

CITY OF COMBINE, TEXAS

CODE OF ORDINANCES

2018 S-3 Supplement contains:
Local legislation current through
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CITY OFFICIALS

OF

COMBINE, TEXAS

CITY COUNCIL

Mayor
Mayor Pro Tem

Tim Ratcliff
Patrick Stepp

Member
Member
Member
Member

Brenda Loyd
Konni Hughes
Tonya Ratcliff
Cecil Hutson

CITY ADMINISTRATION

City Attorney
Code Enforcement/Police Chief
City Secretary/Treasurer/Court Clerk

Brenda N. McDonald
Jack Gilbert
Robin Price

ORDINANCE 2016-003

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

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

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

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

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

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

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

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

COMBINE, TEXAS TABLE OF CONTENTS

Chapter

TITLE I: GENERAL PROVISIONS

10. General Code Construction; General Penalty

TITLE III: ADMINISTRATION

30. General Provisions

31. Officials and Employees

32. City Organizations

33. Emergency Management

34. Tax and Finance

35. Police Department

TITLE V: PUBLIC WORKS

50. Sewer Service

TITLE VII: TRAFFIC CODE

70. Traffic-Control Devices

71. Track Traffic

72. Traffic Schedules

TITLE IX: GENERAL REGULATIONS

90. Animals

91. Burning

92. Abandoned Vehicles

93. Noise

94. Litter

95. Streets and Sidewalks

96. Public Nuisances

TITLE XI: BUSINESS REGULATIONS

110. Junk/Wrecking Yards

111. Solicitors and Peddlers

TITLE XIII: GENERAL OFFENSES

130. Weapons

TITLE XV: LAND USAGE

150. Building Regulations

151. Gravel Pits

152. Mobile Homes/Trailers

153. Subdivisions

154. Zoning Code

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I. Annexations

II. Franchises

III. Miscellaneous

IV. Rezoning

PARALLEL REFERENCES

References to Texas Codes *References to Ordinances*

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Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or

detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on the 24th day of October 2016.

ATTEST:

Tim Ratcliff /s/
Tim Ratcliff, Mayor

Combine - Adopting Ordinance

ORDINANCE 2017-001A

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

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

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

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

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

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

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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 24 day of April 2017.

ATTEST: Timothy Ratliff /s/
Timothy Ratliff, Mayor

ORDINANCE 2017-001A

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

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

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

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

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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 24 day of April 2017.

ATTEST:


Timothy Ratcliff, Mayor

**COMBINE, TEXAS
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TITLE V: PUBLIC WORKS

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71. Truck Traffic
72. Traffic Schedules

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91. Burning
92. Abandoned Vehicles
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Chapter

10. GENERAL CODE CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: GENERAL CODE CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
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- 10.11 Official time
- 10.12 Reasonable time
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- 10.14 Ordinances unaffected
- 10.15 Effective date of ordinances
- 10.16 Repeal or modification of ordinance
- 10.17 Ordinances which amend or supplement code
- 10.18 Section histories; statutory references
- 10.19 Altering or tampering with code

- 10.99 General penalty

' 10.01 TITLE OF CODE.

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

Statutory reference:

Authority of municipality to codify ordinances, see Tex. Local Government Code, Ch. 53

' 10.02 INTERPRETATION.

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

' 10.03 APPLICATION TO FUTURE ORDINANCES.

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

' 10.04 CAPTIONS.

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

' 10.05 DEFINITIONS.

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

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

CITY, MUNICIPAL CORPORATION or MUNICIPALITY. The City of Combine, Texas.

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

COUNTY. Kaufman and Dallas Counties, Texas.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words ***SWEAR*** and ***SWORN*** shall be equivalent to the words ***AFFIRM*** and ***AFFIRMED***.

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

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

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

SHALL. The act referred to is mandatory.

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

STATE. The State of Texas.

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

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

YEAR. A calendar year, unless otherwise expressed.

' 10.06 RULES OF INTERPRETATION.

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

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

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

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

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

' 10.07 SEVERABILITY.

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

' 10.08 REFERENCE TO OTHER SECTIONS.

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

' 10.09 REFERENCE TO OFFICES.

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

' 10.10 ERRORS AND OMISSIONS.

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

' 10.11 OFFICIAL TIME.

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

' 10.12 REASONABLE TIME.

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

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

' 10.13 ORDINANCES REPEALED.

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

' 10.14 ORDINANCES UNAFFECTED.

(A) All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication, including but not limited to the following types of ordinances:

(1) Any ordinance guaranteeing or promising the payment of money for the municipality or authorizing the issuance of any bonds of the municipality or any evidence of the municipality=s indebtedness;

(2) Any appropriation ordinance or ordinance providing for an annual budget or prescribing salaries for municipal officers and employees;

(3) Any ordinance annexing territory to the municipality or discontinuing territory as a part of the municipality;

(4) Any ordinance designating or otherwise relating to municipal depositories;

(5) Any ordinance granting any franchise, permit or other right;

(6) Any ordinance approving, prescribing or otherwise relating to rates to be charged by private utility companies;

(7) Any ordinance approving, authorizing or otherwise relating to any contract or agreement;

(8) Any ordinance accepting, dedicating, vacating or otherwise relating to any easement; and

(9) Any ordinance establishing or amending the zoning designation of land.

(B) All such ordinances mentioned in division (A) are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

' 10.15 EFFECTIVE DATE OF ORDINANCES.

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

' 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

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

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

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

' 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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

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

' 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (Tex. Local Government Code, ' 54.001) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

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

' 39.01 PUBLIC RECORDS AVAILABLE.

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

Statutory reference:

Inspection of public records, see Tex. Local Government Code, ' ' 552.001 et seq.

' 10.19 ALTERING OR TAMPERING WITH CODE.

It shall be an offense for any unauthorized person to change or amend, by addition or deletion, any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or to tamper with this code in any manner whatsoever which will cause a law of the city to be misrepresented thereby. Penalty, see ' 10.99

' 10.99 GENERAL PENALTY.

(A) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by:

(1) A fine not to exceed \$2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, and public health and sanitation;

(2) A fine not to exceed \$2,000, if a motor vehicle is used in illegal dumping or an offense under the law or city ordinance violated by the illegal dumping; or

(3) A fine not to exceed \$500 in all other cases; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

(B) Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, the nuisance may be summarily abated by the City Manager or the Chief of Police or their assigns.

Statutory reference:

Municipal penalties, see Tex. Local Government Code, ' 54.001

TITLE III: ADMINISTRATION

Chapter

- 30. GENERAL PROVISIONS**
- 31. OFFICIALS AND EMPLOYEES**
- 32. CITY ORGANIZATIONS**
- 33. EMERGENCY MANAGEMENT**
- 34. TAX AND FINANCE**
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CHAPTER 30: GENERAL PROVISIONS

Section

- 30.01 Type A General Law Municipality
- 30.02 City Council hearings; Planning and Zoning Commission
- 30.03 Notice to Council of property damage; claim

' 30.01 TYPE A GENERAL LAW MUNICIPALITY.

The city is a Type A General Law Municipality.
(Ord. 161, passed 7-12-1993)

' 30.02 CITY COUNCIL HEARINGS; PLANNING AND ZONING COMMISSION.

Any public hearing hereafter held by the City Planning and Zoning Commission for purposes of adopting any zoning regulation or zoning district boundaries or amending any provision of the city comprehensive zoning ordinance or any zoning map adopted in connection therewith may be held concurrently with a public hearing held by the City Council for purposes of acting upon any recommendation of the aforesaid Planning and Zoning Commission with respect to the adoption of any such zoning regulations or zoning district boundaries or amendment to the city comprehensive zoning ordinance or any zoning map adopted in connection therewith, provided that the City Council may not take action on any such matter until it receives the final recommendation of the Planning and Zoning Commission as to such proposed action, and provided further that no such joint public hearing shall be held unless notice of the time and place of such joint public hearing has been published in an official newspaper of the city or a newspaper of general circulation in the city limits of the city before the fifteenth day before the date of such joint public hearing.

(Ord. 71A, passed 2-1-1988)

' 30.03 NOTICE TO COUNCIL OF PROPERTY DAMAGE; CLAIM.

(A) The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his or her behalf, or in the event the injury results in death, the person or persons who may have a cause of

action under the law by reason of such death injury, shall, within 60 days from the date the damage or injury was received, give notice in writing to the Mayor and City Council of the following facts:

(1) The date and time when the injury or damage occurred and the place where the injured person or property was at the time when the injury was received;

(2) The nature of the damage or injury sustained;

(3) The apparent extent of the damage or injury sustained;

(4) A specific and detailed statement of how and under what circumstances the damage or injury occurred;

(5) The amount for which each claimants will settle;

(6) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented;

(7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed; and

(8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

(B) No suit of any nature whatsoever shall be instituted or maintained against the city unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the City Council for redress, satisfaction, compensation or relief, as the case may be, and that the same was by vote of the City Council refused.

(C) All notices required by this section shall be effectuated by serving them upon the City Secretary at the following location: Davis Road, Combine, Texas, City Hall/Fire Station, and all such notices shall be effective only when actually received in the office of the person named above.

(D) Neither the Mayor, a City Council member, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this section.

(E) The written notice required under this section shall be sworn to by the person claiming the damage or injuries or by someone authorized by him or her to do so on his or her behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the City Council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

(Ord. 64, passed 10-7-1985)

CHAPTER 31: OFFICIALS AND EMPLOYEES

Section

- 31.01 Mayor/Mayor Pro Tem; expenditure
- 31.02 Duties of Marshal conferred to Chief of Police
- 31.03 Court Clerk
- 31.04 Building Official
- 31.05 City Marshal
- 31.06 Fire Marshal

' 31.01 MAYOR/MAYOR PRO TEM; EXPENDITURE.

(A) The Mayor, or Mayor Pro Tem, in the Mayor=s absence, is authorized to expend up to \$750 in approved operating funds for the purpose of obtaining labor and materials necessary to make emergency repairs to public roadways within the city.

(B) The Mayor, or Mayor Pro Tem, in the Mayor=s absence, is authorized to close or to have closed, any roadway within the city for the duration that is necessary to facilitate and complete the repairs and restore the roadway to a safe and passable condition.
(Ord. 172, passed 2-6-1995)

' 31.02 DUTIES OF MARSHAL CONFERRED TO CHIEF OF POLICE.

(A) In accordance with Tex. Local Government Code, ' 22.076, as amended, the office of City Marshal is hereby abolished.

(B) The duties of the office of City Marshal are conferred to the Chief of Police, an appointed position.

(C) A majority of the City Council, upon nomination by the Mayor, may confirm the appointment of Chief of Police.
(Ord. 174, passed 3-27-1995)

' 31.03 COURT CLERK.

(A) A majority of the City Council, upon nomination, may confirm the appointment of the Court Clerk.

(B) The duties of the Court Clerk shall be under the direction of the Presiding Judge of the Municipal Court.

(C) The Court Clerk serves a two year-term of office, coinciding with the term of the Municipal Judge.

(D) The City Council shall set the compensation, including any fees of the office.
(Ord. 216, passed 6-5-2001)

' 31.04 BUILDING OFFICIAL.

(A) *Generally.*

(1) The Office of Building Official of the city is created and established.

(2) For the purposes of this section, the terms ***BUILDING OFFICIAL*** and ***BUILDING INSPECTOR*** are interchangeable.

(3) The Building Official shall be appointed by the City Council solely on the basis of his or her abilities and qualifications and shall hold office at the pleasure of the City Council. The City Council may appoint a qualified person, firm or agency to serve as Building Official and perform the duties of building plan review and/or inspection services.

(4) The Building Official shall be appointed for a period of two years effective from the date of the appointment by the City Council.

(5) The Building Official=s compensation shall be set by the City Council. The Building Official may be employed under an employment contract which shall establish the compensation among other things.

(B) *Powers and duties.*

(1) It shall be the duty of the Building Official to administer and enforce the provisions of this section and all ordinances of the city and statutes of the state, specifically those regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials,

operation, installation, replacement and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; within the city.

(2) It shall be the duty of the Building Official to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance, resolution or action of the City Council.

(3) When necessary to make an inspection to enforce any of the provisions of this code and the technical codes, or when the Building Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of the city=s ordinances or state statutes which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

(4) The Building Official shall review all preliminary plats required under the subdivision ordinance (Chapter 153) for conformity with the provisions specified in the ordinance and submit the preliminary plat along with any recommendations necessary for the preliminary plat to conform with the city requirements to the Planning and Zoning Commission. If no revision is required, the Building Official must so state in writing to the Planning and Zoning Commission.

(5) The provisions adopted in this section shall not be exclusive but shall be cumulative and complementary to all other provisions of city ordinances and county, state and federal laws. Nothing in this section shall be read, interpreted or construed so as to limit any existing right, power or authority of the Mayor or the City Council to enter into any supplemental agreement with the Building Official delineating additional terms and conditions of employment not inconsistent with any provision of this section.

(C) Adoption of construction codes.

(1) The city incorporates by reference and adopts as its building standards and regulations applicable to all occupancies in the city each and all of the terms, conditions, regulations, penalties and provisions of the following codes as from time to time may be amended, added and deleted by regulation of the International Building Code (IBC) published by the International Code Council (ICC), together with the regional amendments as adopted by the North Central Texas Council of Governments.

(2) Where the Regional Amendments as adopted by the North Central Texas Council of Governments require a choice between Option A or Option B, Option A shall be the choice:

(a) International Residential Code, 2009 Edition;

(b) International Energy Code, 2009 Edition;

(c) National Electrical Code, 2011 Edition, for all residential and commercial electrical construction applications;

(d) International Building Code, 2009 Edition, is adopted as a municipal commercial building code in this state;

(e) International Plumbing Code, 2009 Edition;

(f) International Mechanical Code, 2009 Edition;

(g) International Fire Code, 2009 Edition; and

(h) International Fuel Gas Code, 2009 Edition.

(Ord. 139B, passed 4-12-2012)

' 31.05 CITY MARSHAL.

(A) By this section, the City Council establishes a base salary of \$155 per week plus FICA, to be paid bi-weekly, to the City Marshal.

(B) This compensation shall be reviewed at least annually by the City Council and adjusted as appropriate by majority vote of the Council.

(C) This salary will commence on the day the City Marshal fully assumes the Office of City Marshal and provides the Mayor with a certified copy of the state peace officers certification issued to the incumbent, unless the City Marshal requests a waiver for up to two years under Tex. Occupations Code, ' 1701.053.

(D) The City Marshal shall maintain a current peace officer certification as issued by the state while serving in the capacity of City Marshal and maintain on file a current certified copy of this certificate.

(E) The City Marshal will provide the city with the serial numbers of all firearms used by the City Marshal in fulfilling the duties of City Marshal.

(F) The City Marshal will submit to the City Council a budget request for approval each fiscal year and the City Council will incorporate into the city budget those items it approves. Any purchases made by the City Marshal above \$100 or items not budgeted and approved by Council shall be coordinated through the Mayor. Routine purchases for gasoline, oil change, tire repair and items having prior Council approval under \$100 may be made by the City Marshal as necessary.

(G) The City Marshal will provide the City Council with a brief report of all activities each month at regularly scheduled City Council meetings. Such report should include hours on duty, any citations issued, any arrests made, expenses, number of offenses reported, regardless of type, and any other activity which, in the opinion of the City Marshal, is of interest to the City Council. The City Marshal will not disclose any information which, in his or her opinion, will compromise an investigation or interfere with the function of his or her office.

(H) Any interlocal agreements or mutual aid agreements entered into by the City Marshal must have prior City Council approval.

(I) The City Marshal is sworn to uphold the laws of the state and all municipal statutes. The City Marshal will observe and protect the rights of all citizens without regard to gender, race or creed.

(J) The Office of the Attorney General Opinion No. DM-323 regarding an apparent conflict between Tex. Government Code, ' ' 415.053 and 415.060(a), which is incorporated herein by reference and made a part hereof.

(K) Marshal of Type A General-Law Municipality:

(1) The marshal of a Type A general-law municipality is the ex officio chief of police.

(2) The marshal may appoint one or more deputies. The appointment of a deputy must be approved by the governing body of the municipality.

(3) The marshal or a deputy marshal shall be available to the municipal court when it is in session and shall promptly and faithfully execute writs and process issued by the court. The marshal may execute writs and serve process within each county in which the municipality is located, both inside and outside the municipal boundaries.

(4) The marshal may take suitable and sufficient bail for the appearance before the municipal court of a person charged with a violation of an ordinance or law of the municipality.

(5) The marshal has the same power and jurisdiction as a peace officer has under the Code of Criminal Procedure to execute warrants, to prevent and suppress crime, and to arrest offenders. The marshal has other powers, not inconsistent with state law, that the governing body confers by ordinance.

(6) The marshal may close a theater, ballroom, or other place of public recreation or entertainment to prevent a breach of the peace or to preserve quiet and good order.

(7) The marshal shall:

(a) Quell riots, disorder, and disturbance of the peace in the municipality;

(b) Take into custody a person who disturbs the peace of the municipality;

(c) Arrest, without warrant, a person who disturbs the peace, otherwise engages in disorderly conduct or a disturbance, or obstructs or interferes with the performance of the marshal's duties; and

(d) Perform other duties, not inconsistent with state law, that the governing body prescribes by ordinance, Tex. Occupations Code, ' 1701.053 and Tex. Local Government Code, ' 341.021.

(Ord. 160, passed 6-7-1993; Ord. 160A, passed 7-12-1993)

' 31.06 FIRE MARSHAL.

(A) *Creates office.* The City Council hereby creates the Office of Fire Marshal. Such Office shall be independent of other city departments. The Fire Marshal shall report directly to the Mayor and City Council. Such office shall be filled by appointment by the Mayor, by and with the consent of the City Council. The Fire Marshal shall be a qualified peace officer, and may be removed from office by the City Council in compliance with Tex. Local Government Code, ' 22.077.

(B) *Security for the Fire Department.* The Fire Marshal shall primarily provide security for the Fire Department. He or she shall secure the scene of all fires and other Fire Department activities. He or she shall help with any investigations requested by the Fire Department. The Fire Marshal has the same power and jurisdiction as any peace officer as declared in Tex. Local Government Code, ' 341.021.

(C) *Sworn peace officer.* The Fire Marshal is a sworn peace officer required to uphold and enforce all laws of the state and municipal statutes. The Fire Marshal will observe and protect the rights of all citizens without regard to gender, race or creed.

(D) *Current license.* The Fire Marshal shall maintain on file with the city a current license to be a peace officer as issued by the Texas Commission on Law Enforcement Officer Standards and Education.

(E) *Information.* The Fire Marshal will provide to the City Council any lawfully requested information and report any activity deemed of interest to the Council. The Fire Marshal will not disclose any information which, in his or her opinion, will compromise an investigation or interfere with the function of his or her office.

(F) *Budget.* The Fire Marshal will submit to the City Council any budget request for approval each fiscal year and the City Council will incorporate into the city budget those items it approves.

(G) *Firearms.* The Fire Marshal will provide the city with the serial numbers of firearms normally used by the Fire Marshal in fulfilling the duties of the Fire Marshal.

(H) *Agreements.* Any interlocal agreements or mutual aid agreements entered into by the Fire Marshal must have prior City Council approval.

(I) *Deputies*. The Fire Marshal may appoint one or more deputies in compliance with Tex. Local Government Code, ' 341.021. The appointment of a deputy must be approved by the City Council.

(J) *Other duties*. The Fire Marshal may perform other duties, not inconsistent with state law that the governing body prescribes.

(Ord. 168A, passed 12-10-2012)

CHAPTER 32: CITY ORGANIZATIONS

Section

32.01 Board of Adjustment

' 32.01 BOARD OF ADJUSTMENT.

(A) Each member of City Council will serve as the Board of Adjustment coincident with his or her respective term in office.

(B) The Mayor will preside over the Board of Adjustment and will also serve as an Alternate Board member in the absence of a regular Board member.

(C) The Board of Adjustment will comply with the Tex. Local Government Code, ' ' 211.008 through 211.013.

(Ord. 140A, passed 11-6-2000)

CHAPTER 33: EMERGENCY MANAGEMENT

Section

- 33.01 Organization
- 33.02 Emergency Management Director; powers and duties
- 33.03 Emergency management plan
- 33.04 Interjurisdictional program
- 33.05 Override
- 33.06 Liability
- 33.07 Commitment of funds
- 33.08 Offenses
- 33.09 Limitations

- 33.99 Penalty

' 33.01 ORGANIZATION.

There exists the Office of Emergency Management Director of the city, which shall be held by the Mayor in accordance with state law.

(A) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.

(B) The Director shall be responsible for a program of comprehensive emergency management within the county and for carrying out the duties and responsibilities set forth in this chapter. He or she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

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

(Ord. 209, passed 10-4-2004)

' 33.02 EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES.

The duties and responsibilities of the Emergency Management Director shall include the following:

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

(B) Supervision of the development and approval of an emergency management plan for the city, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan;

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

(D) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this chapter. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary;

(E) Direction and control of the operations of the city emergency management organization as well as the training of emergency management personnel;

(F) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the city;

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

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

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

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

(K) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes;

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

(M) Other requirements as specified in Texas Disaster Act 1975 (Tex. Government Code, Ch. 418).

(Ord. 209, passed 10-4-2004)

' 33.03 EMERGENCY MANAGEMENT PLAN.

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties and powers, and designate officers and employees to carry out the provisions of this chapter. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this chapter and have the effect of law during the time of a disaster.

(Ord. 209, passed 10-4-2004)

' 33.04 INTERJURISDICTIONAL PROGRAM.

The Mayor is hereby authorized to join with the County Judge of the County of Kaufman in the formation of an Emergency Management Council for the County of Kaufman and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the city.

(Ord. 209, passed 10-4-2004)

' 33.05 OVERRIDE.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. 209, passed 10-4-2004)

' 33.06 LIABILITY.

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

(Ord. 209, passed 10-4-2004) Penalty, see ' 33.99

' 33.07 COMMITMENT OF FUNDS.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this chapter without prior approval by the City Council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the county when deemed prudent and necessary for the protection of health, life or property.

(Ord. 209, passed 10-4-2004) Penalty, see ' 33.99

' 33.08 OFFENSES.

(A) It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management Organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.

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

(C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning, or the termination of a warning, shall be in violation of this chapter, and may be subject to the penalties imposed by this chapter.

(Ord. 209, passed 10-4-2004) Penalty, see ' 33.99

' 33.09 LIMITATIONS.

This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.
(Ord. 209, passed 10-4-2004)

' 33.99 PENALTY.

Convictions for violations of the provisions of this chapter shall be punishable by fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.
(Ord. 209, passed 10-4-2004)

CHAPTER 34: TAX AND FINANCE

Section

- 34.01 Sales and use tax
- 34.02 Municipal Court Building Security Fund
- 34.03 Municipal Court Technology Fund
- 34.04 Ad valorem tax

' 34.01 SALES AND USE TAX.

A 1% sales and use tax has been adopted within the city.
(Ord. 133, passed 7-10-1989)

' 34.02 MUNICIPAL COURT BUILDING SECURITY FUND.

(A) There is hereby created a Municipal Court Building Security Fund as permitted by Tex. Code of Criminal Procedure, Art. 102.017, as amended.

(B) A defendant convicted in a trial for a misdemeanor offense in Municipal Court shall pay a \$3 security fee as a cost of court.

(C) A person is consider convicted if:

- (1) A sentence is imposed on the person;
- (2) The person receives a deferred adjudication; or
- (3) The Court defers final disposition of the person=s case.

(D) The Clerk of the Municipal Court shall collect the costs and pay them to the City Treasurer for deposit in a fund to be know as the Municipal Court Fund.

(E) The Municipal Court Building Security Fund may be used only to finance the following items when used for the purpose of providing security services for the building housing the Municipal Court:

- (1) The purchase or repair of x-ray machines and conveying systems;

- (2) Hand held metal detectors;
- (3) Walk-through metal detectors;
- (4) Identification cards and systems;
- (5) Electronic locking and surveillance equipment;
- (6) Bailiffs, deputy sheriffs, deputy constables or contract security personnel during times when they are providing appropriate security services;
- (7) Signage;
- (8) Confiscated weapon inventory and tracking systems;
- (9) Locks, chains or other security hardware; or
- (10) Any other item or for any other purpose authorized by Tex. Code of Criminal Procedure, Art. 102.017, as it may be amended by the state legislature from time to time.

(F) The Municipal Court Building Security Fund shall be administered by or under the direction of the City Council.
(Ord. 190, passed 2-2-1998)

' 34.03 MUNICIPAL COURT TECHNOLOGY FUND.

(A) Establishment of Municipal Court Technology Fund.

- (1) There is hereby created and established a Municipal Court Technology Fund, here -in-now know as the Fund, pursuant to Tex. Code of Criminal Procedure, Art. 102.0172.
- (2) The Fund may be maintained in an interest bearing account and may be maintained in the General Revenue Account.

(B) Establishment of amount of the fee and assessment and collection.

- (1) The fee shall be in the amount of \$4.
- (2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as cost of court. A defendant is considered convicted if:
 - (a) A sentence is imposed on the person;

(b) The person is placed on community supervision, including deferred adjudication community supervision; or

(c) The court defers final disposition of the person=s case.

(3) The fee shall be collected on conviction for an offense committed on or after September 1, 1999 (or for conviction on offenses committed on or after ordinance is adopted).

(4) The Clerk of the Court shall collected the fee and pay the fee to the Municipal Treasurer or (other official who discharges or performs the duties of the Treasurer) of the city, who shall deposit the fee into the Municipal Court Fund to be separated out as needed.

(C) Designated use of the Fund and administration.

(1) The Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the city, including:

- (a) Computer systems;
- (b) Computer networks;
- (c) Computer hardware;
- (d) Computer software;
- (e) Imaging systems;
- (f) Electronic kiosks;
- (g) Electronic ticket writers; or
- (h) Docket management systems.

(2) Fee may only be assessed and collected on offenses occurring on or after September 1, 1999. The fee may not be assessed or collected retroactively if Fund is established at a later date than September 1, 1999.

(3) The Fund shall be administered by or under the direction of the city.

(D) Expiration and administration of Fund. In accordance with Tex. Code of Criminal Procedure, Art. 102.0172, this section and the assessment and collection of the Municipal Court Technology fee expires September 1, 2005. The purpose of the use of any funds remaining in the Fund shall continue

to be used and administered as required by this section, and for that purpose, this section remains in effect.

(Ord. 198, passed 11-1-1999)

' 34.04 AD VALOREM TAX.

(A) Generally.

(1) There is hereby levied and there shall be collected for the use and support of the municipal government of the city, and for debt service of the General Fund, upon all property, real, personal and mixed, within the corporate limits of the city subject to taxation, a tax in an amount to be determined from time to time by the City Council.

(2) The tax shall be so levied and apportioned to the specific purposes here set forth:

(a) For the maintenance and support of the General Fund; and

(b) For debt service of the General Fund.

(3) The taxes levied under this section shall be due on October 1 of each year and, if not paid on or before January 31 of the following year, shall immediately become delinquent.

(4) All taxes shall become a lien upon the property against which assessed, and the City Assessor and Collector is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the state, and the ordinances of the city shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and, the interest and penalty collected from such delinquent taxes shall be apportioned to the General Fund of the city. All delinquent taxes shall bear interest from date of delinquency at the rate as prescribed by state law. Penalties and interest for delinquent taxes shall be incurred in accordance with Tex. Property Tax Code, ' 33.01.

(5) Additional penalty for collection costs of delinquent taxes: to enforce the collection of delinquent taxes pursuant to Tex. Property Tax Code, ' 6.30 it is hereby provided, as authorized in Tex. Property Tax Code, ' 33.07, that taxes that remain delinquent on July 1 of the year in which they become delinquent shall incur an additional penalty in the amount of 15% of the amount of taxes, penalty, and interest due, to defray the costs of collection.

(B) Procedure for issuing ad valorem tax certificate; fee.

(1) At the request of any person, individual, or legal entity, the Tax Collector for the city shall issue a certificate showing the amount of delinquent taxes, penalties and interest due the city on any item of real or personal property according to the city's current tax records.

(2) The Collector shall collect a fee for each certificate issued in the amount agreed to by the city and Tax Assessor=s office.

(C) *Participation in appraisal district.* The city hereby authorizes participation in the Kaufman County Central Appraisal District. The said appraisal district shall be authorized to perform all appraisal and assessment functions required under the State Property Tax Code. The city shall contract with the Kaufman County Tax Collector for the collection of its municipal taxes unless other contractual arrangements are made.

(Ord. 212, passed 4-4-2005; Ord. 2017-002, passed 9-25-2017)

CHAPTER 35: POLICE DEPARTMENT

Section

- 35.01 Creation
- 35.02 Control
- 35.03 Compliance
- 35.04 Employment records
- 35.05 Oath of office
- 35.06 Peace officer requirement
- 35.07 Certification
- 35.08 Power and authority
- 35.09 Uniforms

' 35.01 CREATION.

There is hereby re-created and re-established for the city, a Police Department to be directed by the Chief of Police.

(Ord. 2008-007A, passed 4-12-2014)

' 35.02 CONTROL.

The Police Department shall be composed of the Chief of Police and other such members as the City Council may from time to time so determine. Termination of the Chief of Police shall require a super-majority vote (four of five votes) of the entire City Council. The Chief of Police shall have the immediate direction and control of the Police Department, subject to such ordinances, policies, rules, regulations and orders as the City Council may prescribe.

(Ord. 2008-007A, passed 4-12-2014)

' 35.03 COMPLIANCE.

