

Code
of
Ordinances
City of Retreat, Texas

CITY OF RETREAT

ORDINANCE NO. 01-86

AN ORDINANCE OF THE CITY OF RETREAT, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; INCLUDING PROVISIONS FOR GENERAL ADMINISTRATION; ADOPTION OF CHAPTERS 1 - 10, TITLE 28, R.C.S. RELATING TO CITIES AND TOWNS; ANIMAL CONTROL REGULATIONS; BUILDING REGULATIONS; BUSINESS REGULATIONS; FIRE PROTECTION REGULATIONS; PERSONNEL REGULATIONS; SUBDIVISION REGULATIONS; ZONING REGULATIONS; HEALTH AND SANITATION REGULATIONS; UTILITY REGULATIONS; AND A TRAFFIC CODE; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED; PROVIDING EXCEPTIONS; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RETREAT, TEXAS:

SECTION 1:

That the Code of Ordinances, consisting of Chapter 1 through 11, each inclusive, is hereby adopted and enacted as the Code of Ordinances, City of Retreat, Texas, and shall be treated and considered as a new and original comprehensive ordinance, which shall supercede all other general and permanent ordinances passed by the City Council on or before July 1, 1986, to the extent provided herein.

SECTION 2:

That all provisions of such Code shall be in full force and effect from and after the first day of July, 1986, and all ordinances of a general and permanent nature of the City of Retreat, Texas, enacted on final passage on or before July 1, 1986, and not included in this Code or recognized and continued in force by reference

herein are hereby repealed from and after the 1st day of July, 1986, except as hereinafter provided. No resolution of the City is repealed by this Ordinance.

SECTION 3:

That the repeal provided for in Section 2 above shall not affect any of the following:

- (a) Any events or act committed or done by the City, or any penalty or forfeiture incurred by the City, or any contract or right established or occurring concerning the City before the effective date of this Code.
- (b) Any Ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness.
- (c) Any contract or obligation assumed by the City.
- (d) Any right or franchise granted by the City.
- (e) Any Ordinance dedicating, naming, establishing, locating, re-locating, opening, paving, widening, vacating, or affecting the right-of-way of any street or public way in the City.
- (f) Any Ordinance relating to municipal street maintenance agreements with the State of Texas.
- (g) Any Ordinances establishing or prescribing grades for streets in the City;
- (h) Any appropriation Ordinance or Ordinance providing for the levy of taxes or for adoption of an annual budget.
- (i) Any Ordinance relating to local improvements and assessments therefor.
- (j) Any Ordinance annexing territory to the City or discontinuing territory as a part of the City.
- (k) Any Ordinance dedicating or accepting any plat or subdivision in the City.

- (l) Any Ordinance enacted after July 1, 1986.
- (m) Any Ordinance pertaining to the holding of municipal elections.
- (n) Any Ordinance authorizing the installation of traffic control devices or designating speed limits within the City.
- (o) Any Ordinance establishing rates to be charged by utility companies operating within the City.

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

SECTION 4:

That wherever in such Code of Ordinances an act is prohibited or is made or declared to be unlawful or an offense, or a misdemeanor, or whenever in such Code the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided, the violation of any such provision of such Code shall be punished as provided in Chapter 1, Section 5 of said Code, for each offense or for each day such offense shall continue, if it is one classified as continuing offense. Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

SECTION 5:

That any and all amendments and additions to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part of the Code, shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, City of Retreat, Texas", shall be understood and intended to include such additions and amendments.

SECTION 6:

That in case of the amendment of any section of such Code for

which penalty is not provided, the general penalty as provided in Section 4 of this Ordinance shall apply to the section as amended, or, in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section of the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

SECTION 7:

That a copy of the Code shall be kept on file in the office of the City Secretary in looseleaf form. It shall be the express duty of the Secretary or someone authorized by the City Secretary, to insert in the designated places, all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code, when the same has been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. Such copy of such Code shall be available for all persons desiring to examine the same at any time during regular business hours.

SECTION 8:

That it shall be an offense for any person to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause a law of the City of Retreat to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this Ordinance.

SECTION 9:

That said Code shall be admitted in evidence without further proof and the City Secretary shall record said Code as adopted in the ordinance records of the City, and thereafter such record shall serve as a record of the ordinances so codified and it shall not be necessary in establishing the content of any particular ordinance so codified to go beyond said record.

SECTION 10:

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of the Code of Ordinances hereby adopted are separable and if any phrase, clause, sentence, paragraph, or section 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, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 11:

That all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 12:

That this Ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Retreat, Texas, on the 1st day of July, 1986.

APPROVED:

Thomas J. Robinson
Mayor

ATTEST:

Shirley A. Gillett
City Secretary

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C H A P T E R 1

G E N E R A L P R O V I S I O N S

SECTION 1: HOW CODE DESIGNATED AND CITED

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

SECTION 2: CATCHLINES OF SECTIONS

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

-SECTION 3: DEFINITIONS AND RULES OF CONSTRUCTION

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

- A. CHAPTER** Whenever the words "this Ordinance," "section," "subsection," "paragraph," or "article" are used, they shall pertain to the chapter or section of this Code of Ordinances in which they are found unless specifically and clearly in reference to a separate chapter or section.
- B. COUNCILMEMBER (ALDERMAN)** "Councilmember" as used in this Code shall be synonymous with the term "Alderman."
- C. MALES AND FEMALES** Throughout this Code, words used expressing masculine gender shall be construed to include the feminine.

D. PERSON Whenever the word "person" or its plural form are used in this Code, it shall mean any person, firm, corporation, partnership, association of persons, owner, agent, or occupant.

E. CITY The words "this Town," "this City," "the Town," or "the City" shall mean the City of Retreat, Navarro County, Texas.

F. CITY COUNCIL, BOARD OF ALDERMAN Whenever the words "Town Council," "the Council," "City Council," "Board of Aldermen," or "governing body" are used, they shall mean the City Council, City of Retreat, Navarro County, Texas. The City Council shall be composed of a Mayor, and five Aldermen. The term "City Council" shall be synonymous with the terms "Board of Aldermen," "Town Council" and "Town Board."

SECTION 4: AMENDMENTS OR ADDITIONS TO CODE

All ordinances passed subsequent to the adoption of this Code, which amend, repeal, or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein.

When subsequent ordinances repeal any chapter, section, or subsection, or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.

The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances numbered or omitted are readopted as a new Code by the City Council.

Amendments to any of the provisions of this Code shall be made by amending such provisions by specified reference to the section number of this Code in the following language:

"That Chapter _____, Section _____, of the Code of Ordinances, City of Retreat, Texas is hereby amended to read as follows..."

The provisions shall then be set out in full as desired.

In the event of a new section not heretofore existing in the Code is to be added, the following language shall be used:

"That Chapter _____ of the Code of Ordinances City of Retreat, Texas, is hereby amended by adding a section, to be numbered section _____, which said section reads as follows..."

The new section shall then be set out in full as desired.

In the event it is desired to delete a section from the Code of Ordinances, the following language shall be used:

"That Chapter _____, Section _____, of the Code of Ordinances, City of Retreat, Texas, is hereby deleted from said Code of Ordinances.

It is hereby provided, however, that any subsequent ordinance which fails to amend this Code in the manner provided for above, shall not be deemed invalid as a result of such failure to follow the procedure outlined in this section.

SECTION 5: GENERAL PENALTY FOR VIOLATIONS OF CODE

Whenever in this Code or in any ordinance of the City, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of an 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 Two Hundred Dollars (\$200.00), except for violations of municipal ordinances that govern fire, safety, zoning, and public health and sanitation (not including vegetation and litter violations), the maximum permissible fine shall be One Thousand Dollars (\$1,000.00) for each offense; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the City for the purpose of seeking injunctive relief.

SECTION 6: SUPPLEMENTATION OF CODE

- A. SUPPLEMENTAL PROCEDURE** Supplements to this Code of Ordinances shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which 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. REPEALED MATTERS UPON SUPPLEMENTING** In preparing a supplement to this Code, all portions of Code which have been repealed, shall be excluded from the Code by omission thereof from reprinted pages.
- C. AUTHORIZED CHANGES BY CODIFIER** 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 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 sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this Ordinance" or words of the same meaning to "this Chapter," "this Section," "this

subsection," etc., as the case may be; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections 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.

SECTION 7: SEVERABILITY OF PARTS OF CODE

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

SECTION 8: MISDEMEANORS UNDER STATE LAW

All misdemeanors named in the Penal Code of the State for which the municipal court has jurisdiction are hereby declared to be offenses against the City, and the fines and penalties and other punishments shall be the same as prescribed in said Penal Code.

SECTION 9: FISCAL YEAR ESTABLISHED

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

SECTION 10: OFFICIAL NEWSPAPER

There being no newspaper published in the City, the Corsicana Daily Sun, a daily newspaper published in Corsicana, Texas, is hereby declared to be the official newspaper for required newspaper publications by the City.

SECTION 11: DEPOSITORY

The City shall from time to time designate an insured bank as the official depository. Checking accounts or savings accounts, as authorized by the City Council, shall be established at said bank with the requirement that all checks written against any such account(s) shall be duly signed by the following officials:

- (1) Mayor
- (2) City Secretary

It shall be the duty of the City Secretary to forecast revenues and expenditures and invest all idle cash balances in excess of immediate needs in Certificates of Deposits, or interest bearing accounts, with said bank.

SECTION 12: FORM OF GOVERNMENT

Title 28, Chapters 1-10, Revised Civil Statutes of the State of Texas 1925, and amendments thereto, relating to cities and towns are hereby adopted by the City of Retreat, and the government of the City and its affairs shall hereafter be guided thereby. The City Council shall be composed of a Mayor and five (5) Aldermen, all elected at large. The Mayor and two (2) Aldermen shall be elected in odd numbered years, and three (3) Aldermen shall be elected in even numbered years. The terms of the Mayor and Aldermen shall be two (2) years.

SECTION 13: CITY COUNCIL RULES OF PROCEDURE

A. MEETINGS The regular meeting of the City Council shall be held on the second Tuesday of each month at 7:00 p.m. at the Town Hall. The Mayor, of his own motion, or on the application of three (3) Aldermen may call special meetings by notice to each member of the City Council and the City Secretary served personally or left at their usual place of abode. Notice of all meetings shall be posted in accordance with the Texas Open Meeting Law.

B. VOTING PROCEDURES Each member of the City Council, shall at every meeting of such Council, be entitled to one (1) vote in person, but no proxy shall be voted on any occasion. The Mayor shall only be allowed to vote in case of a tie vote on any matter, except one relating to an election.

C. MAYOR TO PRESIDE The Mayor shall be the presiding officer of the City Council. At the first meeting of each new City Council, or as soon as practicable, the Council shall elect one (1) Alderman to serve as Mayor pro tempore for a term of one (1) year and to perform the duties of the Mayor in the event of the Mayor's failure, inability, or refusal to act. The Mayor shall, with three (3) of the Aldermen, constitute a quorum for the transaction of business. In the Mayor's absence, any four (4) of the Aldermen shall constitute a quorum. The quorum has the power to appoint any Alderman as a presiding officer at any meeting at which the Mayor and Mayor Pro Tempore are absent. The quorum shall have power to enact such resolutions and ordinances not inconsistent with the laws and constitution of this state as shall be deemed proper for the government of the City.

D. ORDER OF BUSINESS (AGENDA) The order of business at meetings of the City Council shall be established by the Mayor.

E. COMPENSATION The City Council shall fix the salary and fees of the Mayor and Aldermen to be elected at the next regular election.

F. PROCEDURAL RULES The procedure at all meetings of the City Council shall be in accordance with the provisions of the latest edition of Roberts Rules of Order.

G. VACANCIES In the event of a vacancy or vacancies from any cause in the office of Mayor or Council members, such vacancy or vacancies may be filled as follows:

(1) If not more than one (1) vacancy on the City Council exists, a majority of the remaining members of the City Council may fill such vacancy by appointment and such appointee shall serve the term of the vacated position until the next regular City election.

(2) In lieu of filing one (1) vacancy of the City Council by appointment, as provided for above, a special election may be called to fill such vacancy.

(3) If two (2) or more vacancies on the City Council exist at the same time, a special election shall be called to fill such vacancies.

SECTION 14: ELECTIONS

A. GOVERNED BY STATE LAW All elections pertaining to municipal affairs shall be governed by the election laws of the State.

B. GENERAL DUTIES OF MAYOR, CITY SECRETARY, AND CITY COUNCIL In all City elections, the Mayor, City Secretary, or the City Council shall do and perform each act in other elections required to be done and performed respectively by the County Judge, the County Clerk, or the Commissioners' Court.

In all City elections, the Mayor, or if he fails to do so, the City Council, shall order the election, give notice, and appoint election officers to hold the election. In general elections for officers, the order shall be issued at least forty-five (45) days prior to election day.

C. PROCEDURES FOR FILING FOR OFFICE

(1) Any eligible and qualified person may have his name printed upon the official ballot as an independent candidate for the office of Mayor or Alderman or other City office by filing his sworn application with the City Secretary at least thirty-one (31) days prior to the election day. The application shall state the specific office or place being sought by the applicant and that the applicant is eligible and qualified under the laws of the state to become a candidate for and hold the office being sought, if elected.

(2) The form of the sworn application shall be any form approved by the State of Texas.

(3) Such sworn application may be accompanied with a petition signed by qualified electors, although such petition is not required.

(4) Such sworn application shall be accompanied with an executed copy of the "Loyalty Affidavit" as required by Article 297a, Vernon's Texas Statutes, is substantially the following form:

"I, _____, of the City of Retreat, County of Navarro, State of Texas, being a candidate for the office of _____, do solemnly swear that I believe in and approve of our present representative form of government, and if elected, I will support and defend our present representative form of government and will resist any effort or movement from any source which seeks to subvert or destroy the same or any part thereof, and I will support and defend the constitution and laws of the United States and of the State of Texas.

Candidate's Signature

Sworn to and subscribed before me at the City of Retreat, Texas, this _____ day of _____, 19____.

Notary Public in and for State of Texas"

D. **POSTING AND OBJECTION OF CANDIDATES NAMES** The names of all those who have filed their sworn applications to have their names printed on the official ballot as candidates shall be posted by the City Secretary in a conspicuous place with the City for the inspection of the public immediately after the filing deadlines. All objections to the regularity or validity of the application of any persons shall be made within five (5) days after such posting by written notice filed with the City Secretary setting forth the grounds of objections. In case no such objection is filed within the time prescribed, the regularity or validity of the application of any person whose name is so posted shall be thereafter incontestable. The City Secretary shall preserve for

a period of two (2) years all applications, notice of objections, and other related papers.

E. WITHDRAWAL OF CANDIDATE Any person may cause his name to be withdrawn at any time before the official ballots are actually printed, by filing in writing with the City Secretary, a request to that effect over his own signature, duly attested to by a Notary Public. No name so withdrawn shall be printed on the ballots.

F. NAME OF CANDIDATE TO BE PRINTED ON BALLOT Any person eligible for the office of Mayor or Alderman or other elective office who has filed his sworn application in accordance with the provisions of this section shall have his name printed on the official ballots.

G. PRINTING OF BALLOT The City Secretary shall insure that ballots are printed and ready for use prior to the twentieth (20th) day before the election when absentee voting begins.

H. ABSENTEE VOTING Each qualified voter who desires to cast an absentee vote and who expects to be absent on the day of any City elections shall be entitled to an official ballot and the right to cast such ballot in accordance with the provisions of V.A.T.S. Election Code, Article 5.05.

I. TIME AND PLACE All elections shall be held between the hours of 7:00 a.m. and 7:00 p.m. at a place designated by the City Council.

J. ELECTION OFFICIALS All municipal elections shall be conducted by one (1) presiding officer or judge and one (1) assistant judge to be appointed by the Mayor of the City. A sufficient number of election clerks may be appointed by the election judge from a list furnished by the City Secretary. These election officers shall be compensated for their services at the rate established by the Texas Election Code, which services shall be paid from the general fund of the City.

K. NOTICE TO BE POSTED AND PUBLISHED The City Secretary shall post properly executed copies of the election notice. The last day before posting notice shall be the twenty-first

(21st) day before the election. The period for publishing notice in the official newspaper is the twenty-fifth (25th) through the eleventh (11th) day before the election.

L. CANVASSING OF ELECTION RETURNS The returns for each municipal election shall be canvassed by the City Council on the first Monday after the election or soon thereafter. The City Secretary shall have custody of the voted ballots and records of such election. All of such ballots and records shall be delivered to the Mayor and may be used in connection with the canvass of the election results. When the returns of such election are canvassed, the person receiving the highest number of votes for each elective office shall be declared to be elected. When two (2) candidates are to be elected for Alderman, the two (2) highest shall be elected. When three (3) candidates are to be elected for Alderman, the three (3) highest shall be elected. Such elected officers may enter upon their duties as soon as they have qualified as provided by law.

SECTION 15: ANNUAL BUDGET

A. BUDGET OFFICER The budget officer shall be the Mayor of the City.

B. BUDGET REQUIRED The budget officer shall, with the aid of the City Secretary, annually prepare a budget to cover all proposed expenditures of the government of the Town for the succeeding year, in accordance with Article 689a-13 thru 689 a-16, V.T.C.S.

C. BUDGET CONTENT The budget shall show all expenditures proposed and shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also show as definitely as possible each of the various projects for which appropriations are made in the budget and the budgeted sums for each of such projects. The budget shall also contain a complete financial statement of the City showing all outstanding obligations of such City, the cash on hand to the credit of each and every fund, and funds received from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and

the estimated rate of tax, if any, which will be required.

