

CITY OF HAWKINS, TEXAS

CODE OF ORDINANCES

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CITY OFFICIALS OF HAWKINS, TEXAS

CITY COUNCIL

Mayor	Tom Parker
Alderman, Place 1	Cody Jorgenson
Mayor Pro-Tem, Place 3	Stephen Lucas
Alderman, Place 4	Wende Haney
Alderman, Place 5	Greg Branson
Alderman, Place 2	Clara Kay

GENERAL PROVISIONS

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CHAPTER 10: GENERAL PROVISIONS

Section

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§ 10.01 TITLE OF CODE.

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

§ 10.02 INTERPRETATION.

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

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of the “General Provisions” section 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) 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) 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 Hawkins, 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.

COUNCIL. The legislative body of the city.

COUNTY. Wood County,
Texas. **MAY.** The act referred
to is permissive. **MONTH.** A
calendar month.

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

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

PERSON. Extends to and includes person, persons, firm, corporation, co-partnership, 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.

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.

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 such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

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

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

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

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

§ 10.07 SEVERABILITY.

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

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified 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 such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/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 such act or the giving of such notice.

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

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the

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

§ 10.14 ORDINANCES UNAFFECTED.

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.

§ 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 anyway 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) *Generally.*

(1) 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.

(2) 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 the 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.

(B) *Supplementation of code.*

(1) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the code, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of

the adoption of the latest ordinance included in the supplement.

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

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

(a) Organize the ordinance material into appropriate subdivisions;

(b) Provide appropriate captions, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in the captions, headings and titles;

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

(d) Change the words this ordinance or words of the same meaning to this chapter, this subchapter, this division and the like, as the case may be, or to sections_ to (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

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

10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (2004 Code, § 1-2) (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. 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. Loc. Gov't Code, § 54.001) (2004 Code, § 1-2) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985).

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

§ 10.99 GENERAL PENALTY.

This city has the authority to impose penalties for ordinance violations. (2004 Code, § 1-5) (Ord. 10, passed 1-1-1980)

Statutory reference:

General municipality penalty, see Tex. Loc. Gov't Code, § 54.001

General penalty; continuing violations; additional remedies.

(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 the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any provision of this Code or any ordinance shall be punished by a fine not exceeding \$500.00; provided, however, that:

- (1) Violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, other than the dumping of refuse, shall have a maximum fine of \$2,000.00 for each offense;
 - (2) Violations of municipal ordinances that govern dumping of refuse shall have a maximum fine of \$4,000.00;
 - (3) Violations of traffic laws which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed \$200.00;
 - (4) Where the offense is one for which a penalty is fixed by state law, the penalty for such offense shall be the same as fixed by state law.
- (b) Except where otherwise provided in this Code, each day an offense continues shall constitute a separate offense.
- (c) In addition to the penalty prescribed in this section, the city may pursue other remedies such as abatement of nuisances, injunctive or other equitable relief, administrative adjudications, and revocation of licenses or permits.
- (d) Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the city for such purposes. If any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the city, in addition to the imposition of a fine or imprisonment.
- (e) Unless otherwise specifically stated within the provisions of this Code, any violation of this Code or of any ordinance set forth herein that is punishable by a fine that does not exceed \$500.00 does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such

offense.

- (f) Unless otherwise specifically stated within the provisions of this Code, any violation of this Code or of any ordinance set forth herein that is punishable by a fine that exceeds \$500.00 shall require a culpable mental state of intentional, knowingly, reckless or with criminal negligence.

(Code 2004 *Statutory reference: Municipal penalties, see Tex. Loc. Gov't Code, § 54.001*)

CHAPTER 11: CITY STANDARDS

11.01 City limits

§ 11.01 CITY LIMITS.

The city limits of the city of Hawkins, Texas are described in Exhibit A to the Ordinance passed 11-21-1983, located in the office of the City Clerk, and are incorporated by reference as a part of this section. The plat which is Exhibit B attached to the Ordinance passed 11-21-1983 and incorporated by reference as a part hereof shows graphically the location of the city limits of the City of Hawkins, Texas. Exhibits A and B are hereby adopted, ratified and confirmed as the existing city limits of the City of Hawkins, Texas.
(Ord. —, passed 11-21-1983)