The members of the Police Department other than the Chief of Police shall be selected by the Chief of Police except that, in compliance with Tex. Local Government Code, ' 341.012, the City Council must approve the appointment of any member of the Police Reserve Force who may be authorized to carry a weapon or otherwise act as a peace officer. All members of the Police Department shall serve at the pleasure of the City Council and must be approved by the City Council before taking office. For

the purposes of Tex. Local Government Code, ' 22.077, police officers of the Combine Police Department are employees of the city rather than municipal officers.
(Ord. 2008-007A, passed 4-12-2014)

' 35.04 EMPLOYMENT RECORDS.

The Chief of Police shall make available to the City Council all background checks, other information, and forms required by the Tex. Occupations Code, ' 1701.451. The City Council shall review this information prior to approving anyone as a peace officer for the city.
(Ord. 2008-007A, passed 4-12-2014)

' 35.05 OATH OF OFFICE.

The Chief of Police and each member of the Police Department shall, before undertaking his or her duties, subscribe to an oath that he or she will faithfully, without fear or favor, perform the duties of his or her office. The duties and salaries of each member of the Police Department, including the Chief of Police, shall be set by the City Council, after consultation with and recommendations by the Chief of Police.
(Ord. 2008-007A, passed 4-12-2014)

' 35.06 PEACE OFFICER REQUIREMENT.

The Chief of Police and members of the Police Department shall be peace officers as defined in Tex. Code of Criminal Procedure, Art. 2.12, with all of the powers and duties conferred upon peace officers under the laws of the State of Texas.
(Ord. 2008-007A, passed 4-12-2014)

' 35.07 CERTIFICATION.

The Chief of Police and each member of the Police Department shall hold a license as a qualified law enforcement officer from the Texas Commission on Law Enforcement Officer Standards and Education as provided in Tex. Occupations Code, Ch. 1701, unless serving under a temporary or probationary appointment as provided in said Act.
(Ord. 2008-007A, passed 4-12-2014)

' 35.08 POWER AND AUTHORITY.

The Chief of Police and the members of the Police Department of the city shall be and are hereby vested with all the power and authority given to them as police officers under the laws of the State of Texas in taking cognizance of and enforcing criminal laws of the State of Texas and the ordinances and regulations of the city within the city limits, and it shall be the duty of each such police officer to use his or her best endeavors to prevent the commission of offenses against the laws of this state and against the ordinances and regulations of this city within the city limits.

(Ord. 2008-007A, passed 4-12-2014)

' 35.09 UNIFORMS.

After consultation with and recommendations by the Chief of Police, the City Council shall prescribe the uniforms and badges for the Chief of Police and the members of the Police Department, The Chief of Police shall have authority to determine how the members of the Police Department shall be armed.

(Ord. 2008-007A, passed 4-12-2014)

TITLE V: PUBLIC WORKS

Chapter

50. SEWER SERVICE

CHAPTER 50: SEWER SERVICE

Section

General Provisions

- 50.01 Purpose
- 50.02 Definitions
- 50.03 General environmental requirements
- 50.04 Authority of the Department to regulate on-site sewerage facilities
- 50.05 Relations with other governmental entities
- 50.06 Design approvals of on-site sewerage systems
- 50.07 On-site sewerage system maintenance and water conservation
- 50.08 Unsatisfactory on-site disposal systems

Design Standards for Sewerage Systems

- 50.20 Septic tank design; residential
- 50.21 Septic tank design; institutional
- 50.22 On-site aerobic sewerage plants
- 50.23 Grease traps

Design Standards for Effluent Disposal Systems

- 50.35 Soil technology and disposal method selection
- 50.36 Percolation test procedures
- 50.37 Effluent disposal systems

Disposal Alternatives/Special Applications

- 50.50 Greywater systems
 - 50.51 Composting toilets
 - 50.52 Sewage recycling systems
- Appendix A: Tables and Figures

4Combine - Public Works

GENERAL PROVISIONS

' 50.01 PURPOSE.

It is the policy of the State Department of Health that individual on-site sewerage facilities shall be designed, constructed and operated to provide adequate sewage treatment and disposal that will not contaminate potable water supplies or threaten the health and welfare of the public. Therefore, the primary purpose of these standards is to establish minimally-acceptable standards for constructing on-site sewerage facilities. These construction standards will cover the aspects of on-site sewerage systems for use by individual homes, small business establishments, recreational areas, institutions and other activities that conform to this section and do not have access to a central collection system. The various types of treatment processes covered by these standards do not have any open discharges to the surface of the ground. Any process which proposes open discharge should be designed in accordance with 30 Tex. Administrative Code, Ch. 217 (relating to the State Water Commission=s ADesign Criteria for Sewerage Systems@) and must be operated under a waste discharge permit issued by the State Water Commission. For daily flows over 5,000 gallons per day that are proposed for subsurface disposal, the determination of the necessity for a waste discharge permit must be obtained from the State Water Commission.

(Ord. 135, passed 6-27-1987)

' 50.02 DEFINITIONS.

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

AEROBIC DIGESTION. The bacterial decomposition and stabilization of sewage in the presence of free oxygen.

ANAEROBIC DIGESTION. The bacterial decomposition and stabilization of sewage in the absence of free oxygen.

BEDROCK. A continuous horizontal layer of hardened mineral deposits that does not support growth of common plant life.

BLACKWATER. All sewage other than greywater that contains sufficient human or animal wastes to require the water to be treated prior to disposal to the earth=s subsurface.

BORE HOLE. A drilled hole four feet or greater in depth and one to three feet in diameter.

CALICHE. A white or pale yellow deposit of carbonate and/or sulfates of varying hardness that exists in the soil profile.

CESSPOOL. A non-watertight covered receptacle intended for the receipt and partial treatment of domestic sewage. This device is constructed such that its sidewalls and bottom are open jointed to allow the gradual discharge of liquids while retaining the solids for anaerobic decomposition (see ' 50.08 (relating to unsatisfactory on-site disposal systems)).

CHEMICAL. A liquid or powdered waste that in sufficient quantity could have a biotoxic effect on on-site sewerage facilities.

CHEMICAL TOILET. A portable toilet using chemicals to mask odors, discourage insect breeding and provide partial disinfection.

COLLECTIVE SYSTEM. An on-site sewage collection, treatment and disposal system designed to serve two or more sewage-generating units where the total combined flow from all units does not exceed 5,000 gallons per day.

COMMISSION. Texas Water Commission.

COMPOSTING TOILET. A disposal facility designed to decompose non-waterborne human wastes through bacterial action facilitated by aeration.

DEPARTMENT. Texas Department of Health.

EVAPOTRANSPIRATION SYSTEM. A subsurface sewage disposal system which relies on soil capillarity and plant uptake to dispose of treated effluent through surface evaporation and plant transpiration.

FIGURE. Any reference in these sections to a **FIGURE** number is a reference to a figure shown in Appendix A of this chapter (relating to tables and figures).

GRAVEL LESS DRAINFIELD PIPE. A generically labeled large diameter (usually eight or ten inches) geotextile fabric-wrapped piping product which is intended for use without gravel in a subsurface sewage disposal system.

GREYWATER. Wastewater from clothes washing machines, showers, bathtubs, handwashing lavatories and sinks that are not used for food preparation or disposal of chemical and biological ingredients.

HOLDING TANK. A watertight container used to receive and store sewage in an anaerobic environment pending its delivery to, and treatment at, an approved treatment facility. This type of facility is generally intended for interim use, if and when approved by the local permitting authority.

INDIVIDUAL. A person, group of persons, corporation or entity permitted to own, or use real estate.

INJECTION WELL. A hole drilled into permeable soil which is intended to receive either raw sewage or the effluent from some form of treatment process (see ' 50.08 (relating to unsatisfactory on-site disposal systems)).

INNOVATIVE DESIGN. Detailed drawings and specifications describing the construction of on-site sewerage facilities that utilize materials and concepts not included in these standards.

MOBILE HOME PARK. Any facility or area developed for lease or rental of space for the placement of two or more mobile homes.

MOUND SYSTEM. A soil absorption system which is installed in or below an artificially created mound of earth.

NATURAL SOIL. Earthen materials deposited into place by-natural processes and not disturbed by artificial processes.

ON-SITE AEROBIC TREATMENT UNIT.

(1) A watertight covered receptacle designed to receive, store and provide treatment to domestic sewage received through a building sewer.

(2) Its function is to separate solids from the liquid, promote the aerobic digestion of organic matter through the use of a forced air supply, store and aerobically digest settleable solids and allow the clarified liquid to be disposed of in a subsurface disposal system.

ON-SITE SEWERAGE FACILITIES. Septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks and all other facilities, systems and methods used for the disposal of sewage other than the disposal systems operated under a permit issued by the State Water Commission.

PIT PRIVY. A vented waterproof vault intended to store human wastes and allow its decomposition through natural processes. In this type of treatment, no external water source is provided and there is no direct discharge to the surface. It is recommended for use only in primitive and remote areas.

PLATTED. Recorded with the county in an official plat record.

PORTABLE TOILET. A small portable enclosure with a built-in toilet seat and a raw sewage holding tank. It is primarily intended for use at construction sites and other areas where temporary restroom facilities are required. Domestic sewage collected in these facilities is generally retained in an anaerobic state pending delivery to, and treatment at, an approved treatment facility.

PRESSURE DOSING. The use of some form of pumping device and a network of small diameter piping to distribute treated effluent within a subsurface sewage disposal area.

SANITARY CONTROL EASEMENT. A document securing all land, within 150 feet of a public or private potable water well location, from pollution hazards that include, but are not limited to, solid and liquid waste disposal sites, animal pens, improperly sealed or abandoned wells, major sewage pumping and treatment plants, and drainage ditches which contain industrial waste discharges.

SCUM. A mass of organic and/or inorganic matter which floats on the surface of sewage.

SEEPAGE PIT. An unlined covered excavation in the ground which is designed to operate in essentially the same manner as a cesspool (see ' 50.08(C) (relating to common unsatisfactory on-site disposal systems)).

SEPTIC TANK. A watertight covered receptacle designed to receive, store and provide treatment to domestic sewage received from a building sewer. Its function is to separate solids from the liquid, digest ...

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...areas with soil conditions unsuitable for conventional systems. Quite often, lot sizes are no larger than those found in subdivisions serviced by central water and sewerage systems. Residential areas with small lots served by individual systems, on many occasions, are subject to undesirable conditions such as widespread saturation of the soil, malfunction of the treatment unit, sewage on the surface of the ground and in roadside ditches and strained relationships between neighbors. The standards presented herein are based on the cumulative observations and experiences of the past and are intended to provide the citizens of this state with adequate public health protection and a minimum of environmental pollution.

(B) *Facility owner=s responsibilities.* A properly designed on-site sewerage facility, properly constructed in a suitable soil, can malfunction if the amount of water it is required to dispose of is not controlled. It will be the responsibility of the owner to maintain and operate the facility in a satisfactory manner. The proper performance of an on-site sewerage facility cannot be guaranteed even though all provisions of these standards have been met. Inspection and licensing of an on-site sewerage facility by the licensing authority shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with county, state and federal regulations. On-site sewerage facilities, although approved as meeting minimum standards, must be upgraded by the owner, at the owner=s expense, if the owner=s operation of the facility results in objectionable odors, if unsanitary conditions are created, if pollution or nuisance conditions are threatened or occur, or if the facility when used does not comply with governmental regulations.

(C) *Locational and environmental standards.* The developers of subdivisions or mobile home parks that are remote from organized sewage collection systems shall consider the method of sewage disposal in the determination of lot size and arrangement. The provision of a collection system and central treatment plant is generally the preferred method of sewage disposal; however, if soil conditions permit, and other factors are favorable to the use of on-site sewerage systems, the standards in Table I shall be

used with regard to the location of the systems= components. A sewage disposal plan shall be submitted to the appropriate local regulatory authority a minimum of 45 days prior to anticipated date of construction.

(Ord. 135, passed 6-27-1987)

' 50.04 AUTHORITY OF THE DEPARTMENT TO REGULATE ON-SITE SEWERAGE FACILITIES.

The Texas Sanitation and Health Protection law, Tex. Health and Safety Code, Ch. 341, covers the Department=s authority to promulgate construction rules and standards. The Tex. Water Code, ' 26.031, directs the Commission to consult with the Commissioner of Health for recommendations concerning the impact of the use of on-site sewerage systems on public health before entering an order regulating the installation or use of such facilities in a given area.

(Ord. 135, passed 6-27-1987)

' 50.05 RELATIONS WITH OTHER GOVERNMENTAL ENTITIES.

(A) *Texas Water Commission.* The state level responsibility for the management and control of on-site sewerage system practices is shared by the Commission and the Department. The Commission=s authority is primarily of a regional nature insofar as the control of pollution caused by on-site sewerage systems. When the problems of a particular area are likely to produce hazards to public health through area-wide water pollution caused by on-site sewerage systems, the Texas Water Code gives the authority to limit the number and type of these systems, prohibit the installation and use of additional ones, and provide for their gradual and systematic reduction in that area.

(B) *Texas Water Well Drillers Board.* This state agency shares responsibility with the Department and the Commission for the regulation of water well siting and construction. If a private water well encroaches on an already established on-site sewerage system, the sewerage system owner should consult with the Texas Water Well Drillers Board in order to establish the fact of prior right to use the sewerage system.

(C) *Local health departments.* The Texas Sanitation and Health Protection Law, Tex. Health and Safety Code, Ch. 341, requires local health officials to abate nuisances, and to aid the State Board of Health in the enforcement of its rules, regulations, requirements and ordinances and in the enforcement of all sanitary laws within the jurisdiction of the local health officials. Local health agencies may be required by city ordinance or waste control order to enforce regulations which exceed the requirements of these standards, but local authorities must not permit their standards to fall below those recommended by the Department. Local regulations shall be reasonable and, if technical in nature, must be based on sound engineering principles.

(D) *River authorities and water districts.* River authorities or water districts may assist in water pollution control enforcement procedures through orders issued by the Commission to control or prohibit the use of on-site sewerage systems in an area. The Commission may delegate them as the licensing authority to develop procedures concerning administration, inspection, issuance of licenses and enforcement of a Commission Order. Through these procedures, river authorities and water districts may establish standards higher than those of the Department, provided they are reasonable and, if technical in nature, are based on sound engineering principles.

(E) *County commissioners courts.* Tex. Water Code, ' 26.019 empowers the Commissioners Court of any county to adopt a waste control order controlling or prohibiting the installation or use of on-site sewerage systems in any area of a county under its jurisdiction. The Commission must grant its approval of the adopted county order prior to its becoming effective. The order includes construction standards promulgated by counties which may be adjusted to local conditions so long as they do not fall below the standards of the Department and also provided that the adjustments are reasonable and, if technical in nature, are based on sound engineering principles.

(F) *Municipal corporations.* Cities, towns and villages may control or prohibit the use of on-site sewerage systems by local ordinance. The standards set forth in any such ordinance must not fall below those stated in this publication, but these entities may establish standards which will produce a higher quality of operation, provided the standards are reasonable and, if technical in nature, are based on sound engineering principles.

(G) *Regional council of government.* These agencies are principally created to establish and execute the planning process in a region designated by the Governor under authority of Tex. Local Government Code, Ch. 391. The regional councils may contribute to the effective and proper disposal of sewage by guiding developers to the more favorable alternative of sewerage collection systems and centralized sewerage facilities, preparing soil maps showing favorable, intermediate and unacceptable locations for sewerage systems dependent upon subsurface effluent disposal, and assisting local governments in recognizing the need for regulatory devices for sewage disposal.
(Ord. 135, passed 6-27-1987)

' 50.06 DESIGN APPROVALS OF ON-SITE SEWERAGE SYSTEMS.

(A) *Approval of conventional designs.* The construction standards contained herein are promulgated under authority of the Texas Sanitation and Health Protection Law, Tex. Health and Safety Code, Ch. 341. In addition, Tex. Health and Safety Code, Ch. 341 states that disposal of human excreta in populous areas must be by methods approved by the department. It further states the effluent from septic tanks (or aerobic treatment units) shall be disposed of through subsurface drainfields designed in accordance with good public health engineering practice. The design standards in this section constitute the minimum criteria established and approved by the Department for methods of on-site sewage disposal.

(B) *Approval of innovative designs.*

(1) Agencies vested with the responsibility of enforcing on-site sewage disposal regulations may consider feasible innovative designs which are not specifically covered in these construction standards. Texas is a large state with many different types of topographical, geological and climatic conditions. New systems may be conceived in the future to meet requirements demanded by these conditions. The systems may differ from the specific construction methods outlined in this publication. To both assist local regulatory agencies in determining the reliability of a new system and protect the public from improperly designed systems, the Department will review and evaluate new systems on an individual basis. A system found to be designed in accordance with good engineering practice will be approved by the Department for the one installation for which the design was intended. Subsequent similar designs for other installations will be reviewed by the local regulatory authority. All new and innovative designs must be submitted through a local regulatory authority to the Department for review as a clearing house procedure. At the Department=s discretion, local regulatory authorities having qualified technical expertise will be assigned authority to review each design and administer a program to evaluate the design=s in-place performance.

(2) A 12-month trial operational period shall be required prior to any final approval by the Department of any innovative design.

(a) Submissions of innovative systems for review must include:

1. Detailed plans sealed by a registered professional engineer or signed by a registered professional sanitarian;
2. Necessary research data to establish the validity of the process, including setup of the proposed innovative system;
3. Development of operational data and maintenance instructions; and
4. All research and development data that has been verified by published results of a recognized college, university or research organization.

(b) All expenses in connection with research, pilot projects and/or demonstration projects must be borne by the activity submitting the innovative design for review.

(C) *Approval of proprietary systems.* All new systems which deviate significantly from these construction standards shall be reviewed by the Department for their installation and use suitability. Notice of disapproval by either the Department or the local regulatory authority shall prevent such facilities from being installed. Categorical approval of proprietary systems will not be granted by the Department.

(D) *Residential lot sizing.*

(1) *General considerations.* The failure of an on-site sewerage system may be caused by a large number of circumstances, including inadequate soil percolation, improper construction, design, installation and misuse. The single most important factor concerning public health problems resulting from these failures is the residential dwelling density which is primarily a function of lot size. The failure of a system in a highly populated area is the fundamental cause of public health hazards resulting from on-site sewage disposal. Surfacing sewage provides a medium for the transmission of disease and the fact that many people are in the vicinity causes concern over the spreading of disease. Sewerage systems using soil absorption for effluent disposal are more likely to malfunction in high population density situations because the soil available to absorb or evaporate the effluent is limited. The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location.

(2) *Platted subdivisions served by a public water supply.* Subdivisions of single-family residences platted after January 1, 1988, and served by a public water supply but utilizing individual subsurface methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre, or shall have a site-specific design by a registered professional engineer or registered professional sanitarian and approved by the Department or its designee. In no instance, shall the area available for such system be less than two times the design area. The surface area must be free of restrictions indicated in Table I and those referred to throughout this chapter.

(3) *Platted subdivisions served by individual water systems.* In subdivisions platted after January 1, 1988, for single-family residences where each lot maintains an individual water supply well and sewerage system with a subsurface soil system, the plat shall show the approved well location and a sanitary control easement around the well within a 150-foot radius in which no subsurface sewerage system may be constructed. A watertight sewerage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 150 feet, provided the minimum separation stated in Table I is not violated. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a platted subdivision shall contain not less area than one acre, or shall have a site-specific design by a registered professional engineer or a registered professional sanitarian, and approved by the Department or its designee. In no instance shall the area available for such systems be less than two times the design area. The surface area must be free of restrictions indicated in Table I and those referred to throughout this chapter.

(4) The construction or installation of an on-site sewage facility on a lot or tract that, is smaller than the size required in divisions (D)(2) and (D)(3) above shall not be allowed; however, on such smaller lots or tracts, recorded with a county in its official plat record prior to January 1, 1988, an on-site sewerage facility may be permitted to be constructed and licensed to operate if it meets the following criteria. It must be demonstrated by a thorough investigation of a registered professional engineer or registered professional sanitarian (either having demonstrated expertise in on-site sewerage system design) that an on-site sewerage facility on one of these lots can be operated without causing a threat or harm to an existing or proposed water supply system or to the public health, or creating the threat of pollution or nuisance conditions.

(E) *Mobile home parks and multi-use residential developments.* Mobile home parks and multi-use residential developments which are owned or controlled by an individual and which rents or leases space, or mobile home parks and multi-use residential developments which are sold but ownership and control of a central water system and/or a central sewerage system is vested in a responsible entity, may utilize smaller lots than stated in division (D)(2) above; provided, an overall sewerage plan is submitted to the Department or its designee and approved and water is supplied by a central water system. Parks and developments of this type may connect no more than 20 units to a single sewerage system, provided the system is designed by a registered professional engineer or registered professional sanitarian. The total anticipated sewage discharge shall not exceed 5,000 gallons per day from the connected homes and the sewerage facility must conform to the definition of on-site sewerage facilities in ' 50.02. Individual home sites must meet the requirements in division (D) above, unless applicable under this section.

(F) *Exemptions and variances.* Requests for exemptions or variances of any part or parts of these standards for the design, installation or operation of any on-site sewerage system shall be considered on an individual basis. The burden of proof is the responsibility of the registered professional engineer, registered professional sanitarian or other qualified individual responsible for the design or installation of the system under consideration. This individual must demonstrate to the satisfaction of the Department or licensing authority, that the exemption or variance has been requested because conditions are such that equivalent protection of the public health and environment can be provided by alternate means or construction features. Any such request must be accompanied by sufficient engineering or continuation of this division (F) applicable data to meet the Department's or licensing authority's satisfaction. The Department shall, at the request of local authorities, provide evaluation and comment services for any such local authority.

(Ord. 135, passed 6-27-1987)

' 50.07 ON-SITE SEWERAGE SYSTEM MAINTENANCE AND WATER CONSERVATION.

(A) An on-site sewerage system should not be treated as if it were a city sewer. Economy in the use of water helps prevent overloading of a sewerage system that could lessen its usefulness. Leaky faucets and faulty commode fill-up mechanisms should be carefully guarded against. Garbage grinders can cause a rapid buildup of sludge or scum resulting in a requirement for more frequent cleaning and possible system failure. The excessive use of garbage grinders and grease discarding should be avoided.

(B) Water conservation measures that will reduce the load on the on-site sewerage system include the following.

(1) Showers usually use less water than tub baths. If showers are used, install a shower head that restricts the flow from about five gallons per minute to approximately two and one-half gallons per minute. Try taking shorter showers to save water.

(2) If a person takes a tub bath, he or she shall reduce the level of water in the tub from the level to which he or she customarily fills it.

(3) No person shall leave the water running while brushing teeth or washing hands.

(4) Check commodes for leaks that may not be apparent. Add a few drops of food coloring to the tank. Do not flush. If the color appears in the bowl within a few minutes, the toilet flush mechanism needs adjustment or repair.

(5) Do not use the toilet to dispose of cleaning tissues, cigarette butts or other trash. This disposal practice will waste water and also impose an undesired solids load on the treatment system.

(6) Reduce the amount of water used for flushing the commode by installing a toilet tank dam or filling and capping two one-quart plastic bottles with water and lowering them into the tank of the commode. Do not use bricks since they may crumble and cause damage to the fixture. If a new toilet is installed, install a two and one-half-gallon (or less) commode rather than the conventional three- to five- gallon fixture.

(7) Try to run the dishwasher with a full load, whenever possible.

(8) Avoid running the water continuously for rinsing kitchen utensils or for cleaning vegetables.

(9) Use faucet aerators that restrict flow to no more than 2.75 gallons per minute to reduce water consumption.

(10) Keep a container of drinking water in the refrigerator instead of running the faucet until the water turns cool.

(11) Insulate all hot water pipes to avoid long delays of wasted water while waiting for the heated water.

(12) Repair leaky faucets.

(13) Ask the city, county or local government about their programs to conserve water and how they can help you save water.

(C) Septic tanks shall be cleaned before sludge accumulates to a point where it approaches the bottom of the outlet device. If sludge or scum accumulates to this point, solids will leave the tank with the liquid and possibly cause clogging of the perforations in the drainfield line resulting in sewage surfacing or backing up into the house through the plumbing fixtures.

(D) Since it is not practical for the average homeowner to inspect his or her tank and determine the need for cleaning, a regular schedule of cleaning the tank at two- to three-year intervals should be established. Commercial cleaners are equipped to readily perform the cleaning operation. Owners of septic tank systems shall engage only persons registered with the State Department of Health to transport the septic tank cleanings.

(E) Do not build driveways, storage buildings or other structures over the sewerage system or its disposal field.

(F) Chemical additives or the so-called Aenzymes® are not necessary for the operation of a septic tank. Some of these additives may even be harmful to the tank's operation.

(G) Soaps, detergents, bleaches, drain cleaners and other household cleaning materials will very seldom affect the operation of the system; however, moderation should be exercised in the use of such materials.

(H) It is not advisable to allow water softener back flush to enter into any portion of the on-site sewerage system.

(I) The liquid from the sewerage system is still heavily laden with bacteria. The surfacing of this material constitutes a hazard to the health of those that might come into contact with it.

(J) For residential systems, up to a 20% reduction in the size of the blackwater absorption beds or trenches will be allowed, or up to a 10% reduction in blackwater evapotranspiration beds will be allowed, if approvable water-saving blackwater fixtures are made a part of the sewerage system design. (Ord. 135, passed 6-27-1987)

' 50.08 UNSATISFACTORY ON-SITE DISPOSAL SYSTEMS.

The construction and use of those systems not in accordance with the Tex. Health and Safety Code, Ch. 341 constitutes a violation; the Department considers the following on-site disposal systems unsatisfactory because they tend to create nuisances and other conditions prejudicial to the public health.

(A) *Cesspools.* Cesspools were once commonly used in rural areas for disposal of domestic wastes. Cesspool designs consisted of constructing a pit into permeable soil and curbing the sides of the pit with open-jointed material to the bottom of the pit. Raw sewage was discharged directly into the cesspool and the organic material anaerobically decomposed while the partially treated wastewater was absorbed by the adjacent permeable soil. Since the threat of injury to public health is greater when raw or partially treated wastewater is in direct contact with the absorptive soil, this method can no longer be considered as an approved means of sewage disposal.

(B) *Bore holes and injection wells.*

(1) Bore holes and injection wells used for disposal of domestic wastes generally consist of a drilled hole greater than four feet in depth and varying in diameter from eight inches to 36 inches or larger. Usually, the holes are filled with crushed stone and are dug to a depth which intercepts a permeable soil layer. Raw sewage is discharged into these holes directly or after detention in a septic tank.

(2) The use of bore holes or injection wells for domestic sewage disposal is not an approved disposal method because it is possible to contaminate underground water. Injection wells approved and permitted by the Commission are acceptable to the department. Injection wells used for private sewage disposal, as defined in ' 50.02 (relating to general procedures and information) are not subject to regulation by the Commission, however. Their use will not be approved by the Department. Variations of bore hole design such as soil substitution methods may be approved as stated in ' 50.06(B) (relating to general procedures and information).

(C) *Seepage pits.*

(1) Seepage pits are rock-filled or lined pits dug to a depth in excess of four feet and located at the end of a septic tank absorption field system. The pits are generally used to dispose of wastewater which would normally not be absorbed in the absorption field and would otherwise surface.

(2) Seepage pits are not an approved method of wastewater disposal for the same reasons that apply to bore holes and injection wells. Subsurface water contamination may occur with these systems and the anaerobic bacteria present in the wastewater may eventually cause plugging problems in the seepage pit.

(Ord. 135, passed 6-27-1987)

DESIGN STANDARDS FOR SEWERAGE SYSTEMS

' 50.20 SEPTIC TANK DESIGN; RESIDENTIAL.

(A) *House sewer.* The sewer from the house plumbing system to the septic tank shall be constructed of structurally sound pipe such as cast iron, ductile iron, or SDR 35 (or equivalent) plastic pipe with metallic locating tape, bedded in sand. Cast iron, ductile iron, Schedule 40 FVC or high strength pipe should always be used under driveways. The pipe from the house to the septic tank shall have a minimum inside diameter of not less than three inches and be compatible with the house stub out pipe. The slope of the house sewer shall be no less than one-quarter-inch fall per foot of pipe. The stub out location shall be at the highest possible elevation with respect to the house foundation to avoid deep treatment systems. The line must be of watertight construction. A cleanout plug must be provided within three feet of the building and at 90-degree turns in alignment, both horizontal and vertical, and at every 50 feet of straight horizontal piping. Prospective installers and users of low flush commodes should consult with the manufacturers of these devices regarding their grade requirements. Too steep or too shallow slopes on pipes connecting the toilet and the treatment tank may require excessive maintenance. Piping from the treatment tankage to the disposal area must have at least two inches inside diameter, have at least a minimum fall of one-eighth-inch per foot and be as sturdy as SDR 35 PVC piping. Metallic locating tape shall be used with the installation of all piping to and within the disposal area. This tape shall be readily detectable with a metal detector.

(B) *Septic tank capacity based on sewage loading.* A properly designed septic tank shall be watertight. The settleable and suspended solids will undergo partial decomposition under anaerobic conditions. As a result of use, the septic tank will accumulate partially decomposed solids which must be removed periodically. As additional sewage is introduced into the tank, partially clarified effluent is discharged into the subsurface disposal field. The best method for estimating the tank=s sewage loading is based upon the number of bedrooms in the house. Table II shall be used to determine the required minimum septic tank liquid capacity.