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

E. BUDGET - TIME OF FILING The budget shall be filed with the City Secretary not less than thirty (30) days prior to the time the Board makes its tax levy, if any, for the current fiscal year.

F. BUDGET - PUBLIC INSPECTION The budget filed with the City Secretary shall be available for the inspection of any taxpayer during all reasonable business hours.

G. BUDGET - PUBLIC HEARINGS AND FILING A public hearing shall be held and the budget adopted thereafter shall be filed in accordance with Article 689a-15, V.T.C.S.

SECTION 16: AUDIT

An audit of the books of account of the City shall be made and filed annually in accordance with Article 1023a, V.T.C.S.

SECTION 17: CLAIMS FOR DAMAGES AGAINST CITY

Before the City shall be liable for property damages or for damages for the death or personal injury to any person, the person injured, if living, or his representative if dead, shall give the City Secretary notice in writing of such death or injury or property damage duly verified, within thirty (30) days after same has been sustained, stating in such written notice when, where, and how the death or injury or property damage occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such damage, death, or injury, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. Failure to so notify the City within the time and in the manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever.

SECTION 18: EMERGENCY MANAGEMENT

A. STATE OF EMERGENCY Under Article 5890e, V.T.C.S., the Mayor is hereby authorized to declare a state of emergency when necessary to protect lives and property of the inhabitants of the City.

B. DIRECTOR'S RESPONSIBILITY

(1) The Mayor, as emergency management director, is responsible for assuring that coordinated and effective emergency response systems are developed in accordance with Article 6889-7, Section 8(g) of West's Texas Statutes and Codes.

(2) The Mayor, as emergency management director, shall request outside help and assistance from other political jurisdictions or volunteer groups, to be used as adjunct to existing town services, when outside assistance is necessary.

C. EMERGENCY OPERATING CENTER Emergency response activities will be coordinated from the Emergency Operating Center (EOC), which is located at the Volunteer Fire Department fire station. The EOC will be activated by the City Secretary upon notification of a possible or actual emergency.

D. FUNCTIONS AND RESPONSIBILITIES Assignment of emergency functions and responsibilities shall be as follows:

(1) The Mayor and City Council have primary responsibility for the following:

- (a) Declaring a state of emergency when required;
- (b) Implementing the emergency powers of local government;
- (c) Making emergency policy;
- (d) Providing emergency information to the citizenry;
- (e) Requesting outside assistance from state or

federal governments;

(f) Appointing the emergency preparedness coordinator, who shall be the Fire Marshal unless otherwise designated.

(2) The City Secretary has primary responsibility for the following:

(a) Directing the emergency operational response of town services;

(b) Coordinating the activities of outside agencies called in to assist;

(c) Acting as a staff advisor to the Mayor and Town Board on emergency matters;

(d) Supporting the overall preparedness program in terms of its budgetary and organizational requirements;

(e) Implementing the policies and decisions of the governing body;

(f) Serving as controller of the EOC during its activation;

(g) Assuring that all departments develop, maintain, and exercise their respective services during an emergency;

(3) The emergency preparedness coordinator is responsible for the following:

(a) Serving as a staff assistant to the Mayor, City Council, and City Secretary on emergency matters;

(b) Coordinating the primary and general preparedness activities of the City;

(c) Serving as liaison between the City and state preparedness organizations;

- (d) Insuring the operation of the EOC;
- (e) Maintaining an emergency plan which shall be periodically updated and distributed to City officials and employees;
- (f) Keeping the Mayor, City Council, and City Secretary advised of the City's current preparedness status and future needs;
- (g) Initiating and monitoring the increased readiness actions among the City services when disaster threats occur;
- (h) Preparing and maintaining a resource inventory;
- (i) Maintaining the emergency training needs of the City and arranging for the training necessary.

SECTION 19: ANNEXATION

A. PETITIONS REQUIRED In order for the City to consider annexation of property into the City, a petition must be presented to the City Secretary by either a majority of the inhabitants of the land to be annexed or by the owner or owners of the property to be annexed as follows:

(1) Inhabitants Petition The majority of the inhabitants of the area to be annexed who are qualified to vote for members of the State Legislature must present a petition for annexation with an attached affidavit of any three (3) of the inhabitants certifying to the vote. The petition must contain a description of the land to be annexed.

(2) Owners Petition The owner or owners of land desiring to be annexed must present a petition requesting annexation. The petition must contain a description of the land to be annexed, which description shall bear the certificate of a Registered Public Surveyor. The land to be annexed by owners petition must encompass the residences of fewer than three (3) qualified voters.

B. PROCEDURES After a petition is presented either by owners or inhabitants as provided for in Subsection A, the City shall proceed to consider annexation of the property as outlined in this subsection.

(1) **Service Plan** The Mayor shall cause to be prepared a service plan for the area to be annexed.

(2) **Public Notice** The Mayor shall establish dates for public hearings and the City Secretary shall publish notice of the public hearings in the newspaper not more than twenty (20) days nor less than ten (10) days before the public hearings. If the area to be annexed contains a railroad, the City Council shall mail a notice of the public hearing to the railroad company by certified mail.

(3) **Public Hearings** The City shall hold two (2) public hearings on the annexation, one of which should be in the area to be annexed. The public hearings must be held not more than forty (40) days nor less than twenty (20) days prior to consideration of the ordinance annexing the property.

(4) **Ordinance Adopted** The City Secretary shall prepare an ordinance annexing the property for consideration by the City Council at a meeting to be held not more than forty (40) days nor less than twenty (20) days after the public hearings.

(5) **Ordinance Filed** After adoption of an annexation ordinance by the City Council, the City Secretary shall file the original ordinance in the City Ordinance book, and furnish a certified copy to the County Clerk and other appropriate officials and agencies.

C. LIMITATIONS The City shall not annex property in violation of the following limitations imposed by state law:

(1) The area to be annexed must be within the City's extraterritorial jurisdiction.

(2) The area to be annexed must not exceed one-half (1/2) mile in width and must be adjacent to the City's

limits.

(3) If the area to be annexed is within the extraterritorial jurisdiction of another City, that City's permission is required prior to annexation.

SECTION 20: ORDINANCES AND RESOLUTIONS

A. STYLE OF ORDINANCES AND RESOLUTIONS The style of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RETREAT", and the style of all resolutions shall be "BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RETREAT".

B. INTRODUCTION AND ACTION ON ORDINANCES All ordinances shall be in writing and shall be introduced by some member of the City Council at an open meeting of the City Council when it shall be read and acted upon. It shall only be necessary to provide a brief explanation and read the caption of the ordinance unless a majority of the City Council votes to read the entire ordinance.

C. DISPOSITION OF ORDINANCES All ordinances upon passage shall be approved by the Mayor, numbered, and attested by the City Secretary, and shall be recorded by the City Council in such book of ordinances provided for such purpose by the City Council, and such book of ordinances shall be authority touching on all questions arising under the laws and ordinances of the City.

D. DISPOSITION OF RESOLUTIONS All resolutions upon passage shall be approved by the Mayor, numbered, and attested by the City Secretary, and shall be recorded by the City Secretary in such book of resolutions provided for such purpose by the City Board.

E. PUBLICATION OF ORDINANCES Every ordinance imposing any penalty, fine, or forfeiture shall after passage thereof, be published in the official newspaper, as required by law, and such ordinances shall take effect and be in force from and after the publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect from their passage, unless otherwise provided. In

lieu of the publication of the entire ordinance, the City Council may in its discretion provide for the publication of a descriptive caption or title, stating in summary the purpose of the ordinance and the penalty for violation thereof.

F. VETO POWER OF THE MAYOR Every ordinance or resolution passed by the City Council must be filed with the City Secretary. Thereupon, the Mayor may either sign or refuse to sign the ordinance or resolution. If the Mayor refused to sign the ordinance or resolution, his or her objection must be set forth in writing and submitted to the City Secretary within three (3) days of the time the ordinance or resolution was filed. (If the Mayor's statement of objections is not filed within three (3) days, the ordinance or resolution automatically goes into effect without his or her signature.) If the Mayor timely files a statement of objections to the ordinance or resolution, it is killed unless a majority of the whole number of The Board of Aldermen (not just a majority of those present and voting) votes to override the Mayor's veto by adopting the ordinance or resolution as originally proposed, with the votes of each Alderman entered in the minutes of meeting at which the vote was taken.

C H A P T E R 2

A N I M A L C O N T R O L

SECTION 1: DEFINITIONS

When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

- A. **HARBORING** The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter, or care for a period of ten (10) days.
- B. **OWNER** Any person, firm, or corporation who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of ten (10) days.
- C. **RUNNING AT LARGE** Running at large shall mean not completely confined by a building, wall, fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner, or within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner, shall not be deemed running at large.
- D. **VACCINATED** Vaccinated means properly injected with a rabies vaccine, licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the State of Texas.
- E. **VICIOUS DOG** Vicious dog shall mean any individual dog that has on one (1) previous occasion without provocation attacked or bitten any person or other animal, or any individual dog which gives reason to believe to have a dangerous disposition likely to be harmful to humans or other animals.

SECTION 2: DISPOSAL OF DEAD ANIMALS AND FOWL

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

SECTION 3: MAINTENANCE OF STABLES, PENS, HOUSES, AND YARDS

All stables, pens, houses, and yards used for the keeping of animals, livestock, or fowl shall be kept in a clean and sanitary condition. Property on which flies and other insects congregate in greater numbers than on other property in the City, and property which emits odors that disturb the sensibilities of a reasonable person shall be prima facie evidence that the property is not clean and sanitary. All such stables, pens, houses, and yards shall be located at least one hundred feet (100') from any residence not occupied by the owner of such animals or fowl.

SECTION 4: REPORTING OF RABID ANIMALS

It shall be the duty of the owner or harbinger of any animal to report to the County Sheriff all cases of rabies with which they come in contact or to which their attention has been directed. This report shall be made immediately upon diagnosis or suspicion of said cases of rabies.

SECTION 5: CRUELTY TO ANIMALS AND FOWL

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

SECTION 6: KEEPING OF BEES

It shall be unlawful to keep bees in any area of the City except in those areas where the bee hives will be located at least three

hundred feet (300') or more from the nearest dwelling other than the dwelling of the owner of the bees. It shall further be unlawful to keep bees, regardless of the above limitation, in such numbers that they congregate in excessive numbers on property, other than that of the owner of the bees, in such a way as to interfere with the peaceful occupancy of other property.

SECTION 7: DOGS

A. ANNUAL VACCINATION REQUIRED All dogs six (6) months of age or over within the City limits are required to immunized against rabies annually by a licensed veterinarian and by means of any standard vaccine as approved by the federal government for the prevention of rabies.

B. DOGS RUNNING AT LARGE TO HAVE VACCINATION TAGS It shall be unlawful for any person owning or harboring any dog not wearing a vaccination tag issued by a duly licensed veterinarian, showing that the dog has been vaccinated against rabies for the current year, to allow or permit such dog to run, or be at large within the City limits. Such vaccination tag shall be of durable quality and stamped with the words, "Rabies Vaccine Administered," (or similar phrase) and the date of vaccination, and shall be securely attached to a collar or harness around the neck of the dog.

C. BARKING DOGS PROHIBITED The act of permitting a dog to bark repeatedly in such manner as to disturb an inhabitant of the neighborhood is hereby declared to be a nuisance subject to abatement as provided for in this Code of Ordinances.

D. VICIOUS DOGS PROHIBITED It shall be unlawful for any owner or person in control of any vicious dog to keep or permit the same in or about any public house, public place, street, or alley in the City or permit same to run at large.

SECTION 8: FOWL

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

SECTION 9: LIVESTOCK

A. LIVESTOCK NOT TO RUN AT LARGE It shall be unlawful for any person to allow or permit any cows, horses, mules, jacks, jennys, goats, sheep, swine, or any other livestock of any character to run at large upon the streets, alleys, public highways, public parks, public lands, or upon any unfenced vacant lot or lots within the City.

B. HERDING OR STAKING OF LIVESTOCK ON STREETS PROHIBITED It shall be unlawful for any person to herd or stake any cows, horses, mules, jacks, jennys, goats, sheep, swine, or any other livestock of any character on any street, alley, public highway, public park, or public land within the City.

SECTION 10: CATS

All domestic cats, six (6) months of age or over, within the City are required to be immunized against rabies annually by a licensed veterinarian and by means of any standard vaccine as approved by the federal government for the prevention of rabies.

SECTION 11: WILD ANIMALS RESTRICTED

It shall be unlawful to harbor or maintain within the City limits the following animals:

Bats, skunks, poisonous snakes, or any wild animal whose normal natural weight exceeds forty pounds (40#). The owner shall keep wild animals under restraint at all times. Wild animal shall include all species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

SECTION 12: EXCEPTIONS AND VARIANCES

The City Council may authorize exceptions and variances by special permit to this chapter for just cause when requested by the owner of the animals or premises for which an exception is requested. Such request shall be made at a City Council meeting open to the public.

C H A P T E R 3

B U I L D I N G R E G U L A T I O N S

SECTION 1: BUILDING CODE

A. STANDARD BUILDING CODE ADOPTED There is hereby adopted for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures, that certain building code recommended by the Southern Building Code Congress, known as the Standard Building Code, being particularly the 1982 Edition thereof, including any additions, amendments or new issues, and the whole thereof, except as hereinafter amended, including all appendices thereto. One (1) copy of said code is on file in the office of the City Secretary, and the same is hereby adopted and incorporated as fully as if set at length herein, and the same shall be controlling in the construction of all buildings and other structures within the city.

B. CONFLICTING PROVISIONS In the event of a conflict between the provisions of the Standard Building Code adopted by reference in subsection A above, and any provision of this section or any other city ordinance, the provisions of the ordinances of this section shall prevail. In the event of conflict between ordinances, the more stringent provision shall prevail.

C. ENFORCEMENT OF BUILDING REGULATIONS Until the City shall appoint a building official or inspector, building regulations shall be enforced by a properly qualified person, as determined by the City Council, who shall issue permits and inspect and approve work, on an as-needed basis, under whatever arrangement the City Council deems to be in the best interests of the City.

D. APPEALS Any person aggrieved by an interpretation of the building regulations, or by any decision or ruling by the City's building official, or designated inspector, shall have the right to make an appeal to the City Council. Such appeal shall be perfected by written notice submitted to the City Secretary and addressed to the Mayor and City Council asking for a hearing by the City Council, and the action of the City Council hereon shall be final. Prior to rendering a decision on any appeal, the City Council shall seek expert advice and counsel.

E. SPECIFIC AMENDMENTS TO STANDARD BUILDING CODE The Standard Building Code adopted in subsection A is hereby amended as follows:

(1) Section 107 concerning fees is hereby deleted.

(2) Sections 111, 112, and 113 concerning the board of adjustments and appeals are hereby deleted.

(3) Chapter III concerning fire district restrictions is hereby deleted.

F. LIABILITY OF CITY UNDER THIS SECTION Neither the City, or any authorized agent, acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

G. PERMITS AND FEES

(1) **Permit Required** It shall be unlawful for any person, firm, or corporation to erect, construct, or locate upon any property, any building, structure, home, residence, or commercial building in the City without first obtaining a permit from the City through the City's duly appointed building official.

(2) **Application for Permit** Each application for a building permit shall be accompanied by plans, drawings or description showing the exact type of structure or building to be erected, the location of the building upon the property and the purpose for which same is to be used.

(3) **Permit Fees** For every building permit issued for the erection or construction of any new building or structure, or for the alteration of any building or structure, the designated building official shall collect a fee from the owner or contractor performing such work. Such fee shall be as follows:

COST	FEE
Under \$1,500	\$ 5.00
Over \$1,500 and not exceeding \$10,000	\$15.00
Over \$10,000 and not exceeding \$35,000	\$25.00
Over \$35,000 and not exceeding \$50,000	\$35.00
Over \$50,000	\$50.00

All fees collected hereunder shall be paid to the City Secretary prior to issuance of a building permit.

SECTION 2: ELECTRICAL CODE

A. NATIONAL ELECTRICAL CODE ADOPTED The 1981 Edition, and all subsequent reissues, revisions, standards, or supplements thereto, of the National Electrical Code of the National Fire Protection Association, is hereby adopted by reference and made part of this section as the general standard for electrical equipment and installations in the City, except such provisions thereof as may be in conflict with this section or other ordinances of the City. All electrical equipment installed or used in the City and all installations of electrical equipment shall be reasonably safe to persons and property in conformity with the standards provided in the National Electrical Code, 1981 Edition, and with the provisions of this section and applicable state statutes, and any rules and regulations issued by authority thereof. A copy of the National Electrical Code referred to herein is on file in the office of the City Secretary for reference and inspection.

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

C. LIABILITY OF CITY UNDER THIS SECTION This section shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property which were caused by any defect in such equipment or in the installation thereof, nor shall the City be held as assuming any liability by reason of the inspection, failure to inspect, or reinspection authorized herein, or any certificates of conformance or nonconformance issued by the City, or by reason of the approval or disapproval of any equipment authorized herein.

D. ENFORCEMENT OF ELECTRICAL CODE Until the City Council shall appoint an electrical official or electrical inspector, the electrical code shall be enforced by the building official, who shall inspect and approve work, or contract for the inspection of work, on an as-needed basis, under whatever arrangement the City Council deems to be in the best interest of the Council.

