010	CA
268-06-2014	6/2/14	Abandons portion of specific right-of-way	NIC	CA
269-09-14	9/20/14	Adopts annual budget, FY 14-15	NIC	CA
270-09-14	9/20/14	Tax levy, FY 14-15	NIC	CA
271-10-14	10/6/14	Amends Ord. 130; planning and zoning commission appointment process		
		Sec. 1 Current appointment process; repeals art. III, sec. .3 [3.1] A.– D.	NIC	CA
		Sec. 2 Planning and zoning commission appointment process	Ch. 10, ex. A, sec. 3.1.A–D	CA
272-10-14	10/6/14	Amends budget, FY 13-14	NIC	CA
273-11-14	11/3/14	Repeals Ord. 93; animal control		
		Sec. 1 Recitals incorporated	NIC	CA
		Sec. 2 Repeals Ord. 93	NIC	CA
		Sec. I Right to keep animals	Sec. 2.01.001	CA
		Sec. II Definitions	Sec. 2.01.002	CA
		Sec. III General animals regulations		
		A. Dogs, cats and ferrets	Sec. 2.01.005	CA
		B. Livestock	Sec. 2.01.006	CA
		C. Fowl and rabbits	Sec. 2.01.007	CA
		D. Potbelly pigs	Sec. 2.01.008	CA
		E. Bees	Sec. 2.01.009	CA
		F. Animals running at large	Sec. 2.01.010	CA
		G. Dangerous animals	Sec. 2.01.011	CA
		H. Prohibited animals	Sec. 2.01.012	CA
		Sec. IV Animal care guidelines	Sec. 2.01.013	CA
		Sec. V Public nuisances	Sec. 2.01.014	CA
		Sec. VI Abandonment of animals prohibited	Sec. 2.01.015	CA
		Sec. VII Poisoning of animals prohibited	Sec. 2.01.016	CA
		Sec. VIII Enforcement	Sec. 2.01.004	CA
		Sec. IX Penalty clause	Sec. 2.01.003	CA
274-01-2015	1/12/15	Revises Ord. 115, sec. VII, paragraph 4; open burning	Sec. 5.03.009(b)(4)	CA
275-02-2015	2/9/15	Calls general election	NIC	CA
276-02-2015	2/9/15	Curfew for minors; extends Ord. 191-3-2007	Secs. 8.02.031–8.02.035	CA
277-03-2015	3/9/15	Dangerous structures and building and standards commission		
		Recitals incorporated	NIC	CA
		Subchapter implemented	Sec. 3.03.001	CA

Ord. No.	Date	Description	Disposition	Supp. No.
277-03-2015, cont'd.		Dangerous structures and building and standards commission		
		A. Definitions	Sec. 3.03.002	CA
		B. Declaration of nuisance	Sec. 3.03.003	CA
		C. Designation of official	Sec. 3.03.004	CA
		D. Building and standards commission	Sec. 3.03.005	CA
		E. Same – Powers and duties	Sec. 3.03.006	CA
		F. Notice	Sec. 3.03.007	CA
		G. Hearing and order	Sec. 3.03.008	CA
		H. Civil penalty	Sec. 3.03.009	CA
		I. Extension of time	Sec. 3.03.010	CA
		J. Additional extension of time	Sec. 3.03.011	CA
		K. Assurance of compliance during the extension period	Sec. 3.03.012	CA
		L. Post-hearing notice	Sec. 3.03.013	CA
		M. Contents of post-hearing notice	Sec. 3.03.014	CA
		N. Filing, publication and mailing of order	Sec. 3.03.015	CA
		O. Remedies in event of noncompliance	Sec. 3.03.016	CA
		P. Additional authority to secure a substandard or dangerous structure	Sec. 3.03.017	CA
		Q. Notice of securing of structure	Sec. 3.03.018	CA
		R. Contents of notice of securing of structure	Sec. 3.03.019	CA
		S. Hearing related to securing of a structure	Sec. 3.03.020	CA
		T. Expenses related to securing of a structure	Sec. 3.03.021	CA
		U. Seizure and sale to recover expenses	Sec. 3.03.022	CA
		V. Salvage materials	Sec. 3.03.023	CA
		W. Judicial review	Sec. 3.03.024	CA
		X. Lien; abstract	Sec. 3.03.025	CA
		Y. Commission panel decision final	Sec. 3.03.026	CA
		Z. Municipal court proceeding not affected	Sec. 3.03.027	CA
		Savings clause	NIC	CA
		Sec. 4 Severability	NIC	CA
		Sec. 5 Repealer	NIC	CA
		Sec. 6 Penalty	Sec. 3.03.028	CA
278-06-2015	6/8/15	Fee schedule		
		Sec. 1 Adopts fee schedule	Sec. A1.001	CA
		Sec. 2 Conflicts	NIC	CA
		Sec. 3 Severability	NIC	CA
		Sec. 4 Penalty	Sec. A1.002	CA
		Exhibit A Fee Schedule		
		Building permit fees	Sec. A2.001	CA
		Health and safety permits	Sec. A3.001	CA
		Zoning permits	Sec. A2.002	CA
		Professional fees	Sec. A2.003	CA
		Miscellaneous charges	Sec. A4.001	CA
279-07-2015	7/13/15	Amends zoning ordinance; accessory buildings		
		Sec. I Amends definition of accessory building, carport and greenhouse	Ch. 14, ex. A, art. 1.1	CA

Ord. No.	Date	Description	Disposition	Supp. No.
279-07-2015, cont'd.		Sec. II Amends types of materials	Ch. 14, ex. A, art. 2.1(c)(2)(J)(ii) and (iv)	CA
		Sec. III SKIPPED		
		Sec. IV Adds accessory building regulations	Ch. 14, ex. A, art. 2.1(c)(2)(K)	CA
		Sec. V Adds accessory buildings as permitted use	Ch. 14, ex. A, art. 3.2(a)(3)	CA
		Sec. VI Amends penalty	Ch. 14, ex. A, art. 4.4	CA
280-09-2015	9/14/15	Adopts budget, FY 15-16	NIC	CA
281-09-2015	9/14/15	Tax levy, TY 2015	NIC	CA
282-10-15	10/12/15	Public use of USACE property within the town	NIC	CA

To: Mayor Cindy Spencer and Town Council Members

From: Wendy Withers, Town Secretary

CC: Jim Shepherd, Town Attorney

Date: 01/06/2016

Re: Code Enforcement Services

ACTION REQUESTED: Consider and take action relative to seeking proposals for code enforcement services.

BACKGROUND INFORMATION: In continued interest of providing best value services for the Town of Shady Shores the town will seek proposals for Code enforcement services. Discuss the necessary qualifications and job description for a proposed Code Enforcement officer. Consider the amount of hours required to fulfill the code enforcement needs of the town.