(C) *Inlet and outlet devices.* To assure rapid drainage of house plumbing, the flow line of the inlet pipe shall be at least three inches higher than the operating tank liquid level which is determined by the flow line of the outlet pipe. Liquid penetration of the inlet device shall be at least six inches, but never greater than that of the outlet device. Liquid penetration of the outlet device shall be approximately one-fourth to one-half of the tank=s liquid depth. AT@ branches are required for inlet and outlet devices because they provide a means for venting the gases produced by the decomposition process from the tank and absorption system through the house plumbing. Otherwise, gases may escape from around the lid of the tank and cause an odor nuisance in the vicinity of the septic tank. AT@ branches also offer ready access for required maintenance. To prevent the escape of floating solids from the tank to the subsurface disposal field and the possibility of inlet stoppages, the open spaces between the tops of the inlet and outlet devices and the underside of the tank cover shall not be greater than four inches, nor less than two inches (See Figure 1). In order to provide a good watertight septic tank, the inlet and outlet AT@ branches shall be installed in a permanent manner at the time the septic tank is constructed. Factory built tanks shall have the AT@ branches grouted in place before delivery so that the only connections to the tank at the point of installation will be the influent and effluent lines. Manufacturers of prefabricated tanks shall be allowed to install watertight flanges into the tank walls, into which inlet and outlet stubs can be easily fitted by field installers, causing watertight connections.

(D) *Details of septic tank design.*

(1) Two single compartment tanks in series, or a two-compartment tank, with approximately one-half to two-thirds of the total volume in the first compartment, will be required for acceptable solids removal. Tanks may be round, rectangular, or of a shape that allows the Department=s standards to be met. The second tank or compartment shall have inlet and outlet devices designed the same as for a single-compartment tank, except that the elevation, or flow line, of the inlet device in the second unit shall be the same as the outlet device in the first unit (see Figure 2). A ten-inch minimum diameter or square port shall be provided to each flow line device for inspection, cleaning and maintenance. Both the inlet and outlet devices shall be accessible for inspection and maintenance without having to enter the septic tank. For tanks not having more than 12 inches of earthen cover, the use of sectional slab covers will conveniently and safely provide the needed access. For tanks buried more than 12 inches, manholes with risers are required. The septic tank shall be of sturdy, watertight construction. Materials used may be steel-reinforced poured-in-place concrete, steel-reinforced pre-cast concrete, reinforced fiberglass, polyethylene or other materials approved by the regulatory authority. Metal septic tanks are prohibited because they are subject to corrosion. The septic tank shall be structurally designed to resist buckling from external hydraulic loading and exterior loading caused by earth fill, garden tractors, riding lawn mowers or any expected maximum wheel weights. At the option of the regulatory authority, the

tanks shall be tested by filling with fresh or construction grade water following installation and checked 24 hours later for leaks and structural integrity. Tanks exhibiting obvious deflections, leaks or defects that will impair treatment must not be used. Where concrete tanks are installed, sweating or condensation at construction joints is acceptable.

(2) In the case of poured-in-place concrete tanks, septic tank bottoms shall be at least six inches thick with six by six by six-gauge welded Steel Mesh or No. 3 Reinforcing Bars on six-inch centers, with such reinforcing materials being extended up into the wall area of the tank so that it will mesh with the reinforcing materials in the walls of the tank. The floor and walls must be constructed monolithically. Walls are to be a minimum of six inches thick.

(3) Septic tank tops reinforced with six by six by six gauge welded Steel Mesh or No. 3 Reinforcing Bars on six-inch centers must be poured off-site rather than on the tank (not on top of a wooden frame over the tank) and must be moved onto the tank after hardening and then sealed to the tank with a permanent bonding material or rubber gasket having a one-half inch minimum thickness so as to form a seal between tank and top. To facilitate handling, tops may be poured in sections but must be sealed when in place. Tops must be a minimum of three inches thick.

(4) Pre-cast concrete, polyethylene and prefabricated fiberglass tanks are subject to prior approval of the licensing authority, who should consult with the Department regarding the uniquely differing materials, manufacturing methods and designs used. All pre-cast or prefabricated tanks shall be clearly marked, tagged or stamped with the manufacturer's name, an exclusive serial number, and the capacity of such tanks near the level of the outlet in at least two positions so as to be clearly visible to the inspecting or permitting authority even after they have been placed in the ground, lasting of this information with the address of the installation shall be maintained by the regulatory authority.

(5) Septic tanks must be installed so as to provide at least 12 inches drop in elevation from the bottom of the outlet pipe to the bottom of the disposal area. A sand pad, sandy loam or select material with a minimum thickness of four inches must be placed under all prefabricated tanks. All septic tank excavations must be backfilled with sand, pea gravel, select backfill or loam not containing rocks greater than one inch in size. It is acceptable to mound sandy loam over a septic tank which is set high to maintain fall to the drainfield.

(6) When treated sewage must be pumped to the disposal area, an effluent pump shall be placed in a watertight tank. A check valve shall be provided if the disposal area is upgrade and higher than the pump. The tank shall be provided with a highwater alarm having a power circuit separate from the pump. The electrical connections shall be hard-wired external to the pump chamber. Effluent pump tanks shall have a minimum capacity of 500 gallons after the alarm is activated.
(Ord. 135, passed 6-27-1987)

50.21 SEPTIC TANK DESIGN; INSTITUTIONAL.

(A) *General consideration of use of septic tank systems.* Septic tanks may be used as a means of sewage treatment for non-residential activities; however, experience indicates that the usefulness of the septic tank systems decreases as the size of the establishment served increases. When a septic tank is being considered for service to an activity that will produce more sewage than a single-family residence, design guidance must be obtained from a local health department, regulatory agency or a consultant who is professionally registered as an engineer or sanitarian in the state, and is well versed in on-site sewerage system design.

(B) *Sewage loading.* The total quantity of sewage applied per day to the septic tank provides the basis for the determination of its size. Table III, entitled *Individual Usage Rate*, will be of assistance in estimating the daily sewage flow per capita for a variety of living and activity situations. Organic loading of sewage from restaurants, hospitals, nursing homes and other commercial establishments will require an increase in tank size.

(C) *Compartments to be provided.* Two compartments shall be provided, the first created by a wall with a tee to permit liquid flow from the first compartment to the second one. The flow line of this intermediate fitting shall be at the elevation of the flow line of the outlet fitting of the second compartment. This fitting shall be three inches below the elevation of the flow line of the first compartment's inlet fitting. The capacity of the first compartment shall be one to two times the capacity of the second compartment. All tanks must be vented internally.

(D) *Selection of septic tank capacity.* The net volume or effective capacity below the flow line of a septic tank for flows up to 250 gallons per day shall be at least 750 gallons. For flows between 250 and 5,000 gallons per day, the capacity of the tank shall be equal to at least three-days' sewage flow. For daily flows over 5,000 gallons per day, the determination of the necessity for a waste discharge permit must be obtained from the Commission.

(E) *Pump tank usage.* When treated sewage must be pumped to the disposal area, an effluent pump shall be placed in a watertight tank. A check valve shall be provided if the disposal area is upgrade and higher than the pump. The tank shall be provided with a highwater alarm having a power circuit separate from the pump. The electrical connections shall be *hardwired* external to the pump chamber. Effluent pump tanks shall have a minimum capacity of 1,000 gallons after the alarm is activated. For daily flows over 500 gallons, a duplex pump configuration must be provided.
(Ord. 135, passed 6-27-1987)

50.22 ON-SITE AEROBIC SEWERAGE PLANTS.

(A) *Introduction.* A number of small (up to 1,500 gallons per day) aerobic wastewater disposal systems have been designed and marketed for the on-site treatment of sewage. The information in this subsection relates to the Department's requirements concerning the installation and use of on-site

sewerage plants for private residences, small businesses and institutions. Sewerage plants designed to treat more than 1,500 gallons per day must meet the *Design Criteria for Sewerage Systems* published by the Department and the Commission.

(B) *Appropriate usage.* The installation and use of individual wastewater disposal units, other than septic systems, are acceptable to the Department provided they meet Department requirements.

(C) *Permit policy.* Subject to the requirements of the local regulatory authority, an owner of a home, small business or institution may elect to use an aerobic individual wastewater disposal system.

(D) *Effluent disposal practice.* The effluent from an individual small aerobic wastewater disposal unit must be discharged into a properly designed and constructed subsurface sewerage system. No discharges to or above the ground surface or into the waters of the state are authorized by the Department. Such practices may be permitted by the Commission and the Department on a limited basis through the implementation of local regulatory programs.

(E) *Operation and maintenance responsibility.* Companies distributing aerobic individual small waste disposal systems shall provide an inspection and repair service since the system=s owners, in most instances, will not be in a position to judge whether the device is working as designed, local governments, in determining whether to approve any type of individual small wastewater disposal system, shall give consideration to the ability of the distributor or other firms qualified to service the installation. The prospective owner shall be given a copy of the prospective seller=s service contract prior to making a decision regarding purchase. The contract shall be for a two-year period, with provision for extending the period, at the owner=s option.

(F) *Emergency operation.* The principal structure or containing vessel of an individual small wastewater unit is designed to provide treatment to a predetermined amount of daily incoming sewage. In the event of more than one day=s failure of mechanical or electrical devices, anaerobic conditions will prevail when aeration equipment is inoperable. The unit=s owner shall be prepared for emergencies by contractual arrangement with the plant=s seller, by stocking spare parts, by hiring a licensed sewage pumping and hauling company, or by preventing the generation of more sewage until the emergency is eliminated.

(G) *National Sanitation Foundation criteria.* There are numerous manufacturers of individual small wastewater treatment systems. To the extent of available information, inquiries on individual systems from local governments or individuals will be answered by the Department. Local governments interested in authorizing individual small aerobic wastewater disposal systems are advised of the testing and approval criteria of the National Sanitation Foundation (NSF). The NSF seal on a particular unit indicates its ability to meet the requirements of the Foundation=s Standard 40 relating to AIndividual Aerobic Wastewater Treatment Plants@. Units not having a NSF approved rating will be required to undergo extensive testing equal to or greater than the Foundation=s program prior to use in the state. The Department will maintain a list of approved aerobic systems.

(H) *Treatment limitations.* In addition to the previously mentioned statement, the prospective user should be aware that small aerobic treatment plants treat sewage differently than septic tanks. Aerobic treatment plants operate by mixing raw sewage together with air and masses of bacteria. Several kinds of bacteria consume the sewage and air, changing it to nitrogen, carbon dioxide and water, all of which are used by plant life. Treated clear effluent still contains microscopic bacteria and viruses that were in the raw sewage so it must be kept out of contact with the general public as much as possible. It is possible to disinfect treated sewage with chlorine, bromine, ultraviolet light, ozone or other commercially available products; however, nothing will make aerobically treated sewage safe enough to use as fresh water. Disposal systems for aerobic plant effluent shall be the same as for septic tank effluents.

(I) *Costs.* Because aerobic treatment plants use a completely different process than septic tanks, there should be little or no odor if the plant is operated and maintained properly. Operation and maintenance costs are considerably greater than for septic tanks, however, most aerobic treatment plant suppliers will caution the homeowners about excessively loading the unit with garbage disposal wastes or toxic materials.

(J) *Siting considerations.* Most aerobic treatment plants sized for single home or small commercial shop use are usually only slightly larger than a septic tank but may not be installed as deeply. The organic loading of commercial or institutional applications may require individual design considerations. Its inspection access is exposed to the surface, unlike a septic tank which is usually covered over with a layer of gravel or grass sod. The unit is generally one piece construction using concrete or fiberglass.

(K) *Solids accumulations.* Most aerobic treatment plants operate by applying air from an air compressor into the bottom of the tank that first accepts raw sewage. As the air bubbles rise to the surface the sewage mixes with a mass of brownish gray bacteria called activated sludge. Several baffles and/or compartments are required within the single unit so that several different activities can be done at the same time. These include mixing the air, sewage and bacteria together, then allowing the bacteria to settle while the treated effluent is drained off the top. Solid materials that the bacteria cannot consume will accumulate in a sludge holding compartment along with grease, oil and other undigested floating wastes. The sludge and floating wastes will have to be removed, occasionally by a sludge hauling company. How often sludge has to be removed depends upon the type and amount of waste the owner applies to the system.

(Ord. 135, passed 6-27-1987)

' 50.23 GREASE TRAPS.

(A) *Installation.* Grease traps shall be used on kitchen wastelines from institutions, hotels, restaurants, schools with lunchrooms, and other places that may discharge large amounts of greases and oils to the sewer; however, wastes from garbage grinders must not be allowed to enter a grease trap. The trap shall be installed near the plumbing fixture that discharges greasy wastewater and should be easily accessible for cleaning. When maximum efficiency grease removal is necessary, a dual chambered trap

that separates, then stores grease shall be utilized. If the dual chamber trap is installed as close as possible to the source of hot greasy wastes, the separated grease can be conveyed to the secondary chamber, where it accumulates, cools and solidifies.

(B) *Sizing*. Grease trap sizing will depend on the particulars of the application. Building Code authorities and trap manufacturers should be consulted prior to sizing the unit. No trap with a liquid holding capacity of less than 100 gallons shall be approved for any food preparatory establishment required to have a unit. Grease interceptors shall be sized using the Uniform Plumbing Code to determine maximum flow rate and required to have at least two compartments. The primary compartment shall hold seven times the maximum gallons-per-minute flow rate and the secondary shall hold five times this flow rate. If garbage disposals are required by the permitting authority, they shall be plumbed into the unit and the unit sized to hold ten times the maximum gallons-per-minute flow rate in the primary compartment and seven times this flow rate in the secondary compartment. (Ord. 135, passed 6-27-1987)

DESIGN STANDARDS FOR EFFLUENT DISPOSAL SYSTEMS

50.35 SOIL TECHNOLOGY AND DISPOSAL METHOD SELECTION.

Prior to project building construction, a site evaluation, soil characterization study and project component positioning must be done; site evaluation is a combination of field inspection, laboratory testing and desk top analysis; it includes a thorough understanding of the codes and regulations governing the use of the site; key elements of the evaluation are discussed in the following sections.

(A) *Topography*. A site=s topography relates to the changes in surface height over the site=s total area. Topography can influence the choice of system used. For instance, pressure dosing may be the only type of system possible where the only acceptable location for the disposal area is at a higher elevation than the treatment unit. Grading plans to alter the topography may be used in order to evaluate whether the site can be used. Care must be taken to protect or replace the site=s topsoil.

(B) *Soil characteristics*. The most important characteristics of soil are the ability to absorb fluid, provide adequate treatment and convey the treated water underground. Permeability is the characteristic relating to ease of water movement through soil. The main properties indicative of absorption capacity are soil texture, (see Chart I) structure, color, thickness of permeable strata, and swelling characteristics.

(1) Soil properties are discussed in detail by the U.S. Department of Agriculture, Soil Conservation Service (USDA-SCS), in the soil survey reports which are available from county extension agents and field offices of the USDA-SCS in each county. These surveys include general soil maps which outline the areas of different soils onto aerial photos. General information is given regarding the soil=s suitability for sewage effluent disposal on a broad scale and can be used for preliminary evaluation.

(2) A careful field investigation must be made by persons trained or having qualified experience in soils science or on-site sewage disposal to determine the capability of a site to absorb and treat wastewater. The investigation should be done during the wettest season of the site. The soil evaluation should address the eight site characteristics listed in Table V. A site plan must be submitted to the local regulatory authority showing the proposed location of the various components of the on-site sewerage system and the existing or future improvements, lot lines and any other item that restricts the choices of component locations.

(C) *Groundwater*. Seasonal high groundwater (perched water) tables can exist in any area of the state. Under such conditions, it is possible to locate perched water near the ground surface during wet periods each year. This situation is the result of seasonal rain storm runoff permeating into a shallow soil mantle that lies upon an impermeable material like a solid rock or very dense clay. The mechanism for the removal of this water is by very slow draining to open channels or areas not influenced by clay or rock. Some moisture is taken up by evaporation and transpiration of plants that are rooted into the permeable top soil.

(D) *Flooding*. Usual site development requires that the structure be built on the highest portion of the site. The sewerage system is developed in the remaining area of the site that is lower than the structure. Unfortunately, the lower area of a site may be subject to flooding as it naturally receives storm runoff from all areas upstream of it. Careful evaluation of flooding potential is necessary to determine whether flood preventative measures must be incorporated into the on-site sewerage system. All of a soil absorption system must be constructed out of the flood-prone area, and not within areas subject to inundation or erosion by flood waters or rainfall runoff. An applicant for a permit to install a sewerage system shall consult with the local flood plain ordinance administrator, county engineer, State Highways and Public Transportation Department, nearest river authority, Farmers Home Administration, Federal Emergency Management Agency and other officials who may have information regarding the potential for flooding at the disposal site.

(E) *Solid and fractured rock*. Solid or fractured rock underlying a thin absorptive; soil mantle which is less than four feet thick poses two different problems to the on-site sewerage system user. Solid material will reduce the absorptive capacity of a site while fractured rock may act as the mechanism for direct pollution of an aquifer that lies under the site. Percolation tests in these materials are unreliable and must not be used to size the sewerage system.

(F) *Caliche*. Deposits of a white-to-pale yellow mineral form of calcium carbonate and related compounds of variable thickness and hardness that should be carefully inspected by a soils scientist or qualified local authority to determine site suitability for treated sewage absorption. Caliche has several forms that may or may not allow the site to be developed as a sewage absorption area; however, if a soils scientist or qualified local authority is unavailable, an evapotranspiration system can be installed if climatic conditions are appropriate.

(G) *Offsets from property lines*. Minimum spacings from adjacent property owners must be adhered to. A common property line may be built upon with fencing or masonry walls. The area may serve as natural or artificial drainage for storm runoff. For these reasons, private on-site sewerage systems must

not be built on these spacings, unless there is a written agreement between the adjacent property owners involved.

(H) *Clearances from structures and surface improvements.* Table I indicates clearance requirements relating to structures and surface improvements. Structure foundations or surface improvements, such as swimming pools, concrete curbs, landscaping, lawn sprinklers, concrete, asphalt, wood decks or other types of materials must not be placed or planned for installation in any manner that will jeopardize the suitability of subsurface sewage disposal sites, unless a study by a registered professional engineer or a registered professional sanitarian is approved by the local permitting authority.

(I) *Spacing with other utilities.* Utility companies may have special restrictions that can be enforced onto on-site sewerage system installations. Safety of operations has been cited as a reason to maintain distance from buried electric and gas conduits. Safety to public health requires the separation of potable water piping from sanitary sewerage systems. Table I lists commonly used criteria, but each utility company serving the parcel should be consulted prior to installing the sewerage system even if no potential problems are evident.

(J) *Disposal system selection.* In designing a private sewerage facility, several options concerning subsurface disposal are available. Table IV has been prepared to aid in the selection of the proper system based on site evaluation, percolation rate and lot size considerations. The table includes the systems generally recommended for subsurface disposal which are drainfields, absorption beds and evapotranspiration beds. The purpose of Table IV is to give the reader a general idea as to the most feasible type of system to construct taking into consideration lot size, soil absorptive capacity, water conservation practices and local climate.

(1) After determining the sizing of appropriate treatment tankage, the permitting agency shall confer with the applicant regarding the calculations to determine the bottom area required for trenches, an absorption bed system and an evapotranspiration system. Generally, the system having the least number of square feet of bottom area will be the most economical. In most cases where adequate room is available, a trench system will be less costly.

(2) In areas where soils have low permeability, it is possible to design a system which combines both soil absorption and evapotranspiration. Such systems are somewhat complicated and should be designed by a person trained in sewerage system design. The United States Environmental Protection Agency has issued a publication entitled *A Design Manual - On-site Wastewater Treatment and Disposal Systems* that provides guidance to those interested in selecting the most appropriate treated sewage effluent disposal method, taking site constraints into consideration. The entire manual, EPA Publication No. 625/1-80-012, may be ordered from: U.S. Environmental Protection Agency, Office of Research and Development, Municipal Environmental Research Laboratory, Cincinnati, Ohio 45268. This government publication is a 391-page document that was published in October 1980 for public use. Although it is recommended as one of several references, the Department does not adopt this manual or any other technical publication.

(Ord. 135, passed 6-27-1987)

50.36 PERCOLATION TEST PROCEDURES.

It has been previously mentioned that the percolation test is but one of many indicators of a site's future suitability to accept sewage for safe permanent disposal; consequently, it should not be considered as the sole basis of designing an on-site sewerage system; experiences of local regulatory agents will have priority over the test results; experience should be based on tests conducted during the wettest season of the year.

(A) *Location and number of tests.* A minimum of two test holes will be required with the holes uniformly spaced over the proposed absorption field site. The actual number of holes required for an individual soil evaluation should be determined experimentally in accordance with the following procedures.

(1) If the percolation rate results of both test holes fall in the same group as shown in Column One in Table VI, no additional holes will be necessary and the absorption field may be designed on the average of the results.

(2) If the percolation rate results fall in adjacent groups, the absorption field may be designed using the test results from the hole with the slowest percolation rate or one additional hole may be dug, tested and all three results averaged. To properly average the results, each test result must be converted to minutes/inch, then added together. The sum is then divided by the number of tests. If tests in an area vary by more than 20 minutes/inch, variations in soil type are indicated and percolation rates should not be averaged.

(3) If the percolation rate results fall in non-adjacent groups, the absorption field may be designed using the test results from the hole with the lowest percolation rate or two additional holes may be dug, tested and the results averaged.

(4) In lieu of the previously mentioned procedure, four holes may be dug and tested and the results averaged at the same time to reduce the amount of time required to conduct the test.

(B) *Type of test hole.* Dig or bore a hole with a diameter of from six to 12 inches with vertical sides to the depth of the proposed absorption trench. The bottom of the hole must be at the same elevation as the proposed drainfield bottom. It may be required on a case-by-case basis by the local regulatory authority, that test pits with a back hoe or other heavy excavating equipment be done prior to performing the test from a bored hole in the bottom of the test pit. The local regulatory authority may require borings to a depth greater than the depth of the proposed disposal system bottom, if a high groundwater table or impermeable layer is suspected to be present.

(C) *Preparation of test holes.* Carefully scratch the bottom and sides of the hole with a knife blade or sharp-pointed instrument in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose material from the hole and carefully place approximately one inch of coarse sand or fine gravel into the bottom of the hole to protect the bottom from scouring.

(D) *Saturation and swelling of the soil.* It is important to distinguish between saturation and swelling. Saturation means that the void spaces between soil particles are full of water. This can be accomplished in a short period of time. Swelling is caused by intrusion of water into the individual soil particle. This is a slow process, especially in a clay-type soil, and is the reason for requiring a prolonged soaking period.

(E) *Filling of test holes.* In the conduct of the test, carefully fill the hole with clear water to a minimum depth of 12 inches. In most soils, it is necessary to refill the hole by supplying a surplus reservoir of water manually or by means of an automatic: siphon, to keep water in the hole until saturation occurs (approximately 24 hours). Determine the percolation rate 24 hours after water is first added to the hole. This procedure is to insure that the soil is given ample opportunity to swell and to approach the condition it will be in during the wettest season of the year. Thus, the test will give comparable results in the same soil, whether made in a dry or in a wet season. In sandy soils containing little or no clay, the swelling procedure is not essential and the test may be made as described in division (G) below after the water from one filling of the hole has completely seeped away.

(F) *Percolation rate measurement.* With the exception of sandy soils, percolation rate measurements shall be made on the day following the procedure described in division (E) above. After the overnight swelling period, adjust the water depth to approximately 12 inches from the bottom. From a fixed reference point, measure the drop in water level over a 30-minute period. This drop is used to calculate the percolation rate. If the rate is slower than 30 minutes per inch, continue with measuring the rate for an additional 30 minutes. The slower rate of the two consecutive one-half hour tests should be used.

(G) *Percolation rate measurement (sandy soils).* In sandy soils (or other soils in which the first six inches of water seeps away in less than 30 minutes, after the overnight swelling period), the hole should be filled to a depth of six inches and that depth maintained by adding water for 30 minutes. After 30 minutes, the drop in water level should be measured over an additional ten-minute period and the percolation rate calculated from this measurement.
(Ord. 135, passed 6-27-1987)

50.37 EFFLUENT DISPOSAL SYSTEMS.

The effluent discharge from a septic tank or aerobic plant requires further handling to render it safe from a public health standpoint; a well-designed subsurface soil absorption system will allow these liquids to seep into the ground without creating a health hazard or nuisance. (After the prospective builder has selected a suitable area and is assured that safe distances from wells, lakes and the like can be maintained, the builder must determine, with the assistance of an experienced soils scientist, registered professional engineer or registered professional sanitarian whether soil formations in the selected area will allow a soil absorption system to work. When conventional soil absorption systems are used, there shall be no interference from groundwater. The groundwater table must be situated at least four feet below the bottom of the soil absorption system. In the coastal areas of the state, fresh or salt water may occur at depths less than four feet. The design standards for conventional soil absorption systems set forth in this publication are based on the premise that impervious strata are at depths greater

than four feet below the bottom of the absorption trench. Conventional soil absorption systems shall not be used if either impervious strata or groundwater exists at depths less than four feet from the trench or bed bottom, unless a detailed site evaluation is made and a design by a registered professional engineer or registered professional sanitarian is accepted by the local regulatory authority.)

(A) *Soil absorption trench.* A soil absorption trench may be used if the proposed site provides sufficient room and is of suitable soil. An experienced soils scientist, registered professional engineer or registered professional sanitarian should be consulted to determine if the site qualifies for trenches.

(1) *Absorption trench field for level terrain.* Where the topography or ground slope is not too steep, a flat or level system of gravel-filled trenches or percolation beds is recommended. The use of a looped trench system will avoid dead ends and assure maximum effective utilization of all portions of the system. No individual trench shall exceed 75 feet in length.

(a) The field bottom must be at least 12 inches lower than the flowline of the treatment tank. The capacity of any particular absorption system is determined by the total area of trench or bed bottom built into the system. The amount of this required minimum area will depend upon the expected sewage load, the average soil percolation rate, and the site's soil evaluation results. The soil percolation rate may be determined by performing a percolation test as described in ' 50.36. The trench dimensions for single-family residential units may then be estimated from Table VI. For sewage flows of less than 5,000 gallons per day from commercial or institutional establishments, A, the absorption trench bottom required, is determined by the formula $A = 1.25 Q/Ra$, where Ra, the allowable application rate, is found in Table VI and Q is the daily flow.

(b) All parts of the trench or bed bottom shall be at the same elevation. Trenches should be constructed as shallow as possible with a minimum depth of 18 inches and a maximum depth of 36 inches. Deeper trenches should be used where snow may saturate the upper portion of the trench. For trench depths greater than 24 inches (except where snow exists), sand shall be used to fill the trench up to the top soil cover as shown in Figure 3. The trench width shall not exceed 36 inches, as narrow trenches (12 to 18 inches) are recommended. Although trench length is based on bottom area only, sidewall area is important since much of the wastewater is absorbed through the sidewalls and is eventually evapotranspired. Maximum allowable spacing between adjacent edges of parallel trenches is three trench widths.

(c) Liquid from the sewerage unit is conducted to the absorption system via a watertight line similar to the house sewer. The liquid is distributed uniformly through the gravel-filled trenches by the use of three-inch to ten-inch perforated plastic pipe of any one size, or equivalent pipe materials. It is important that the distribution piping be laid reasonably level (four inches per 100 feet maximum allowable grade) in the trenches, with a minimum of six inches gravel depth under the pipe. A total gravel depth of approximately 12 inches is required. The trench media must be clean graded gravel, broken vitrified brick, washed rock, crushed stone or similar aggregate that is generally one uniform size (from 0.75 inches to two inches). Cyster shell, other types of shell, and soft limestone are not allowed for trench media because the cementitious properties of this type of material often result in early trench

failure. The distribution pipe shall consist of plastic perforated pipe, four-inch corrugated polyethylene, or equivalent materials with an SDR ratio (ratio of pipe diameter to wall thickness) not numerically greater than 41. Jointed tile is not recommended for use because of the difficulty in maintaining joint spacing and keeping the line level. Covering of several layers of newspapers, a layer of butcher paper or geotextile filter fabric material over the top of the gravel is required to prevent the sandy loam or sand backfill from invading the gravel until the backfill becomes stabilized. When only sandy loam is placed over gravel, only geotextile filter fabric shall be allowed. Tar paper or other impervious material shall not be used under any circumstance. The pipe selected for drainfield construction shall have sufficient strength to resist crushing from external loadings such as earth fill, garden tractors, riding mowers and similar yard equipment. Bituminous fiberboard or paper pipe shall not be used anywhere in the sewerage system. Poor construction practices will cause serious damage to the soil absorption system. Prior to issuance of a permit, notice shall be given to the regulatory authority of the types of piping proposed.

(d) It is extremely important that care be taken to avoid sealing the surface of the bottom and sides of the absorption trenches through smearing. Trenches or beds shall not be excavated when the soil is sufficiently wet so as to smear or compact easily. All smeared or compacted surfaces occurring during construction shall be raked to a depth of one inch and loose material removed just before the gravel or other media is placed. The absorptive areas should not be walked on unnecessarily. The completed surface of the disposal area must not be paved, used for parking of vehicles or covered with impermeable materials.

(2) *Absorption trench field for irregular terrain.* Where the topography or ground slope is too steep for feasible construction of a closed-looped trench system, the following alternate layout may be used. There shall be a minimum 16-inch drop from the bottom of the outlet pipe to the bottom of the first trench when trenches are installed in this configuration.

(a) A single level trench, constructed like the closed-looped trench, is built along a contour. The overflow from this trench is conducted via a watertight pipe to the next lower level where a second trench can be built along a contour similar to the upper trench. The pattern can be repeated until the required minimum trench bottom area has been provided. It is required that no individual trench exceed 75 feet in length. This technique is graphically illustrated in Figure 4. Other details of trench construction described in division (A)(1) above, and shown in Figure 3, should be followed. The crossover trench must be as shallow as possible to prevent effluent from draining from upper to lower levels through disturbed soil.