E. APPEALS Any person aggrieved by any interpretation of the electrical code adopted by reference in subsection A above, or by any decision or ruling by the City's designated inspector, shall have the right to make an appeal to the City Council. Such appeal shall be perfected by written notice submitted to the City Secretary and addressed to the Mayor and City Council asking for a hearing by the Board, and the action of the City Council thereon shall be final. Prior to rendering a decision on an appeal, the City Council shall seek expert advice and counsel.

F. PERMIT REQUIRED No electrical equipment shall be installed within any building, structure, or premises publicly or privately owned with the City, nor shall any alterations or additions be made to any such existing equipment without first securing a permit therefor from the City Secretary.

G. APPLICATION FOR PERMIT Application for the permit required by the provisions of this section, describing the work to be done, shall be made in writing to the City Secretary. When required by the building official, the application shall be accompanied by such plans, specifications, and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this section.

H. ISSUANCE OF PERMIT If it shall be found that the installation of the electrical work as described in the application for the permit shall conform with all provisions of this section, and if the electrician agrees to comply with all provisions of this section, the permit for such electrical work shall be issued by the building official.

I. INSTALLATION RESTRICTIONS No deviation may be made from the electrical installation described in the permit without the written approval of the building official.

J. PERMIT FEES Before any permit shall be issued under the provisions of this section, the applicant therefor shall pay a fee based upon the work to be done as follows:

For each permit -----\$5.00

K. SEPARATE PERMITS Separate permits shall be required for each separate building, store space, or apartment, whether each unit is metered separately or conjunctively, and a separate permit shall be issued on all such units whether supplied from a central metering station or directly from an electrical supply agency.

L. ALUMINUM WIRE PROHIBITED No aluminum wire shall be used in any mode or application in any electrical system or installation in the City.

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

SECTION 3: PLUMBING CODE

A. TEXAS MUNICIPAL LEAGUE PLUMBING CODE ADOPTED There is hereby adopted for the purpose of prescribing regulations governing installation, alteration, repair, and replacement of plumbing, piping, fittings, fixtures, and equipment which may be connected to any water, sewer, or natural gas plumbing in the City, that certain code recommended by the Texas Municipal League, being particularly the 1983 Edition thereof, including amendments, additions or reissues, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. One (1) copy of said Code is hereby adopted and incorporated as fully as if set out at length herein.

B. CONFLICTING PROVISIONS In the event of a conflict between the provisions of the Texas Municipal League Code adopted by reference in subsection A above, and any provision of this section, or any other city ordinance, the provision of the Ordinance or this section shall prevail. In the event of conflict between ordinances, the more stringent provision shall prevail.

C. ENFORCEMENT OF PLUMBING REGULATIONS Until the City Council shall appoint a plumbing official or inspector, plumbing regulations shall be enforced by the building official, who shall inspect and approve work on an as-needed basis, or contract for inspections under whatever arrangement the City Council deems to be in the best interests of the City.

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

E. PERMIT FEES The fee for all permits required by the Texas Municipal League Plumbing Code shall be Five Dollars (\$5.00) each.

F. SEPTIC TANKS Septic tanks shall be permitted only after presentation of percolation tests conducted in accordance with Texas Department of Health procedures have indicated suitability of their use. Septic tanks shall be installed in accordance with the Texas Department of Health Standards for Construction of Private Sewage Facilities.

G. SPECIFIC AMENDMENTS TO THE TEXAS MUNICIPAL LEAGUE PLUMBING CODE The Texas Municipal League Plumbing Code adopted in subsection A above is hereby amended as follows:

(1) Chapter 8 concerning plumbing appeals and advisory board deleted.

(2) Section 9.2.2 concerning fees is hereby deleted.

H. LIABILITY OF CITY UNDER THIS SECTION Neither the City nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

SECTION 4: STREET EXCAVATIONS

A. WARNING DEVICES REQUIRED Any person, firm, or corporation making any excavation or embankment in any street, alley, or public easement in the Town shall provide, erect, place, and maintain all warning signs, lighting devices, and barricades and channelizing devices required in Part VI Traffic Controls for Street and Highway Construction and Maintenance Operation of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

B. RESTORATION OF WORK AREAS Upon completion of any work involving excavation in any street, alley, or public easement in the City, the person, firm, or corporation making such excavation, shall remove all equipment, men, materials, and debris as soon as possible and restore the street and premises in as good a condition as existed prior to the excavation.

SECTION 5: DILAPIDATED AND SUBSTANDARD BUILDINGS

A. DILAPIDATED AND SUBSTANDARD STRUCTURES DEFINED Buildings and structures, as hereinafter described, shall be deemed to be dilapidated, substandard, and unfit for human habitation.

The terms "premises" shall include all areas surrounding buildings and structures as well as vacant lots, and the term "menace to health and safety" shall include weeds, underbrush, trash, debris, and personal property of no reasonable value.

(1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail, or rain; or damage through fire to the extent that the roof, or windows, or doors, or walls, or portions of the house, building, or structure which protect from the weather, will no longer reasonably protect from the weather.

(2) All vacant buildings or structures which are unsecured, deteriorated, or contain accumulations of flammable materials, and as such represent a fire hazard to surrounding property.

(3) All buildings and structures which are so structurally deteriorated that they are in danger of collapse, of which cannot be expected to withstand the reasonably anticipated storms.

(4) All buildings, structures, or premises permitted to exist to constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease.

B. ABATEMENT OF BUILDINGS OR STRUCTURES DEFINED AS DILAPIDATED AND SUBSTANDARD Buildings or structures described in subsection A hereinbefore shall constitute dilapidated, substandard, and unfit for human habitation structures and buildings, and shall be ordered to be vacated, repaired, or demolished.

**C. CONDITIONS FOR VACATING, REPAIRING, OR DEMOLISHING
DILAPIDATED, SUBSTANDARD, AND UNFIT FOR HUMAN HABITATION
STRUCTURES**

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

(1) When it shall come to the notice of the City Council that a building or structure in the City is substandard under the terms of this section, the Council may cite the owner of such building or structure, or his authorized agent or representative, to appear and show cause why such building should not be declared to be a substandard building and why he should not be ordered to vacate, repair, or destroy such building or structure. The date of such hearing shall be not less than ten (10) days after citation shall have been made.

(2) Such citation may be served by delivery of a copy thereof to the owner or the person in possession or depositing such citation to the address of the owner as shown on the County Appraisal District tax rolls in the U. S. Mail by certified or registered letter, or, if such premises be unoccupied, and the ownership unknown, by attaching a copy of such building or structure, and advertising same by publication thereof in a newspaper of general circulation in the City.

(3) On the basis of such hearing, the City Council shall determine whether or not such building or structure is a substandard building or structure. Upon making a determination that such building or structure is substandard, the City Council shall instruct the City Attorney to institute a suit, within thirty (30) days after determination and failure by the appellant to comply with such decision, in the appropriate court of the state, to show that such structure is a hazard and thereby enforce the action taken by the City Council. Upon final judgment by the court that such structure is a hazard, and on a failure of such owner to take steps to remedy same, within thirty (30) days after rendering such final judgment, then the City is authorized to proceed with the necessary repair, vacating, or demolishing of such building or structure, and the costs of such repair, vacation or demolition shall be a lien charged

against the land on which said structure existed, in favor of the City.

D. STANDARDS TO BE FOLLOWED IN REPAIRING, VACATING, OR DEMOLISHING. The following standards shall be followed in substance by the City Council in ordering repair, vacation, or demolition:

(1) If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this section, it shall be ordered repaired.

(2) If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, or of the public, it shall be ordered to be vacated.

(3) If the substandard building or structure is in such deteriorated condition that it cannot be reasonably repaired, then it shall be ordered demolished.

(4) In any case, where a substandard building or structure is fifty percent (50%) damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this section, it shall be demolished.

E. OWNER'S VOLUNTARY REQUEST FOR DEMOLITION OR CLEAN-UP
The owner of a substandard building, structure, or premise, as defined herein, may voluntarily execute an agreement requesting the demolition of such building or the clean-up of such premises. If the City Council authorizes said demolition or clean-up, then the procedures set forth herein for notice and hearing shall not be required. The City Council may authorize the expenditure of public funds for such demolition and/or clean-up if in its judgment the same is justified and necessary.

F. DUTY OF CITY ATTORNEY TO ENFORCE ORDERS It shall be the duty of the City Attorney to enforce the orders of the City

Council, by filing action in the appropriate court of this State, when so authorized by the City Council.

G. LIABILITY OF CITY UNDER THIS ACTION Neither the City nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

SECTION 6: MOVING OLD OR USED HOUSES, BUILDINGS, OR STRUCTURES

A. DEFINITIONS The following words, when used in this section shall have the meaning respectively ascribed:

(1) **Building Official** shall mean a person authorized by the City Council to perform the duties prescribed in this section.

(2) **Permittee** shall mean a person to whom a permit to move or relocate any old or used house, building, or structure, or portion thereof, within the corporate limits of the City has been issued.

(3) **Person** shall mean any individual, corporation or legal entity.

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

C. APPLICATION FOR PERMIT Any person desiring to move or relocate any old or used house, building, or structure, within the corporate limits shall file an application with the City Secretary requesting that he be permitted to do so. Upon filing an application for a permit, the applicant shall pay a fee of Ten Dollars (\$10.00) to help defray the cost of

processing the permit application. The application shall contain the following information:

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

D. INVESTIGATION OF APPLICATION BY BUILDING OFFICIAL Upon filing of the application, the building official shall investigate the application by inspecting the house, building or structure to be moved or relocated upon the lot or tract of land, and the lot or tract of land upon which the house, building, or structure is to be located. He shall then advise the City Council as to whether the house, building, or structure meets the requirements of the building code, and other applicable ordinances of the City, and whether or not the lot and house, building, or structure, if allowed to be moved onto the designated lot or tract of land, would meet all of the requirements of the building code and other applicable regulations of the City.

E. ISSUANCE OF PERMIT After receiving the application and report of the building official, the City Council shall set a date for a public hearing on the application. After such

public hearing, the City Council shall either grant or deny the request taking into consideration the location and size of the lot upon which the house, building, or structure is to be located, the size and construction of the house, building, or structure to be moved, the population density of the area, the location and use of buildings, structures, and land in the area, the condition that the premises is to be left; provided that no request shall be granted if the City Council shall find:

- (1) The house, building, or structure to be moved does not meet all the requirements of all applicable ordinances of the City;
- (2) The lot or tract of land with the house, building, or structure thereon would not meet all of the requirements of the applicable ordinances of the City;
- (3) The house, building, or structure to be moved has deteriorated more than fifty percent (50%) of its original value by virtue of fire or by virtue of age or normal wear and tear or other elements;
- (4) The moving of such house, building, or structure upon or from the lot or tract of land would cause injury to persons or property or damage to the streets or other public improvements;
- (5) The applicant cannot ensure that he has the financial resources to bring the building up to city standards within ninety (90) days after completion of the move;
- (6) The applicant cannot ensure that the grounds from which a building is removed will be completely cleared, levelled, and cleaned within ninety (90) days after permit is issued.

If the City Council shall grant the request to move such house, building, or structure, the City Council shall cause a permit to be issued authorizing the moving of such house, building, or structure upon or from the lot or tract of land under such conditions, requirements, or restrictions as the City Council shall determine.

F. ISSUANCE OF CERTIFICATE OF OCCUPANCY No person shall occupy such house, building, or structure permitted to be moved until the building official issues the permittee a Certificate of Occupancy. No Certificate of Occupancy shall be issued until the house, building, or structure complies with all conditions of the permit and all requirements of all applicable ordinances of the City.

G. LIABILITY OF CITY UNDER THIS SECTION Neither the City nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

SECTION 7: FENCES REQUIRED AROUND SWIMMING POOLS

A. SPECIFICATIONS All outdoor swimming pools installed below ground shall be completely enclosed by a fence. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be at least six feet (6') in height above the grade level and shall be constructed of a minimum number of eleven (11) gauge, woven wire mesh, corrosion-resistant material, wood, block, brick, or other similar materials. All fence openings other than gates shall be no larger than four (4) square inches. All gates shall be equipped with locks or self-closing and self-latching devices placed within two feet (2') of the top thereof. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. All fences enclosing swimming pools shall be constructed and maintained so that small children cannot climb over them from outside the pool area.

SECTION 8: SIGNS

A. DEFINITIONS The following terms shall have definitions as applied here:

(1) Sign is defined as being any structure of any material having letters and/or pictures and logos of any kind inscribed thereon. This definition further embraces any buildings or other structures.

(2) Disrepair is defined as a state of physical damage or partial physical damage, substantial fading of print, cracking or peeling of paint, dislocation or loss of letters, or malfunction of lights or mechanical movement to the extent that a shoddy or unappealing appearance is presented.

B. OFF-PREMISES SIGNS PROHIBITED Only signs advertising goods, services or information available on the premises where the sign is located may be allowed.

C. SIGN PERMIT REQUIRED It shall be unlawful for any person, firm, or association of persons to place or cause to be placed any on-premise sign, commercial or otherwise, within the city limits without first obtaining a permit from the City Council.

D. FACTORS IN CONSIDERING PERMIT In considering the granting of permits for on-premise signs, the City Council shall hear any interested party who wishes to be heard in connection with such consideration. The Council shall consider and make its decision based on the following factors:

(1) Only signs advertising goods, services or information available on the premises where the sign is located will be considered;

(2) Location of sign, only signs advertising goods, services or information available on the premises where the sign is located will be considered;

(3) Purpose of sign;

(4) Need for sign;

(5) Size of sign;

(6) Size of letters, logos or pictures to be placed on signs;

(7) Type of sign (conventional, electric powered movement, neon lighted, painted on building or other);

(8) If a business sign, the nature of the business with which sign is to be used;

(9) Aesthetic appearance of the sign (colors, design, picture, etc.).

E. FEE FOR PERMITS The fee for permits will be Three Dollars (\$3.00), payable upon issuance.

F. MAINTENANCE OF SIGNS REQUIRED It shall be unlawful for any person, firm, or association of persons responsible for the maintenance of any sign within the city limits that has fallen into a state of disrepair, to allow such to remain in a state of disrepair after being given thirty (30) days notice in writing by the City Council.

G. TEMPORARY SIGNS No permit shall be required for temporary signs such as garage sale signs and political campaign signs. Temporary signs shall be limited to a thirty (30) days period, and it shall be the responsibility of the person placing such temporary signs and the person permitting such temporary sign to be placed on his premises, to remove same prior to the expiration of the thirty-day period.

- SECTION 9: MOBILE HOME PARKS

A. DEFINITIONS The following words, when used in this section, shall have the meaning respectively ascribed.

(1) **Building official** shall mean a person authorized by the City Council to perform the duties prescribed in this section.

(2) **Licensee** shall mean a person to whom a license for construction and/or operation and maintenance of a park has been issued.

(3) (a) **Mobile home** shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

(b) Manufactured housing or manufactured home means a HUD-Code manufactured home or a mobile home and collectively means and refers to both.

(c) HUD-Code manufactured housing or home shall mean a structure that was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

(4) Mobile home space shall mean the ground area allocated for occupancy by one (1) mobile home in the layout of a park.

(5) Off-street parking space shall mean an unobstructed area of minimum nine feet (9') by eighteen feet (18') dimensions, allocated for parking a vehicle in the layout of a park.

(6) Park shall mean a plot of ground under single prson ownership, upon which two (2) or more mobile homes occupied as dwellings are located.

(7) Permittee shall mean a person to whom a nonconforming use permit for operation and maintenance of a part has been issued.

(8) Person shall mean any individual, corporation, or legal entity.

(9) City shall mean the City of Retreat, Navarro County, Texas.

(10) City Secretary shall mean a person authorized by the City Council to perform the duties prescribed in this section.

B. MOBILE HOME POLICY The appearance of these regulations

in this code shall in no way be construed to imply that mobile homes or mobile home parks are to be permitted in the City of Retreat. These regularions shall apply to mobile homes or mibile home parks which may hereinafter be annexed into the City of Retreat. The size of any such annexed mobile home park, in terms of the number of available spaces, shall not be increased, but may be decreased from the size in existence upon its annexation.

C. LICENSE OR NONCONFORMING PERMIT REQUIRED FOR EXISTING MOBILE HOME PARKS

(1) **Application for License** Every person operating a park within the City limits on the effective date of this section shall, within sixty (60) days after that date, submit a written application for a license, together with an application fee of Twenty-five Dollars (\$25.00). The building official will review each license application and make recommendations thereon to the City Council. In considering the disposal of any such application, the City Council. In considering the disposal of any such application, the City Council may take into account the character of the neighborhood with respect to present and anticipated land use and development wherein the park is located or is in operation, in addition to the requirements of this section. Upon approval of an application by the City Council the City Secretary will issue a license.

(2) **Nonconforming Use Permit** If the City Council denies a license to any application whose park was in operation after the effective date of this section, the City Secretary will issue to such applicant a nonconforming use permit that specifies the nonconformities with provisions of this section responsible for denial of the license and authorize continued operation of the park, subject to permittee's compliance with all provisions of this section pertaining to park operation and maintenance as provided for in subsection G of this section. However, the permit does not make lawful the extension or enlargement of a specified nonconformity, either within the present confines of a park or by expanding its boundaries. After the remedy or suspension of a nonconforming use such use shall not be restored or resumed.

D. RENEWAL OR TRANSFER OF MOBILE HOME PARK LICENSE OR NON-CONFORMING USE PERMIT For validity, a license or nonconforming use permit shall be renewed each year. Upon inspection by the building official and with his approval and payment of an annual fee of Twenty-five Dollars (\$25.00) per mobile home by licensee or permittee, renewal will be effected by the City Secretary. To transfer a license or permit, a written request to do so shall be submitted to the City Secretary. Upon inspection of the park by the building official, and with his approval, the City Secretary will issue a transfer, the fee therefor being Twenty-five Dollars (\$25.00). The building official shall refuse to issue a renewal or transfer if the mobile home park is in violation of any condition contained in the original license or permit or any regulation contained herein applicable to operation and maintenance of the mobile home park. The building official shall notify the owner or operation in writing of the reasons for refusal or denial. In the event of denial by the building official, the applicant may appeal such denial to the City Council by written notice to the City Secretary within ten (10) days of such denial. The decision of the City Council shall be final.

E. REVOCATION OF MOBILE HOME PARK LICENSE OR NONCONFORMING USE PERMIT A license or permit issued under the terms of this section may be revoked by the City Council when the licensee or permittee is found to be in violation of any provision of this section, the terms under which the license was granted, or the terms of a nonconforming use permit after a hearing is held before the City Council according to written notice given to licensee or permittee at least ten (10) days prior to such hearing.

F. MOBILE HOME PARK DESIGN AND CONSTRUCTION STANDARDS After the effective date of this section, all mobile home parks shall meet the following design and construction standards, including remodeling, reworking or park updating construction.

(1) Size of Park; Spacing and Clearances for Mobile Homes The minimum size of a park shall be six (6) acres. A mobile home space shall contain at least one-half (1/2) acre of land. A minimum clearance of thirty

feet (30') between mobile home shall be provided and a minimum clearance of thirty feet (30') between any mobile home and a park boundary that does not abut upon a public street. When a park boundary abuts upon a public street, no mobile home shall be closer thereto than twenty-five feet (25').

(2) Off-Street Parking Spaces At least two (2) off-street spaces shall be provided for each mobile home space and one (1) such space, additional for each four (4) mobile home spaces for public parking. Each off-street parking space shall be hard surfaced with all-weather material, and located to eliminate interference with access to parking areas provided for other mobile homes and for public parking in the park.

(3) Streets and Walkways Internal streets, no-parking area signs, and street name signs shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents. All internal streets shall be paved and constructed to specifications established by the City Council. Every mobile home park shall have direct access from a public street to a public street or to an internal street. Where an internal street provides access, the same shall be dedicated to the public as an emergency access easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety purposes. Each emergency access easement shall have a clear unobstructed width of at least thirty feet (30') and shall connect at each end to a dedicated public street, or shall have a turn-around of minimum sixty feet (60') diameter. Internal streets shall be named, and mobile home spaces numbered. Street name signs shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

(4) Electrical and Telephone Service All electrical wiring in the mobile home park shall be in accordance

with the provisions of the National Electrical Code. All telephone lines in the mobile home park shall be installed underground.

(5) **Water Supply** An adequate supply of potable water shall be supplied through the public water supply system to each mobile home space, and an outdoor hydrant shall be installed at each mobile home space, at least four inches (4") above the ground.

(6) **Sewage Disposal** Waste from showers, bathtubs, toilets, lavatories in mobile homes, and service or other buildings within the park shall be discharged into a public sewer system. In the event public sewer services are not available, such waste shall be discharged into a private disposal system approved by the State Health Department.

(7) **Drainage** The park shall be located and graded as to drain away all surface water in a safe and efficient manner.

(8) **Fuel Supply** Gas piping systems shall be installed underground. Natural gas shall be supplied except that a liquefied petroleum gas system may be installed if the nearest available natural gas supply is more than one thousand feet (1,000') from the park. LPG systems shall conform with applicable codes and regulations by the Texas Railroad Commission pertaining thereto.

G. OPERATION AND MAINTENANCE OF MOBILE HOME PARKS All mobile home parks shall comply with the following operation and maintenance regulations contained in this subsection. The building official may make inspections to insure compliance with this section.

(1) Licensee shall keep up-to-date and have available for inspection at the park, a register of park occupancy that shall contain the following information:

- (a) Name and address of park residents;
- (b) Mobile home registration data, including make,

length, width, year of manufacture, and identification number;

(c) Location of each mobile home by park street name and number;

(d) Date of arrival and departure of each mobile home.

A new register shall be initiated on January 1st each year and the old register retired but retained on the park premises for at least three (3) years thereafter.

(2) The licensee shall be responsible for keeping the park in a clean, safe, and sanitary condition free of accumulations of junk, refuse, or rubbish and of rank growth of grass or weeds that might constitute a fire hazard or give harborage to noxious insects or rodents.

(3) No open fire or burning shall be permitted within the park except for outdoor cooking on camper type stoves or charcoal grills. No flammable liquids shall be stored beneath mobile homes. The fire resistant skirting specified in subsection (9) of this section shall be maintained intact to prevent accumulations of flammable materials beneath mobile homes. Emergency fire extinguishing apparatus, if required, shall be inspected and tested at intervals of time suggested by the manufacturer.

(4) The storage, collection, and disposal of refuse and garbage shall be so conducted as to create no health hazards, rodent harborage, insect breeding grounds, fire hazards, litter, or air pollution. Each mobile home space shall be provided with rodent proof garbage receptacles of sufficient number and size to store properly all refuse and garbage between collections. Licensee shall provide for the collection and disposal of refuse of park residents.

(5) Licensee shall provide that all mobile homes located in the park be installed and anchored in accordance with Texas Department of Labor and Standard rules and regulations.

(6) Each off-street parking space and all walks shall be maintained by the owner or agent free of holes, standing water, or other hazards.

(7) Internal streets shall be kept open and free of obstruction in order that police, fire, and ambulance vehicles may have access to any areas of the mobile home park. The Chief of Police shall be authorized to issue citations for the violation of the provisions hereof and to remove and impound offending vehicles. All internal streets shall be maintained by the owner or agent free of holes, standing water, and/or other hazards.

(8) Accumulations of standing water within the park will not be permitted. Culverts and drainage ditches shall be maintained free of dirt and debris by the owner or agent.

(9) Service buildings (office, laundry facilities, repair shops, etc.) shall be provided with emergency fire extinguishing apparatus of such types and sizes as may be prescribed by the City Council. Each mobile home shall contain a five pound carbon dioxide fire extinguisher at all times. Fire resistant skirting with the necessary vents, screens and/or openings shall be installed on each mobile home within ten (10) days after its emplacement in the park. Each mobile home shall be equipped with an operable smoke detector. To insure compliance by the mobile home owner with these requirements, licensee shall make such compliance and conformation thereof a condition of the agreement for rental of a mobile home space.

(10) Entrances, exists, and interior areas of the park shall be adequately lighted.

(11) No structural extension shall be attached to a mobile home in violation of the spacing and clearance requirement of subsection F(1) of this section. An extension that does not violate those requirements may be installed if it meets the following requirements:

(a) Constructed of metal, fire resistive, double wall panels with mechanically connected joints;

(b) Length no greater than that of mobile home which is accessory;

(c) To be dismantled on removal from the park of the mobile home to which it is accessory;

(12) Mobile home parks shall provide enclosed tenant storage facilities separate from mobile home structure of two hundred-sixteen (216) cubic feet minimum for each mobile home space.

H. MOBILE HOME PARKS WITHIN EXTRATERRITORIAL JURISDICTION OF THE CITY No person shall subdivide land within the extraterritorial jurisdiction (1/2 mile) of the City for the purpose of creating, expanding, or adding to a mobile home park until a plat of the park has been approved by the City Council. Such plat shall be submitted to the City Council for approval, shall be accompanied by (1) a plot plan drawn to scale (1"=100') showing spaces, streets, parking, walkways and utility service lines. This plot plan does not replace a subdivision or plat; (2) plans and specifications for all buildings and service facilities; and shall conform to the design requirements of subsection F hereof. A filing fee of Twenty-five Dollars (\$25.00) shall be levied for processing the plat.

I. MOBILE HOME PARK A SUBDIVISION The division of a parcel of land into two (2) or more lots or sites for the purpose of development as a mobile home park shall be considered a subdivision and all state and city regulations relating to subdivisions shall be applicable.

J. LIABILITY OF CITY Neither the City nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

SECTION 10: MOBILE HOMES OUTSIDE MOBILE HOME PARKS

A. DEFINITIONS The following words, when used in this section, shall have the meaning respectively ascribed.

(1) **Building official** shall mean a person authorized

by the City Council to perform the duties prescribed in this section.

(2) Licensee shall mean a person to whom a license for construction and/or operation and maintenance of a park has been issued.

(3) (a) Mobile home shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

(b) Manufactured housing or manufactured home means a HUD-Code manufactured home or a mobile home and collectively means and refers to both.

(c) HUD-Code manufactured housing or home shall mean a structure that was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

(4) Permittee shall mean a person for whom a permit has been issued to place or use a mobile home outside a licensed mobile home park.

(5) Person shall means any individual, corporation, or legal entity.

(6) City means the City of Retreat, Navarro County, Texas.

(7) City Secretary shall means a person authorized by the City Council to perform the duties described in this section.

B. MOBILE HOME POLICY The appearance of these regulations in this code shall in no way be construed to imply that mobile homes or mobile home parks are to be permitted in the City of Retreat. These regulations shall apply to mobile homes or mobile home parks which may hereafter be annexed into the city of Retreat. The size of any such annexed mobile home park in terms of the number of available spaces shall not be increased, but may be decreased from the size in existence upon its annexation.

C. PERMIT REQUIRED

(1) It shall hereafter be unlawful for any person to locate or maintain a mobile home in any place in the City other than in a duly licensed and lawful mobile home park.

(2) A permit is required for all mobile homes which are annexed into the city that are not inside mobile home parks.

D. PERMIT CONDITIONS The following use and maintenance regulations shall be applicable to mobile homes located outside mobile home parks.

(1) All mobile homes shall be installed and anchored in accordance with Texas Department of Labor and Standards rules and regulations. Fire resistant skirting with the necessary vents, screens, and/or openings shall be installed on each mobile home within ten (10) days after its emplacement on the land. The fire resistant skirting shall be maintained intact to prevent accumulations of flammable materials beneath the mobile home.

(2) All mobile homes shall contain operable smoke detectors and a five pound carbon dioxide fire extinguisher at all times.

(3) No mobile home manufactured prior to June 15, 1976, shall, henceforth, be occupied as living quarters within the City, except for such mobile homes as are currently located within the city limits or that are hereafter annexed.

(4) All permits shall be issued subject to compliance with all other applicable codes and ordinances of the City, and with all applicable deed restrictions.

D. **REVOCATION OF PERMIT** A permit issued under the terms of this section may be revoked by the City Council when the permittee is found to be in violation of any provision of this section, or the terms under which the permit was granted, after a hearing is held before the City Council according to written notice given to permittee at least ten (10) days prior to such hearing.

E. **LIABILITY OF CITY** Neither the City nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

C H A P T E R 4

B U S I N E S S R E G U L A T I O N S

SECTION 1: OIL AND GAS WELLS

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

B. **CONDITIONS OF PERMIT** As a condition for issuance of a drilling permit, the City Council shall establish such location, insurance and bonding requirements, drilling regulations, and operation rules as shall be deemed appropriate to protect the health and safety of the citizens of the City.

C. **PERMIT FEE** The fee for oil and gas well permits shall be One Hundred Dollars (\$100.00).

SECTION 2: STREET RENTAL FEES

A. **DUTY TO FILE REPORT** All persons, associations, organizations, or corporations using or maintaining any of their business in any of the streets, easements, alleys, parks and other public places within the corporate limits of the City, shall, on or before the first day of April of each year hereafter, file with the City Secretary a written report, sworn to by the auditor of such persons, associations, organizations, or corporations, showing the gross receipts derived from the operation of such business within the corporate limits of the City for the twelve (12) months next preceding each January 1st of each year. Gross receipts reports may, at the option of the City, be required quarterly on or before the first day of April, July, October, and January for the preceding quarter.

B. CITY MAY REQUIRE AUDIT The City Council may, when it may see fit, have the books and records of the person, association, organization, or corporation rendering the statement examined by a representative of the City to ascertain whether such statement is accurate, but nothing in this section shall be construed to prevent the City from ascertaining the facts by any other method.

C. STREET RENTAL DUE DATE Upon the first day of April of each and every year hereafter, every person, association, organization, or corporation occupying or using the streets, easements, alleys, parks or other public places in the city limits, and its additions thereto, with poles, structures, towers, conduits, wires, cables, cross arms, fixtures, appurtenances, gas lines, sewer lines, telegraph lines, or telephone lines on, across, above or below the ground, on said streets, easements, alleys, parks, or other public places, in the operation of their business, shall pay a rental to the City, equal to two percent (2%) of the gross receipts by such persons, associations, organizations, or corporations, from the operation of its business in the City for the twelve (12) months preceding January 1st each year, such sum shall be paid to the City Secretary, who shall thereupon deliver to the persons, associations, or organizations or corporations, paying the same a receipt for the amount so paid as rental. Gross receipt payments may, at the option of the City, be required quarterly on or before the first day of April, July, October, and January for the preceding quarter. This subsection shall not be construed to limit the amount of franchise fees paid by utility companies operating under franchise agreements with the City.

D. AUTHORIZATION TO UTILIZE STREETS AND OTHER PUBLIC PLACES The payment of the rental as above provided and the issuance of the receipt thereof, shall authorize such persons, associations, organizations, or corporations to use and occupy the streets,, highways, easements, alleys, parks, and other public places of the City in carrying on its business under the regulations of said City for twelve (12) months from January 1st of such year.

E. RENTAL IS NOT A TAX The rental for the privilege of using the streets, alleys, highways, easements, and public places of the City, provided for in this section is not

charged as a tax but is made for the privilege now enjoyed and to be enjoyed by such persons, associations, organizations, or corporations of using the streets, alleys, easements and other public ways in the City in the conduct of their respective business; and such charges are additional to any ad valorem and franchise taxes and to taxes of every nature whatsoever, against the persons, associations, organizations, or corporations mentioned herein.

F. NOT A WAIVER Nothing herein is intended to release any person, association, organization, or corporation of any condition, restriction, or requirement, imposed by any law or ordinance of the City.

G. NOT A FRANCHISE This section does not grant a franchise to any utility or persons, associations, organizations, or corporations, to use the streets, easements, alleys and other public ways and shall never be so construed by the court or otherwise, and the City reserves the right to cancel the privileges granted hereunder and refund any unearned rentals paid to the City, if any.

H. OTHER RESTRICTIONS MAY BE IMPLEMENTED The City hereby reserves the right to put into effect at any time other restrictions and regulations as to the reerection and maintenance of poles, wires, pipes, and other apparatus in the streets, easements, alleys, and other public ways of the City from time to time, to require such poles, pipes, wires, and other property, equipment and fixtures, as it may deem proper, to be removed and to require wires to be run in conduits on such terms as the City may deem proper.

I. FIRE MARSHAL MAY INSPECT The City Fire Marshal, and/or such other persons designated by the City, shall have power to examine and inspect, from time to time, all telegraph, telephone, electric light wires or other poles, gas pipeline, sewer lines and all other pipes and fixtures in the public places within the City for the purpose of seeing that all of the same are in safe and suitable condition and when any such item is found to be unsafe or unsuitable the persons using, possessing or maintaining same, shall be notified and required to place same in a safe and suitable condition.

SECTION 3: REGULATION OF MASSAGE ESTABLISHMENTS AND NUDE MODELING STUDIOS

A. LICENSE REQUIRED It shall be unlawful for any person to operate a massage establishment or nude modeling studio within the City without first having obtained a license therefor from the City Council. The fee for such license shall be Two Hundred-fifty Dollars (\$250.00) for a one-year period and shall be subject to annual renewal by the City Council.

B. OPERATION IN RESIDENTIAL AREAS PROHIBITED It shall be unlawful to operate any massage establishment or nude modeling studio in any area of the City which is zoned for residential use. No such establishment shall be operated within any building used for living or sleeping quarters.

C. OPERATION WITHIN 500 FEET OF CHURCH OR SCHOOL PROHIBITED It shall be unlawful to operate any massage establishment or nude modeling studio within five hundred feet (500') of any church or school, or within five hundred feet (500') of any other massage establishments.

D. VIEW OF ROOMS NOT TO BE OBSCURED The doors to each room in which massages are administered, or nude modeling performed, shall be removed, or not closed, or a clear glass panel placed in the upper half of the door, and the room illuminated permitting clear visibility of the entire room by someone standing outside the doorway to said room.

E. MESSAGES BY PERSON OF OPPOSITE SEX PROHIBITED It shall be unlawful for a person of one sex to administer massages to persons of the opposite sex.

F. ALCOHOLIC BEVERAGES PROHIBITED No alcoholic beverages shall be given away, sold, kept, dispensed, or consumed on the premises on which a massage establishment or nude modeling studio is operated.

G. HOURS OF OPERATION No massage establishment or nude modeling studio shall remain open for business or provide any services to customers between the hours of 11:00 p.m. and 8:00 a.m.

SECTION 4: DISABLED AUTOMOBILES, VEHICLES AND JUNK PROHIBITED

A. **DEFINITION OF TERMS** Unless it is apparent from the context that a different meaning is intended, the following words, as used in this section, shall have the meaning ascribed to them:

(1) **Disabled, wrecked, discarded vehicles, etc.** shall mean any discarded, abandoned, i.e., no current registration, no current safety sticker or not moved for more than 72 hours or worn-out automotive vehicles, including but not limited to, autos, trucks, tractor-trailers, and buses kept or stored for more than 72 hours.