(b) Table I should be reviewed if the irregular terrain has sharp slopes and breaks. Consideration of hydrogeological and engineering data may be required by the regulatory authority.

(B) *Soil absorption beds.* In addition to the trench-type absorption field, two or three absorption beds of reasonably equivalent areas, separated by at least four feet and using watertight flow diversion valving, (Figure 5), may be used in areas where the combination of soil percolation and lot size

precludes the use of a trench-type system with minimum spacing between trenches. While absorption beds require more bottom area than trenches, they tend to be more compact.

(1) The bed shall be constructed with its depth ranging from 24 inches to 36 inches. It shall be kept as shallow as possible to promote aerobic bacterial action in the soil. The bottom of the bed must be level to within plus or minus one inch for uniform wastewater distribution. Fill dirt, top soil, or other material unacceptable to the regulatory authority shall not be placed on the bed bottom for any reason. Media (gravel, crushed stone and the like) that is generally one uniform size from 0.75 to two inches shall be placed on the bed bottom followed by two or more distribution pipes spaced six to 12 feet apart and three feet from the edge of the bed. The amount of gravel and spacing between the pipes is dependent on the size of the pipe used. The distribution pipe is then surrounded with additional gravel to the top of the pipe. The pipe must be one size, from three to ten inches in diameter. The total depth of the gravel in the bed is 12 inches. The gravel shall then be covered with filtering material, such as several layers of newspaper, a layer of butcher paper or geotextile filter fabric, to prevent the final soil layer from invading the gravel and reducing porosity. The next soil layer shall consist of sand, sandy loam or a mixture of the two.

(2) In order to provide continuous capillary action in the sand, wicks shall be incorporated in the rock media. Wicks are simply sand structures which penetrate through the rock media to the bottom of the bed (see Figure 5). The total wick area shall be 10 to 15% of the bed surface area and shall be uniformly spaced throughout the bed. Wicks may also be constructed by simply grading furrows in the rock media in between the distribution pipe. In areas of the state where rock media is difficult to obtain, the total amount of rock media may be reduced by filling the initial 12 inches of the bed with coarse sand (2.0 mm) and placing rock media only around the top, bottom and sides of the distribution pipe to form an 18-inch enclosure.

(3) If clay, rock or other semi-impervious material is excavated from the bed site, it must be removed and under no circumstances be used as backfill in the bed. Sand or sandy loam will provide a capillary medium to help eliminate some of the wastewater through evapotranspiration, as explained in division (C) below. The bed shall be filled to within six inches from the top with sand or sandy loam and mounded with sandy loam so that the center of the bed is approximately four inches above normal ground elevation. This will provide drainage away from the absorption bed. When this system is used, the total absorption bed area must be calculated using the following formulas:

$$\text{For dwellings: } A = \frac{150 (1 + B)}{R_a}$$

Where:

- A = The total absorption bed area required for two beds
- B = The total number of bedrooms in the dwelling.
- R_a = Sewage application rate for absorption trenches expressed as gallons per square foot of bed bottom, per day based on percolation rate. (See Table VI)

For non-single-family residential situations: $A = \frac{2Q}{R_a}$

Where:

Q = The total daily wastewater discharge in gallons from that situation.

(C) *Evapotranspiration beds*. Evapotranspiration bed systems may be used in locations where soil conditions are not suitable for any type of soil absorption system. For very porous soils, solutioned limestone, fractured bedrock and situations that would allow excessively rapid migration of sewage toward groundwater, lined evapotranspiration beds must be designed and certified by a registered professional engineer or registered professional sanitarian. The beds must be located outside the flood-prone area and not within areas subject to inundation or erosion by flood waters or rainfall runoff. An applicant for a permit to install a sewerage system shall consult with the local flood plain ordinances administrator, county engineer, State Highways and Public Transportation Department, nearest river authority, Farmers Home Administration, Federal Emergency Management Agency and any other officials who may have information regarding the potential for flooding at the site of the evapotranspiration beds.

(1) *Evapotranspiration bed construction features*. The following factors must be considered in the design of evapotranspiration beds: annual mean rainfall and wettest month of the year, annual mean evaporation rate and monthly minimal rate, growing season variations, native grasses and shrubs available for cover, absorptive capacity of the soil surrounding an unlined bed, and site conditions, including varying sunlight and air movement.

(a) There is great variation in the types of plants grown in different parts of the state, as well as differing transpiration rates in different plants. It would be hazardous to generalize in making specific suggestions on design criteria for systems dependent on evapotranspiration for successful operation. Specific recommendations on appropriate types of vegetation to use must be obtained from knowledgeable organizations such as the United States Department of Agriculture-Soil Conservation Service, Texas Agricultural Extension Service or reputable plant nurseries.

(b) Evapotranspiration beds are constructed in impervious soil or soil with very high absorptive capacity. When the soils have a very high percolation rate, less than five minutes per inch, liners approved by the local regulatory authority must be constructed to guard against the possibility of wastewater discharging through the soil (fissured rock or gravel) and contaminating streams, lakes or shallow groundwater. Impervious liners may consist of reinforced concrete, 20 mil minimum single layer thickness plastic, or rubber liners. All must be repairable in the field. Liners are not required in slowly

permeable soils (having permeability of less than ten centimeters per second) and should not be used since some of the wastewater may be absorbed into the soil and will help to reduce the overall evapotranspiration load. An evapotranspiration system shall be designed using the following parameters.

1. Beds may be designed in any configuration subject to the approval of the permitting agency (square or round, for example), but the total number of square feet of bed area must be determined by the formulas in division (C)(2) below.

2. At least two beds must be constructed with valving arranged to allow the effluent from a sewerage unit to alternate between each bed. When one bed becomes saturated (top of bed remains moist) the valving must be operated to allow effluent to flow into the alternate underloaded bedding. In order to determine the water level in the beds during use, an inspection port shall be installed in each bed. Inspection ports shall be designed to prohibit access to the bed bottom by insects, small animals and unauthorized persons.

3. The beds shall be constructed as shallow as possible with a depth ranging from 18 inches to a maximum of 36 inches. This is necessary to keep the beds aerobic and prevent clogging. Treatment tankage should be installed as high as practical to permit shallow bed construction.

4. It is possible for a liner to be damaged after it has been covered, causing the bed to leak sewage without showing at the surface. At the discretion of the permitting agency, each bed may be required to have a separate monitor system installed in a manner that will facilitate collection and sampling of effluent leakage from a ruptured liner. The monitor system is designed to offer a means of detecting liner failure through periodic sampling, which will help ensure the protection of the environment. The entire monitor system must be assembled and ready for approval during a single inspection. No sand shall be put in place as a cushion until the monitor system has been inspected and approved by the licensing authority. Its design features, as illustrated in Figure 6 are as follows.

- a. *Piping material.* All piping must be three to four inches in diameter. All perforated collection lines of an evapotranspiration bed monitor system must have a minimum crush strength of 1,500 pounds per linear foot. The standpipe and sample sump must be of Schedule 40 polyvinylchloride or stronger. All connections shall be glued or rubber gasketed joints with the exception of the intruder resistant standpipe cap located at finished topsoil grade. Perforations in the collection lines must face downward, with the two rows of perforations equally offset perpendicular to the ground.

- b. *Collection line length.* The end(s) of the perforated collection line(s) shall extend to within two feet of both opposite ends of the bed, measured at the bed bottom.

- c. *Number of collection lines.* An evapotranspiration bed which is 20 feet wide or less shall have a minimum of one collection line which must be located centrally, down the length of the bed. An evapotranspiration bed which is greater than 20 feet but equal to or less than 40 feet in width, shall have a minimum of two collection lines. These lines must be equally spaced (within approximately one foot) from the edge of the bed to pipe, and from pipe to pipe, installed parallel down

the length of the bed. The two collection lines must be joined by a perforated header line. As indicated in division (C)(1)(b)4.b. above, the header line shall be within two feet, and parallel, to the edge of the bed measured at the bed bottom. Monitor systems for lined evapotranspiration beds wider than 40 feet shall be designed as required by the permitting agency.

d. *Collection line grade.* The collection line system must maintain a minimum fall of one-sixteenth-inch per foot toward the standpipe/sump assembly.

e. *Standpipe and sampling sump.* The collection line(s) shall tee into a solid wall standpipe which must have a sampling sump below the bottom of the tee. This sump shall be eight to 12 inches in depth, measured from the bottom of the tee. A cap or plug must be glued to the bottom of the sump to provide a watertight connection. The top of the standpipe shall be flush with the finished grade of topsoil, and shall be covered with a intruder resistant, removable access cap. A minimum three-inch wide by three-inch deep dry moat shall surround the standpipe cap to facilitate ease of cap removal and replacement.

f. *Pit bottom grade.* The pit bottom on which the collection line(s) shall be placed must be an impermeable surface, graded to provide a minimum fall of one-eighth inch per foot toward the collection line from either side. This will result in an impermeable shallow vee trench for the collection line to rest in.

g. *Sand cushion.* The collection line(s) shall be located within the sand cushion required under lined beds. The minimum four inch sand cushion depth will increase as it follows the grade fall of the pit bottom toward the collection line. The backfill material around the standpipe should consist of sand or sandy loam.

5. Rock media that is generally one uniform size from three-quarters to two inches shall be placed on the bed bottom to a depth of 12 inches or less depending on the overall bed depth, after the liner and sand cushion are placed over the monitor system.

6. The top of the distribution pipe must be flush with the rock media and adequate to provide for uniform distribution of effluent. A 12-foot maximum separation between pipes and no less than three feet separation between bed walls and the pipe is permissible. The bed bottom and the pipe must be level.

7. A water permeable sand barrier (butcher paper, newspaper or geotextile filter fabric) is then placed over the rock. Sand is then added to fill the bed to within two inches from the top.

8. In order to provide continuous capillary action in the sand, wicks shall be incorporated in the rock media. Wicks are simply sand structures which penetrate through the rock media to the bottom of the bed (see Figure 7). The total wick area shall be 10 to 15% of the bed surface area and shall be uniformly spaced throughout the bed. Wicks may also be constructed by simply grading furrows in the rock media in between the distribution pipe. In areas of the state where rock media is

difficult to obtain, the total amount of rock may be reduced by filling the initial 12 inches of the bed with coarse sand (two millimeters) and placing rock media only around the top, bottom and sides of the distribution pipe to form an 18-inch enclosure, as indicated in Figure 7.

9. After the sand is in place, the final two inches of bed volume are filled with sandy loam and mounded with a downward slope of 2 to 4%.

10. Final bed construction consists of covering the surface of the bed with vegetation having good transpiration properties and providing for the most stormwater diversion that is practical.

(2) *Bed sizing.* After the reader considers division (C)(1) above, the bed area may be approximated by using the following formulas:

$$\frac{A}{E_A - 1/2 RFR_A} = \frac{31,000 (1 + B)}{E_A - 1/2 RFR_A}$$

Where A = Total area of both beds (to find one bed area, divide A by 2)
 B = Total number of bedrooms (B=2 for minimum residence)
 E_A = Mean evaporation rate in inches per year (see Table VII)
 RFR_A = Mean rainfall rate in inches per year (see Table VII)

For non-single-family residential situations:

$$\frac{A}{E_A - 1/2 RFR_A} = \frac{310 Q}{E_A - 1/2 RFR_A}$$

Where Q = Average daily flow into the system, expressed as gallons per day (see Table III)

Evaporation and rainfall data for various areas of the state are listed in Table VII. Additional data may be found in AReport 192@ and AReport LP192@, published by the Commission.

(3) *Plants and grasses for transpiration.* The bed surface shall be covered with vegetation designed to take maximum advantage of transpiration, depending on the season and site=s location. Evergreen bushes having shallow root systems can be planted in the bed to assist in water uptake. If grasses are used which have dormant periods, steps shall be taken to provide appropriate vegetation on the beds during these periods. Overseeding with winter grasses is commonly used to provide year-round transpiration.

(4) *Geographical location of installation considering rainfall data.* Some areas of the state with high annual rainfall are not well suited for the installation of evapotranspiration systems. Counties in the eastern part of the state in which the annual rainfall exceeds the annual evapotranspiration rate, should only utilize this type of system as a last resort and with considerable design conservatism.

(D) *Pressure dosing systems.*

(1) *Description.* A basic pressure dosing system must consist of an approved sewerage system, an effluent holding tank, an easily serviced screened intake electric pump which is activated by a float or programmed start/stop switch, a solid wall force main, and perforated distribution piping which is installed within the absorption area. The effluent pump must be capable of an operating range that will assure that effluent is delivered to the most distant point of the perforated piping network, yet not be excessive to the point that blow-outs occur in shallow systems. The programmed start/stop switch should allow the pump to operate at least three times during the 24-hour day. A high water alarm, on an electric circuit separate from the pump, must be provided. After the alarm activates, the effluent holding tank shall have remaining capacity of 500 gallons for residences and 1,000 gallons for businesses and institutions. The number of perforations per length of pipe and the number of pipe lengths used per absorption area must be adequate to assure uniform liquid distribution over the entire bed area.

(2) *Application.* Pressure dosing is an appropriate method of conveying effluent from a treatment site that is at a lower elevation than the disposal site. It is also appropriate where seasonal high water tables exist or where the soil mantle thickness is from two to four feet to solid rock. In these situations the system must be oversized substantially to promote the effect of evapotranspiration. Commercial establishments may need to use continuously staged pressure dosing if their flow rates vary greatly during their business hours. The United States Department of Commerce (USDC) has produced University of North Carolina Sea Grant College Publication UNC-S82-03 which discusses the design of a low pressure dosing system for subsurface disposal of treated sewage. It is a 31-page document that was published for public use in May 1982. Inquiry on how to obtain a copy should be sent to: U.S. Department of Commerce, Washington, D.C. 20460. At the discretion of the local regulatory agent, pressure dosing systems must be designed by a registered professional engineer or registered professional sanitarian. The EPA Design Manual, discussed in ' 50.35 of this title (relating to Design Standards for Effluent Disposal Systems), also has information. Although these publications are referred to for design information, the Department does not adopt them or any other technical literature.

(E) *Mound systems.*

(1) *Physical description.* A mound system is comprised of a layering of sand fill, gravel, perforated pipe and top soil. The layering begins in a two-to three-inch excavated area of natural ground and develops above the ground line approximately three feet. For greatest efficiency, its shape is rectangular. The small diameter perforated piping must be pressure-fed, as pressure systems have greater control over application rates.

(2) *Application.* The purpose of this type of construction is to overcome adverse conditions at the disposal site such as a high groundwater table, shallow soil, impermeable soils and high potential for flooding, for example. In general, the mound is constructed of a high quality soil which is brought in from another area. Since there is a potential for leakage from this type of system which could result in the surfacing of sewage around its perimeter, it is not recommended for use except as a last resort. If approved by the local permitting authority, it may be used in an effort to improve the operation of a malfunctioning disposal system. Applications of effluent to a mound system depend upon the selection

of fill materials used, the absorption rate of the natural ground, and depth to the shallow groundwater table. Design information for mound construction may be obtained by ordering the Publication last of the Small Scale Waste Management Project, 1987, which is available from the University of Wisconsin, Boom 240, Agricultural Hall, Madison, Wisconsin, 53706.

(F) *Gravel less drainfield piping.*

(1) *Appropriateness.* Gravel less pipe may be used in place of conventional gravel-filled trench systems. The regulatory authority and permit applicant shall carefully consider all site conditions and circumstances before arriving at decisions regarding pipe diameter selection, trench dimensions, depth of the installed pipe and suitability of on-site soil as backfill material.

(2) *Physical description.* Gravel less pipe generally consists of eight-inch or ten-inch diameter corrugated polyethylene pipe having two rows of perforations located approximately 120 degrees apart along the pipe's bottom half. The pipe is enclosed in a layer of spun-bonded nylon filter wrap. Pipe shall meet American Society for Testing and Materials, ASTM F-667 Standard Specifications for large diameter corrugated high density polyethylene (ASTM D 1248) tubing. Perforations shall be one-half inch diameter in ten-inch diameter pipe and three-eighths inch diameter in eight-inch diameter pipe. Perforations shall be arranged and spaced so that only one hole exists in each inner corrugation. The filter cloth must meet ASTM D 3776 and ASTM D 1682 specifications for weight and grab strength. Its burst strength and air permeability must meet ASTM D 3786 and ASTM D 737 specifications, respectively. Installations must be in accordance with the pipe manufacturers' instructions. However, the system installer is cautioned against surrounding the pipe with native soils having percolation rates slower than 30 minutes per inch or laden with very fine soil particles that might plug the filter wrap.

(3) *Design parameters.* The design of an absorption bed, absorption trench or evapotranspiration disposal field utilizing this product shall be based upon the same parameters that are used in the design of more conventional systems.
(Ord. 135, passed 6-27-1987)

DISPOSAL ALTERNATIVES/SPECIAL APPLICATIONS

50.50 GREYWATER SYSTEMS.

Generally, blackwater and greywater are approximately 40 to 60% of the total domestic sewage flow, respectively; subsurface greywater systems may be utilized with disposal of blackwater through a split system only under the following conditions.

(A) A greywater disposal system utilizing anything other than conventional sewage treatment and absorption beds or trenches shall be designed and certified by a registered professional engineer or

registered professional sanitarian who can provide to the permitting authority evidence that the system complies with all appropriate state regulations and local governmental regulations.

(B) If flow restricting showerheads and faucet aerators are utilized throughout, a 10% reduction in greywater disposal trench, absorption bed or evapotranspiration bed size will be allowed when a residential greywater system is incorporated into the disposal system design. The maximum allowable reductions in field size are determined by the type of system and the extent of water-saving fixture usage. (Ord. 135, passed 6-27-1987)

' 50.51 COMPOSTING TOILETS.

The composting toilet unit must be listed with the NSF. The NSF seal on a particular unit indicates its ability to meet the requirements of the Foundation=s Standard No. 41 relating to Wastewater Recycle/Reuse and Water Conservation Devices. The liquid waste from the composting toilet unit must be disposed of through an approved subsurface disposal system. (Ord. 135, passed 6-27-1987)

' 50.52 SEWAGE RECYCLING SYSTEMS.

For small on-site applications, sewage recycling systems are very limited in types and capability.

(A) On-site sewage recycling as flush water for urinals and commodes in commercial and institutional projects may be possible when advanced tertiary treatment processes are engineered into designs that meet or exceed NSF Standard 41 testing and certification requirements. An approvable design will be permitted only after the supplier and user of the recycle system enter into a post-installation inspection, maintenance and repair agreement that satisfies the permitting authority.

(B) Proposals to recycle highly refined sewage for use outside project buildings such as for surface landscape irrigation will be subject to requirements indicated in ' 50.06 and by the Texas Water Commission in 30 Tex. Administrative Code, Ch. 217, relating to ADesign Criteria For Sewerage Systems@. (Ord. 135, passed 6-27-1987)

APPENDIX A: TABLES AND FIGURES

<i>Table 1: Minimum Required Distances in Feet for Conventional Systems</i>				
<i>From To:</i>	<i>Sewage Treatment Tanks</i>	<i>Lined Evapo. Beds</i>	<i>Soil Absorption Systems or Unlined Evapo. Beds</i>	<i>Sewer Pipe with Watertight Joints</i>
Easement lines	1	1	5***	-
Foundations, structures and surface improvements	5	5	15	
Private water wells, underground cisterns and pump suction pipes	50 +	150* +	150 +	20 +
Property lines	10	10	10	
Public water wells	50	150*	150	20
Sharp slopes, breaks	5	var.	50**	5
Soil absorption systems	5	5	20	
Streams, ponds and lakes	50	75*	75	20
Swimming pools	15	15	15	
Water supply lines	10	10	10	9
* When a leak detection system, as described in ' 50.37(C)(1)(b)4.a is used, the minimum required distance is 50 feet to existing private water wells, cisterns and pump suction pipes.				
var. These minimum required distances may be varied if an innovative lined system is required by the permitting authority to be designed by a registered professional engineer or registered professional sanitarian.				
** The absorption system=s bottom must be a minimum of 50 feet from any break or outcropping ledges, unless it is designed by a registered professional engineer or a registered professional sanitarian having hydrogeological data of the strata below the system=s site. Greywater disposal areas may be installed to within 25 feet of the slope face.				
**A drainage easement having sloped sides greater than 30% or grade breaks will require adherence to the 50-foot criteria indicated by **.				
+ This distance may be reduced to a minimum of 50 feet, for existing private water wells only, if the space between the existing private water well casing and the surrounding ground is filled with cement slurry that is pumped through a tube that extends to the required depth of sealing. This depth shall be at least two times the horizontal encroachment measurement but not more than the depth to the water producing strata. A three-foot square by six-inch thick concrete slab shall be poured around the casing.				

<i>Table II: Septic Tank Minimum Liquid Capacities</i>	
<i>Number of Bedrooms</i>	<i>Septic Tank Capacity (Gallons)</i>
Two or less	750
Three	1,000
Four	1,250
For each additional	250
Note: the inside liquid depth of the tank shall not be less than 30 inches	
See Table VI for calculating the number of bedrooms based on dwelling living area	
Consideration shall be given to increasing total tank capacity if extensive use of kitchen sink waste grinders or disposals is anticipated	

<i>Table III: Individual Usage Rates in Businesses/Institutions</i>	
This table may be used for estimating gallons of daily sewage flow per person to determine minimum tank capacity requirements, unless actual water usage data is available and has been carefully checked by the designer of the proposed system.	
<i>Type of Establishment</i>	<i>Gallons/Person/Day</i>
Airports (per passenger)	5
Apartment houses	50
Boarding schools	50
Churches (per member)	5
Country clubs (per resident member)	100
Country clubs (per nonresident member present)	25
Day care centers (without kitchen)	15
Day care centers (with kitchen)	25
Drive-in theaters (per car space)	5
Factories (gallons per person per shift, exclusive of industrial wastes)	20
Hospitals	200
Hotels	60
Institutions other than hospitals	100

<i>Type of Establishment</i>	<i>Gallons/Person/Day</i>
Laundries self-service (gallons per wash, i.e., per customer)	50
Lounges (bar and tables)	10
Mobile homes	75
Motels	50
Movie theaters (per auditorium seat)	5
Office buildings*	15
Parks (without bathhouse)	5
Parks (with bathhouse)	15
Restaurants (24-hour full service)	70/seat/day
Restaurants (breakfast/lunch or lunch/dinner)	35/seat/day
Restaurants (fast food; paper plate service)	15/seat/day
Schools without cafeterias, gymnasiums or showers	15
Schools with cafeterias, but no gymnasiums or showers	20
Schools with cafeterias, gymnasiums and showers	25
Service stations (per vehicle served)	10
Stores (total per day per washroom)	400
Swimming pools and bathhouses	10
Townhouses (with clothes washer)	50
Travel trailer/RV parks	50
Vet clinics (per animal)	10
Work or construction camps (semi-permanent)	50
Youth camps (no showers or meals served)	15
*Note: Offices without food service or bathing facilities, with restrooms equipped with toilets requiring 1.5 gallon per flush or less, and automatic cutoff faucets	6

Table IV: Flow Sheet for Selecting Proper Subsurface Disposal Methods

Table V: Criteria for Soil Absorption of Sewage Effluent Developed for Site Specific Evaluations

<i>Classification</i>			
<i>Site Characteristic</i>	<i>Suitable</i>	<i>Provisionally Suitable (1)</i>	<i>Not Suitable</i>
Flooding			Areas subject to a possible flood. Depressions areas without adequate drainage
Restrictive layer	None within 36 inches of the ground surface		Restrictive horizon within 36 inches of the ground surface or below the trench bottom

Table V: Criteria for Soil Absorption of Sewage Effluent Developed for Site Specific Evaluations

<i>Classification</i>			
<i>Site Characteristic</i>	<i>Suitable</i>	<i>Provisionally Suitable (1)</i>	<i>Not Suitable</i>
Soil depth	Weathered rock or consolidated bedrock greater than 48 inches below ground surface	Weathered bedrock or consolidated rock from 36 to 48 inches below ground surface	Weathered rock or consolidated bedrock less than 36 inches below ground surface
Soil drainage	No drainage mottles within 36 inches of the ground surface		Drainage mottles (chroma 2 or less) within 36 inches of the ground surface
Soil permeability	Greater than or 5 min/inch but less than or equal to 60 min/inch		Less than or equal to 5 min/inch or greater than 60 min/inch. Unselective fill materials groundwater
Subsoil structure		Angular or subangular blocky	Platy structure; weathered rock; massive clayey soils
Subsoil texture	Sandy soils Loamy soils	Clayey soils with low shrink-swell potential	Clayey soils with high shrink-swell potential
Topography	Slopes 0-15%	Slopes 15-30%	Slopes greater than 30% complex slopes
1) Soil may be reclassified from unsuitable to provisionally suitable under certain conditions using acceptable site or system modifications.			

Table VI: Adsorption Trench and Bed Sizing for Single-Family Residential Dwellings							
Average percolation rate (minutes/inch)		Sewage application rate R_a	Soil texture (see Table VIII USDA soil textural classifications)	Minimum bottom area (sq. ft.) for a 1- or 2-bedroom house		Minimum bottom area for each additional bedroom* (sq. ft./bedroom)	
Minutes per inch	Inches per hour	Gallons per sq. ft. per day		Trench	Bed	Trench	Bed
Less than 5	More than 12	Too great for consideration	Sand/gravel	Sections on alternative systems			
5-15	4-12	0.6	Sandy loam	380	750	200	250
15-30	2-4	0.5	Sandy clay	500	900	250	300
30-45	1.3-2	0.4	Silty clay	625	1125	300	400
45-60	1.0-1.3	0.3	Clay loam	800	1500	400	500
More than 60	Less than 1.0	Less than 0.3	Clay	See sections on alternative systems			
Minimum trench bottom area is calculated to include capacity for washing machine wastewater, organic material from garbage grinders, and infiltration from rainfall.							
Required minimum spacing between parallel conventional absorption trenches is 3 trench widths.							
*When dwellings consist of a large living area relative to the number of designated bedrooms, the following guidelines should be used to approximate the trench area:							
Less than 1,500 sq. ft.: use trench area for two bedroom house; 1,500 sq. ft. to 1,900 sq. ft.: use trench area for three bedroom house; for each additional 800 sq. ft.: add trench area equal to one bedroom.							
This criteria is valid for normal water consumption by an average household occupancy and is not applicable to collective sewage system design.							

Table VII: Mean Pan Evaporation and Rainfall		
Station	E_A Mean Evaporation Rate (inches/year)	RFR_A Mean Rainfall (inches/year)
Abilene	75.0*	23.8**
Amarillo	87.9	20.28
Austin	70.0	32.49
Beaumont	47.6	55.07
Brownsville	56.0	25.13

Table VII: Mean Pan Evaporation and Rainfall		
Station	<i>E_A</i> Mean Evaporation Rate (inches/year)	<i>RFR_A</i> Mean Rainfall (inches/year)
Canyon Lake	80.8	33.19
Corpus Christi	67.0*	32.0**
Daingerfield	74.2	46.12
Dallas	85.0	35.94
El Paso	106.5	7.77
Fort Stockton	105.6	11.65
Houston	46.7	48.19
Lake Somerville	71.7	37.45
Laredo	87.0*	21.0**
Lubbock	88.7	16.41
Lufkin	51.0*	43.0**
Midland-Odessa	85.0*	13.0**
San Antonio	70.0*	30.0**
San Angela	64.0*	19.0**
Temple	68.2	34.00
Tyler	55.0*	42.0**
Uvalde	72.0*	25.0**
Wichita Falls	73.0*	27.0**
* Interpolated From Map, P. 66 AClimatic Atlas of Texas@		
** Interpolated From Map, P. 18 AClimatic Atlas of Texas@		

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Table VIII: USDA Soil Textural Classifications

Figure 1: Two-Compartment Septic Tank

Figure 2: Two Septic Tanks in Series

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Figure 3: Soil Absorption Trench

Figure 4: Septic Tank System for Sloping Ground

Figure 5: Soil Absorption Bed Details

Figure 6: Leak Monitor System

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Figure 7: Evapotranspiration Bed (Cross Section)

(Ord. 135, passed 6-27-1987)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC-CONTROL DEVICES

71. TRUCK TRAFFIC

72. TRAFFIC SCHEDULES

CHAPTER 70: TRAFFIC-CONTROL DEVICES

Section

- 70.01 Conformity with manual, state law
- 70.02 Installation; report
- 70.03 Assumption of legality
- 70.04 Drivers to obey official traffic-control devices
- 70.05 Exemptions granted to drivers of authorized emergency vehicles
- 70.06 Unauthorized signs, signals, markings
- 70.07 Unauthorized removal or alteration of traffic-control devices prohibited

- 70.99 Penalty

' 70.01 CONFORMITY WITH MANUAL, STATE LAW.

All traffic-control devices, including signs, signals and markings (pavement and/or curb), installed or used for the purpose of directing and controlling traffic within the city shall conform with the most current version of the *Texas Manual on Uniform Traffic Control Devices* (hereafter called *Athe Manual@*). Tex. Transportation Code, ' 544.002 provides that all traffic-control devices must conform to the Manual. All traffic-control devices existing as of April 7, 2008 and those erected in the future by the city being consistent with the manual, state law and this chapter shall be official traffic-control devices.

(Ord. 164, passed 3-7-1994; Ord. 164A, passed - -2008)

' 70.02 INSTALLATION; REPORT.