(2) **Junk** shall mean and include scrap iron, tin, brass, copper, lead, zinc, and all other metallic substances, secondhand watches, knives, guns, cameras, jewelry, fishing equipment, and similar items handled, stored, purchased, received, or offered for sale and shall mean and include secondhand plumbing and electric fixtures, wires, boats, brass pipe, lead pipe and pipes of other metals, melted metals of any kind, parts of machinery or of machines that may be identified as such, any fixture or building material pertaining to a residence or business house or other house of any kind, automobile accessories, including horns, hubcaps, tires, and all detached and detachable parts of any automobile, motorcycle or bicycle or motor vehicles or any vehicles of any kind, hydrants, faucets, lawn hoses, lawn sprinklers, gas fixtures, fittings, and appliances, garden tools, mechanical tools of every description, harnesses, rags, rubber, rope, bottles and utensils of every description, televisions, radios, microwave ovens, CB radios, tapeplayers, tapes, tape cassettes, and utensils and other accessories of every description. The enumeration of articles above shall not be held to exclude other articles that may be included under the general definition of "junk", when given its usual trade meaning.

B. **JUNK, SCRAP AND DISABLED VEHICLES PROHIBITED** Accumulations of junk of any kind, disabled, abandoned, junked, wrecked or worn-out vehicles are prohibited.

C. NO JUNK, SCRAP OR AUTOMOTIVE WRECKING YARDS, OR STORAGE YARDS No person shall establish, maintain or further any business in which junk of any kind, abandoned, discarded, junked, wrecked or worn out vehicles are sold, held for sale, disabled for parts, held for transport or in any way associated with commerce.

prevention regulations as the City Council may adopt.

SECTION 2: FIREWORKS

A. FIREWORKS DEFINED Fireworks means and includes any combustible or explosive composition, or any substance or combination of substances or device designed to produce a visible or audible pyrotechnic display, including but not limited to, firecrackers, torpedoes, skyrocketes, roman candles, daygo bombs, sparklers, or other articles or substances within the commonly accepted meaning of fireworks, except that the term fireworks shall not include any auto flares, paper caps containing not in excess of any average of twenty-five hundredths (0.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for use of such caps for which the sale and use of which shall be permitted at all times.

B. DISCHARGE OF FIREWORKS PROHIBITED No person shall cast, throw, or fire any fireworks of any kind within the City limits.

C. SALE OF FIREWORKS PROHIBITED No person shall manufacture, assemble, store, exhibit, or have in his possession, with intent to give away or sell or offer for sale, or sell within the City limits, any fireworks of any kind. The Fire Marshal shall seize, take, remove, or cause to be removed at the expense of the owners, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this section.

D. PERMITS AND EXCEPTIONS Nothing in this section shall be construed to apply to the sale, storage, or use of railroad track torpedoes, or other signaling devices used by the railroads, nor to the sale, storage, or use of flashlight composition by photographers or dealers in photographic supplies, or prevent any public or private demonstration or display of fireworks of any kind if conducted under the supervision of the Fire Marshal after application is made and written permit issued by the Fire Marshal for such demonstration. Such permit shall not be granted until written application therefor has been filed with the Fire Marshal nor unless such demonstration or display shall be of such a character and so

located, discharged or fired, as in the opinion of the Fire Marshal, after proper inspection, shall not be hazardous to property or endanger any person.

C H A P T E R 5

F I R E P R O T E C T I O N

SECTION 1: OFFICE OF FIRE MARSHAL

A. OFFICE CREATED The office of Fire Marshal is hereby created. Such office shall be independent of other city departments, the Fire Marshal reporting directly to the Mayor and City Council. Such office shall be filled by appointment by the Mayor, by and with the consent of the City Council. The said Fire Marshal shall be properly qualified for the position. The Fire Marshal shall be a member of the Retreat Volunteer Fire Department.

B. INVESTIGATION OF FIRES The Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring within this City by which property has been damaged or destroyed, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty (20) hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires, together with all facts, statistics, and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this section.

C. TAKING OF TESTIMONY The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony of all person supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney

all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

D. POWER TO SUMMON WITNESSES The Fire Marshal shall have the power to summon witnesses before him, to testify in relation to any matter which is by the provisions of this section a subject of inquiry and investigation, and may require the production of any book, paper, and/or document deemed pertinent thereto. The said Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any person appearing as witnesses before him.

E. UNLAWFUL TO DISOBEY ORDER OF FIRE MARSHAL Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of said Fire Marshal, or who fails or refuses to produce any book, paper, or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the Fire Marshal in the matter of said investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor, and it shall be the duty of the Fire Marshal to cause all such offenders to be prosecuted.

F. INVESTIGATIONS MAY BE PRIVATE All investigations held by or under the direction of the Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

G. AUTHORITY TO ENTER BUILDINGS AND PREMISES The Fire Marshall shall have the authority at all times of day or night when necessary in the performance of the duties imposed upon him by the provisions of this section, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be executed only with reason and good discretion.

H. DUTY TO ENFORCE CITY FIRE PREVENTION REGULATIONS It shall be the duty of the Fire Marshal to enforce such fire

C H A P T E R 6

H E A L T H & S A N I T A T I O N

SECTION 1: LITTERING PROHIBITED

A. **UNLAWFUL TO LITTER** It shall be unlawful to throw, drop, or deposit in any manner, any paper, glass, metal, refuse, or other article upon the streets, alleys, or other public places within the City or any private property without the owner's permission.

B. **UNLAWFUL FOR BUSINESSES TO LITTER THROUGH NEGLIGENCE**
It shall be unlawful to conduct any business or enterprise upon any premises or within any building which, through negligence, allows paper, paper cups, or other refuse or debris to escape from such premises or building and litter any alley, street, public property, or other private property. Businesses which cater to customers who are likely to dispose of refuse on the premises such as restaurants and grocery stores shall provide conveniently located waste receptacles on the premises outside of the buildings for the customers' use.

SECTION 2: OFFENSIVE ODORS PROHIBITED

It shall be unlawful to permit water, sewer, or other wastes or refuse to accumulate on any premises in such an unsanitary manner so as to create offensive odors which disturb occupants of surrounding premises and buildings. It shall be unlawful to operate any business which emits odors that unreasonably disturb occupants of surrounding premises and buildings.

SECTION 3: JUNK

It shall be unlawful for a person, firm or corporation to store junk, disabled automobiles, wrecks or scrap, as defined at Chapter 4, Section 4 of this Code, upon any property in the City in an

unsightly and unsanitary manner so as to permit the harboring of rats, snakes, and mosquitoes, and to interfere with the orderly mowing of weeds and grass on the premises.

SECTION 4: WEEDS AND GRASS

A. TALL WEEDS AND GRASS UNLAWFUL

(1) It shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant, or anyone having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the City limits to suffer or permit weeds, grass, or uncultivated plants to grow to a height exceeding twelve inches (12") on an average or to grow in rank profusion upon said premises.

(2) It shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant, or anyone having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the City limits to suffer or permit weeds, grass, or any uncultivated plants to grow along sidewalk or street adjacent to the same between the property line and the curb or if there is no curb, within ten feet (10') outside that property line to a height exceeding twelve inches (12") on an average or to grow in rank profusion upon said premises.

B. DUTY OF OWNER OR OCCUPANT TO ABATE TALL WEEDS OR GRASS
It shall be the duty of any person, firm, corporation, partnership, association of persons, owner, agent, occupant, or anyone having supervision or control of any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, within the city limits to remove or cause to be cut and removed, all such weeds, grass, or uncultivated plants as may be necessary to comply with subsection A above.

C. FAILURE TO COMPLY AFTER NOTICE Should the owner of any lot or lots within the City, who shall allow weeds, grass, or uncultivated plants to grow in rank profusion to an average of twelve inches (12") or excess, making it unsightly; harboring snakes, rodents, or mosquitoes; making it a threat to public health and safety; and allowing the accumulation of

rubbish, trash, objectionable, unsanitary or unsightly matter, as the case may be, fail or refuse to mow or cut down or remove said weeds or plants; or refuse or fail to remove rubbish, trash, or unsanitary matter, within ten (10) days after notice to said owner to do so in writing, or by a letter addressed to his post office address, or within ten (10) days after notice by publication in the official newspaper of the City, two (2) times in ten (10) consecutive days, then the City may do such cutting, mowing, or removing such weeds, grass, or uncultivated plants, rubbish, trash, objectionable, or unsanitary matter or cause the same to be done and may pay therefor; and charge the expenses incurred in doing such work or having such work done, which shall include salary and wages of employees, the expense of notifying owner by mail or publication of said notice in a newspaper, to the owners of such lot or lots.

D. CITY TO HAVE PRIVILEGED LIEN The Mayor shall file a statement of such expenses incurred under subsection C above, giving the amount of such expense, the date on which said work was done with the County Clerk of Navarro County, Texas; and the City shall have a privileged lien on such lot or lots or real estate upon which said work was done to secure the expenditures so made, in accordance with the provision of Article 4436, Revised Civil Statutes of Texas, which said lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent (10%) interest from the date said statement is filed. It is further provided that for any such expenditures and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City; and the statement of expenses so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work.

E. EXCEPTION The provisions of this section shall not be applicable to unplatted and undeveloped property located more than one hundred feet (100') from developed property.

SECTION 5: NOISE

A. UNREASONABLE NOISE PROHIBITED The creation of any unreasonable, loud, disturbing, and unnecessary noises in the

City is hereby prohibited. Noises of such character, intensity, and duration as are reasonably calculated to be detrimental to the life or health of an ordinary reasonable person are hereby prohibited.

B. SPECIFIC NOISES ENUMERATED The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section; provided, however, that such enumeration shall not be construed to be exclusive of other noises, to-wit:

(1) Horns and Signal Devices The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control; or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time, except as the same may be used by authorized emergency vehicles while on emergency calls, or as may be otherwise required while on duty, shall be deemed as unnecessary noise.

(2) Radios, Phonographs, and Musical Instruments The playing of any radio, phonograph, or any musical instrument in such a manner, or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m., so as to create a noise such as would disturb a person of ordinary disposition under the same or similar circumstances, residing in a dwelling or other type of residence in the vicinity shall be deemed a violation of this section.

(3) Automobiles and Motorcycles The use of any automobile, motorcycle, or other vehicle so out of repair, or loaded or operated in such manner as to create loud or unnecessary noises, such as spinning or squealing of tires, grating, grinding, rattling, or other noises, shall be deemed a violation of this section.

(4) Buildings and Demolition Procedures The erection (including excavation), demolition, alteration, or

repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public safety and then only with a permit from the Mayor, shall be deemed a violation of this section.

(5) Shouting or Crying by Peddlers The shouting and crying of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood shall be deemed unnecessary noise and a violation of this section.

(6) Drums, Loudspeakers, Etc. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, or sale of merchandise by creation of noise shall be deemed unnecessary noise and a violation of this section. The use of loudspeakers and amplifiers on trucks or other vehicles, except where specific license is granted by the City, shall be deemed unnecessary noise and a violation of this section.

(7) Noise Not to Exceed 75 Decibels The operation of any business that emits noise in excess of 75 decibels, on adjacent property not owned by the business, greater than ten percent (10%) of the time over any twenty-four (24) hour period.

SECTION 6: GARBAGE AND REFUSE REGULATIONS

A. BURNING OF GARBAGE OR REFUSE It shall be unlawful for any person to burn a structure, yard, field, or accumulations of refuse in excess of one (1) cubic yard within the City, except in a city approved incinerator or with approval of the Fire Marshal.

B. DEPOSITING OF GARBAGE OR REFUSE IN STREET OR ALLEY PROHIBITED The depositing of garbage or refuse in any street or alley right-of-way within the city limits or the disposal of such garbage or refuse at any place within the city limits, except as may be designated by the City Council, is prohibited.

C. MAINTENANCE AND PLACEMENT OF GARBAGE OR REFUSE CONTAINERS It shall be the duty of every person, firm, or corpora-

tion owning, managing, operating, leasing, or renting any premises or any place where garbage or rubbish accumulates, to provide and at all times to maintain in good order and repair on any said premises a portable container or containers for refuse, of sufficient capacity and in sufficient numbers to accommodate and securely keep all the garbage and rubbish that may accumulate between collections. All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition.

D. MEDDLING WITH GARBAGE CANS AND OTHER TRASH RECEPTACLES

The meddling with garbage cans, trash, or rubbish receptacles, or in any way, pilfering, searching, or scattering of contents of such garbage cans or rubbish receptacles in or upon any street or alley within the city limits, is hereby declared to be unlawful, except as such activities may be necessary for law enforcement purposes.

E. UNLAWFUL FOR GARBAGE OR REFUSE TO BLOW OR DROP FROM VEHICLES

It shall be unlawful for any person, firm, or corporation to transport garbage or refuse of any kind in any cart, wagon, truck, or vehicle in which such garbage or refuse can or is being permitted to drip or escape. All carts, wagons, trucks, or other vehicles used to transport refuse shall be so equipped that no trash, paper, rubbish, or other waste material can be blown from, or escape from said vehicle, and covers for all such vehicles shall be provided when necessary to prevent waste from being scattered over the public streets and alleys of the City.

F. UNLAWFUL TO TRANSPORT GARBAGE OR REFUSE FOR HIRE WITHOUT FRANCHISE

It shall be unlawful for any person to transport garbage or refuse for hire which has been collected from any premises within the City over any public street within the City; provided, however, that this subsection shall not apply to any person who, at the time of such activity, is operating under a valid franchise granted by the City which authorizes said person to use the public streets to conduct such activity.

SECTION 7: DISCHARGING FIREARMS

A. UNLAWFUL TO DISCHARGE FIREARMS WITHIN THE CITY LIMITS
It shall be unlawful to fire or discharge, within the City limits, any gun, pistol, or other firearm of any description.

B. EXCEPTIONS This section shall not be constructed to prohibit the following:

- (1) Any officer of the law from discharging a firearm in the lawful performance of his duty;
- (2) Any citizen from discharging a firearm when defending person or property;
- (3) The use by workers in the construction business of any mechanism designed to propel nails, bolts, screws, rivets, or other fasteners, as long as such mechanism is being used in the manner in which it was intended;
- (4) The discharge of "blanks" during official celebrations or athletic events;
- (5) Gunsmiths and commercial shooting ranges, otherwise lawfully operating, from carrying out the normal pursuit of their business.

C H A P T E R 7

P E R S O N N E L

SECTION 1: MUNICIPAL COURT

A. CREATION OF MUNICIPAL COURT There is hereby created a court in and for the City which shall be known as the Municipal Court. This court shall have jurisdiction within the City with power to hear and determine all cases of alleged violations of the Ordinances of the City and all other cases over which municipal courts are generally given jurisdiction by state law.

B. MAYOR - EX-OFFICIO JUDGE OF COURT The Mayor of the City shall be ex-officio Judge of the Municipal Court, and as such shall have and exercise the authority, jurisdiction, and power which are conferred by law upon the Judge. In case of the absence, disqualification, or inability of the Mayor, for any cause, to act, then the Mayor Pro Tem shall act as such Judge.

C. OATH REQUIREMENT FOR JUDGE The Judge of the Municipal Court, prior to taking office, shall take the oath of office required by the State Constitution and State laws.

D. COURT CLERK The City Secretary shall serve as Court Clerk for the City and shall perform all of the duties and have all of the powers bestowed upon clerks of municipal courts by state law.

E. CITY PROSECUTOR The duly appointed City Attorney shall serve as ex-officio prosecutor in the Municipal Court. The City Council shall prescribe the compensation for the prosecutor which shall be paid out of the City Treasury.

F. PRACTICES AND PROCEDURES The rules prescribed by state law governing trials in the state justice of peace courts shall govern the procedure and practice of the Municipal Court, and the City Council may prescribe such additional rules of practice and procedures as are not inconsistent with state law.

G. CASH BAIL

(1) **Acceptance and Forfeiture of Bail** The Judge of the Municipal Court is authorized to receive from any person arrested for a violation of any section of the City Code or any state law over which the Municipal Court has jurisdiction, cash bail for the appearance of such person before the Municipal Court. If such person voluntarily signs a written agreement in which he agrees that, in the event of failure to make an appearance by or upon the date therein named, his bail may be forfeited by the Municipal Court to the City by an order or judgment of the Court entered upon its minutes, without service of notice or citation of any kind upon him, and such person shall, in the same instrument, authorize a plea of "guilty" in the event of his failure to appear on said date, then, said cash bail shall be applied to the payment of the fine and the costs which may be assessed against him.

(2) **Amount of Bail** The Judge of the Municipal Court so accepting any cash bail shall fix the same at any amount not less than Five Dollars (\$5.00), which in his judgment shall be deemed to be sufficient to compel the appearance of such person on the date fixed; provided that no cash bail shall be accepted unless voluntarily offered by the person charged.

(3) **Issuance of Receipt for Payment of Bail** When a cash bail is tendered and accepted, the Judge of the Municipal Court accepting the same shall issue a special cash bail receipt therefor to the person tendering such cash bail, a copy of which is to remain in the cash bail receipt book. When a cash bail is returned to the person who deposited it, a receipt shall be taken therefor.

The same procedure shall apply whether or not the person who has deposited money is present or orders such bail to be applied on the payment of any fine and costs assessed against him. When such person fails to make his appearance and a guilty plea is entered for him, the Judge shall apply as much of the cash bail as may be

necessary for the satisfaction of such fine and cost, and the balance shall be returned to the defendant. In the event such cash bail is forfeited, then the entire sum shall be paid to the proper officer of the City

SECTION 2: CITY SECRETARY

A. CREATION OF OFFICE The office of City Secretary is hereby established. The City Secretary shall receive such compensation as may be fixed by the City Council.