The City Council hereby directs that the Mayor shall have the duty and power to erect or install upon, over, along or beside any highway, street or alley, signs, signals and markings, or cause the same to be erected, installed or placed in accordance with this chapter, and consistent with the Manual and state law. Such power may be exercised at either the Mayor=s discretion, or at the express direction of the City Council. Said traffic-control devices shall be installed immediately or as soon as the specified device, sign or signal can be procured.

(Ord. 164, passed 3-7-1994; Ord. 164A, passed - -2008)

' 70.03 ASSUMPTION OF LEGALITY.

(A) It shall be unlawful for any person other than the Mayor, acting pursuant to his or her authority granted under this chapter, 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.

(B) Therefore, 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 or at the direction of the Mayor pursuant to the authority of this chapter.

(Ord. 164, passed 3-7-1994; Ord. 164A, passed - -2008) Penalty, see ' 70.99

' 70.04 DRIVERS TO OBEY OFFICIAL TRAFFIC-CONTROL DEVICES.

The driver of any vehicle, motor vehicle or animal shall obey the instructions of any official traffic-control device, sign, signal or marking applicable thereto placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle permitted by this chapter.

(Ord. 164, passed 3-7-1994)

' 70.05 EXEMPTIONS GRANTED TO DRIVERS OF AUTHORIZED EMERGENCY VEHICLES.

(A) The driver of an authorized emergency vehicle, as the term ***AUTHORIZED EMERGENCY VEHICLE*** is defined by state law, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(B) The driver of an authorized vehicle may:

- (1) Park or stand, irrespective of the provisions of this traffic code or any ordinance;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the prima facie speed limits so long as he or she does not endanger life or property;
- and
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(C) The exceptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of Tex. Transportation Code, Ch. 545 et seq. (Uniform Act Regulating Traffic on Highways), except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the front of the vehicle.

(D) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

(E) Provisions of this chapter applicable to drivers upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, the state or any other county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(Ord. 164, passed 3-7-1994)

' 70.06 UNAUTHORIZED SIGNS, SIGNALS, MARKINGS.

(A) No person shall place, maintain or display upon or in view of any highway, street or alley unauthorized signs, 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 control device or any railroad sign or signal.

(B) 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 advertising.

(C) This section 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.

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

(Ord. 164, passed 3-7-1994) Penalty, see ' 70.99

' 70.07 UNAUTHORIZED REMOVAL OR ALTERATION OF TRAFFIC-CONTROL DEVICES PROHIBITED.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, sign, knock down or remove any official traffic-control

device, sign or signal or any railroad sign or signal or any inscription, shield or insignia thereon, or any part thereof.

(Ord. 164, passed 3-7-1994) Penalty, see ' 70.99

' 70.99 PENALTY.

Any person, firm, corporation or organization who shall violate any of the provisions of this chapter, or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed \$500.

(Ord. 164, passed 3-7-1994)

CHAPTER 71: TRUCK TRAFFIC

Section

- 71.01 Definitions
- 71.02 Commercial vehicle restrictions and exceptions
- 71.03 Truck routes
- 71.04 Signs required; alternate routes

- 71.99 Penalty

' 71.01 DEFINITIONS.

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

COMMERCIAL VEHICLE. Any motor vehicle designed or used primarily for the purpose of transporting property or materials, including but not limited to trailers and semi-trailers having a gross weight exceeding 4,000 pounds. **COMMERCIAL VEHICLE** does not include passenger buses, motor homes, panel delivery trucks, farm equipment, passenger cars, motorcycles pickup trucks or trailers that have a gross weight less than 4,000 pounds.

MOTOR VEHICLE. Shall mean and refer to **MOTOR VEHICLE** as defined in Tex. Transportation Code Title 7, Subtitle A, Chapter 501, as amended.

SEMI-TRAILER. Shall mean and refer to **SEMI-TRAILER** as defined in Tex. Transportation Code Title 7, Subtitle A, Chapter 501, as amended.

TRAILER. Shall mean and refer to **SEMI-TRAILER** as defined in Tex. Transportation Code Title 7, Subtitle A, Chapter 501, as amended.
(Ord. 213, passed 10-4-1999; Ord. 2014-003, passed 7-28-2014; Ord. 2018-004, passed 9-24-2018)

' 71.02 COMMERCIAL VEHICLE RESTRICTIONS AND EXCEPTIONS.

(A) *Commercial vehicles restricted to truck routes.* Except as otherwise provided herein, no person shall operate or cause to be operated upon any public street or roads within the corporate limits of the city any commercial vehicle without a local destination or point of origin, except on such streets and roadways designated as truck routes.

(B) *Parking of commercial vehicles prohibited in residential areas.* Except residences with drives connecting to any streets and/or roadways designated as truck routes herein, it shall be unlawful for any owner or person in control of a commercial vehicle to leave, park or stand, or permit the leaving, parking or standing, of such vehicle within in any area of the city zoned residential according to the city zoning ordinance.

(C) *Exceptions.* The provisions of this section shall not apply to:

(1) Any commercial vehicle traveling to or from a truck terminal, garage place of repair, place of performing service, or a place of loading or unloading over the shortest practical route to or from a point on a truck route. Any such commercial vehicle shall be permitted to proceed from one such point not on a truck route to another such point without returning to truck route, if so return would unreasonably increase the distance to be traveled between points. The operator of any such commercial vehicle shall carry evidence of the location of its last stop and of its immediate destination in order for this exception to apply.

(2) Any emergency motor vehicle operating in response to an emergency call.

(3) Commercial vehicles operated by a public utility while cruising in an assigned area for the purpose of inspecting the facilities of the public utility and/or providing maintenance to the facilities.

(4) Commercial vehicles being operated for public service, i.e., garbage trucks, street repair motor vehicles and street repair equipment, school buses, water service or electrical service motor vehicles.

(5) Any farm or off-road related motor vehicles.

(6) Commercial vehicles parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location while in the normal course of business for which the commercial vehicle operates.

(7) Commercial vehicles experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.

(Ord. 213, passed 10-4-1999; Ord. 2014-003, passed 7-28-2014; Ord. 2018-004, passed 9-24-2018)
Penalty, see ' 71.99

71.03 TRUCK ROUTES.

The following streets and/or roadways are designated as truck routes:

(A) State Highway FM 1389.

(B) State Highway FM 3039.

(C) Haines Road from the point of intersection with Davis Road north to the intersection with Combine Road.

(D) Davis Road from the point of intersection with Haines Road south to the corporate limits of the city.

(E) Bois d' Arc Road.

(F) Combine Road.

(Ord. 213, passed 10-4-1999; Ord. 2014-003, passed 7-28-2014; Ord. 2018-004, passed 9-24-2018)

71.04 SIGNS REQUIRED; ALTERNATE ROUTES.

The Mayor and/or the City Council, or their authorized designee, shall erect appropriate signs and markings to designate the truck routes designated by this chapter. Whenever a street designated as a truck route is being repaired or is otherwise temporarily obstructed, the city may designate an alternate truck route as may be necessary.

(Ord. 213, passed 10-4-1999; Ord. 2014-003, passed 7-28-2014; Ord. 2018-004, passed 9-24-2018)

71.99 PENALTY.

Any person, firm, corporation, agent or employee found to be in violation of any portion of this chapter will be assessed a fine not to exceed \$500 per violation; each occurrence shall be considered a separate violation.

(Ord. 213, passed 10-4-1999; Ord. 2014-003, passed 7-28-2014; Ord. 2018-004, passed 9-24-2018)

CHAPTER 72: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

(A) (1) No motor vehicle shall be operated along and upon F.M. Highway 1389 within the corporate limits of the city in excess of the speeds now set forth in the following limits:

(a) Beginning at said point being the north city limits (Station 89+71) on F.M. Highway 1389, thence in a southerly direction for a distance of 2.167 miles, approximately: a maximum speed of 55 mph;

(b) Thence continuing along F.M. 1389 for a distance of 1.161 miles, approximately: a maximum speed of 45 mph; and

(c) Thence continuing along F.M. 1389 for a distance of 0.845 mile, approximately, said point (Station 309+95) being the south city limits: a maximum speed of 50 mph.

(2) The Mayor is hereby authorized to cause to be erected appropriate signs indicating such speed zone.

(3) Any person violating any of the provisions of this division (A) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed \$200.

(B) (1) No motor vehicle shall be operated along and upon F.R. Highway 1389 within the corporate limits of the city in excess of the speeds now set forth in the following limits:

(a) Beginning at said point (Station 89+71) being the north city limits along Farm Road 1389 in a southerly direction for a distance of 2.167 miles, approximately: a maximum speed of 55 mph;

(b) Thence continuing along Farm Road 1389 in a southerly direction for a distance of 1.161 miles, approximately: a maximum speed of 45 mph; and

(c) Thence continuing along Farm Road 1389 in a southerly direction for a distance of 0.843 mile, approximately, said point (Station 309+95) being the south city limits a maximum speed of 45 mph.

(2) The Mayor is hereby authorized to cause to be erected appropriate signs indicating such speed zone.

(3) Any person violating any of the provisions of this division (B) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed \$200.

(C) (1) No motor vehicle shall be operated along and upon Bois D=arc Road in within the corporate limits of the city in excess of the speed now set forth in the following limits: beginning at the intersection of Bois D=Arc Road and Combine Road, thence continuing in a southerly direction for a distance of 1.8 miles to the intersection of Bois D=Arc and Bilindsay Road, a maximum speed of 35 mph.

(2) The Mayor is hereby authorized to cause to be erected appropriate signs indicating such speed zone.

(3) Any person violating any of the provisions of this division (C) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed \$200.

(D) (1) No motor vehicle shall be operated along and upon F.M. Highway 3039 within the corporate limits of the city in excess of the speeds now set forth in the following limits: beginning at said point (Station 0+00) being at the intersection of F.M. 1389, thence continuing along F.M. 3039 in a northeasterly direction for a distance of 0.200 mile, a maximum speed of 45 mph.

(2) The Mayor is hereby authorized to cause to be erected appropriate signs indicating such speed zones.

(3) Any person violating any of the provisions of this division (D) shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed \$200.

(E) (1) All speed limits within the city on Beasley Road, Davis Road, Eubanks Road, Haines Road (within Kaufman County), Harland Road, Lanier Road, Loren Boyd Road, Mockingbird Lane and York Road are hereby set at 35 mph maximum speed.

(2) Any person violating this division (E) will be subject to fines and penalties as determined by the Municipal Court of the city and consistent with the laws of the state.

(Ord. 56, passed 4-3-1979; Ord. 63, passed 6-6-1983; Ord. 145, passed 4-1-1991; Ord. 147, passed 7-1-1991; Ord. 211, passed 4-5-2004)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS**
- 91. BURNING**
- 92. ABANDONED VEHICLES**
- 93. NOISE**
- 94. LITTER**
- 95. STREETS AND SIDEWALKS**
- 96. PUBLIC NUISANCES**

CHAPTER 90: ANIMALS

Section

- 90.01 Findings of fact
- 90.02 Designation of local animal control authority
- 90.03 Required vaccinations of dogs and cats
- 90.04 Dog at large
- 90.05 Unlawful restraint of a dog
- 90.06 Cruelty to animals
- 90.07 Vicious or dangerous animals
- 90.08 Dangerous wild animals
- 90.09 Public nuisance animals
- 90.10 Swine

- 90.99 Penalty

' 90.01 FINDINGS OF FACT.

All of the premises contained in the preamble to the ordinance codified herein are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this chapter as if copied in their entirety.
(Ord. 2015-004, passed 12-28-2015)

' 90.02 DESIGNATION OF LOCAL ANIMAL CONTROL AUTHORITY.

(A) The City Council has the authority to designate an animal control officer or officers to act as the local rabies control authority/authorities for the purpose of carrying out the rules and regulations of this chapter.

(B) The Animal Control Officer or any other person duly authorized shall have the authority to enforce any of the provisions of this chapter, and may cite to court the owner of a dog, cat, non-livestock or livestock animal or dangerous wild animal found to be in violation of any of the provisions.

(C) The Animal Control Officer or any other person duly authorized shall have the authority to capture or remove from an owner any dog or cat, non-livestock or livestock animal in violation of any of the provisions of this chapter.
(Ord. 2015-004, passed 12-28-2015)

' 90.03 REQUIRED VACCINATION OF DOGS AND CATS.

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

ADULT. Means any animal three months of age or older.

ANIMAL. Means any warm-blooded animal other than human.

CAT. A commonly domesticated member of the feline family.

CUSTODIAN. A person or agency that feeds, shelters, harbors, owns, has possession or control of, or has the responsibility to control an animal.

DOG. A commonly domesticated member of the canine family.

LICENSED VETERINARIAN. A veterinarian licensed to practice veterinary medicine in one or more of the 50 states.

OWNER. Any person, who owns, keeps, shelters, maintains, feeds, harbors, or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises occupied by that person over which that person has control. An animal shall be deemed to be owned by a person who harbors it, feeds it, or shelters it for five consecutive days or more.

PERSON. An individual, association, partnership, corporation, trust-estate, joint stock company or foundation.

QUARANTINE. Strict confinement of an animal specified in an order of the Animal Control Officer or designee:

(a) On the private premises of the animal's owner or at a facility approved by the Animal Control Officer or designee; and

(b) Under restraint by closed cage or paddock or in any other manner approved by Council rule.

RABIES. An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

THREE-YEAR RABIES VACCINE. A rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years.

VACCINATED ANIMAL. Unless otherwise indicated, an animal vaccinated against rabies within the past 12 months by a licensed veterinarian.

(B) *Vaccinations, certificates, reporting.*

(1) Except as otherwise provided by Council rule, the owner of a dog or cat shall have the animal vaccinated by a licensed veterinarian against rabies by the time the animal is three months of age, and again at the age of 12 months.

(2) (a) Thereafter, for Dallas County residents residing in the city, a rabies vaccine is required either annually (using a one-year vaccine) or every three years (using a three-year vaccine.)

(b) For Kaufman County residents residing in Combine, a yearly rabies vaccine is required.

(3) The certificate of vaccination issued to any owner of a dog or cat within the city, will include the name of the owner of such animal, the address of the owner and a description of the dog or cat vaccinated. It is the responsibility of the owner to make sure that the veterinarian issuing the certificate of vaccination provides this information.

(4) It shall be unlawful for any person to use for any dog or cat a vaccination certificate that has been issued for another dog or cat.

(5) The animal control officer can request a certificate of vaccination of a dog or cat to the owner or custodian. The owner of such a dog or cat is required to provide proof of rabies vaccination.

(6) If a certificate of vaccination is not immediately available, an owner has 30 days to provide a certificate of vaccination. If a certificate of vaccination is not provided within 30 days, a citation will be issued.

(7) Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies or having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies must immediately report such knowledge or incident to the animal control officer, Kaufman/Dallas County Health Authority, or any police officer, and in no case longer than 24 hours from the time of the incident.

(8) The Animal Control Officer, any police officer, or the county health authority shall have the authority to order the quarantine of animals responsible for bite incidents or suspected of having any zoonotic disease (any disease of animals communicable to humans) considered to be a hazard to the human population or other animals.

(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' 90.04 DOG AT LARGE.

(A) *Definitions.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. An animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

(B) *Prohibited.* No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's or custodian's property, secured so that the dog is confined entirely to the owner's or custodian's property, or on a leash not to exceed 12 feet in length and directly under the owner's or custodian's control when not on the owner's or custodian's property.

(C) *Exceptions.* The person and the dog are engaged in:

(1) A lawful hunting activity; or

(2) A farming or ranching activity, including herding livestock, typically performed by a working dog on a farm or ranch.

(3) An owner's dog may remain unsecured on an owner's property only if the dog is restricted to the owner's property. An unsecured dog may not run at large. If the dog leaves the owner's property, it is considered at large and is in violation of division (B).

(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' 90.05 UNLAWFUL RESTRAINT OF A DOG.

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

COLLAR. Any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

OWNER. A person who owns or has custody or control of a dog.

PROPERLY FITTED. With respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

RESTRAINT. A chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

(B) *Restraint of dog.*

(1) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement or in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit or a heat advisory has been issued by a local or state authority or jurisdiction. In weather related instances, the Animal Control Officer can make a decision, based on his or her best judgment, on whether the animal is in distress based on the particular circumstances and breed of the dog.

(2) A restraint unreasonably limits a dog's movement if the restraint:

(a) Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog.

(b) Is a length shorter than the greater of five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail or ten feet long, whichever is the greater measurement.

(c) The restraint is in an unsafe condition or causes injury to the dog.

(C) *Exceptions.*

(1) A dog is restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.

(2) A dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained.

(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' **90.06 CRUELTY TO ANIMALS.**

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

ABANDON. Includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

ANIMAL. Means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an un-captured wild living creature or a livestock animal.

CRUEL MANNER. Includes a manner that causes or permits unjustified or unwarranted pain or suffering.

CUSTODY. Includes responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.

NECESSARY FOOD, WATER, CARE, or SHELTER. Includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.

TORTURE. Includes any act that causes unjustifiable pain or suffering.

(B) *Generally.*

(1) *Not in contravention of Texas Penal Code.* The standards and requirements in this chapter are established for pets and animal care and are not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

(2) *Offenses.* A person commits an offense if the person:

(a) Tortures an animal or in a cruel manner kills or causes serious injury, or administers poison to an animal that kills or causes serious bodily injury.

(b) Fails to provide necessary food, water, care, or shelter for an animal in the person's custody, or fails to provide veterinary care when needed to prevent suffering.

(c) Abandons an animal in the person's custody.

(d) Transports or confines an animal in a cruel manner.

(e) Causes bodily injury to an animal.

(f) Causes one animal to fight with another animal.

(g) Seriously overworks an animal.

(h) Leaves an animal unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of an animal.

(C) *Exceptions.*

(1) A person has a reasonable fear of bodily injury to the actor or to another person by a dangerous or wild animal as ' 90.07.

(2) The animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery.

(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' 90.07 VICIOUS OR DANGEROUS ANIMALS.

(A) *Definitions.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VICIOUS or WILD ANIMAL.

(a) Any animal which because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;

(b) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals;

(c) Any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life, animal life, or property upon the basis of a reasonable medical probability;

(d) Any animal that commits an unprovoked attack on a person or animal on public or private property. An ***UNPROVOKED*** attack by an animal shall mean that the animal was not hit, kicked, or struck with an object or part of a person's body nor was any part of the animal's body pulled, pinched, or squeezed by a person;

(e) Any animal that attacks or threatens to attack a person.

(B) *Unlawful.* It shall be unlawful for any person to allow a vicious dog or a dog with vicious propensities, or a female dog in heat, to run at large or allow such dog off the owner's premises within the city limits even if said dog is securely leashed and in control of a person of suitable age and discretion to control and restrain the dog.

(C) *Enforcement.*

(1) Any person desiring to file a sworn complaint concerning an animal that is believed to be a vicious or dangerous animal must contact the City Chief of Police, or his or her representative. The complaint must include the following information:

(a) Name, address and telephone number of complainant and other witnesses;

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- (b) Date, time and location of any incident involving the animal;
 - (c) Description of the animal;
 - (d) Name, address and telephone number of the animal's owner, if known;
 - (e) A statement regarding the animal that is believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based;
 - (f) A statement that the animal has exhibited vicious propensities in past conduct, if known; and
 - (g) Other facts or circumstances of the incident.
- (2) Upon investigation by the City Police Department, if the animal is found to be vicious or a danger to humans or other animals, Dallas or Kaufman County authorities will be notified.
- (3) The removal or destruction of the animal will be the responsibility of Dallas County or Kaufman County authorities depending on which county the animal resides.
(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' 90.08 DANGEROUS WILD ANIMALS.*(A) Definitions.*

- (1) This section is in accordance with the Tex. Health and Safety Code, Title 10, Ch. 822, Subsection E; except for the addition of wolf by the city.
- (2) **DANGEROUS WILD ANIMAL.** Means:
- (a) Lion;
 - (b) Tiger;
 - (c) Ocelot;
 - (d) Cougar;
 - (e) Leopard;
 - (f) Cheetah;
 - (g) Jaguar;

- (h) Bobcat;
- (i) Lynx;
- (j) Serval;
- (k) Caracal;
- (l) Hyena;
- (m) Bear;
- (n) Coyote;
- (o) Jackal;
- (p) Baboon;
- (q) Chimpanzee;
- (r) Orangutan;
- (s) Gorilla;
- (t) Wolf;
- (u) Any hybrid of an animal listed in this subdivision.

(B) *Unlawful*. It shall be unlawful for any person to harbor any dangerous wild animal within the city limits.

(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

90.09 PUBLIC NUISANCE ANIMALS.

(A) *Definitions*. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC NUISANCE. Means public nuisance animal; any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the

rights of citizens, other than the animal's owner, to enjoyment of life or property. The term ***PUBLIC NUISANCE ANIMAL*** shall include, but not be limited to:

- (a) Any animal that is repeatedly found running at large;
- (b) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
- (c) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

(B) *Unlawful.*

(1) It shall be unlawful for any person to keep any animal on any property located within the city limits when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(2) Where possible, prior to filing a complaint with the city, the person having been disturbed by an animal in the above described manner must give written notice to the owner or keeper of the animal that the animal's conduct has disturbed his or her peace on more than one occasion. A copy of such written notice must be presented to the city at the time of filing the complaint.

(3) It shall be unlawful for an owner to allow any animal in estrus (in heat) to roam at large. (Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' **90.10 SWINE.**

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

SWINE. Any hog, sow, or pig.

(B) *Unlawful.* It shall be unlawful to maintain and keep any hog, sow or pig within the corporate city limits.

(Ord. 2015-004, passed 12-28-2015) Penalty, see ' 90.99

' 90.99 PENALTY.

(A) Any person violating a provision of this chapter shall be deemed guilty of a class C misdemeanor and, upon conviction, shall be subject to a fine of not more than \$2,000, unless otherwise specified by statute, plus all applicable court costs and fees.

(B) Each day that a violation continues shall constitute a separate offense.
(Ord. 2015-004, passed 12-28-2015)

CHAPTER 91: BURNING

Section

- 91.01 Issuance
- 91.02 Exemptions
- 91.03 Enforcement authority

- 91.99 Penalty

' 91.01 ISSUANCE.

Whenever there is a burn ban in effect issued by Kaufman County, the City of Combine will implement and enforce said ban within the corporate limits of the City of Combine, including all parts of the City in Kaufman County and Dallas County. The burn ban will remain in effect for the duration of the ban imposed by Kaufman County.

(Ord. 197, passed 11-1-1999; Ord. 197B, passed 3-13-2006; Ord. 2018-001, passed 7-23-2018)
Penalty, see ' 91.99

' 91.02 EXEMPTIONS.

Exemptions to the burn ban permitted by Kaufman County are also permitted in the City of Combine. Outdoor burning for purposes not permitted by Kaufman County are permitted only when authorized by written permission from the Chief of Police, Fire Chief or his or her designee, and under such circumstances, rules, regulations or orders as he or she may determine necessary.

(Ord. 197, passed 11-1-1999; Ord. 197B, passed 3-13-2006; Ord. 2018-001, passed 7-23-2018)

' 91.03 ENFORCEMENT AUTHORITY.

The Chief of Police will have the authority to enforce the burn ban during the time in which the burn ban is in effect.

(Ord. 197, passed 11-1-1999; Ord. 197B, passed 3-13-2006; Ord. 2018-001, passed 7-23-2018)

' 91.99 PENALTY.

A person commits an offense if the person knowingly or intentionally violates any provision of this chapter or a prohibition or restriction established by an order adopted under this chapter. Each occurrence is a separate violation. An offense under this chapter is punishable by a fine not to exceed \$2,000 per violation.

(Ord. 197, passed 11-1-1999; Ord. 197B, passed 3-13-2006; Ord. 2018-001, passed 7-23-2018)

CHAPTER 92: ABANDONED VEHICLES

Section

- 92.01 Findings of fact
- 92.02 Definitions
- 92.03 Exceptions
- 92.04 Public nuisances unlawful
- 92.05 Notice to abate nuisance
- 92.06 Public hearing and orders to remove
- 92.07 Authority to take possession of junked or abandoned vehicle
- 92.08 Notice of impoundment

- 92.99 Penalty

' 92.01 FINDINGS OF FACT.

All of the premises in the ordinance from which this chapter is derived are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this chapter as if copied in their entirety.
(Ord. 196A, passed 4-9-2013)

' 92.02 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. A motor vehicle that:

- (1) Is inoperable, is more than five years old and has been left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;

(4) Has been left unattended on the right-of-way of a designated county, state or federal highway for more than 48 hours;

(5) Has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the State Turnpike Authority division of the State Department of Transportation or a controlled access highway; or

(6) Is considered an abandoned motor vehicle under Tex. Transportation Code, ' 644.153(r).

ANTIQUE VEHICLE. Any motor vehicle that is 25 years old or older.

CONTROLLED ACCESS HIGHWAY. Has the meaning assigned by Tex. Transportation Code, ' 541.302.

INOPERABLE. Incapable of being propelled on its own power due to any reason.

JUNKED VEHICLE. A vehicle that is self-propelled and:

(1) Displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and

(2) Is:

(a) Wrecked, dismantled or partially dismantled, or discarded; or

(b) Inoperable and has remained inoperable for more than 72 consecutive hours, if the vehicle is on public property; or 30 consecutive days, if the vehicle is on private property.

MOTOR VEHICLE. A vehicle subject to registration under Tex. Transportation Code, Ch. 501.

MOTOR VEHICLE COLLECTOR. A person who:

(1) Owns one or more antique or special interest vehicles; and

(2) Acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

RACE CAR. Any motorized vehicle that is used solely for competition and not intended for use on public roadways.

SPECIAL INTEREST VEHICLE. A motor vehicle of any age that has not been changed from original manufacturer=s specifications and, because of its historic interest, is being preserved by a hobbyist.

STORAGE FACILITY. Any garage, parking lot or any approved place to store or service motorized vehicles.

(Ord. 196A, passed 4-9-2013)

' 92.03 EXCEPTIONS.

This chapter does not apply to a vehicle or vehicle part that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector=s property, if the vehicle or part and the outdoor storage area, if any, are:

(A) Maintained in an orderly manner;

(B) Not a health hazard; and

(C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery, but excluding a tarp.

(Ord. 196A, passed 4-9-2013)

' 92.04 PUBLIC NUISANCES UNLAWFUL.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

(A) Is detrimental to the safety and welfare of the public;

(B) Tends to reduce the value of private property;

(C) Invites vandalism;

(D) Creates a fire hazard;

(E) Is an attractive nuisance creating a hazard to the health and safety of minors;

(F) Produces urban blight adverse to the maintenance and continuing development of municipalities; and

(G) Is a public nuisance.

(Ord. 196A, passed 4-9-2013) Penalty, see ' 92.99

' 92.05 NOTICE TO ABATE NUISANCE.

(A) Whenever a public nuisance exists on public property, on occupied premises, or on the public right-of-way adjacent to the occupied premises within the city in violation, of ' 92.04, the Chief of Police, or his or her designate, shall order the owner, if the owner is in possession of the premises, or the occupant of the premises, to abate or remove the nuisance.

(B) Whenever a public nuisance exists on unoccupied premises or on the public right-of-way adjacent to unoccupied premises within the city in violation of ' 92.04, and the owner of the premises can be found, the Chief of Police shall order the owner to remove or abate the nuisance.

(C) (1) An order issued under divisions (A) or (B) above shall be served upon the last known registered owner of the junked vehicle, any lien holder of record, and the owner or, if the premises are occupied, the occupant of the premises on which the public nuisance exists by serving them personally or by sending them the order by certified mail, five-day return receipt requested, to the addresses as shown by the United States Post Office.

(2) The order shall:

(a) Be in writing;

(b) Specify the public nuisance and its location;

(c) Specify the corrective measures required;

(d) Provide for compliance within ten days after receiving notice; and

(e) State that a request for a hearing on the matter must be made before expiration of the ten-day period for compliance.

(Ord. 196A, passed 4-9-2013)

' 92.06 PUBLIC HEARING AND ORDERS TO REMOVE.

(A) The owner or occupant of the property on which a public nuisance exists may request, within the ten-day period after service of the notice to abate the nuisance, a hearing before the Municipal Judge. If a hearing is requested in a timely manner, the Municipal Judge or Court Clerk will set the time and location for the hearing. It will be the responsibility of the City Attorney to prosecute the case on the behalf of the Police Department.

(B) If a hearing is requested, the Chief of Police will not remove the vehicle until ordered to do so by the Municipal Judge.

(C) If the Municipal Judge determines that the vehicle(s) are a public nuisance, he or she shall enter an order requiring within ten days the removal of the vehicle or part thereof from the public or private property or the public right-of-way where it is situated. Said order shall include a description of the vehicle and the correct identification number/license number, if available.

(D) If the nuisance is not removed and abated and a hearing is not requested within ten days from receiving notice to abate the nuisance, the Municipal Judge may issue an order that the city shall take possession of the junked vehicle and remove it from the premises. Thereafter, the city shall dispose of the junked vehicle in a manner consistent with state law, and no person may reconstruct the vehicle or otherwise make it operable in any manner.

(E) If, within ten days after receipt of notice from the Chief of Police or his or her designate, the owner or occupant of the premises gives written permission to the Chief of Police for removal of the junked vehicle, the granting of permission will be considered compliance with the provisions of this chapter.

(F) If the notice to abate a public nuisance is returned undelivered by the United States Post Office, then after ten days from the date of return, the court may issue an order to the Chief of Police to remove the junked vehicle.

(Ord. 196A, passed 4-9-2013)

' 92.07 AUTHORITY TO TAKE POSSESSION OF JUNKED OR ABANDONED VEHICLE.

The City Chief of Police is authorized to take into custody any abandoned vehicle found on public or private property when given written court order by the Municipal Court Judge. The removal of such vehicle shall be accomplished by an authorized wrecker service and taken to an authorized storage facility.

(Ord. 196A, passed 4-9-2013)

' 92.08 NOTICE OF IMPOUNDMENT.

The Chief of Police shall:

(A) Notify within ten days by certified mail, return receipt requested, the last know registered owner and all lien holders of record that the vehicle has been taken into custody. Said notice shall include the vehicle year: make, model and identification number;

(B) Notify the State Department of Public Safety within five days after removal of the vehicle. Said notice shall include the vehicle year, make, model and identification number; and

(C) The City Chief of Police will dispose of the vehicle in a manner consistent with state law.
(Ord. 196A, passed 4-9-2013)

' 92.99 PENALTY.

Anyone found guilty in Municipal Court of violation of this chapter may receive a fine not to exceed \$200 per offense and that each day shall be considered a separate offense.
(Ord. 196A, passed 4-9-2013)

CHAPTER 93: NOISE

Section

- 93.01 Policy
- 93.02 Unlawful acts
- 93.03 Provisions apply to

- 93.99 Penalty

' 93.01 POLICY.

It is declared to be the policy of the city to prevent, as far as practicable, any nuisances within the limits of the city, and cause such as exist to be removed at the expense of the person by whom they were occasioned or upon whose property they may be found.

(Ord. 61, passed 4-23-1981)

' 93.02 UNLAWFUL ACTS.

(A) It shall be unlawful for any person to make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city or, in the event such person is the owner of or person in charge of any premises within the city, to suffer or permit any other person to make or cause to be made any such unreasonably loud, disturbing and unnecessary noise on such premises.

(B) It shall be unlawful for any person to make, or cause to be made, noise of such character, intensity and duration as to be detrimental to life or health of any individual in the city, or for any person, either being the owner of or in charge of premises, to suffer or permit any other person to make, or cause to be made, or of such character, intensity and duration as to be detrimental to life or health of individual in the city.

(C) Every motor vehicle, including automobiles, motorcycles, trucks or buses, whether operated on the public streets and highways or upon private property within the city, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle any place within the city.

(D) It shall be unlawful for any person, being the owner, lessee or person in charge of or control of any premises within the city, to suffer or permit any type display, race, contest for speed or other use of any automobile, motorcycle or other motor vehicle which emits or creates loud or unnecessary noise.

(E) It shall be unlawful for any person to make or cause to be made any unreasonably loud, disturbing and unnecessary noise in the city which is offensive to the sensibilities of the inhabitants of the city or which noise renders the enjoyment of life or property uncomfortable or interferes with the public peace and comfort.

(F) A person commits an offense if he or she intentionally or knowingly makes unreasonable noise in a public place or in or near a private residence that he or she has no right to occupy.

(G) The following acts, among others, are declared to create nuisances and shall be unlawful, provided that such enumeration shall not be deemed to be exclusive:

(1) The playing of any radio, television set, phonograph, loudspeaker, amplifier or musical instrument in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of persons in any dwelling, apartment or other type of residence; and

(2) The discharge into the open air of the exhaust from any engine of any motor vehicle, whether stationary or in motion, except through a muffler or other device which will effectively and efficiently prevent loud or unusual noises, annoying smoke and the escape of noxious gas or odors. (Ord. 61, passed 4-23-1981) Penalty, see ' 93.99

' 93.03 PROVISIONS APPLY TO.

(A) The provisions of this chapter shall apply to any natural person, corporation, firm or other entity which causes, suffers or permits any of the nuisances enumerated herein.

(B) With regard to any of such nuisances, the provisions of this chapter shall also apply to any person as owner, lessee or person in charge or in control of premises who suffers or permits or fails to prevent any other person from making or causing to be made any of such nuisances on such premises.

(Ord. 61, passed 4-23-1981)

' 93.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed the sum of \$200 for each offense.

(Ord. 61, passed 4-23-1981)

CHAPTER 94: LITTER

Section

- 94.01 Definitions
- 94.02 Throwing or depositing litter in public places
- 94.03 Throwing litter from vehicles prohibited
- 94.04 Removal of injurious material from streets
- 94.05 Throwing or depositing litter on private premises
- 94.06 Duty to maintain premises free from litter
- 94.07 Depositing litter on vacant lots prohibited
- 94.08 Enforcement

- 94.99 Penalty

' 94.01 DEFINITIONS.

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

CITY. City of Combine, Texas.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER. AGarbage@, Arefuse@ and Arubbish@ as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES. Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, ground, walkway, driveway, private roadway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE. Any and all streets, roadways or other publically owned property within the city.

REFUSE. All putrescible and non-putrescible solid wastes (except body waste), including garbage, rubbish, ashes, dead animals, abandoned vehicles and solid market and industrial wastes.

RUBBISH. Nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, bottles, plastic, yard clippings, leaves, wood, glass, bedding, furniture, crockery and similar materials.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn a highway or roadway.
(Ord. 165, passed 3-7-1994)

' 94.02 THROWING OR DEPOSITING LITTER IN PUBLIC PLACES.

No person shall throw or otherwise deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles or approved private receptacles for collection by private waste haulers. For the purpose of this chapter, a person who subscribes to a sanitation service may bag his or her trash in plastic bags and place it by the roadway to be picked up and removed within 24 hours of placement.

(Ord. 165, passed 3-7-1994) Penalty, see ' 94.99

' 94.03 THROWING LITTER FROM VEHICLES PROHIBITED.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(Ord. 165, passed 3-7-1994) Penalty, see ' 94.99

' 94.04 REMOVAL OF INJURIOUS MATERIAL FROM STREETS.

A person who drops or throws or permits to be dropped or thrown upon a street any destructive or injurious material shall immediately remove the material or cause the material to be removed.

(Ord. 165, passed 3-7-1994) Penalty, see ' 94.99

' 94.05 THROWING OR DEPOSITING LITTER ON PRIVATE PREMISES.

A person commits an offense if he or she throws or deposits litter on any occupied private premises within the city, whether owned by the person or not, or in or on any gutter, ditch, parkway, sidewalk or alley adjacent to the premises, except, that the owner, occupant or person in control of the private

premises may maintain a private authorized receptacle for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street or public property or upon any private property.

(Ord. 165, passed 3-7-1994) Penalty, see ' 94.99

' 94.06 DUTY TO MAINTAIN PREMISES FREE FROM LITTER.

An owner, occupant or person in control of private premises commits an offense if he or she places, deposits or throws; permits to accumulate or collects; or permits or causes to be placed, deposited or thrown, any litter on the premises or in or on any gutter, ditch or parkway adjacent to the premises.

(Ord. 165, passed 3-7-1994) Penalty, see ' 94.99

' 94.07 DEPOSITING LITTER ON VACANT LOTS PROHIBITED.

A person commits an offense if he or she throws or deposits litter on any open or vacant private property within the city, whether owned by the person or not, or in or on any gutter, ditch, parkway, sidewalk or common driveway or roadway which is privately owned.

(Ord. 165, passed 3-7-1994) Penalty, see ' 94.99

' 94.08 ENFORCEMENT.

The provisions of this chapter are to be enforced by the City Marshal or his or her Deputy by civil citation.

(Ord. 165, passed 3-7-1994)

' 94.99 PENALTY.

(A) A person who violates a provision of this chapter and is found guilty in the Municipal Court of the city may be subject to the following fines:

(1) First offense: fine up to \$500; and

(3) Second offense: fine not to exceed \$2,000.

(B) A person is guilty of a separate offense for each day or portion of a day which the violation is committed, continued or permitted.

(Ord. 165, passed 3-7-1994)

CHAPTER 95: STREETS AND SIDEWALKS

Section

Street Numbering System

- 95.01 Street names
- 95.02 Street addresses
- 95.03 Owners to purchase numbers
- 95.04 Numbers for future structures
- 95.05 Unlawful acts
- 95.06 Effective date

- 95.99 Penalty

STREET NUMBERING SYSTEM

95.01 STREET NAMES.

(A) Existing roadways will be given the name most commonly used in the community to refer to them.

(B) Subdivisions: the individual or individuals who are responsible for development of the subdivision will be responsible for naming any new streets and initially responsible for providing and installing a street sign and pole of such quality as approved by the city.

(C) Roadway extension: the continuation of an existing roadway shall have the same name, if possible.

(D) Private drives serving more than two residences may be given a street name and address for 911 identification provided the mailing address is the same.

(E) Street names chosen must be in good taste, generally acceptable to the community and not duplicate the name of an existing street within the emergency response area served by 911.

(F) Street names subsequent to this subchapter must be approved by the Planning and Zoning Commission.

(G) Street names approved by adoption of this subchapter include the following:

- (1) Adams Road;
- (2) Baker Road;
- (3) Ballard Road;
- (4) Beasley Road;
- (5) Bilindsey Road;
- (6) Bois D=arc Road;
- (7) Celia Drive;
- (8) Chrestman Lane;
- (9) Circle Drive;
- (10) Combine Road;
- (11) Cottonwood Lane;
- (12) Creekside Drive;
- (13) Crow Lane;
- (14) Davis Road;
- (15) Dawson Road;
- (16) Eubanks Road;
- (17) Farr-Alton Road;
- (18) Haines Road;
- (19) Haines Trail;
- (20) Hall Circle;

- (21) Harlan Road;
- (22) Harlan Lane;
- (23) High Ridge Drive;
- (24) Highway 3039;
- (25) Jimmy Lane;
- (26) Roller Road;
- (27) Kuver Lane;
- (28) Lanier Road;
- (29) Loren-Boyd Road;
- (30) Martin Lane;
- (31) Mason Drive;
- (32) Meadow Creek Drive;
- (33) Meadow Lane;
- (34) Mockingbird Lane;
- (35) Nelms Road;
- (36) North Highway 1389;
- (37) Patsy Lane;
- (38) Pecan Trail;
- (39) Pleasant Drive;
- (40) Pole Bridge Road;
- (41) Pole Bridge Court;
- (42) Ramsey Road;

(43) Rolling Hills Road;

(44) Robinson Road;

(45) Russell Curry Road;

(46) Rustic Oaks Road;

(47) Shepherd Road;

(48) Smith Circle;

(49) Smith Drive;

(50) Smith Lane;

(51) Snowden Road;

(52) South Highway 1389;

(53) Trail Ridge Circle;

(54) Valtie-Davis Road; and

(55) York Drive.

(Ord. 154, passed 1-6-1992)

' 95.02 STREET ADDRESSES.

(A) Designation of street addresses.

(1) The City Secretary will be responsible for assigning street numbers for dwelling units, places of business on all public and private streets.

(2) The City Secretary will be responsible for recording all assigned numbers and notifying the appropriate entities of any changes.

(B) Numbering block map and directory.

(1) The property block numbering map and directory are hereby adopted as the official property numbering map and directory for the city and its extraterritorial jurisdiction.

(2) All property numbers will be assigned within the appropriate block range as indicated on the numbering map and no other numbers shall be used or displayed in the city.

(3) The City Secretary will be responsible for keeping the map on file and for keeping a record of all numbers assigned under this subchapter.

(C) *Number system.*

(1) In the Kaufman County portion of the city on the property block numbering map Highway 1389 is designated as the north - south axis and is divided into north and south highway 1339 at the intersection with Davis Road. Davis Road is designated as the east - west axis. The intersection of the north/south and east/west axis is known as the point of origin, beginning with the 100 block of Davis Road and the 100 block of both north and south highway 1389.

(2) Each block range is approximately 1,000 linear feet with each block being specifically designated on the block map as to its exact location. Some blocks run more, some run less depending on intersecting streets, curves and the like. All blocks run more or less parallel or perpendicular to one another to form a grid system. Each complete block is capable of accommodating 100 address numbers, 50 on each side of the street.

(3) From the point of origin, Davis Road at Highway 1389, numbers increase numerically as one moves away from this location in all directions. Even numbers are assigned on the right hand side of the road as one goes from a smaller block to a larger block. Odd numbers are assigned to the left side of the street in like manner.

(D) *Exceptions to the numbering system.* All roads, with the exception of Haines Road, which are situated in Dallas County use the existing numbering system originated by Dallas County and the City of Seagoville. The block range used on Combine Road is an extension of the one coming out of Seagoville. These block range increase as one drives toward the city instead of decreasing. block ranges and corresponding house numbers also increase on Bois D=arc and Ballard Road as one enters Combine Haines Road; however, is numbered off of Davis Road. Beginning with the 100 block at Davis and Haines Road. In either side of the city, even numbers are always to the right as one goes from smaller to larger block number. Odd numbers are always on the left if one is going from smaller to larger block range.

(Ord. 154, passed 1-6-1992)

95.03 OWNERS TO PURCHASE NUMBERS.

(A) All property owners of improved property shall purchase and display in a conspicuous place on said property the number assigned to them prior to July 1, 1992.

(B) Numbers shall be at least three inches tall if placed on a mailbox or five inches tall if placed on the building away from the roadway. Numbers must be clearly visible from the roadway.
(Ord. 154, passed 1-6-1992)

' 95.04 NUMBERS FOR FUTURE STRUCTURES.

All residence and business buildings erected after the adoption of this subchapter will be assigned a number in accordance with the property numbering system and will display such number within 60 days of occupancy.
(Ord. 154, passed 1-6-1992)

' 95.05 UNLAWFUL ACTS.

It shall be unlawful for any person to maliciously alter, deface or take down a street sign or property number placed on public or private property for the purpose of identification, except for repair or replacement of such number.
(Ord. 154, passed 1-6-1992) Penalty, see ' 95.99

' 95.06 EFFECTIVE DATE.

This subchapter shall take effect and be in force and effect 30 days after its passage.
(Ord. 154, passed 1-6-1992)

' 95.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) In the event that the owner or occupant or person in charge of a structure requiring a number refuses to comply with the terms of ' ' 95.01 through 95.06 by failing to affix the number assigned within 60 days from the passage of ' ' 95.01 through 95.06 for existing structures or in accordance with ' 95.04 for future structures, the person may be subject to a fine up to \$500. In the event a person is found guilty of destroying, stealing or defacing street signs, the person may be subject to a fine of up to \$1,000.
(Ord. 154, passed 1-6-1992)

CHAPTER 96: PUBLIC NUISANCES

Section

- 96.01 Findings of fact
- 96.02 Definitions
- 96.03 Purpose and scope
- 96.04 Unlawful conditions; nuisances
- 96.05 Duties and powers of Chief of Police as Code Enforcement Officer
- 96.06 Right of entry; search warrants
- 96.07 Abatement of nuisances
- 96.08 Appeal; public hearing; orders to remove
- 96.09 Failure to abate
- 96.10 Compliance with permit requirements and conditions imposed by enforcement officer
- 96.11 Enforcement; abatement

- 96.99 Penalty

' 96.01 FINDINGS OF FACT.

All of the premises in the preamble to the ordinance codified herein are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this chapter as if copied in their entirety.
(Ord. 2013-300, passed 7-8-2013)

' 96.02 DEFINITIONS.

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

ABANDONED VEHICLE. A motor vehicle, watercraft, outboard motor, or any part thereof that is inoperable and is left unattended on public property for more than 48 hours, or a motor vehicle, watercraft, outboard motor, or any part thereof that has remained on public property for a period of more than 48 hours, or a motor vehicle, watercraft, outboard motor, or any part thereof that has remained on private property without the consent of the owner or person in control of the property for more than 48

hours, or a motor vehicle, watercraft, outboard motor, or any part thereof left unattended on the right-of-way of any designated municipal, county, state, or federal highway within the city for more than 48 hours.

ABATE. To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his or her judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

CITY. The City of Combine, Texas, its authorized employees, representatives, or agents.

ENFORCEMENT OFFICER. The Chief of Police or other city employee designated as such by the City Council, or his or her designee.

GARBAGE. All decayable wastes from public and private establishments and restaurants, including but not limited to vegetable, animal, fish offal and animal and fish carcasses.

HIGH GRASS. All varieties of ornamental grasses normally cultivated and/or manicured for purposes of ground cover, landscaping, erosion control, or forage for domesticated livestock that have grown to a height of more than 12 inches, or, regardless of height, may create a fire hazard or an unsanitary condition, or become a harborage for rodents, vermin, or other disease-carrying pests.

JUNK. All worn-out or worthless material or discarded material, including odds and ends, iron or other metal, glass, cordage, and unused vehicles or equipment, or parts thereof.

LAW ENFORCEMENT AGENCY. Includes:

- (1) The State Department of Public Safety;
- (2) The police department or marshal's office of a municipality;
- (3) A sheriff or constable.

LOT or PARCEL. Defined and considered as having ordinary meaning but shall include, in addition to the land within a lot or parcel boundary, all land adjacent to and extending beyond the property line to the curb line of adjacent streets and, where no curb exists, to the existing street surface. The word **LOT** or **PARCEL** shall also include all land lying between the property line of any lot or parcel and the center of adjacent easements.

MOTOR VEHICLE. A vehicle that is subject to registration under Tex. Transportation Code, Ch. 501, as amended from time to time.

OUTBOARD MOTOR. An outboard motor subject to registration under Tex. Parks and Wildlife Code, Ch. 31.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property in question; or recorded in the official records of the state, county or municipality as holding title to such property; or otherwise having control of such property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. As used in this chapter shall be construed to impart the singular and plural as the case demands, and shall include corporations, companies, societies and associations.

PREMISES. Any building, lot, parcel, real estate or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

PROPERTY. Any object of value that a person may lawfully acquire and hold.

PUBLIC STREET. The entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or bridge is open to public or private vehicular or pedestrian traffic.

REFUSE. Garbage, rubbish, paper, and other decayable and nondecayable waste from a public or private establishment, residence, lot, or parcel, including vegetable matter and animal and fish carcasses, with the exception of neatly stacked brush piles.

RESPONSIBLE PERSON. Any agent, lessee, owner or other person occupying or having charge or control of any premises.

RUBBISH. All nondecayable or solid wastes from a public or private establishment, residence, lot, or parcel.

STRUCTURE. That which is built or constructed on any property within the city.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

VEHICLE. A motor vehicle, outboard motor, or watercraft as defined herein.

WEEDS. All rank and uncultivated vegetable growth or matter that has grown to more than 24 inches in height, or, regardless of height, may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests, or that may create a fire hazard, but excluding shrubs, trees, bushes or vines.
(Ord. 2013-300, passed 7-8-2013)

' 96.03 PURPOSE AND SCOPE.

To provide regulations relating to the enforcement and abatement of conditions that are to be considered a public nuisance or health hazard as outlined in this chapter. The provisions of this chapter shall apply to all residential and nonresidential structures and all premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance, whether now existing or existing in the future; the responsibility of owners, operators and occupants; the occupancy of structures and premises, and for administration, enforcement and penalties within the jurisdiction of the city. (Ord. 2013-300, passed 7-8-2013)

' 96.04 UNLAWFUL CONDITIONS; NUISANCES.

(A) It shall be unlawful to store or accumulate, or permit the storage or accumulation of any material that may constitute a public nuisance, including, but not limited to the following:

- (1) Garbage;
- (2) Junk;
- (3) Refuse;
- (4) Rubbish;
- (5) Appliances;
- (6) High grass;
- (7) Weeds;
- (8) Stagnant water.

(B) In determining whether any condition not described in division (A) above constitutes a nuisance, the Enforcement Officer or City Council may consider whether the condition:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;

- (5) Creates an attractive nuisance;
- (6) Is a detriment to the health and safety of residents of the city;
- (7) Produces urban blight adverse to the maintenance and continuing development of the city;
- (8) Is a public nuisance as provided by statute or other law;
- (9) Produces any other condition that is unsanitary, unwholesome or may produce disease.

(Ord. 2013-300, passed 7-8-2013) Penalty, see ' 96.99

' 96.05 DUTIES AND POWERS OF CHIEF OF POLICE AS CODE ENFORCEMENT OFFICER.

(A) *Generally.* The City Chief of Police shall serve as the City Code Enforcement Officer, hereinafter referred to in this chapter as the Enforcement Officer. The Enforcement Officer is hereby authorized and directed to enforce the provisions of this chapter and other related ordinances and regulations of the city. The Enforcement Officer shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter and shall not have the effect of waiving requirements specifically provided for in this chapter.

(B) *Appeals.* The City Council shall hear and decide on all appeals or orders, decisions, or determinations made by the Enforcement Officer relative to the application and interpretation of this chapter.

(C) *Department records.* The Enforcement Officer or his or her designee shall keep a record of all complaints, reports, citations, notices and orders issued in accordance with this chapter.

(D) *No liability.* The Enforcement Officer or employees charged with the enforcement of this chapter while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter or other pertinent laws or ordinances, shall not thereby be rendered liable personally and are hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by the officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the city until the final termination of the proceedings. The Enforcement Officer or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter.

(Ord. 2013-300, passed 7-8-2013)

' 96.06 RIGHT OF ENTRY; SEARCH WARRANTS.

(A) It shall be the duty of the Enforcement Officer to take the necessary action for the enforcement of this chapter.

(B) The Enforcement Officer or his or her authorized representative may enter any public building, structure, or premises at all reasonable times to make an inspection or enforce any provision of this chapter.

(C) When entering a building, structure, or premises that are occupied, the Enforcement Officer shall first identify himself or herself, present proper credentials, and request entry. If the building, structure, or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge of the premises and request entry, if practical. If entry is refused, or the premises are unoccupied and the owner or responsible person cannot be located, the Enforcement Officer may obtain a search warrant pursuant to the requirements herein.

(D) The Enforcement Officer shall be the sole code enforcement officer to whom a search warrant may be issued pursuant to the Tex. Code of Criminal Procedure, Art. 18.05.

(E) A search warrant may not be issued under this section except upon the presentation of evidence in the form of a sworn affidavit of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present on the premises sought to be inspected.

(F) In determining probable cause, the magistrate is not limited to evidence of specific knowledge, but may consider any of the following:

- (1) The age and general condition of the premises;
- (2) Previous violations or hazards found present in the premises;
- (3) The type of premises;
- (4) The purposes for which the premises are used; and

(5) The presence of hazards or violations in and the general condition of premises near the premises sought to be inspected.

(G) Upon proper presentation of evidence by the Enforcement Officer, a search warrant may be issued by any magistrate of a court having jurisdiction.

(H) Nothing in this section shall be construed to limit the authority of the Enforcement Officer to enter any premises pursuant to any valid court order.

(Ord. 2013-300, passed 7-8-2013)

' 96.07 ABATEMENT OF NUISANCES.

(A) In addition to any other remedy available at law or in equity, the city may take action to administratively abate a public nuisance if the owner or person in control of the premises upon which the public nuisance exists fails to do so. The city may then assess the expense of removal or abatement of the public nuisance from the premises, and the city shall have a lien against the subject property to secure the payment of such expense. An action to abate a nuisance under this section shall have no effect upon a prosecution in the municipal court under this chapter.

(B) The Enforcement Officer, or his or her designee, may order the summary abatement of a nuisance that poses a public calamity or otherwise poses an immediate risk of serious harm to public health, safety, or comfort.

(C) Any complaint arising from the existence of a public nuisance existing on public or private property shall be filed with the Enforcement Officer or the City Secretary, who will then forward it to the Enforcement Officer for investigation.

(D) The Enforcement Officer shall order the owner, if the owner is in possession of the premises, or the occupant of the premises, to abate or remove the nuisance.

(E) Whenever a public nuisance exists on unoccupied premises or on the public right-of way adjacent to unoccupied premises within the city limits and the owner of the premises can be found, the Enforcement Officer shall order the owner to remove or abate the nuisance.

(F) An order issued under this section shall be served upon the owner of the premises, if applicable, or the occupant of the premises on which the public nuisance exists by serving them personally or by sending them the order by certified mail, return receipt requested to the address as shown by the United States Post Office. The order shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required;
- (4) Provide for compliance within ten days after receiving notice;

(5) State that a request for a hearing of appeal of the Enforcement Officer's determination on the matter must be submitted to the municipal court clerk before the expiration of the ten-day period for compliance.

(Ord. 2013-300, passed 7-8-2013) Penalty, see ' 96.99

' 96.08 APPEAL; PUBLIC HEARING; ORDERS TO REMOVE.

(A) The owner of, or responsible person for, the property on which a public nuisance exists may request, within the ten-day period after service of the notice to abate the nuisance, a public hearing of appeal before the municipal court judge. If the owner or occupant requests a hearing within ten days after service of the notice to abate the nuisance, the municipal judge or court clerk will set the time and location for the hearing. It will be the responsibility of the City Attorney to prosecute the case on the behalf of the Police Department.

(B) At the public hearing of appeal, all interested parties shall be granted an opportunity to be heard.

(C) If the municipal judge determines that a public nuisance exists, he or she shall enter an order requiring within ten days the removal of the public nuisance or part thereof from the public or private property or the public right-of-way where it is situated. Said order shall include a description of the public nuisance or health hazard to be removed.

(Ord. 2013-300, passed 7-8-2013)

' 96.09 FAILURE TO ABATE.

In all cases where the Enforcement Officer has determined to proceed with abatement, or where abatement has been ordered by the Municipal Court or other court of competent jurisdiction, if the owner or responsible party fails to abate the nuisance within ten days after the city or court gives notice to the owner or responsible party, the city thereby acquires jurisdiction to abate the condition.

(Ord. 2013-300, passed 7-8-2013) Penalty, see ' 96.99

' 96.10 COMPLIANCE WITH PERMIT REQUIREMENTS AND CONDITIONS IMPOSED BY ENFORCEMENT OFFICER.

(A) If and when an owner or other responsible person undertakes to abate any condition described in this chapter, whether by order of the Enforcement Officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the Enforcement Officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions.

(B) Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to abatement.

(Ord. 2013-300, passed 7-8-2013)

' 96.11 ENFORCEMENT; ABATEMENT.

The municipal court shall order abatement and removal of the nuisance upon conviction in addition to any criminal penalty allowed herein.

(Ord. 2013-300, passed 7-8-2013) Penalty, see ' 96.99

' 96.99 PENALTY.

(a) An offense under this chapter is a class C misdemeanor. Any person, firm, or corporation violating, allowing, or permitting a violation of this chapter, upon conviction, shall be punished in accordance with Tex. Penal Code, ' 12.23 (punishments, class C misdemeanor). Each violation occurrence of this chapter shall constitute a separate offense.

(B) Any person, firm, or corporation violating this chapter is subject to a suit for injunction as well as prosecution for criminal violations.

(C) Each day an offense of this chapter occurs shall be a separate offense.
(Ord. 2013-300, passed 7-8-2013)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. JUNK/WRECKING YARDS

111. SOLICITORS AND PEDDLERS

CHAPTER 110: JUNK/WRECKING YARDS

Section

110.01 Regulations

110.99 Penalty

' 110.01 REGULATIONS.

(A) Hereafter, any place used or maintained by any person, partnership or corporation as a junk yard or dumping ground, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the maintenance or operation of such place for the accumulation of rubbish of any description is required to be licensed in the manner described in division (B) below, and is subject to the rules and regulations hereinafter mentioned in divisions (C) or (D) below, or ' 110.99.

(B) (1) Any person, partnership or corporation desiring to use or maintain any property within the city, for any of the purposes mentioned in division (A) above, shall make written application to the City Secretary for a license which said application shall set forth the name and address of the applicant and a legal description of the property or premises upon which said business is to be conducted. When any such application has been made, the City Secretary shall at once report the same to the Chief of Police, City Health Officer, Fire Chief and Building Inspector. It shall thereupon become the duty of each of said city officials to inspect or cause to be inspected the place where the business of such junk dealer is to be carried on, and to determine whether such place of business complies with all applicable laws, ordinances, rules and regulations. The place where such junk dealer conducts his or her business, and all buildings situated thereon, shall be so constructed and maintained that such junk dealer may carry on his or her business in a sanitary manner.

(2) No fire hazard shall be contained thereon, and said place of business shall be so arranged that a proper inspection may be made at any time by the duly authorized health, fire, building and police authorities. Each of the above-mentioned officials shall submit their recommendations to the City Secretary, and based on the recommendations of said officials, the City Secretary shall either grant or reject such application. No application shall be rejected except for good cause. If the application is granted, a license to operate such business shall be issued by said City Secretary upon the payment of a fee of \$5 per annum. Any license so issued shall expire on January 1 next succeeding the date of its issuance, but may be renewed from year to year in like manner as is provided for the original license.

If the application is rejected by the City Secretary, the applicant shall have right to appeal such action to the City Council by filing written notice of appeal containing the same information as is found in the application for the license plus reasons stating why the City Council should disregard the action of the City Secretary and grant the license.

(C) Any person, partnership or corporation granted a license as provided for in division (B) above shall keep the premises used in the operation and maintenance of said business in a neat and orderly condition. The property and premises on which such business is conducted shall be enclosed by a tight board fence at least ten feet high, and said fence shall be kept in a neatly painted condition, and no junk of any character, or parts, or machinery of any kind shall be allowed to remain outside such fence; provided, however, that any existing business of this character now being operated and maintained in the city shall be allowed six months within which to construct a fence of the kind and character required hereby.

(D) The City Council shall have the power to revoke the license provided for herein at any time for good cause, but only after notice has been given to the owner or owners of the business of a hearing to be held not less than ten days after the service of such notice.

(Ord. passed - -1971) Penalty, see ' 110.99

' 110.99 PENALTY.

Any person violating any of the terms and conditions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$200.