B. POWERS AND DUTIES This office shall have all the powers and perform all the duties prescribed to it by law. These duties shall include the following:

- (1) The City Secretary shall serve as secretary to the City Council, and shall perform such clerical duties as may be required by the City Council;
- (2) The City Secretary shall attest all documents and executed by the City;
- (3) The City Secretary shall preserve and keep in order all books, papers, documents, and records of the City, and keep a record of such books, papers, and documents;
- (4) The City Secretary shall maintain and have custody of all laws and ordinances of the City;
- (5) The City Secretary shall have custody of the Seal of the City and shall affix the same to obligations of the City only by order of the City Council;
- (6) The City Secretary shall perform such services and comply with such regulations as may be prescribed by any ordinance or resolution adopted by the City Council;
- (7) The City Secretary, in order to comply with the open meeting law, shall post in a place readily accessible to the public and seventy-two (72) hours preceding any meetings, notices of the meetings of the City Council;

(8) The City Secretary shall be responsible for holding municipal elections as prescribed by state law;

(9) The City Secretary shall perform all other necessary duties that pertain to such office and all other duties as require by the City Council;

(10) The City Secretary shall serve as and perform the duties of Municipal Court Clerk.

C. APPOINTMENT AND TENURE The City Secretary shall be appointed by the City Council with no stated term of office, and may be removed from office by a majority vote of the City Council.

SECTION 3: CHIEF OF POLICE

A. CREATION OF OFFICE The office of City Marshal is hereby dispensed with, upon expiration of the term of the incumbent City Marshal, and the office of Chief of Police is hereby created. The Chief of Police shall receive such compensation as may be fixed by the City Council and give such bond for the faithful performance of his duties as the City Council may require. The Chief of Police shall be appointed and removed by the Mayor subject to the approval of the City Council.

B. QUALIFICATIONS FOR OFFICE The Chief of Police shall meet all peace officer qualifications as stated in the rules and regulations as prescribed by the Texas Commission on Law Enforcement Officer Standards ad Education.

C. POWERS AND DUTIES The Chief of Police shall have all the powers and duties prescribed to it by law. The duties shall include the following:

(1) The Chief of Police shall attend sessions of the Municipal Court and execute all writs and process issued from said Court;

(2) The Chief of Police shall be active in quelling riots, disorders, and disturbances of the peace within the City limits and shall take into custody all persons

so offending against the peace of the City;

(3) The Chief of Police shall have the authority to take suitable and sufficient bail for the appearance before the Municipal Court of any person charged with an offense against the ordinances or laws of the City;

(4) The Chief of Police may arrest, without warrant, all violators, within his view, of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever;

(5) The Chief of Police shall prevent a breach of the peace or preserve quiet and good order;

(6) The Chief of Police shall have the authority to close any theater, ballroom, or other place or building of public resort;

(7) In the prevention and suppression of crime and arrest of offenders, the Chief of Police shall have, possess, and execute like power, authority, and jurisdiction as any municipal peace officer;

(8) The Chief of Police shall also perform such other duties as the City Council may, by ordinance, require and confer, not inconsistent with the constitution and laws of this state.

SECTION 4: BUILDING OFFICIAL

The position of Building Official is hereby established. The Building Official shall be responsible for enforcing the provisions of Chapter 3, Building Regulations of the City Code, and such other provisions of the Code of Ordinances for which he has been given specific authority. The Building Official may upon approval of the City Council, appoint such other inspectors as may be necessary to carry out the Building Regulations and Construction Codes of the City. Such inspectors may be temporary and their appointment applicable for one (1) specific inspection only. The Building Official and any inspectors appointed under authority of this section may be employees or contractors and shall receive

such compensation and serve for such period of time as may be prescribed by the City Council.

C H A P T E R 8

S U B D I V I S I O N S

SECTION 1: INTERPRETATION, PURPOSE AND ENFORCEMENT

A. INTERPRETATION In the interpretation and application of the provisions of this Chapter, it is the intention of the City that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City and in its extraterritorial jurisdiction; and, where other ordinances of the City are more restrictive in their requirements such other ordinances shall control.

B. AUTHORIZATION The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the City are authorized by Article 974a of Revised Civil Statutes of Texas. The extraterritorial jurisdiction of the City is now one-half (1/2) mile from the corporate limits. The requirements of this Chapter shall be extended into any and all areas of extraterritorial jurisdiction.

C. SUBDIVISION DEFINED The term "subdivision" shall be interpreted to mean the division of a parcel of land into two (2) or more lots or tracts for the purpose of transfer of ownership; the dedication of streets, alleys, or easements; or for use for building development; provided that a division of land for agricultural purposes into lots or tracts of land five (5) acres or more, and not involving a new street or alley shall not be deemed to be a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided. The terms "subdivider" and "developer" are synonymous and are used interchangeably and shall include any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and trustee thereof who does or participates in the doing of, any act towards the

subdivision of land within the intent, scope, and purview of this Chapter.

D. SUBDIVISIONS TO BE APPROVED BY CITY COUNCIL All property not subdivided into lots, blocks, and streets within the City shall hereafter be laid out under the direction of the City Council, and no other subdivision will be recognized by the City. Prior to the consideration of the plat by the City Council, the City Secretary will check the plat for compliance with these regulations and in consultation with the City Engineer, make recommendations to the City Council.

E. PLAT REQUIRED 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 City which has not been laid out, subdivided, and platted according to these regulations.

F. CITY NOT TO PERFORM WORK UNLESS REQUIREMENTS ARE MET No officer or employee of the City shall perform or cause to perform, any work upon any street or in any addition or subdivision of the City, unless all requirements of these regulations have been complied with by the owner of said addition or subdivision.

G. CITY TO WITHHOLD IMPROVEMENTS UNTIL PLAT APPROVED The City hereby defines its policy to be that the City will withhold improvements of any nature whatsoever including the maintenance of streets until the final subdivision plat has been approved by the City Council. No improvements shall be begun within the subdivision nor any contracts made until this approval has been given.

H. APPROVAL OF FINAL PLAT REQUIRED PRIOR TO PERMITS No building, plumbing, or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.

I. PRIOR BUILDINGS AND PLATS NOT AFFECTED The provisions of this Chapter shall not be construed to prohibit the issuance of permits for any lots upon which a residence building

exists and was in existence prior to adoption of these regulations, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to adoption of these regulations was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the adoption of these regulations.

J. GRANDFATHER CLAUSE Plats or subdivisions which have received preliminary approval by the City Council within one (1) year prior to the effective date of these regulations shall be excepted from the requirements of this Chapter; provided, that the final plat of such subdivision is approved and filed for record within one hundred-eighty (180) days after the effective date of these regulations, or within one (1) year after the approval date of the preliminary plat, whichever is greater.

SECTION 2: VARIANCES

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the City Council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivisions, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare. No variance shall be granted unless the City Council finds the following:

A. SPECIAL CIRCUMSTANCES That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.

B. SUBSTANTIAL PROPERTY RIGHT That the variance is necessary for the preservation and enjoyment of a substantial property right of his land.

C. VARIANCE NOT DETRIMENTAL TO PUBLIC That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

D. VARIANCE TO BE ORDERLY 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 Chapter. Such finding of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

SECTION 3: PRELIMINARY CONFERENCE

Prior to the filing of a preliminary plat, the subdivider shall meet with the City Secretary or other official designated by the City Council to familiarize himself with the City's development regulations. At the preliminary conference, the subdivider may be represented by his land planner, engineer, or surveyor. A representative of the Community Water Supply Corporation shall be invited to attend the preliminary conference.

SECTION 4: PRELIMINARY PLAT

A. PREPARATION OF PRELIMINARY PLAT The subdivider shall cause to be prepared a preliminary plat by a registered professional engineer in accordance with this section.

B. SUBDIVIDER TO FILE FOUR (4) COPIES OF PRELIMINARY PLAT The subdivider shall file four (4) copies of the preliminary plat with the City Secretary at least fourteen (14) days prior to the date at which formal application for the preliminary plat approval is made to the City Council. The City Secretary shall provide for review of the plat by appropriate officials in accordance with the procedures established by the City Council.

C. FILING FEE Such plat shall be accompanied by a filing fee of Twenty-five Dollars (\$25.00) per plat, plus Two Dollars (\$2.00) per acre. No action by the City Council shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved.

D. FORMAL APPLICATION Formal application for preliminary plat approval shall be made by the subdivider in writing to the City Council at an official meeting, not less than fourteen (14) days after filing the preliminary plat with the City Secretary.

E. PRELIMINARY PLAT VALID FOR SIX (6) MONTHS Approval of the preliminary plat, if granted, shall be binding for not longer than six (6) months after the date of approval of the preliminary plat unless the final plat has been approved and recorded within the six (6) month period.

F. PRELIMINARY PLAT STANDARDS The preliminary plat shall be drawn to a scale of one hundred feet (100') to one inch (1"), and shall show on it or on accompanying documents, the following:

- (1) The proposed name of the subdivisions;
- (2) North point, scale, and date;
- (3) The names and addresses of the subdivider and of the subdivider's engineer;
- (4) The tract designation, approximate acreage, and other description according to the real estate records of Navarro County, and designation of the proposed uses of land within the subdivision.
- (5) The boundary line (accurate in scale) of the tract to be subdivided.
- (6) Contours with intervals of five feet (5') or less, referred to sea level datum.

(7) The names of adjacent subdivisions or the names of record owners of the adjoining parcels of unsubdivided land.

(8) The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, and other important features, such as section lines, political subdivisions, or corporate lines.

(9) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. Building setback lines shall also be shown.

(10) A topography and drainage map of plat. Also incoming drainage rational formula showing frequency concentration time and run off factor and quantity.

(11) The layout and widths of proposed streets, alleys, and easements, including lot and block identification and street names.

(12) The location, size, and approximate depth of all existing utilities shall be shown.

(13) The proposed plan for location and size of utility lines to be constructed in the subdivision.

(14) The following certificate shall be placed on the preliminary plat:

APPROVED FOR PREPARATION OF FINAL PLAT SUBJECT TO CONDITIONS ENUMERATED IN CITY COUNCIL MINUTES OF THIS DATE.

Date

Mayor

G. CONDITIONAL APPROVAL The conditional approval of the preliminary plat by the City Council does not constitute in any manner the acceptance of the subdivision nor the improvements placed therein, but is merely an authorization to

proceed with the preparation of the final plat. The action of the City Council shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the developer and the other copy retained as a permanent record of the City.

H. NO CONSTRUCTION WORK TO BEGIN PRIOR TO APPROVAL No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the City Council.

I. CITY COUNCIL TO ACT WITHIN THIRTY (30) DAYS Within thirty (30) days after the preliminary plat is formally filed, the City Council shall conditionally approve or disapprove such plat or conditionally approve it with modifications.

J. COMMUNITY WATER SUPPLY CORPORATION TO REVIEW PLAT A copy of the preliminary plat shall be submitted to the Community Water Supply Corporation for review and comment prior to approval by the City Council.

SECTION 5: FINAL PLAT

A. FINAL PLAT TO BE FILED Four (4) copies and one (1) reproducible copy of the final plat shall be submitted by the subdivider only after all changes and alterations shown on the preliminary plat have been made. Final plats shall be filed with the City Secretary at least fourteen (14) days prior to the City Council meeting at which approval is requested. The City Secretary shall provide for review of the final plat by appropriate officials in accordance with procedures established by the City Council.

B. FILING FEE Such plat shall be accompanied by a filing fee of Twenty-five Dollars (\$25.00) per plat, plus Two Dollars (\$2.00) per acre. No action by the City Council shall be valid until the filing fee has been paid. This fee shall not be refunded, should the subdivider fail to make formal application for final plat approval or should the plat be disapproved.

C. FORMAL APPLICTION Formal application for final plat approval shall be made by the subdivider in writing to the City Council at an official meeting, not less than fourteen (14) days after the filing of the final plat with the City Secretary.

D. FINAL PLAT STANDARDS The final plat shall be drawn to a scale of one hundred feet (100') to one inch (1") and shall, in addition to all requirements for the preliminary plat, show on it or be accompanied by the following:

(1) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles, and radii, area, and central angle, degree of curvature, tangent distance, and length of all curves where appropriate.

(2) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles with radii, area, and central angles, degree of curvature, tangent distance, and length of all curves where appropriate;

(3) The accurate location, material, and approximate size of all monuments;

(4) Plans and specifications for water, sewer, paving, and drainage improvements proposed for the subdivision;

(5) All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat;

(6) Statement that all taxes have been paid up to current date and for all previous years;

(7) Two (2) copies of final plat showing a plan and profile of proposed sanitary and storm sewers, with

grades and pipe sizes indicated;

(8) Two (2) copies of final plat showing a plan of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants;

(9) Two (2) sets of plans and specifications for paving and drainage;

(10) Owner's acknowledgement of the dedication to public use of all streets, alleys, parks, and other public places shown on such final plat;

(11) A certification by the engineer, responsible for the preparing of the final plat and supporting data, attesting to its accuracy;

(12) A waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision;

(13) The following certificate shall be placed on the final plat:

**THE CITY COUNCIL ON _____, 19____,
VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT
FOR FILING OF RECORD.**

Date

Mayor

E. APPROVAL OF PORTION OF FINAL PLAT If desired by the subdivider and approved by the City Council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to divide and develop. However, such portion shall conform to all the requirements of this Chapter.

F. CITY COUNCIL TO ACT WITHIN THIRTY (30) DAYS Within thirty (30) days after the final plat is formally filed, the Council shall approve or disapprove such plat. If the final

plat is disapproved, the Council shall inform the subdivider in writing of the reasons such action is taken.

G. ESCROW DEPOSIT REQUIRED After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond filed as hereinafter provided, or after the plat has been finally approved and the subdivider has filed an escrow deposit sufficient to pay for the costs of all improvements as determined by the City in lieu of completing construction, the Council shall upon written consent of the subdivider cause the final plat to be recorded with the County Clerk of Navarro County, Texas. The recordation fee shall be paid by the subdivider.

SECTION 6: RESUBDIVISION

A. RESUBDIVISION OF PREVIOUSLY PLATTED PROPERTY Property shall not be resubdivided which has been previously platted by a common dedication except with the consent of all directly affected property owners.

B. REPLAT TO MEET REQUIREMENTS The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided herein. It shall show the existing property being resubdivided. No preliminary plat will be required on replats.

C. CONSENT OF UTILITY COMPANIES The consent of all utility companies that provide service to the area begin resubdivided must be obtained.

SECTION 7: MAINTENANCE BOND

Upon completion of all improvements in accordance with City specifications and standards, and their acceptance by the City, the developer or his contractor shall furnish the City with a maintenance bond executed by a corporate surety holding a permit from the State of Texas to act as surety or other surety acceptable by the City. The amount shall equal ten percent (10%) of the contract cost of all improvements and shall be in effect one (1) year after the date of completion and acceptance by the City.

SECTION 8: UNAVAILABILITY OF PUBLIC WATER AND/OR SEWAGE UTILITIES

If a proposed subdivision is located beyond the drainage area of an approved sewage collection system or beyond the service area of an approved water distribution system the subdivider shall be required to furnish, with his preliminary plat, satisfactory evidence, including (but without limitation) the results of soil tests and borings, and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or developer installed sewage treatment systems. Construction of private utilities shall be in accordance with Texas Department of Health Standards.

SECTION 9: STANDARDS AND SPECIFICATIONS

A. GENERAL

- (1) Each lot shall front upon a public street;
- (2) Survey monuments shall be placed at all corners of boundary lines of a subdivision;
- (3) The City shall specify any areas required for the allocation of parks and other public spaces that are essential to the proper development of the area;
- (4) All services for utilities shall be made available for each lot in such a manner that it will not be necessary to disturb any curb, gutter, street pavement, or drainage structures when connections are made;
- (5) The developer shall furnish the City with one (1) set of "as built" plans for all paving, drainage structures, water mains, and sewer mains within sixty (60) days after completion of construction;
- (6) Block lengths and widths shall be provided at such intervals as to best serve traffic adequately and to meet existing streets, or to comply with customary sub-

division practices;

(7) All utility lines that pass under a street or alley shall be installed before the street or alley is paved.

B. STREETS

(1) Collector streets shall have a right-of-way width of sixty feet (60') and a paving width of thirty-six feet (36'). Minor streets shall have a right-of-way width of fifty feet (50') and a paving width of twenty-nine feet (29'). Paving width is determined from face of curb to face of curb;

(2) Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith;

(3) Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such unsubdivided areas;

(4) Street jobs with center line offsets of less than one hundred-twenty-five feet (125') shall be avoided;

(5) Half streets shall be prohibited;

(6) Street intersections shall be as nearly at right angles as practicable;

(7) Dead end streets shall be prohibited except as short stubs to permit future expansion;

(8) Cul-de-sacs shall not exceed four hundred feet (400') in length, and shall have a minimum of right-of-way radius of fifty feet (50').

(9) Curbs shall be installed by the subdivider on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision.

(10) Names of new streets shall not duplicate or cause

confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case, names of existing streets shall be used.

(11) Street lights shall be installed by the subdivider at all street intersections and at all adjacent intersections.

(12) Street name signs shall be installed by the City at the developer's expense at all intersections within or abutting the subdivision.