(Ord. passed - -1971)

CHAPTER 111: SOLICITORS AND PEDDLERS

Section

- 111.01 Findings of fact
- 111.02 Definitions
- 111.03 License required
- 111.04 Exception
- 111.05 Application for license; fee
- 111.06 Contents of application
- 111.07 Display of license
- 111.08 Validity of license
- 111.09 Revocation of license
- 111.10 Notice regulating soliciting
- 111.11 Duty of peddlers, solicitors, and canvassers
- 111.12 Hours for lawful soliciting and peddling
- 111.13 Distribution of handbills and commercial flyers
- 111.14 Solicitation and sale from roadways prohibited
- 111.15 Enforcement; nuisance

- 111.99 Penalty

' 111.01 FINDINGS OF FACT.

All of premises in the ordinance codified herein are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this chapter as if copied in their entirety.

(Ord. 2013-301, passed 7-8-2013)

' 111.02 DEFINITIONS.

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

CANVASSER. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

(1) Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or

(2) Distributing a handbill or flyer advertising a noncommercial event or service.

CURB. The line adjacent to the edge of the roadway which may be either a raised or lowered or a marked or unmarked surface.

PEDDLER. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A **PEDDLER** does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is also considered a Solicitor as defined in this section.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

ROADWAY. That portion of a street or highway designed, improved or ordinarily used for vehicular travel, typically delineated by curbs, edgelines or the edge of pavement.

SOLICITOR. A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

(1) Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political, or religious purpose, even if incidental to such purpose there is the sales of some good or service; or

(2) Distributing a handbill or flyer advertising a commercial event or service.

STREET or HIGHWAY. The width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular traffic.
(Ord. 2013-301, passed 7-8-2013)

' 111.03 LICENSE REQUIRED.

No person shall act as a peddler or solicitor within the city without first obtaining a peddler license in accordance with this chapter. A canvasser is not required to have a peddler license but any canvasser wanting a peddler license for the purpose of reassuring city residents of the canvasser=s good faith shall be issued one upon adhering the licensing requirements provided herein.
(Ord. 2013-301, passed 7-8-2013)

' 111.04 EXCEPTION.

This chapter shall not apply to:

(A) A federal, state or local government employee or a public utility employee in the performance of his or her duty for his or her employer.

(B) The activity of a person with an appointment calling upon or dealing with manufacturers, wholesalers, distributors, brokers or retailers at their place of business and in the usual course of business;

(C) The activity of a person acting at the request or invitation of the owner or occupant of a residence;

(D) Persons running for elected office or their campaign volunteers;

(E) Students raising money for youth activity fundraisers.
(Ord. 2013-301, passed 7-8-2013)

' 111.05 APPLICATION FOR LICENSE; FEE.

(A) An application for a license under this chapter shall be made in writing in a format to be determined by the City Secretary and shall contain such information as provided by ' 111.06 below. The license shall be issued promptly after application, unless it is determined that:

(1) The applicant or any person acting on the behalf of the applicant has been convicted of any felony at any time, or a misdemeanor involving moral turpitude within the past seven years; or

(2) Any statement upon the application is determined to be false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

(B) Any person, firm, corporation or organization applying for a license under this chapter shall include with their application a fee of \$25.
(Ord. 2013-301, passed 7-8-2013)

' 111.06 CONTENTS OF APPLICATION.

(A) The applicant (person or organization) shall truthfully state in full the information requested on the application and information shall be submitted for each person for which a card is requested, to wit:

(1) Name and address of present place of residence and length of residence at such address of the applicant and each adult acting on the behalf of the applicant; also business address if other than present address;

(2) Address of place of residence during the past three years if other than present address;

(3) Age of applicant and each adult acting on the behalf of the applicant;

(4) Physical description of the applicant adult acting on the behalf of the applicant;

(5) Date and place of birth for each person for whom a card is requested;

(6) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;

(7) The motor vehicle make, model, year, color and state license plate number of any vehicle which will be used by each person for whom a card is requested;

(8) If a license is requested for a peddler:

(a) The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler=s principal).

(b) A copy of the principal=s sales tax license as issued by the state, provided that no copy of a license shall be required of any business which appears on the city=s annual report of sales tax payees.

(9) Name and address of employer during the past three years if other than the present employer and for each adult acting on the behalf of the applicant;

(10) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage, including a copy of any literature proposed to be distributed;

(11) If the license is to be for less than one year, the period of time for which the license is applied;

(12) The date, or approximate date, of the latest previous application for license under this chapter, if any;

(13) Whether a license issued to the applicant under this chapter ever been revoked;

(14) A list of all infractions, offenses, misdemeanors and felony convictions of each person for whom a license is requested for the seven years immediately prior to the application;

(15) Names of the three most recent communities where the applicant has solicited house to house;

(16) Proposed method of operation;

(17) Signature of applicant;

(18) Social security number of applicant;

(19) Driver=s license number of applicant and each adult acting on the behalf of the applicant;
and

(20) Number of licenses requested.

(B) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(C) The Police Department shall cause to be maintained an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all licenses issued under the provisions of this chapter, and of the denial of applications. Applications for licenses shall be numbered in consecutive order as filed, and every license issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

(D) No license shall be issued to any person who has been convicted of the commission of a felony, except crimes relating to political protest, under the laws of the State of Texas or any other state or federal law of the United States; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose license issued hereunder has previously been revoked as herein provided; nor any person convicted within the past seven years of a misdemeanor involving moral turpitude.

(Ord. 2013-301, passed 7-8-2013)

' 111.07 DISPLAY OF LICENSE.

Each license shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual or otherwise displayed, so to be reasonably visible to any person who might be approached by said person. In addition to the license being visible, the individual=s name and name of the organization which they represent, if applicable, shall be visible to the public.

(Ord. 2013-301, passed 7-8-2013)

' 111.08 VALIDITY OF LICENSE.

Unless revoked, a license shall be valid within the meaning of this chapter for a period of one year from its date of issuance or the term requested, whichever is less. The license shall state the expiration date thereof.

(Ord. 2013-301, passed 7-8-2013)

' 111.09 REVOCATION OF LICENSE.

(A) *Grounds.* Any license issued hereunder shall be revoked by the city secretary or his or her assignees if the holder of the license is convicted in any court of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this chapter.

(B) *Notice.* Immediately upon such revocation, written notice thereof shall be given by the city to the holder of the license in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the license shall become null and void.

(C) *Appeal.* The licensee shall have ten days from the date of revocation or denial in which to file notice of appeal to the City Council. Upon receipt of an appeal the City Council will conduct a hearing on the denial or revocation within 30 days from the date of receipt of the appeal. After holding a hearing on the revocation or denial, the City Council shall by majority vote either sustain the action or issue an order reinstating the license. In the event of the filing of an appeal from a revocation issued under the provisions of this section, then, until such appeal has been determined by the City Council, such revocation order shall be stayed.

(Ord. 2013-301, passed 7-8-2013)

' 111.10 NOTICE REGULATING SOLICITING.

(A) A person issued a license under this chapter is prohibited from knocking on the door, ringing the doorbell, or otherwise disturbing a residence or household displaying on the door or another conspicuous location any words indicating that the resident does not wish to be disturbed by solicitors or peddlers. Such words may include, but are not limited to ANO SOLICITING.®

(B) Upon arriving at a residence or household displaying words described in division (A), a person issued a license under this chapter shall immediately and peacefully depart from the premises and shall not leave any material, merchandise, or literature whatsoever on the premises.

(Ord. 2013-301, passed 7-8-2013)

' 111.11 DUTY OF PEDDLERS, SOLICITORS, AND CANVASSERS.

(A) No peddler, solicitor or canvasser shall engage in any conduct, activity or gesture which is threatening, offensive or obnoxious in order to gain access or maintain access or contact with any person, such as but not limited to, preventing the closing of a door or gate by physical means.

(B) Every peddler, solicitor or canvasser shall identify himself or herself as a solicitor upon approaching a citizen at a residence and explain his or her purpose, whether it be direct sales, solicitation of orders, or the demonstration of goods or merchandise, or any combination of such purposes.

(C) Every commercial peddler and solicitor shall provide identification when requested by the citizen they are approaching, or if requested by a peace officer.

(D) Any peddler, solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(E) No peddler, solicitor or canvasser shall use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

(F) No peddler, solicitor, canvasser or any person working on their behalf, shall shout, make any outcry, blow a horn or whistle, ring a bell, or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, avenues, alleys, parks or other public places of the city, or upon any private premises of the city where sound of sufficient volume is emitted or produced therefrom to be capable to be plainly heard upon the streets, avenues, alleys, parks or other places, for the purpose of attracting attention to the location or to any goods, wares or merchandise which any person permitted pursuant to this chapter proposes to sell. This division also prohibits the use of any audio device for the purpose of attracting customers to retail establishments or merchants.

(G) No peddler, solicitor, or canvasser shall enter a private residence under false pretenses.

(H) The licensee is responsible for all actions of the persons acting on its behalf within the scope of the license issued.

(I) No children under the age of 18 shall be permitted to peddle, solicit or canvass without being accompanied and supervised by the licensee or an adult acting on behalf of the licensee.

(Ord. 2013-301, passed 7-8-2013)

' 111.12 HOURS FOR LAWFUL SOLICITING AND PEDDLING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant and engage in soliciting or peddling as herein defined, prior to 9:00 a.m. or after 7:00 p.m. of any day, or at any time on a Sunday or on a state or national holiday. This section shall not apply when the peddler, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling allowing him or her to enter upon any posted property.

(Ord. 2013-301, passed 7-8-2013)

' 111.13 DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS.

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers in the city shall observe the following regulations:

(A) No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The police are authorized to remove any handbill or flyer found within the right-of-way.

(B) No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage to such privately owned property.

(C) No handbill or flyer shall be left at, or attached to any property displaying a **ANO SOLICITING** sign, or any words to that effect.

(D) Any person observed distributing handbills or flyers shall be required to identify himself or herself to the police, either by producing a license or other form of identification. The purpose of this division is to identify perpetrators in the event that a city official or a member of the Police Department receives a complaint of damage caused to a private property during the distribution of handbills or flyers, or violations of this chapter.

(Ord. 2013-301, passed 7-8-2013)

' 111.14 SOLICITATION AND SALES FROM ROADWAYS PROHIBITED.

(A) Except as permitted by the Tex Transportation Code, ' 552.0071, as amended, it shall be unlawful for any person within a roadway, or on any median, sidewalk, or traffic island within the right-of-way of any street or highway within the city to:

- (1) Distribute, sell or offer for sale or distribution any goods, wares, merchandise or service;

- (2) Solicit or offer a ride, or any form of hitchhiking;
- (3) Solicit or offer employment, donations, or contributions of any kind.

(B) An offense under this section occurs when the offer, solicitation or distribution is made regardless of whether a transaction is completed.
(Ord. 2013-301, passed 7-8-2013)

' 111.15 ENFORCEMENT; NUISANCE.

(A) The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared a nuisance.

(B) Nothing in this chapter shall be construed as a waiver of the city=s right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates the section or to require specific conduct that is necessary for compliance with the section;

(2) Civil penalty up to \$500 a day when it is shown that the defendant was actually notified of the provisions of the section and after receiving notice committed acts in violation of the section or failed to take action necessary for compliance with the section; and

(3) Other available relief.
(Ord. 2013-301, passed 7-8-2013)

' 111.99 PENALTY.

An offense under this chapter is a class C misdemeanor. Any person violating any provision of this chapter, upon conviction, shall be punished in accordance with Tex. Penal Code, ' 12.23, punishments, class C misdemeanor. Each violation occurrence of this chapter shall constitute a separate offense.
(Ord. 2013-301, passed 7-8-2013)

TITLE XIII: GENERAL OFFENSES

Chapter

130. WEAPONS

CHAPTER 130: WEAPONS

Section

130.01 Unlawful acts

130.99 Penalty

' 130.01 UNLAWFUL ACTS.

(A) Unlawful to discharge firearms within the city limits. It shall be unlawful for anyone to discharge any type of handgun, rifle or any other type of device which will propel a projectile by the discharge of gun powder within the corporate limits of the city.

(B) Unlawful to explode or detonate any type of explosive device including military ordnance, ammunition or explosives without the written authorization of the Chief of Police.

(C) Exceptions: this section shall not be construed to prohibit the following:

(1) Any peace officer from discharging a firearm in the lawful performance of his or her duties while on duty;

(2) Any citizen from discharging a firearm while lawfully defending his or her person or property in accordance with state law;

(3) The use by workers in the construction business of any mechanism designed to propel nails, bolts, screws or other fasteners, as long as such mechanism is being used in the manner in which it was intended; or

(4) The discharge of blanks during official celebrations, athletic events and special events when written permission is obtained from the City Chief of Police.

(D) This section is not intended to regulate the sale and use of fireworks within the city.
(Ord. 182, passed 11-4-1996) Penalty, see ' 130.99

' 130.99 PENALTY.

Any person(s) found in violation of this chapter will be assessed a fine not to exceed \$500 per violation, each day being considered a separate violation.
(Ord. 182, passed 11-4-1996)

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. GRAVEL PITS**
- 152. MOBILE HOMES/TRAILERS**
- 153. SUBDIVISIONS**
- 154. ZONING CODE**

CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Building Code; permits

150.02 Construction permits

150.03 Fee schedule

150.99 Penalty

' 150.01 BUILDING CODE; PERMITS.

(A) The city will authorize and provide for a permit and inspection of all new residential construction. A city-appointed Building Inspector will perform all required inspections and issue all required permits.

(B) All construction will comply with the standards defined in the National Building Code, latest edition.

(C) Fee schedule: see ' 150.03.

(D) Temporary permit: a temporary permit may be issued at the request of the home owner or contractor to allow construction. A temporary permit will be issued for a period of 30 days at a cost of \$50. After 30 days has elapsed, the permittee may request an extension of up to an additional 30 days for an additional fee of \$2 per day for each additional day or until the permittee has requested the permit be terminated.

(Ord. 184, passed 3-3-1997) Penalty, see ' 150.99

' 150.02 CONSTRUCTION PERMITS.

(A) Any electrical, plumbing and/or heating and/or air conditioning repairs performed on new construction shall be permitted before work is commenced. The permit fee shall be set by the City Council. Any work commenced before the permit is issued may be charged at a rate of double the permit fee. Each day shall constitute a separate offense. It shall be the duty of the person performing the work to request an inspection. Routine repairs, fixtures or faucet changes are excepted.

Combine - Land Usage

(B) Any owner, contractor, tenant electrician, heating and/or air conditioning specialist, and/or plumber may receive a citation and be fined the amount of the permit. Each day shall constitute a separate offense. Any electrical work performed on new construction shall be commenced only after a permit has been issued. Switches, receptacles, lights, fans and routine maintenance shall be excluded. It shall be the responsibility of the trade person performing the work to request an inspection when work is ready for inspection.

(C) Lack of knowledge of the existence of this section is no defense.

(D) Nothing in this code is to prevent utility company employees or subcontractors from maintaining or repairing their lines and equipment.
(Ord. 195, passed 4-6-1998)

' 150.03 FEE SCHEDULE.

(A) *Building permit fees.*

(1) Table:

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$2,000	\$103
\$2,001 to \$10,000	\$103
\$10,001 to \$25,000	\$145 for the first \$10,000 plus \$13 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$350 for the first \$25,000 plus \$10 for each additional \$1,000 or, fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$600 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$900 for the first \$100,000 plus \$5 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,000 for the first \$500,000 plus \$4 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,200 for the first \$1,000,000 plus \$3 for each additional \$1,000, or fraction thereof

(2) Plan review fees: When submittal documents are required by ICC: IBC 2006 International Building Code, a plan review shall be paid at the time of submitting the submittal documents for the plan review. The plan review fees specified in this section are in addition to the permit fees.

Commercial	Plan review fees shall be 65 % of the building permit fee as show in the Table in division(A)(1)
Residential	Plan review fees shall be 25 % of the building permit fee as shown in the Table in division (A)(1)

(3) Manufactured housing: Permit for moving into the city and the inspection of connections will be a flat rate of \$500.

(4) Building permit valuation: The building permit fee charged to build a new building, to add on to an existing building, to remodel, or to alter an existing building shall be based on the declared valuation of the proposed work.

Commercial projects	The value of \$80 per square foot of total area under roof shall be used to determine the valuation for the purpose of computing permit fees in accordance with the Table in division (A)(1)
Residential projects	One- and two-family dwellings: the value of \$60 per square foot of total area under roof shall be used to determine the valuation for the purpose of computing permit fees in accordance with the Table in division (A)(1)
The Building Official may require the applicant to verify the declared value. The building permit fee shall be calculated based upon figures from the Table in division (A)(1)	

(5) Certificate of occupancy:

Existing buildings	\$100
New construction	Cost of certificate of occupancy is included in building permit fee

(6) Plumbing permit fees:

Residential; new construction	\$75
Residential; additions/remodel	\$75
Residential; septic system (see Kaufman County)	Permit must be displayed
Commercial; new construction	\$150
Commercial; additions/remodel	\$150
Commercial; septic system (see Kaufman County)	Permit must be displayed

Combine - Land Usage

(7) Electrical fees:

Commercial; additions/remodel	\$150
Commercial; new construction	\$150
Residential; additions/remodel	\$85
Residential; new construction	\$85

(8) Heating, ventilation and air conditioning (HVAC):

Commercial; additions/remodel	\$75
Commercial; new construction	\$150
Residential; additions/remodel	\$75
Residential; new construction	\$75

(9) Swimming pools/ponds: \$125.

(10) Signs: no charge.

(11) Used housing (all types):

Demolition and removal	No charge
Moving into the city	\$500 + approval from City Council/Board of Adjustments
Moving out of city	No charge
Moving through the city	\$200

(12) Fences: no charge.

(13) Garage sales: no charge.

(14) Miscellaneous: reinspection: \$50.

(B) *Accessory buildings*. Under 500 square feet, unless adding electrical, plumbing, or mechanical, then contractor permit fees apply. Anything over 500 square feet, permit fees apply based on division (A)(1): no charge.

(C) *Planning, zoning, variance and application fees.* All platting, zoning and variance request must be made four weeks in advance. Official copy of subdivision regulations: platting fees:

<i>Preliminary Plats</i>	
Local retail, general business or industrial	\$300 + \$ 20 per acre
Single lot	\$200
Subdivision	\$200 + \$10 per lot

(D) *Zoning, annexation and de-annexation fees.*

Annexation	\$100
De-annexation	\$300
Variance request	\$100
Zoning/re-zoning	\$200

(Ord. 207, passed 1-8-2001; Ord. passed 9-9-2013; Ord. 2018-002, passed 7-30-2018)

' 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person found in violation of ' 150.01 will be assessed a fine not to exceed \$200 per violation, each day being considered a separate offense.

(Ord. 184, passed 3-3-1997)

CHAPTER 151: GRAVEL PITS

Section

- 151.01 Definition
- 151.02 Compliance required
- 151.03 Application
- 151.04 Issuance
- 151.05 Bond
- 151.06 Successive permits; bond
- 151.07 Water
- 151.08 Holding water
- 151.09 Limit of land
- 151.10 Stagnant water
- 151.11 Fences
- 151.12 Closing
- 151.13 Nuisance

- 151.99 Penalty

' 151.01 DEFINITION.

Sand and gravel pits shall mean and include any excavation made for the purpose of removing gravel or other rock or mineral lying below the surface of the land and shall include also any lake, pond, pool maintained in conjunction with the operation of a gravel pit or excavation, and the following regulations shall apply to same.

(Ord. 58, passed 11-6-1999)

' 151.02 COMPLIANCE REQUIRED.

It shall be unlawful to open any gravel pit within the city for purposes of extracting gravel therefrom or for any other purpose without complying with all requirements set forth in this code.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.03 APPLICATION.

Any person, firm or corporation desiring to maintain or to open a gravel pit or excavation within the city shall, before commencing such operation, apply to the City Council for an excavation permit upon forms to be supplied therefor. Such application shall state the name and address of the applicant and shall contain also a statement by the applicant that he or it is the person, firm or corporation who will operate the gravel pit or under whose supervision the pit will be operated and the quantity of land which applicant wishes to open for use as a gravel pit.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.04 ISSUANCE.

Upon application being made and bond being posted as required herein, the City Council shall issue an excavation permit which shall allow the applicant to open and maintain a gravel pit of the dimensions prescribed in the application and at the location designated in the application.

(Ord. 58, passed 11-6-1999)

' 151.05 BOND.

The bond required to be posted shall be a performance bond made payable to the city in the amount of \$5,000 as a proper measure of liquidated damages, for each acre of land or part thereof upon which excavation is to be made, which bond is to be conditioned upon compliance by the applicant, his or her principals or agents as the case may be with the terms of this code, and upon completion of excavation and restoration of the land upon which excavation has been made according to the terms of this code, the bond shall be held null and void.

(Ord. 58, passed 11-6-1999)

' 151.06 SUCCESSIVE PERMITS; BOND.

It shall be permissible for an applicant having an excavation permit to apply for successive permits upon land in the same or adjoining tracts as the first and to have such bond as was posted in connection with the original application applied to such successive applications and permits, if the bond is sufficient in form and amount to cover the area for which the succeeding excavation permit is sought; but in order for successive permit to issue without posting additional bond, the City Council shall first determine that the land covered by the original permit and bond has been restored in compliance with this code.

(Ord. 58, passed 11-6-1999)

' 151.07 WATER.

All water used in any digging process, including the water removed from excavation of land, shall be contained on the property in a holding tank or pond and not allowed to run freely from the property resulting in a decrease of the water table.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.08 HOLDING WATER.

The lake, pool, pond or other receptacle maintained for the purpose of holding water to be used in the washing or preparation of gravel shall not be situated nearer than 600 feet from the nearest property line of any adjoining residence lot.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.09 LIMIT OF LAND.

No person shall open at one time more than 15 acres of land for purposes of excavation for, or operation of, a gravel pit, and such excavation or operation of said 15 acres shall not be allowed to continue for any period in excess of two years. Restoration and reclamation shall be completed on said 15-acre tract of land within six months after completion of the excavation or operation on said tract.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.10 STAGNANT WATER.

During the period in which excavation is being made or a gravel pit is being operated, no person, firm or corporation shall allow pools or puddles of water to form and become stagnant, and any person operating gravel pits shall at least once each month spray any pools or ponds which may exist in conjunction with such operations to keep such from becoming breeding places for mosquitoes or otherwise creating an unhealthy condition.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.11 FENCES.

In all cases wherein a lake, pool or pond is constructed in connection with the operation of a gravel pit and the same is within 1,000 feet of any residence, suitable fences shall be placed around such body of water adequate to prevent children from entering such premises.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.12 CLOSING.

Upon the closing of any gravel pit or excavation, the land shall be leveled and proper drainage provided so that water cannot collect and stand and become stagnant.

(Ord. 58, passed 11-6-1999) Penalty, see ' 151.99

' 151.13 NUISANCE.

Any gravel pit or excavation situated within the city and not complying with the foregoing provisions be and the same is hereby declared to be a nuisance.

(Ord. 58, passed 11-6-1999)

' 151.99 PENALTY.

Any violation of the provisions of this chapter shall be deemed a misdemeanor, and shall be punishable by a fine of not less than \$10, nor more than \$200, and each day that such violation exists shall be deemed a separate offense. In the event a corporation violates this section, each and every officer shall be held severally liable for the penalty herein prescribed.

(Ord. 58, passed 11-6-1999)

CHAPTER 152: MOBILE HOMES/TRAILERS

Section

- 152.01 Developing of sites for mobile homes
- 152.02 Moving in/parking; permit
- 152.03 Solid slab foundation
- 152.04 Underpinning

- 152.99 Penalty

' 152.01 DEVELOPING OF SITES FOR MOBILE HOMES.

(A) Any person, firm or corporation desiring to develop any land within the city limits or within its extraterritorial jurisdiction shall first prepare a plat plan of the proposed addition and submit same to the City Council for its approval.

(B) All parks for the location of mobile homes and/or trailer houses in the city limits within the extraterritorial limits shall be limited to one lot per acre.

(C) All streets or roads within the city shall be paved with six inches of crushed rock and two inches of asphalt concrete.

(D) All such plat plans shall be approved by the City Council and utilities for water and sewer facilities shall be installed at developer=s expense, and shall be approved by the proper state agency and according to the Health Code of the city.

(Ord. 2, passed 6-10-1970) Penalty, see ' 152.99

' 152.02 MOVING IN/PARKING; PERMIT.

(A) No mobile home or trailer may be parked or installed in the city limits or within the extraterritorial limits of the city except on at least one acre of land, owner of mobile home or trailer shall also be the owner of the fee simple title to the land.

(B) Any firm, person or corporation desiring to move a mobile home or trailer into the city limits shall pay to the City Recorder the sum of \$500 in cash for a permit.

(Ord. 3, passed 6-10-1970; Ord. passed 9-9-2013) Penalty, see ' 152.99

' 152.03 SOLID SLAB FOUNDATION.

Any person, firm, partnership or corporation desiring to move a mobile home or trailer home into the city limits or its extra territorial jurisdiction, shall place said home upon a solid slab foundation in a safe manner capable of supporting the load which normal use may cause to be place thereon.

(Ord. 40, passed 4-5-1977) Penalty, see ' 152.99

' 152.04 UNDERPINNING.

All mobile homes or trailers in the city limits or within the extraterritorial limits of the city shall be underpinned from the effective date of passage of this section.

(Ord. 41, passed 4-5-1977)

' 152.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation who violates ' 152.02 shall be fined not less than \$10 nor more than \$200 and each day of each violation shall constitute a separate offense.

(C) Any person, firm, partnership or corporation who violates ' 152.03 shall be fined not less than \$10, nor more than \$200, and each day of each violation shall constitute a separate offense.

(D) Any person, firm, partnership, sole proprietorship who violates ' 152.04 shall be fined not less than \$10, nor more than \$200, and each day of each violation shall constitute a separate offense.

(Ord. 3, passed 6-10-1970; Ord. 40, passed 4-5-1977; Ord. 41, passed 4-5-1977)

CHAPTER 153: SUBDIVISIONS

Section

- 153.01 Definitions
- 153.02 Special provisions
- 153.03 Waivers and suspensions
- 153.04 Preliminary conference
- 153.05 Preliminary plat and accompanying data
- 153.06 Final plat
- 153.07 Standards and specifications
- 153.08 Responsibility for street and utilities installation

- 153.99 Penalty

' 153.01 DEFINITIONS.

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

BUILDING LINE* or *BUILDING SETBACK LINE. A line parallel to the street right-of-way line and defines an area on the building lot between the street right-of-way line and the building line within which no building shall be constructed.

ENGINEER. A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, as heretofore or hereinafter amended, to practice the profession of engineering.

EXTRATERRITORIAL JURISDICTION. The unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act, Tex. Local Government Code, Ch. 43, in accordance with the total population of the incorporated city, in which area, within the terms of the Act, the city may enjoin the violation of this chapter.

LOT. A physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on a duly approved subdivision plat which has been properly recorded.

SUBDIVISION. Any division of property into two or more lots or tracts for which a plat is required to be approved and recorded under the provisions of Texas Municipal Annexation Act, Tex. Local Government Code, Ch. 43, or under this chapter. The word ***SUBDIVISION*** shall include any division of any tract of land situated within the corporate limits of the city, or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any subdivision of any tract of land and any addition to the city or for laying out suburban lots or building lots, or any lots, streets, alleys or parts of other portions intended for public use or the use of purchasers, lessees or owners of lots fronting thereon or adjacent thereto.

SURVEYOR. A licensed state land surveyor or a registered public surveyor, as authorized by the Texas Land Surveyors Registration Act, Tex. Occupations Code, Ch. 1071.

UNRESTRICTED. Used to label or designate land proposed to be used for a purpose not consistent with the proposed use of the major portion of the subdivision.
(Ord. 73A, passed 1-8-2001)

153.02 SPECIAL PROVISIONS.

(A) It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide or plat any land into lots, blocks or other divisions, or to lay out streets within the city, or the extraterritorial jurisdiction of the city, or to sell property therein by reference to any such subdivision or plat which has not been subdivided and platted in accordance with the provisions of this chapter.

(B) No permit shall be issued by the city for the installation of septic tanks upon any lot in the subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

(C) No building, repair, 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 or referred to herein have not been complied with in full.

(D) No grading of streets or construction is authorized in the subdivision until the preliminary plat and engineering plans are approved by the Planning and Zoning.

(E) The city shall not repair, maintain, install or provide any streets or public utility services by any city-owned or city-controlled public utility in any subdivision for which a final plat has not been approved and filed for record, or in which the standards contained herein or referred to herein have not been complied in full. No building permit and/or certificate of occupancy shall be issued for any house, building or other improvements located within a division, subdivision, plat or replat unless all improvements required by this chapter and other applicable ordinances have been completed and approved. It shall be unlawful for any public or private utility to furnish utilities to a lot until the

required building permit and/or certificate of occupancy from the city has been issued to the applicant for such lot, other than temporary usage for construction purposes or for which a special use permit has been obtained.

(F) In behalf of the city, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the city, within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this chapter.

(G) Provided, however, that the provisions of this section 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 passage of this chapter, nor to prohibit the repair, maintenance or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this chapter was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this chapter.

(H) Construction inspection: all improvements required under this chapter and any special provisions as may be required by the Planning and Zoning in approving the preliminary plat must be inspected during construction. Any and all inspection fees must be borne by the developer/owner of the subdivision. The developer/owner may, at its own discretion, use a professional engineer licensed in the state to oversee the inspection and seal the plat before final approval or request the city to provide a list of approved inspectors. In the inspection of all construction related activities, the city does not assume any responsibility for the quality of construction or the means and methods used by the contractor.

(Ord. 73A, passed 1-8-2001) Penalty, see ' 153.99

' 153.03 WAIVERS AND SUSPENSIONS.