(13) All street improvements shall be in accordance with the standard specifications and construction details of the City.

a. Any application for a permit to commence construction of any street within the city limits of the City of Retreat shall include a detailed plan for the construction of such street. In any such plan, it is required as follows:

(1) The compacted base depth shall be not less than eight (8) inches;

(2) The base crown width shall be not less than eighteen (18) feet;

(3) Base material construction shall meet one or the other of the following standards:

(a) Flexible Base (Bank-run Gravel)
The material shall consist of durable particles of gravel mixed with approved binding material. The material may be bank-run or the binder may be added and incorporated by approved methods. The combined material shall conform to the following gradations:

Retained on 1 3/4 inche sieve. . . .0-5%
Retained on #4 sieve30-75%
Retained on #40 sieve.65-85%

Material passing the #40 sieve shall be known as "Soil-Binder" and shall meet the following requirements:

Liquid limit shall not exceed . . .40%
Plasticity index shall not exceed .18%

(or)

(b) Flexible Base

This type material may be used in lieu of the above and shall meet the requirements of Item 249, Flexible Base (delivered), type A (crushed or broken aggregate) Grade 3, Texas Highway Department 1972 Standard Specifications for Construction of Highways, Streets and Bridges.

(4) The roadbed shall be excavated, shaped, and properly compacted in conformity with the typical sections shown on plans and to the lines and grades established by the City Engineer;

(5) Base material shall be furnished and properly placed and compacted in conformity with the typical sections shown on plans.

b. In the event that the City Council shall conclude that any person, firm, or corporation is in violation of any portion of Sections I, II, or III of this Ordinance, then the City Council shall instruct the City Secretary to direct and mail a certified letter to each person, firm, or corporation pointing out the violation. After receipt of such letter, the person alleged to be in violation shall have ten (10) days from the date of receipt to correct the condition or conditions claimed in the letter to be a violation. The failure of the person receiving such letter to

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.

(11) Street lights shall be installed by the subdivider at all street intersections and at all adjacent intersections.

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(4) The roadbed shall be excavated, shaped, and properly compacted in conformity with the typical sections shown on plans and to the lines and grades established by the City Engineer;

(5) Base material shall be furnished and properly placed and compacted in conformity with the typical sections shown on plans.

b. In the event that the City Council shall conclude that any person, firm, or corporation is in violation of any portion of Sections I, II, or III of this Ordinance, then the City Council shall instruct the City Secretary to direct and mail a certified letter to each person, firm, or corporation pointing out the violation. After receipt of such letter, the person alleged to be in violation shall have ten (10) days from the date of receipt to correct the condition or conditions claimed in the letter to be a violation. The failure of the person receiving such letter to

correct the condition constituting a violation within ten (10) days of receipt of the letter shall constitute a violation of this Ordinance, and the person so violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than \$10.00 nor more than \$100.00, and each and every day or fraction of a day during which this Ordinance or any part thereof shall be violated shall be deemed a separate offense and shall be punishable as such.

c. The City of Retreat may enforce the provisions of this ordinance by suit for injunction in any court of competent jurisdiction.

(14) All street improvements will be accomplished at the expense of and by the developer.

C. ALLEYS Alleys shall have a minimum width of fifteen (15'). The whole alley shall be paved. Dead end alleys shall be avoided. Alleys shall be constructed in accordance with standard specifications and construction details of the City.

D. UTILITY EASEMENTS Easements at least ten feet (10') wide, five feet (5') on each side of the rear lot lines or side lines, shall be provided whenever necessary for utilities.

E. SIDEWALKS Sidewalks, when equipped, shall be concrete and have a width of not less than four feet (4') and thickness of not less than four inches (4"). Sidewalks shall be constructed one foot (1') from the property line within the street right-of-way.

F. PARKING AREA Adequate off-street paved parking areas shall be provided for lots set aside or planned for business uses.

G. LOT MARKERS Lot markers shall be one-half inch (1/2") reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground, or countersunk if necessary, in order to avoid being disturbed.

H. DRAINAGE INSTALLATIONS

(1) An adequate storm sewer system consisting of inlets, pipes, and other underground and above-ground drainage structures with approved outlets shall be constructed where the runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. The subdivider shall submit data and plans for drainage facilities as directed by the City and under policies for storm drainage installation for the City.

(2) Underground storm drains shall be designed to accommodate a five (5) year frequency storm with adequate overload relief for a twenty-five (25) year storm. Design of all bridges, culverts, and open channels are to be based on a twenty-five (25) year frequency.

(3) All drainage improvements shall be constructed at developer's expense.

I. PUBLIC WATER SYSTEM

(1) Water system extensions shall be designed to provide for a domestic supply of at least two hundred-fifty (250) gallons per capita per day, delivered at a minimum pressure of forty-two (42) pounds per square inch.

(2) All mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the system, regardless of whether or not such extensions are required for service within the subdivisions.

(3) Fire hydrants shall be provided at locations such that all areas of development are located within a five hundred foot (500') radius from a fire hydrant and served by a six inch (6") or larger main.

(4) No more than thirty (30) three-fourths inch (3/4") service connections shall be served from any four inch (4") main.

(5) Two inch (2") mains shall only be permitted in dead end locations not subject to future extensions and shall serve no more than six (6) three-fourths inch (3/4") service connections.

(6) All water system extensions shall be financed in accordance with the policies of the Community Water Supply Corporation, but shall be constructed in accordance with the regulations and standards contained in this Chapter.

(7) All water system installations shall be constructed at developer's expense according to City design standards.

J. PUBLIC SEWER SYSTEM

(1) No sewer lateral shall be smaller than six inches (6") in diameter. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities when flowing full or half full of not less than two feet (2') per second, nor more than five feet (5') per second. Manholes shall be constructed at all changes in grade, alignment or size of sewer, and at all intersections of other sewers, except service sewers.

(2) All sewer mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the collection system, regardless of whether or not such extensions are required for service within the subdivision.

(3) All sewer system installations shall be constructed according to City design standards.

(4) All sewer improvements shall be accomplished at the expense of the developer.

SECTION 10: LIABILITY OF CITY UNDER CHAPTER

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

SECTION 11: CONFLICTING ORDINANCES

Whenever the standards and specifications in this Chapter conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

C H A P T E R 9

T R A F F I C C O D E

SECTION 1: UNIFORM ACT AND STATE MOTOR VEHICLE LAWS ADOPTED

For the purpose of regulating traffic on the streets, alleys, and thoroughfares of the city, there is hereby adopted the State Uniform Act Regulating Traffic on Highways, codified as Article 6701d, Vernon's Annotated Civil Statutes, and all other state motor vehicle laws, which act and laws, together with the provisions contained in this Chapter, shall be controlling in the regulation of traffic in the city. A violation of said act or any state motor vehicle law for which the municipal court has jurisdiction shall constitute and be punishable as a violation of this Code of Ordinances.

SECTION 2: TRAFFIC CONTROL DEVICES

A. **TRAFFIC CONTROL DEVICES SHALL CONFORM TO MANUAL** All traffic control devices including signs, signals, and pavement or curb markings installed or used for the purpose of directing and controlling traffic within the City shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, which is published by the State Department of Highways and Public Transportation. All signs, signals, markings erected or used by the City shall be uniform and be located so far as practicable according to the directions shown in the said manual. All existing traffic control devices and those erected in the future by the City being consistent with the manual, state law, and this Chapter, shall be official control devices.

B. UNAUTHORIZED TRAFFIC CONTROL DEVICES

(1) No person shall place, maintain, or display upon or in view of any highway, street, or alley any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official

traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway, street or alley any traffic sign or signal bearing thereon any commercial.

(3) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the Mayor is hereby empowered to remove the same or cause it to be moved without notice.

(4) This subsection shall not be deemed to prohibit the erection upon private property adjacent to highways, streets, or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs, when erected in accordance with sign regulations.

C. UNLAWFUL TO TAMPER WITH TRAFFIC CONTROL DEVICES No person shall without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, sign, or signal or any railroad sign or signal or any inscription, shield, or insignia thereof, or any street name sign or any part thereof.

D. INSTALLATION OF TRAFFIC CONTROL DEVICES

(1) After the adoption of this Code of Ordinances, the City Council shall, by ordinance, direct the location of all future traffic control signs, signals, and markings. The Mayor shall have the duty of erecting or installing upon, over, along, or beside any highway, street, or alley, signs, signals, and markings, as are necessary to enforce such ordinances, or cause the same to be erected, installed, or placed in accordance with this Chapter and consistent with the manual on uniform traffic control devices. Said traffic control devices shall be installed immediately upon authorization by the City Council, or as soon as such specific device, sign, or signal can be procured.

(2) Whenever the Mayor has erected or caused to be erected and installed any official traffic control device, sign, or signal at any location in the City, or has caused the same to be done under his direction, in obedience to this Chapter and the manual on uniform traffic control devices, he shall thereafter file a report with the City Secretary in writing, stating the type of traffic control device, sign, or signal, and when and where the same was erected and installed. The City Secretary shall file and maintain such report of the Mayor among the official papers of the City.

E. PRIMA FACIE EVIDENCE OF AUTHORIZED INSTALLATION It being unlawful for any person other than the Mayor, acting pursuant to an ordinance of the City, to install or cause to be installed any signal, sign, or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, proof, in any prosecution for a violation of this Chapter or any traffic ordinance of the City, that any traffic control device, sign, signal, or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the Mayor pursuant to the authority of this Chapter and of the Ordinance directing the installation of such device, signal, or marking.

F. DUTY TO OBEY TRAFFIC CONTROL DEVICE The driver of any vehicle, motor vehicle, or animal shall obey the instructions of any official traffic control device, sign, or signal, or marking applicable thereto placed in accordance with this Chapter, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle as provided for in the state motor vehicle laws.

G. EMERGENCY INSTALLATION OF TRAFFIC CONTROL DEVICES The Mayor is hereby empowered to install or erect temporary traffic control devices to protect the public in case of emergencies and special situations.

SECTION 3: SPEED LIMITS

A. GENERALLY

(1) No person shall ride or drive any animal or operate a vehicle on any street, alley, or highway in the city limits at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering a highway in compliance with legal requirements, and it shall be the duty of all persons to use due care.

(2) If any person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the City on any street or highway at a greater speed than thirty (30) miles per hour, or in any alley or park at a greater speed than fifteen (15) miles per hour, it shall be prima facie evidence of violation of this Section, unless signs are erected designating another speed limit.

B. PROCEDURE FOR ESTABLISHING SPECIAL SPEED LIMIT Whenever the City shall determine upon the basis of an engineering and/or traffic investigation that the thirty (30) miles per hour speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of any street or highway, the Mayor shall, upon authorization by the City Council by appropriate ordinance, establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of said highway or street.

C. SPECIAL SPEED LIMITS A special speed limit is hereby established on F.M. 709 and F.M. 2555, which shall be as determined and posted by the Texas Department of Highways and Public Transportation.

D. SLOW SPEED No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law, or at the direction of a law enforcement officer.

SECTION 4: RATIFICATION OF EXISTING TRAFFIC CONTROL DEVICES

All traffic control signs, signals, devices, and markings placed or erected prior to the adoption of this Code of Ordinances and in use for the purpose of regulating, warning, or guiding vehicles or pedestrian traffic, are hereby affirmed, ratified, and declared to be official traffic control devices, provided such traffic control devices are not consistent with the provisions of this Chapter or State Law.

SECTION 5: TRAFFIC OBSTRUCTIONS AND VISION CLEARANCE

The following are hereby declared to be a nuisance and/or a traffic hazard and a violation of this Code of Ordinances.

A. IN RIGHT-OF-WAY Signs, plants, or obstructions of any kind, maintained, constructed, placed, planted, or grown in the right-of-way of any public street, except single tree trunks pruned and trimmed to a height of eight feet (8') above the walk grade and spaced at least ten feet (10') apart; and other plantings trimmed and pruned, so as not to encroach over and into public areas or streets, and so as not to encroach over and into public areas or streets, and so as not to exceed three feet (3') in height above the walk grade; except utility poles, street name signs, traffic control signs, and other devices placed in such areas under lawful authority of the City.

B. PLANTS, OBJECTS, OR VEHICLES HIGHER THAN THREE FEET (3') PROHIBITED NEAR STREET CORNERS It shall be unlawful, except as herein provided, for any person to place or maintain, or cause to be placed or maintained any plant, object, or vehicle having a height greater than three feet (3') above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the City, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the right-of-way lines, at points twenty-five feet (25') from the street corner intersection of the right-of-way.

C. TREES NEAR STREET CORNERS TO BE TRIMMED It shall be unlawful for any person to place or maintain, or cause to be placed or maintained any tree on or in that portion of any corner lot of the City, which portion is included in a

triangle on the street corner of that lot formed by a diagonal line intersecting the right-of-way lines twenty-five feet (25') from the street corner intersection of the right-of-way lines unless all limbs, branches, and foliage on the tree are kept trimmed and pruned to a minimum clearance of eight feet (8') above the street level at the nearest curb line or to such clearance as will provide an unobstructed view of traffic signs and oncoming traffic.

C H A P T E R 10

U T I L I T I E S

SECTION 1: PRIVATE WATER WELLS

A. PERMIT REQUIRED

(1) It shall be unlawful for any person, firm, or corporation to drill or attempt to drill any water well within the corporate limits of the City without a permit approved by the City Council.

(2) The application for a water well permit shall include the location of the well; name, address, and telephone number of the owner; name, address, and telephone number of the driller; and a statement regarding the use of and necessity for the well.

(3) The fee for a water well permit shall be Twenty-five Dollars (\$25.00).

B. **CONDITIONS FOR PERMIT ISSUANCE** Prior to issuance of a permit, the City Council shall determine that a necessity and need for the well exists, that the well will be so located that there will be no danger of pollution from flooding or from insanitary surroundings, that the well will have no adverse effect on the public water system, and the well will be drilled with all material and equipment installed in accordance with standards recommended by the Texas Department of Health (TDH) for private water wells. Failure to comply with TDH standards shall result in revocation of the permit.

SECTION 2: BUILDING PERMIT REQUIRED PRIOR TO ANY UTILITY CONNECTION

No utilities shall be connected to any property in the City by any person, firm or corporation unless a building permit has been issued by the City.

SECTION 3: PRIVATE SEWAGE DISPOSAL FACILITIES REGULATED

A. APPROVAL OF PLANS REQUIRED It shall be unlawful to install or operate any private sewage disposal facility including septic tanks, injection wells, and treatment tanks until plans for such private sewage facilities have been approved by the City Building Official.

B. AREAS OF JURISDICTION The provisions of this section shall apply to all of the area located within the corporate limits of the City, and to the extraterritorial jurisdiction thereof with reference to approval of subdivisions in extraterritorial jurisdiction.

C. STANDARDS All private sewage disposal facilities shall be constructed and operated in accordance with all applicable State Health Department and Texas Department of Water Resources rules and regulations regarding private sewage disposal facilities.

C H A P T E R 11

Z O N I N G

SECTION 1: TITLE

This Chapter shall be known as the zoning regulations of the City.

SECTION 2: PURPOSE

These zoning regulations were adopted after public hearing as required by state law promoting the health, safety, and general welfare of the community. These regulations are also designed to prevent the overcrowding of land, as well as to avoid undue concentration of population that would create traffic congestion or overload public utilities and facilities. These regulations are established to ensure that City development takes place in an orderly and controlled manner in accordance with the City's comprehensive plan.

SECTION 3: GENERAL PROVISIONS

A. COMPLIANCE REQUIRED Except as hereinafter provided, no house or building shall be constructed, reconstructed, erected, converted, enlarged, or structurally altered; nor any house, building, or land used which does not comply with all the regulations established by this Chapter.

B. ZONING COMMISSION The City Council shall act as the Zoning Commission for the purpose of granting specific use permits, or changes in zoning classification, or amendments to these regulations.

SECTION 4: ZONING DISTRICT ESTABLISHED

The City is hereby zoned Residential District, including any

property which may be hereafter annexed into the City, and the City Council declares the public policy of the City to be that an attractive, pollution-free, noise-free, healthy and safe City be maintained. This entire ordinance is and shall be deemed an exercise of the police power of the State and this City for the public safety, comfort, convenience and protection of the City and its citizens, and for the purpose of carrying forward the declared public policy of the City and all of the provisions hereof shall be construed for the accomplishment of that purpose.

SECTION 5: ZONING MAP

The zoning district boundaries and the location of any specific use permits, herein provided for, are indicated upon the zoning map of the City, which is on file with the City Secretary, and is made a part of this Chapter the same as if copied in full herein. It shall be the duty of the City Secretary to update the zoning map as changes are approved by ordinances adopted by the City Council.

SECTION 6: RESIDENTIAL DISTRICT REGULATIONS

A building or premises located in the Residential District shall be used only in accordance with the regulations contained in this section.

A. PERMITTED USES No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for herein, except for one or more of the following:

- (1) Residential dwellings constructed on-site from the ground up on the lot occupied by the dwelling and garages, carports, storage rooms, swimming pools and other structures which are customarily incidental to residential dwellings;
- (2) Churches and other houses of worship;
- (3) Public Schools or private schools offering curricula comparable to that of public schools;

(4) Home occupations in compliance with Section 11 of this Chapter;

(5) Identification signs when in compliance with any sign regulations adopted by the City;

(6) Real estate sales offices during the development of residential subdivisions if located on property under development, but not to exceed a period of two (2) years;

(7) Farms, nurseries, or truck gardens, provided no retail or wholesale business is conducted on the premises;

(8) Oil and gas well activities, when in compliance with any ordinances regulating oil and gas well activities.