(A) The City Council may authorize a variance from these regulations when, due to special circumstances or conditions described below; 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 herein below required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land and zoning in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(B) No variance shall be granted unless the City Council finds that:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

(3) The granting of the variance will not be detrimental to the public health, safety, welfare or injurious to other property in the area;

(4) The granting of the waiver/suspension:

(a) The conditions upon which a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property; and

(b) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from mere convenience, if the stricter letter of these regulations are carried out.

(5) The granting of a waiver/suspension 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 findings of the City Council together with the specific facts, upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted.

(C) 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.

(D) Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(Ord. 73A, passed 1-8-2001)

' 153.04 PRELIMINARY CONFERENCE.

Prior to the official filing of a preliminary plat, the subdivider should consult with and present a proposed plan of subdivision to the City Building Official for comments and advice on the procedures, specifications and standards required by the city for the subdivision of the land.

(Ord. 73A, passed 1-8-2001)

' 153.05 PRELIMINARY PLAT AND ACCOMPANYING DATA.

The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this chapter; the preliminary plat will not be recorded.

(A) *Time for filing and copies required.* The subdivider shall file a formal application for preliminary plat approval in writing attaching to the application six blue or black line copies of the plat, together with the original, with the City Secretary or Chairperson of the City Planning and Zoning

Commission at least 15 days prior to the date at which formal application for the preliminary plat approval is to be considered by the Planning and Zoning Commission. The letter of transmittal of the application shall state the name, address and telephone number of the owner, subdivider or agent and the engineer or surveyor who prepared the plat.

(B) *Preliminary plats.* Preliminary plats shall be drawn on a 18 inches by 22 inches sheet at a scale of one inch equals 200 feet.

(C) *Filing fees.*

(1) Such plat shall be accompanied by a filing fees in effect at the time the preliminary plat is submitted. Such fees shall consist of a origination fee in addition to a fee for each lot. No action by the Planning and Zoning Commission 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 the preliminary plat approval or should the plat be disapproved by the Planning and Zoning Commission. Filing fees shall be made by check made payable to the city, and given to the City Secretary at the time the plat is filed.

(2) The fee schedule may be revised from time to time by adoption of a separate ordinance.

(D) *Form and content.* The plat shall contain the following:

(1) Names and address of the subdivider, record owner, engineer and/or surveyor;

(2) Subdivision boundary lines, indicated by heavy lines and the computed acreage of the subdivision;

(3) The exact location, dimensions, description and name of all proposed streets, alleys, and drainage structures;

(4) Date of preparation, scale of plat and north point;

(5) A number or letter to identify each lot or site and each block;

(6) Front building setback lines on all lots and sites. Side yard building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways;

(7) The exact location, dimensions, description of all existing and proposed drainage structures; and

(8) The 100-year floodplain as identified on the most current Kaufman County flood insurance rate map (FIRM) published by the Federal Emergency Management Agency.

(E) *Processing of preliminary plat.*

(1) The City Building Official shall check the preliminary plat as to its conformity with the master plan, major street plan, land use plan and the standards and specifications set forth herein or referred to herein. All plans and specifications pertaining to roads will be in accordance to Plans and Specifications adopted by the city.

(2) Pertinent copies of the preliminary plat data shall be submitted to the City Building Official, who shall check the same for conformity with the standards and specifications contained or referred to herein.

(3) The City Building Official shall present the preliminary plat data to the Planning and Zoning Commission and may submit a recommendation in connection therewith.

(4) Within 30 days after the preliminary plat is formally filed, the Planning and Zoning Commission shall approve, conditionally approve or disapprove such plat. If it is disapproved or conditionally approved with modifications, the Planning and Zoning Commission shall inform the subdivides in writing, of the reasons for such action, within 15 days after such action is taken, or upon request by the owner or subdivider.

(5) Approval of a preliminary plat shall not constitute acceptance of the subdivision, but is merely an authorization to proceed with the final plat for record. The approval will be in effect for one year.

(6) Upon approval of the preliminary plat, all construction shall be completed within one year from the date of approval.

(7) Any changes which would necessitate a revision of the preliminary plat must be approved by the Planning and Zoning. If the Planning and Zoning Commission should deem changes in a preliminary plat as necessary, it shall so inform, in writing, the subdivider and/or owner. If no development has been occurred after one year of effective approval of the plat, the Planning and Zoning Commission may, upon application of the subdivider, extend the approval time allowable an additional six months.

(Ord. 73A, passed 1-8-2001)

' 153.06 FINAL PLAT.

(A) *Form and content.*

(1) Preliminary plat as approved by the Planning and Zoning Commission incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Planning and Zoning Commission.

(2) The final plat shall be drawn at a scale of 200 feet to one inch or larger. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

(3) In addition to the various requirements for the preliminary plat, the final plat shall also include the following:

(a) The exact location, dimensions, name and description of all existing or existing and recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision;

(b) The exact location, dimensions, descriptions and names of all proposed streets, alleys, drainage structures, blocks, lots and other sites within the subdivision;

(c) All front, side and rear building setback lines; and

(d) A legal description of all easements.

(4) When filed, the final plat shall be accompanied by the following data. All plans and engineering calculations shall bear the seal and signature of a registered engineer or licensed surveyor licensed to do business in the state.

(5) Streets and alleys and copies of plans for all streets and alleys.

(6) Water lines:

(a) Four copies of the proposed plat showing the location and size of the existing water lines and fire hydrants;

(b) A letter from the Combine Water Supply Corporation stating there is adequate capacity to serve the subdivision; and

(c) Storm drainage: copies of plans for all storm drainage structures

(7) The final plat shall also include the following:

(a) Certificate of ownership and required declarations;

(b) Approval of the Planning and Zoning Commission of the city;

(c) Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy; and

(d) A certificate by the engineer or surveyor responsible for the preparation of the final plat and supporting data, attesting to its accuracy.

(B) *Processing the final plat.*

(1) If desired by the subdivider and approved by Planning and Zoning Commission, the final plat may constitute only that portion of the approved preliminary plat, which he or she proposes to record and develop; however, such portion shall conform to all the requirements of this chapter and the portion or portions of the subdivision for which the final plat is drawn and submitted for approval shall be in successive order of development as exhibited on the previously approved preliminary master plat.

(2) As soon as possible after the subdivider is notified of the approval of the preliminary plat, he or she shall submit to the Planning and Zoning Commission at an official meeting the final plat of the subdivision or portion thereof.

(3) No final plat shall be considered unless a preliminary plat has first been submitted and approved; however, if a preliminary plat has been duly approved and the subdivider wishes to increase the size of the lots by combining two or more lots or by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

(4) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the Planning and Zoning Commission within six months of the date of approval of the preliminary plat, otherwise the approval of the Planning and Zoning Commission shall become null and void, unless an extension of time is applied for and granted by the Planning and Zoning Commission.

(5) When the final plat is filed with the Planning and Zoning Commission for approval, it shall be accompanied by the a check or checks payable to the city in the amount of the recording fee for filing the final plat.

(6) Within 30 days after the final plat is formally filed, the Planning and Zoning and Commission shall approve or disapprove such plat. If the final plat is disapproved, the Planning and Zoning Commission shall inform the subdivider in writing of the reasons at the time such action is taken.

(7) After the final plat has been approved and the subdivider has constructed all the required improvements and such improvements have been approved and accepted by the city, the Planning and Zoning Commission shall cause the final plat to be recorded with the County Clerk of the county or counties where the subdivision is located. The Planning and Zoning Commission shall also cause the check or checks for the recordation fee deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk for recording. No plat shall be filed for record without written consent of the subdivider. If the subdivider fails to give such written consent within ten days of the date of final approval of the plat, the Planning and Zoning Commission may at any time thereafter cancel such approval.

(Ord. 73A, passed 1-8-2001)

153.07 STANDARDS AND SPECIFICATIONS.

No preliminary or final plat shall be approved by the Planning and Zoning Commission and no completed improvements shall be accepted by the city unless they conform to the following standards and specifications.

(A) *Conformity with Comprehensive Master Plan.* The subdivision shall conform to the comprehensive plan of the city and/or Dallas/Kaufman Counties and the parts, amendments and/or supplements thereof.

(B) *Streets.*

(1) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

(2) *Street paving.* Dedicated streets shall be constructed in accordance with the following general specifications:

(a) Asphalt paving: minimum of three-inch asphalt over six inches compacted base coarse;

(b) Concrete paving: minimum of four-inch concrete (4,000 psi) over three- to five-inch sub base, typically cushion sand. Steel rods re-enforcement: three-eighths inch on 18 inch center, one-half inch on 24-inch center, or ten-inch by ten-inch wire mesh;

(c) All streets widths will be a minimum of 20 feet in width, without curb or cutter;

(d) All roadways or streets shall have a minimum grade of 0.4%. Grades greater than this will require city approval by the Building Official upon recommendation to the Planning and Zoning continuation of existing roadways, new roads or streets, which are a continuation of an existing road or street, or links up to an existing roadway, shall be a continuation, without an off-set, of the existing road;

(e) The entrances or exits to a subdivision shall be a public road or street, and each lot shall front upon a public street. Entrances and exits must be separated from any other intersection of a state highway by at least 400 feet; and

(f) Flared entrances to subdivisions shall be provided to accommodate large trucks.

(3) *Street intersections.* Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. All streets, major, collector or minor, unless approved by the Planning and Zoning Commission, shall intersect at or near 90-degree angles. All intersections shall have a minimum of 25-foot radius at each corner.

(4) *Dead-end streets.* Dead-end streets shall be prohibited except as short stubs to permit future expansion.

(5) *Cul-de-sacs.* In general, cul-de-sac shall have a turn radius of not less than 50 feet in residential areas.

(5) *Right-of-way widths.* Widths of rights-of-way shall be as follows.

(a) Collector streets shall have a right-of-way of at least 60 feet. Curves in collector streets shall have a centerline radius of 150 feet or more with exceptions to this standard granted by the Planning and Zoning Commission.

(b) Minor streets shall have a right-of-way of at least 50 feet. Curves in minor streets shall be a minimum centerline radius of 100 feet.

(C) *Water lines.*

(1) Collector streets shall have a minimum six-inch diameter water line.

(2) Minor streets shall have a minimum four-inch diameter water line.

(D) *Utility easements.*

(1) Shall be a minimum of 15 feet in width and located along the property line facing the front of the property. Each block that does not otherwise provide for access to public utilities shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits and equipment. These utility easements shall be 20 feet in width, taking ten feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of a block. These easements shall parallel as closely as possible the street line frontage of the block. The location and width of any sanitary sewer system, water, storm sewer, electrical power or other city utility easements shall be determined by the Planning and Zoning Commission. All water lines in city rights-of-way shall become the property of the Combine Water Supply Cooperation and all power lines shall become the property of the power company.

(2) Where easements are required by other than public utilities, then the location and width shall be acceptable to the private utility company concerned, subject to recommendation by the Planning and Zoning Commission and approval by the City Council.

(3) Where the proposed subdivision adjoins an unplatted area and a utility easement is dedicated on the unplatted property, then the owner and/or lien holder of the adjoining property shall join in the dedication of the easement.

(E) *Water installations.* All subdivisions shall be provided with fresh water supply and water distribution systems approved by the Texas Natural Resources Conservation Commission (TNRCC). Standard fire hydrants shall be installed as part of the water distribution system per specifications of the State Board of Insurance and in accordance with city standards and specifications.

(F) *Roadways.* No roadways will be accepted that cross a petroleum pipeline.

(G) *Maintenance for storm water drainage.* The city does not provide maintenance for storm water drainage.

(H) *Drainage easements.* Drainage easements shall generally be located along the existing drainage way and shall meet the following criteria.

(1) All drainage easements in a new subdivision must be of adequate width to permit drainage and flood control for all land whose natural drainage runs through the property.

(2) All easements shall be designed to allow maintenance equipment to enter the easement and be able to perform necessary work.

(Ord. 73A, passed 1-8-2001)

' 153.08 RESPONSIBILITY FOR STREET AND UTILITIES INSTALLATION.

(A) In general, the subdivider or developer shall be required to construct, at his or her expense, all streets, alleys, sidewalks, crosswalks, sanitary sewers, sewage lift stations, or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street lights and other appurtenances in strict accordance with the construction specifications of the city, necessary and required to adequately serve the subdivision or addition to be developed by him or her.

(B) All street and drainage improvements constructed by the developer shall become the property (ROW) of the city upon completion and acceptance by the city.

(Ord. 73A, passed 1-8-2001)

' 153.99 PENALTY.

Any person violating any provision of this chapter within the corporate limits of the city, or within its extraterritorial jurisdiction as defined in Tex. Local Government Code, Ch. 43, shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not exceeding \$200. Each day that such

violation continues shall constitute a separate offense. Prosecution or conviction under this chapter shall never be a bar to any other remedy or relief for a violation of this chapter.

(Ord. 73A, passed 1-8-2001)

CHAPTER 154: ZONING CODE

Section

154.01 Adoption

' 154.01 ADOPTION.

The zoning ordinance of the city is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.
(Ord. 70A, passed 4-1-1991)

TABLE OF SPECIAL ORDINANCES

Table

- I. ANNEXATIONS**
- II. FRANCHISES**
- III. MISCELLANEOUS**
- IV. REZONING**

TABLE I: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
5	7-11-1972	Annexes 60 acres of a 69-acre tract
7	7-11-1972	Annexes two tracts, one is a 100-acre tract and the other contains 7.785 acres of land
8	7-11-1972	Annexes two tracts of land, one being 50 acres, the other being 65 acres
9	7-11-1972	Annexes 50 acres, beginning at the west corner of the Peter Stockman Survey, and 65 acres beginning at the west corner of the J.L Ballard 100-acre tract
10	7-11-1972	Annexes a tract of land containing 69.5 acres
11	7-11-1972	Annexes land beginning at the south corner of the survey
12	7-11-1972	Annexes land beginning at the north corner of the H.U. Hamm Survey
13	7-11-1972	Annexes all the deed property of Mrs. Ruth Landess, beginning at the north corner joining the Dan Caylor property currently in the city limits
14	7-11-1972	Annexes land beginning at the south corner of tract 2
15	7-11-1972	Annexes 121.13 acres
16	7-11-1972	Annexes land beginning at a point on Parsons Slough where the property joins that of Mrs. Ruth Landess already in the city, three tracts of land totaling 202 acres approximately

Combine - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
17	7-11-1972	Annexes land beginning at the point where the Charles Smith, Jr. land joins the Inez Smith property northeast along Bois D=arc Road
18	7-11-1972	Annexes the remainder of property of Thelma Tunnell not presently in the city, approximately 62 acres
19	7-11-1972	Annexes 0.688 acre with 150 feet fronting on the northeast side of Hanes Road
20	7-11-1972	Annexes two tracts, one approximately 45 acres, the other approximately 60 acres
21	7-11-1972	Annexes two tracts, one 75 by 300 feet, the other approximately 8.55 acres
22	7-11-1972	Annexes a 57-acre tract of land
23	7-11-1972	Annexes 100 acres
24	7-11-1972	Annexes 35 acres owned by Mrs. P.H. Davis
25	7-11-1972	Annexes the property owned by Paul H. Davis, 5.40 acres of Green B. Sanders Survey, facing Paul Road with entrance from Davis Road
26	7-11-1972	Annexes 43 acres and 54 acres
27	7-11-1972	Annexes all the remaining tract of land outside the city owned by Betty Jo Hanes Davis, about 135 acres
28	7-11-1972	Annexes land outside city limits owned by J.G. Boyd, about 490 acres
29	7-11-1972	Annexes land extending north 45 degrees west city limit line
30	7-11-1972	Annexes all that tract of land not presently in the city limits owned by Clyde W. Davis

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
31	7-11-1972	Annexes all that property owned by J.W. Foster and Geneva Foster fronted by Farm Road 1389
32	7-11-1972	Annexes all property owned by Marion A and Lydia M. Hughes not presently in the city limits
33	7-11-1972	Annexes all that property that is not now in the city owned by C.D. Shepherd, about 120 acres
34	7-11-1972	Annexes all acreage, not presently in the city, deeded to James E. Hayworth, bounded by FM 1389
35	7-11-1972	Annexes all land not presently in the city owned by Mrs. Maude Tucker, about 89 acres
36	7-11-1972	Annexes all the land not presently in the city limits owned by Gale E. Spain, about three acres on Davis Road
37	7-11-1972	Annexes the balance of property not presently included in the city owned by Mr. and Mrs. Ollie A. Waldrum, about 96-1/2 acres
38	7-11-1972	Annexes the tract of land owned by Lennie B. Roberts, Jr., located on Combine Road, and adjoining land owned by L.B. Roberts, Sr. and Magara Lee Lanier
39	7-11-1972	Annexes the tract of land owned by Magara Lee Lanier
60	4-7-1980	Annexes part of a 27.650-acre tract of land
62	5-5-1981	Annexes a 58.272-acre tract of land, beginning at the southwest corner of the J.D. Merchant Survey
-	12-2-1985	Annexes land beginning at a point in the southeast line of the G.B. Sanders Survey, in the northwest line

Combine - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
65	6-9-1986	Annexes land beginning at a point in the southeast line of the G.B. Sanders survey, in the northwest line of the G.W. Mitchell survey
67	2-3-1986	Annexes land not described in ordinance
66	6-9-1986	Annexes land beginning at a point in the northeast line of the G.B. Sanders survey, in the southwest line of the J.L. Lanier survey, at the east corner of that 54-acre tract
134	11-6-1989	Annexes a 33.25-acre tract of land
149	10-7-1991	Annexes a 55-acre tract of land
150	10-7-1991	Annexes a 104.5-acre tract of land on the G.W. Mitchell survey, Kaufman County Abstract 338
151	10-7-1991	Annexes a 70.4-acre tract situated on the Elizabeth Crain survey
152	10-7-1991	Annexes a 77-acre tract of land
12A	2-3-1992	Annexes land beginning at the southeast corner of the tract
155	2-3-1992	Annexes 46.25 acres of land
191	2-2-1998	Annexes land beginning at a point in the existing southeast city limits in the northeast right-of-way line to Market Road 1389, and being at the south corner of the certain 70.401-acre tract
192	2-2-1998	Annexes land beginning at a point in the northwest right-of-way line of Farm to Market Road 3039, in the northeast line of the existing city limits
202	5-9-2000	Annexes 6.001 acres
203	2-15-2000	Annexes 21.876 acres
204	5-9-2000	Annexes 1.161 acres

TABLE II: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
153	12-16-1991	Grants franchise to Southwestern Bell Telephone Company
153A	8-4-1997	Amends ordinance for a longer term
207	10-11-2004	Franchise granted to Trinity Valley Electric Cooperative, Inc.
210	10-11-2004	Franchise granted to Trinity Valley Electric Cooperative, Inc.
2014-002	6-23-2014	Franchise granted to Trinity Valley Electric Cooperative, Inc.

TABLE III: MISCELLANEOUS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
50	2-19-1976	Provides for apportionment of extraterritorial jurisdiction between the city and Seagonville
68	3-4-1987	Approves easement between city and Combine Water Supply Corporation
69	4-20-1987	Approves easement agreement between city and Combine Water Supply Corporation
85	1-16-1989	Provides for discontinuance of certain boundary limits
144	2-4-1991	Disannexation of approximately 120 acres
156	1-4-1993	Deannexes 37.696 acres of public roads
157	1-4-1993	Provides for deannexation of three parcels of land
167	1-3-1995	Mutual aid agreement between County of Kaufman and the city
173	4-17-1995	Mutual aid agreement between Kaufman County Sheriff=s Department and other cities and counties
178	9-25-1995	Agreement for construction and operation of municipal/school district library
188	8-25-1997	Interlocal agreement between Kaufman County and the city for road maintenance
206	9-30-2003	Clarifies boundaries of city
208	5-12-2004	Agreement with Kaufman County and city for maintenance of presently existing roads in city

Combine - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
205A	5-3-2005	Amends Ord. 205, deleting from the city=s boundary map a parcel of land
217	4-3-2006	Disannexing land; Chrestman property
03-2010	4-12-2010	Defining municipal boundaries
Res. 01-2017	5-22-2017	Agreement of cooperation with Dallas County for the CDBG/Home Program for federal fiscal years 2018, 2019 and 2020

TABLE IV: REZONING

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
75	- -	Rezones a 56.793-acre tract of land and an adjacent 31.139-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
76	- -	Rezones a 121.13-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
77	- -	Rezones a ten-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
83	- -	Rezones a 10.559-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
84	- -	Rezones a 3.257-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
180	- -	Changes zoning on a one-acre tract of land from R-1 Single-Family Residential District to a GB General Business District
78	4-25-1988	Rezones a three-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
79	8-1-1988	Rezones a 0.10-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District

Combine - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
80	8-1-1988	Rezones a two-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
81	8-1-1988	Rezones three-acre tract of land from R-1 Single-Family Residential District to a GB General Business District
82	5-23-1984	Rezones a 14.5-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
89	5-1-1989	Rezones a 13-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
90	5-1-1989	Rezones a 13.76-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
91	5-1-1989	Rezones a 40-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
92	5-1-1989	Rezones a 1.29-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
93	5-1-1989	Rezones an 89.726-acre tract of land from R-1 Single-Family Residential District to an AG Agricultural District
94	5-1-1989	Rezones a five-acre tract of land from R-1 Single-Family Residential District to R-3 Single-Family Residential District
95	5-1-1989	Rezones a one-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
96	5-1-1989	Rezones a 3.991-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
97	5-1-1989	Rezones a 4.047-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
98	5-1-1989	Rezones a ten-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
99	5-1-1989	Rezones a five-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
100	5-1-1989	Rezones a two-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
101	5-1-1989	Rezones a 15.5-acre tract of land from R-1 Single-Family Residential District to an AG Agricultural District
102	5-1-1989	Rezones a 100-acre tract of land from R-1 Single-Family Residential District to an AG Agricultural District
103	5-1-1989	Rezones a 90.95-acre tract of land from R-1 Single-Family Residential District to an AG Agricultural District
104	5-1-1989	Rezones a 130.5-acre tract of land from R-1 Single-Family Residential District to an AG Agricultural District
105	5-1-1989	Rezones a tract of land from R-1 Single-Family Residential District to an AG Agricultural District
106	5-1-1989	Rezones a two-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District

Combine - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
107	5-1-1989	Rezones a two-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
108	5-1-1989	Rezones a 2.244-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
109	5-1-1989	Rezones a two-acre tract of land from R-1 Single-Family Residential District to MH Mobile Home District
143	11-5-1990	Rezones a one-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
148	10-17-1991	Rezones a 12.69-acre tract of land from R-1 Single-Family Residential District to an R-1 Special Use, Power Distribution Station
169	8-22-1994	Rezones a 2.9-acre tract of land from R-1 Single-Family Residential District to R-2 Single-Family Residential District
170	9-12-1994	Rezones 1.177-acre tract of land from R-1 Single-Family Residential District to a GB General Business District
176	7-10-1995	Rezones a 1.52-acre tract of land from R-1A Single-Family Residential District to R-1 Single-Family Residential District
185	3-10-1997	Rezones a one-acre tract of land from R-1 Single-Family Residential District to LR Local Retail District

PARALLEL REFERENCES

References to Texas Codes
References to Ordinances

REFERENCES TO TEXAS CODES

References to Administrative Code

<i>Administrative Code Reference</i>	<i>Code Section</i>
Title 30, Ch. 217	50.01, 50.52

References to Code of Criminal Procedure

<i>Code of Criminal Procedure Reference</i>	<i>Code Section</i>
Art. 2.12	35.06
Art. 18.05	96.06
Art. 102.017	34.02
Art. 102.0172	34.03

References to Government Code

<i>Gov't Code Reference</i>	<i>Code Section</i>
415.053	31.05
415.060(a)	31.05
Ch. 418	33.02

References to Health and Safety Code***Health and Safety Code Reference******Code Section***

Title 10, Ch. 822, Subsection E
Ch. 341

90.08
50.04C50.06, 50.08

References to Local Government Code

<i>Local Government Code Reference</i>	<i>Code Section</i>
22.076	31.02
22.077	31.06, 35.03
Ch 43	153.01, 153.99
Ch. 53	10.01
54.001	10.99
211.008C 211.013	32.01
341.012	35.03
341.021	31.05, 31.06
Ch. 391	50.05

References to Occupations Code

<i>Occupations Code Reference</i>	<i>Code Section</i>
Ch. 1071	153.01
Ch. 1701	35.07
1701.053	31.05
1701.451	35.04

References to Parks and Wildlife Code

<i>Parks and Wildlife Code Reference</i>	<i>Code Section</i>
Ch. 31	96.02

References to Penal Code

<i>Penal Code Reference</i>	<i>Code Section</i>
12.23	96.99, 111.99

References to Property Tax Code

<i>Property Tax Code Reference</i>	<i>Code Section</i>
6.30	34.04
33.01	34.04
33.07	34.04

References to Transportation Code

<i>Transportation Code Reference</i>	<i>Code Section</i>
Title 7, Subtitle A, Ch. 501	71.01
Ch. 501	92.02, 96.02
541.302	92.02
544.002	70.01
Ch. 545 et seq.	70.05
644.153(r)	92.02

References to Water Code

<i>Water Code Reference</i>	<i>Code Section</i>
26.019	50.05

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
75	--	TSO, Table IV
76	--	TSO, Table IV
77	--	TSO, Table IV
83	--	TSO, Table IV
84	--	TSO, Table IV
180	--	TSO, Table IV
2	6-10-1970	152.01
3	6-10-1970	152.02, 152.99
-	--1971	110.01, 110.99
5	7-11-1972	TSO, Table I
7	7-11-1972	TSO, Table I
8	7-11-1972	TSO, Table I
9	7-11-1972	TSO, Table I
10	7-11-1972	TSO, Table I
11	7-11-1972	TSO, Table I
12	7-11-1972	TSO, Table I
13	7-11-1972	TSO, Table I
14	7-11-1972	TSO, Table I
15	7-11-1972	TSO, Table I
16	7-11-1972	TSO, Table I
17	7-11-1972	TSO, Table I
18	7-11-1972	TSO, Table I
19	7-11-1972	TSO, Table I
20	7-11-1972	TSO, Table I
21	7-11-1972	TSO, Table I
22	7-11-1972	TSO, Table I
23	7-11-1972	TSO, Table I
24	7-11-1972	TSO, Table I
25	7-11-1972	TSO, Table I
26	7-11-1972	TSO, Table I
27	7-11-1972	TSO, Table I
28	7-11-1972	TSO, Table I
29	7-11-1972	TSO, Table I
30	7-11-1972	TSO, Table I

Combine - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
31	7-11-1972	TSO, Table I
32	7-11-1972	TSO, Table I
33	7-11-1972	TSO, Table I
34	7-11-1972	TSO, Table I
35	7-11-1972	TSO, Table I
36	7-11-1972	TSO, Table I
37	7-11-1972	TSO, Table I
38	7-11-1972	TSO, Table I
39	7-11-1972	TSO, Table I
50	2-19-1976	TSO, Table III
40	4-5-1977	152.03, 152.99
41	4-5-1977	152.04, 152.99
56	4-3-1979	Ch. 72, Sch. I
60	4-7-1980	TSO, Table I
61	4-23-1981	93.01c93.03, 93.99
62	5-5-1981	TSO, Table I
63	6-6-1983	Ch. 72, Sch. I
82	5-23-1984	TSO, Table IV
64	10-7-1985	30.03
-	12-2-1985	TSO, Table I
67	2-3-1986	TSO, Table I
65	6-9-1986	TSO, Table I
66	6-9-1986	TSO, Table I
68	3-4-1987	TSO, Table III
69	4-20-1987	TSO, Table III
135	6-27-1987	50.01c50.08, 50.20c50.23, 50.35c50.37, 50.50c50.52
71A	2-1-1988	30.02
78	4-25-1988	TSO, Table IV
79	8-1-1988	TSO, Table IV
80	8-1-1988	TSO, Table IV
81	8-1-1988	TSO, Table IV
85	1-16-1989	TSO, Table III
89	5-1-1989	TSO, Table IV
90	5-1-1989	TSO, Table IV
91	5-1-1989	TSO, Table IV
92	5-1-1989	TSO, Table IV
93	5-1-1989	TSO, Table IV
94	5-1-1989	TSO, Table IV
95	5-1-1989	TSO, Table IV
96	5-1-1989	TSO, Table IV

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
97	5-1-1989	TSO, Table IV
98	5-1-1989	TSO, Table IV
99	5-1-1989	TSO, Table IV
100	5-1-1989	TSO, Table IV
101	5-1-1989	TSO, Table IV
102	5-1-1989	TSO, Table IV
103	5-1-1989	TSO, Table IV
104	5-1-1989	TSO, Table IV
105	5-1-1989	TSO, Table IV
106	5-1-1989	TSO, Table IV
107	5-1-1989	TSO, Table IV
108	5-1-1989	TSO, Table IV
109	5-1-1989	TSO, Table IV
133	7-10-1989	34.01
134	11-6-1989	TSO, Table I
143	11-5-1990	TSO, Table IV
144	2-4-1991	TSO, Table III
70A	4-1-1991	154.01
145	4-1-1991	Ch. 72, Sch. I
147	7-1-1991	Ch. 72, Sch. I
149	10-7-1991	TSO, Table I
150	10-7-1991	TSO, Table I
151	10-7-1991	TSO, Table I
152	10-7-1991	TSO, Table I
148	10-17-1991	TSO, Table IV
153	12-16-1991	TSO, Table II
154	1-6-1992	95.01c95.06, 95.99
12A	2-3-1992	TSO, Table I
155	2-3-1992	TSO, Table I
156	1-4-1993	TSO, Table III
157	1-4-1993	TSO, Table III
160	6-7-1993	31.05
160A	7-12-1993	31.05
161	7-12-1993	30.01
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