(9) Public utility facilities;

No residence, as used in this ordinance, shall consist of any building or structure moved onto a lot (in whole or in part), mobile home, manufactured house or home, trailer house, clubhouse, multiple family dwelling, duplex, apartment house, shack, tent, street car, bus or any other thing that might conflict with the intent, expressed and implied, of this ordinance.

B. DIMENSIONAL REQUIREMENTS All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- | | |
|---|-------------------|
| (1) Minimum lot area | 1 acre |
| (2) Minimum yard setbacks of principal structure | |
| (a) Front | 25 feet |
| (b) Side | 10 feet |
| (c) Rear | 30 feet |
| (3) Minimum living area floor space of principal structures | 1,200 square feet |

- | | |
|---|-----------------------------------|
| (4) Maximum building height of principal structures | 35 feet |
| (5) Maximum percent of lot coverage | 25% |
| (6) Off-street parking | two spaces for each dwelling unit |

C. BUILDING PROGRESS

(1) All building exteriors must be completed within one hundred twenty (120) days from start of construction.

(2) All structures, except rough order masonry, shall be painted with at least two coats of paint within sixty (60) days of outside completion.

D. ADDITIONAL REQUIREMENTS

(1) All residences shall have at least one flush toilet connected to a sanitary sewer or septic tank.

(2) Septic tanks, in addition to meeting all state health regulations, must meet at least the following minimums:

(a) Single bath facilities must have at least three hundred (300) gallon capacity; at least five hundred (500) gallon capacity where there is more than one bath facility.

(b) be connected to a drain pipe:

i) at least one hundred (100) feet long;

ii) be perforated;

iii) be no smaller than four inches (4") in diameter

(c) which pipe shall sit in a ditch no less than eighteen inches (18") wide and no less than three feet (3") deep. The ditch must be covered back with dirt removed to make the ditch.

(d) The drain pipe shall rest in the bottom of the ditch on a bed of washed rock at least six inches (6") deep.

(3) All residences and outbuildings shall be maintained in a slightly, neat condition.

(4) If a residence or outbuilding is wooden, be painted at regular intervals so that the building shall become unsightly.

(5) Be underpinned and framed so that the area between the ground and the floor shall not be visible from the nearest public street.

(6) No premise shall be allowed to:

(a) become grown up in weeds, brush, grass or other growth;

(b) become littered with junk, garbage or litter;

(c) maintain or permit to remain on the premise any cars not currently registered, currently safety inspected and moved from the premise under its own power for at least an eight (8) hour period in every seventy-two (72) hours;

(d) maintain or permit any activity which creates noise or odor which is offensive, noxious, insect attracting or deleterious to the health and well being of any other person in the City.

E. The City Council may require further assurances of the Applicant that all ordinances of the City, and especially this Ordinance, will be observed in the construction and maintenance of the buildings in question. Such assurances may include the filing with the City Council of a bond in a reasonable amount to be determined by the City Council guaranteeing that this Ordinance will not be violated.

SECTION 7: SPECIFIC USE PERMITS

A. PERMIT CONDITIONS

(1) Any person, firm, or corporation desiring to construct any building or other structure, or to alter, remodel, or repair any such building or structure, or use any building or property for any purpose other than for residential use, must obtain a specific use permit from the City Council before beginning or using same.

(2) The City Council may, by ordinance, grant specific use permits authorizing the uses of land within its boundaries where the same is not now permitted by this Chapter.

(3) In granting specific use permits for land under consideration, the City Council shall determine that such uses are harmonious with and adaptable to existing and proposed future buildings, structures, and uses of abutting property and other property in the vicinity of the premises under consideration and in accordance with the City's comprehensive plan.

(4) The City Council in considering and determining any request for a Specific Use Permit may require from the applicant plans, information, operating data and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance with this Chapter, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing a Specific Use Permit, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, electronic interference, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions.

B. RECORD OF PERMIT All Specific Use Permits approved in accordance with the provisions of this Chapter in its original form or as hereafter amended shall be referenced on the Zoning Map and a list of such permits shall be maintained in an Appendix attached to this Chapter. Ordinances granting Specific Use Permits shall be filed in the City Ordinance Book.

C. NOTICE AND HEARING Before granting any Specific Use Permit, the City Council shall hold a public hearing thereon. Written notice of the public hearing shall be sent to owners of real property lying within two hundred feet (200') of the property on which the Specific Use Permit is proposed. Such written notice shall be given not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for taxes as the ownership appears on the last approved appraisal district tax roll. Such notice may be served by depositing the same, properly addressed and postage paid in the U.S. Mail. At least fifteen (15) days notice of the time and place of the public hearing shall be published in the official newspaper of the City. No specific use permit shall be granted until after the 30th day following the notice to property owners required herein.

D. FEE The fee for application for a Specific Use Permit shall be Twenty-five Dollars (\$25.00).

E. REAPPLICATIONS In the event an application for a Specific Use Permit is denied by the City Council, a subsequent application for a Specific Use Permit on the same tract of land shall not be considered by the City Council until a period of six (6) months has elapsed from date of denial.

SECTION 8: NONCONFORMING USES

The lawful use of land existing upon the effective date of this Chapter, although such use does not conform to the provisions hereof, may be continued, subject to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations except those required by law or ordinance are made therein. If such nonconforming building is voluntarily removed,

the future use of such premises shall be in conformity with the provisions of the Chapter. In the event a nonconforming use of any building or premises is discontinued for a period of six (6) months, the use of the same shall thereafter conform to the provisions of the district in which it is located.

Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use. A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes not exceeding fifty percent (50%) of its value, the City Council shall issue a fifty percent (50%) of its value, the City Council may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this Chapter.

SECTION 9: VARIANCES

The City Council may appoint a Board of Adjustment for the purposes of hearing and granting variances to this Chapter as authorized in Article 1011g, V.T.C.S.

SECTION 10: ENFORCEMENT AND ADMINISTRATION

A. BUILDING OFFICIAL The provisions of this Chapter shall be enforced by the City Building Official.

B. BUILDING PERMIT All applications for building permits shall be accompanied by accurate plot plans, drawn to scale, showing:

- (1) The actual shape and dimensions of lot to be built upon;
- (2) The exact size and locations on the lot of the buildings and accessory building then existing;
- (3) The lines within which the proposed building and structure shall be erected or altered;

(4) The existing and intended use of each building or part of the building;

(5) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Chapter.

No persons shall commence construction of any structure or commence to move any structure into the City unless that person has first obtained a building permit. No building permit shall be issued until the City Commission has determined whether the proposed structure complies with all ordinances.

C. CERTIFICATE OF OCCUPANCY

(1) No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Official stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

(2) Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the City Secretary.

SECTION 11: HOME OCCUPATIONS

A. GENERALLY Home occupations shall include any professional and personal services meeting the standards and criteria stated below, but shall not include activities at the premises involving retail and wholesale sales and services, automotive or similar repair businesses, automotive body repair businesses or other such similar businesses.

B. STANDARDS AND CRITERIA; PERMIT REQUIRED All home occupations shall comply with the following standards and criteria before permits can be issued:

- (1) The home occupation shall be conducted only within the principal building;
- (2) No more than one (1) additional person other than the residents residing on the premises shall be employed or engaged in said home occupation at the premises;
- (3) There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding one (1) square foot in area nonilluminated, mounted flat against the wall of the principal building;
- (4) No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, that in no event shall such home occupation occupy more than five hundred (500) square feet;
- (5) No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, senses outside the dwelling unit, nor shall there be any combustible materials located anywhere on the premises which are in violation of the City's Fire Prevention Regulations. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;
- (6) No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;
- (7) No more than one (1) automobile or truck, whose size shall not be larger than a stock one (1) ton panel or pickup truck, used in conjunction with such home occupation shall be permitted to park on the premises in question and within view from surrounding properties.

C. FEES An annual permit must be obtained. A failure to meet or comply with any of the foregoing provisions shall preclude issuance of a permit. The fee for such permit shall be Twenty-five Dollars (\$25.00).

SECTION 12: AMENDMENTS

The City Council may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts, establish new districts, or revise the regulations herein established. Before taking any action on a proposed amendment, the City Council shall hold a public hearing thereon. Written notice of the public hearing shall be sent to owners of real property lying within two hundred feet (200') of the property on which a change in classification is proposed. Such written notice shall be given not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for taxes as the ownership appears on the last approved appraisal district tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the U.S. Mail. At least fifteen (15) days notice of the time and place of the public hearing shall be published in the official newspaper of the City. No change in zoning classification shall be granted until after the 30th day following the notice to property owners required herein. In the event the City Council proposes amendment to the Zoning Ordinance not involving a particular property but involving a change in the zoning regulations generally, notice to individual property owners shall not be required. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the City, stating the time and place of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

SECTION 13: VIOLATION AND PENALTY

Any violation of this Chapter shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Chapter shall be as provided for in Chapter 1, Section 5 of this Code of Ordinances.

Any owner or owners of any building or premises or part thereof who participate in, or knowingly and willingly permits a violation

of this Chapter, and any architect, builder, contractor, agent, person, or corporation who assists in the commission of any such violation shall be guilty of a separate offense, and upon conviction thereof, shall be fined as provided in the preceding paragraph.

The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided in Texas Revised Civil Statutes, Article 1011th and as may be amended, may be exercised in enforcing this Chapter whether or not there has been a criminal complaint filed.

In addition to the penalty provided, the right is hereby conferred and extended to any property owner owning property in any district where such property may be affected by a violation of the terms of this Chapter, to bring suit in such court or courts having jurisdiction thereof, and obtain such remedies as may be available at law or in equity for the protection of the rights of such property owners.

SECTION 14: SEVERABILITY

If any section, subsection, phrase, sentence, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 15: INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Chapter imposes a greater restriction upon the building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Chapter shall govern.

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ORDINANCE NO. 09-02-1

AN ORDINANCE AMENDING THE EXISTING ELECTRIC FRANCHISE BETWEEN THE CITY AND ONCOR ELECTRIC DELIVERY COMPANY, TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ONCOR ELECTRIC DELIVERY COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Oncor Electric Delivery Company, successor in interest to TXU Electric Company (hereinafter called "Oncor") is engaged in the business of providing electric utility service within the City and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by Oncor; and

WHEREAS, the City and Oncor desire to amend said franchise ordinance to provide for a different consideration;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RETREAT, TEXAS: that

SECTION 1: The existing electric franchise ordinance between the City and Oncor Electric Delivery Company is amended as follows:

- A. Effective January 1, 2002, the franchise fee due from Oncor shall be a sum comprised of the following:
 - (1) a charge, as authorized by Section 33.008(b) of PURA, based on each kilowatt hour of electricity delivered by Oncor to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries and as specified by Oncor to the City by letter dated January 21, 2002.
 - (a) The franchise fee due pursuant to Section 33.008(b) of PURA shall be payable in accordance with the existing electric franchise; and
 - (2) a sum equal to four percent (4%) of gross revenues received by Oncor from services identified in its "Tariff for Retail Delivery Service", Section 6.1.2, "Discretionary Service Charges," items DD1 through DD24, that are for the account or benefit of an end-use retail electric consumer.

- (a) The franchise fee amounts based on "Discretionary Service Charges" shall be calculated on an annual calendar year basis, i.e., from January 1 through December 31 of each calendar year.
- (b) The franchise fee amounts that are due based on "Discretionary Service Charges" shall be paid at least once annually on or before April 30 each year based on the total "Discretionary Service Charges" received during the preceding calendar year.

B. Oncor Franchise Fee Recovery Tariff

- (1) Oncor may file a tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges.
- (2) City agrees (i) to the extent the City acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100% recovery of the franchise fee on Discretionary Service Charges; (ii) in the event the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such Discretionary Service Charges is an issue, the City will take an affirmative position supporting the 100% recovery of such franchise fees by Oncor and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Oncor.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Oncor.

SECTION 2: In all respects, except as specifically and expressly amended by this ordinance, the existing effective franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by Oncor shall remain in full force and effect according to its terms until said franchise ordinance terminates as provided therein.

SECTION 3: This ordinance shall take effect upon its final passage and Oncor's acceptance. Oncor shall, within thirty (30) days from the passage of this ordinance, file its written acceptance of this ordinance with the Office of the City Secretary in substantially the following form:

To the Honorable Mayor and City Council:

Oncor Electric Delivery Company, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the 14 day of October, 2002, Ordinance No. 69-02-1 amending the current electric franchise between the City and Oncor and the same shall constitute and be a binding contractual obligation of Oncor and the City.

Oncor Electric Delivery Company

By *John Seep*
Vice President

SECTION 4. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
Retreat, TEXAS, this the 12 day of September, 2002, at which meeting a quorum was present and voting.

Jenifer Brykuecht
Mayor

ATTEST:

Diana Robinson
City Secretary

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO 09-02-2

AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND TXU GAS COMPANY, TO PROVIDE FOR A DIFFERENT CONSIDERATION AND TO AUTHORIZE THE LEASE OF FACILITIES WITHIN THE CITY'S RIGHTS-OF-WAY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY TXU GAS COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, TXU Gas Company (hereinafter called "TXU Gas") is, through its TXU Gas Distribution division, engaged in the business of furnishing and supplying gas to the general public in the City, including the transportation, delivery, sale, and distribution of gas in, out of, and through the City for all purposes, and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by TXU Gas; and

WHEREAS, the City and TXU Gas desire to amend said franchise ordinance to provide for a different consideration and to authorize the lease of facilities within the City's rights-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RETREAT, TEXAS: that

SECTION 1: The existing gas franchise ordinance between the City and TXU Gas Company is amended as follows:

- A. Effective January 1, 2002, the consideration payable by TXU Gas for the rights and privileges granted to TXU Gas by the franchise ordinance heretofore duly passed by the governing body of this City and duly accepted by TXU Gas is hereby changed to be four percent (4%) of the Gross Revenues, as defined in Section 1.B. below, received by TXU Gas.
- B. "Gross Revenues" shall mean all revenue derived or received, directly or indirectly, by the Company from or in connection with the operation of the System within the corporate limits of the City and including, without limitation:
 - (1) all revenues received by the Company from the sale of gas to all classes of customers within the City;

- (2) all revenues received by the Company from the transportation of gas through the pipeline system of Company within the City to customers located within the City;
- (3) the value of gas transported by Company for Transport Customers through the System of Company within the City ("Third Party Sales"), with the value of such gas to be reported by each Transport Customer to the Company, provided, however, that should a Transport Customer refuse to furnish Company its gas purchase price, Company shall estimate same by utilizing TXU Gas Distribution's monthly industrial Weighted Average Cost of Gas, as reasonably near the time as the transportation service is performed; and
- (4) "Gross revenues" shall include:
 - (a) other revenues derived from the following 'miscellaneous charges':
 - i. charges to connect, disconnect, or reconnect gas within the City;
 - ii. charges to handle returned checks from consumers within the City;
 - iii. such other service charges and charges as may, from time to time, be authorized in the rates and charges on file with the City; and
 - iv. contributions in aid of construction" ("CIAC");
 - (b) revenues billed but not ultimately collected or received by the Company; and,
 - (c) gross receipts fees.
- (5) "Gross revenues" shall not include:
 - (a) the revenue of any Person including, without limitation, an affiliate, to the extent that such revenue is also included in Gross Revenues of the Company;
 - (b) sales taxes; and
 - (c) any interest income earned by the Company; and

- (d) all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. Calculation and Payment of Franchise Fees Based on CIAC

- (1) The franchise fee amounts based on "Contributions in aid of Construction" ("CIAC") shall be calculated on an annual calendar year basis, i.e., from January 1 through December 31 of each calendar year.
- (2) The franchise fee amounts that are due based on CIAC shall be paid at least once annually on or before April 30 each year based on the total CIAC recorded during the preceding calendar year.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by TXU Gas

- (1) If TXU Gas should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by TXU Gas to City pursuant to this Ordinance shall be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City.
- (2) The provisions of this Subsection D apply only to the amount of the franchise fee to be paid and do not apply to other franchise fee payment provisions, including without limitation the timing of such payments.

E. TXU Gas Franchise Fee Recovery Tariff

- (1) TXU Gas may file with the City a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of TXU Gas' rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of TXU Gas' franchise fees is an issue, the City will take an

affirmative position supporting 100% recovery of such franchise fees by TXU Gas and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by TXU Gas.

(3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by TXU Gas.

F. Lease of Facilities Within City's Rights-of-Way. TXU Gas shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way provided: (i) TXU Gas first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) TXU Gas makes the franchise fee payment due on the revenues from such lease pursuant to Sections I.A. and I.B. of this Ordinance. This authority to Lease Facilities Within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 2: In all respects, except as specifically and expressly amended by this ordinance, the existing effective franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by TXU Gas shall remain in full force and effect according to its terms until said franchise ordinance terminates as provided therein.

SECTION 3: This ordinance shall take effect upon its final passage and TXU Gas' acceptance. TXU Gas shall, within thirty (30) days from the passage of this ordinance, file its written acceptance of this ordinance with the Office of the City Secretary in substantially the following form:

To the Honorable Mayor and City Council:

TXU Gas Distribution, a division of TXU Gas Company, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the 17th day of October, 2002, Ordinance No. 09-02-2 amending the current gas franchise between the City and TXU Gas and the same shall constitute and be a binding contractual obligation of TXU Gas and the City.

TXU Gas Distribution
A division of TXU Gas Company

By Jim Rife
Vice President

SECTION 4. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF Retreat, TEXAS, this the 12 day of September, 2002, at which meeting a quorum was present and voting..



Janice Bayhucke
Mayor

Diana Robinson
City Secretary

APPROVED AS TO FORM:

City Attorney