The city limits of the City of Hawkins was amended by annexation of all that certain lot, tract, or parcel of land situated within the Willis Parker Survey Abstract 451, and being all of a called 0.7904 acre tract as described by deed from James D Whitfield and Margaret E Whitfield to Brookshire Grocery Company dated August 1, 2001 and recorded in Volume 1796, Page 858 in the Deed Records of Wood County, Texas and being all of a called 4.4307 acre tract as described by deed from Delbert Dodson and Steve Dodson to Brookshire Grocery Company dated August 1, 2001 and recorded in Volume 1796, Page 861 in said deed records. Total annexation; 5.2211 Acres in the Willis Parker Survey A-451, Wood County, Texas. Ordinance 011101 dated 11-1-2001 is hereby adopted, ratified and confirmed as Exhibit C and the existing city limits of the City of Hawkins, Texas is amended by said annexation.
(Ordinance 011101, passed 11-1-2001)

ADMINISTRATION

- 30. CITY GOVERNMENT**
- 31. CITY OFFICERS**
- 32. POLICE DEPARTMENT**
- 33. POLICE RESERVE FORCE**
- 34. CITY POLICIES**
- 35. MUNICIPAL COURT**
- 36. TAXATION**
- 37. EMERGENCY MANAGEMENT**
- 38. CITY PARK REGULATIONS**
- 39. HAWKINS PUBLIC LIBRARY**

Section

- 30.1 Purpose
- 30.2 Adoption of Aldermanic form of municipal government
- 30.3 Quorum of Council
- 30.4 Election by place system
- 30.5 Guidelines and procedures for elections
- 30.6 Qualifications of Mayor and Alderman
- 30.7 President pro tempore
- 30.8 Filling vacancies
- 30.9 Passage of ordinances
- 30.10 Salaries of elected officials
- 30.11 Claims against the City of Hawkins

§ 30.01 PURPOSE.

The purpose of this section is as follows:

(A) To establish and adopt the Aldermanic form of municipal government for the City of Hawkins, Wood County, Texas;

(B) To provide that Aldermen shall be elected by the place system;

(C) To further establish and adopt procedures and guidelines for the initial election, subsequent elections which are to be held under the Aldermanic form of municipal government for Mayor and Aldermen, respectively.
(2004 Code)

§ 30.02 ADOPTION OF ALDERMANIC FORM OF MUNICIPAL GOVERNMENT.

The Aldermanic form of municipal government is adopted subject to the following provisions.

(A) Pursuant to majority vote of the qualified electors of the city and of the municipal election held in accordance with Tex. Election Code, §§ 1.001 *et seq.*, the city changes from the Commission form of municipal government to the Aldermanic form of municipal government and by this chapter does hereby adopt and establish for the city the Aldermanic form of municipal government.

(B) From the date of approval of this chapter, the city shall operate and be under the Aldermanic form of municipal government.

(C) The Mayor and 2 Commissioners holding office at the time of the election as mentioned herein above shall continue in office as Mayor and Aldermen, respectively, for the remainder of their respective terms.

(D) Under the Aldermanic form of municipal government, the City Council shall be composed of a Mayor and 5 Aldermen who shall be elected by the qualified electors of the city for a term of 2 years. (1979 Code, § 2.2)

§ 30.03 QUORUM OF COUNCIL.

For the purpose of transacting business at a regular Council meeting, the Mayor and 3 Aldermen shall constitute a quorum, or, in the absence of the Mayor, 4 Aldermen shall constitute a quorum. At a called meeting or meeting for the imposition of taxes, $\frac{2}{3}$ of the full Board of Aldermen shall

be required. The quorum has the power to appoint any Aldermen as a presiding officer at any meeting at which the Mayor and President pro tempore are absent. The quorum shall have the power to enact such bylaws and ordinances not inconsistent with the laws and constitution of the state as shall be deemed proper for the municipal government of the city. Personnel to fill other city offices and positions shall be appointed from time to time by the City Council.
(2004 Code)

§ 30.04 ELECTION BY PLACE SYSTEM.

Aldermen shall be elected by the place system. Any candidate for the office of Alderman in any city election shall file his application for a specific place on the Council, such as Alderman, Place No. 1, Alderman, Place No. 2, Alderman Place No. 3, Alderman Place No. 4, or Alderman Place No. 5. In such election the ballot shall show each office of Alderman as a separate office by place number, with the name of each candidate printed thereon under the specific office for which he is a candidate. (2004 Code)

§ 30.05 GUIDELINES AND PROCEDURES FOR ELECTIONS.

The following guidelines and procedures shall govern the conducting of municipal elections in the city.

(A) An election shall be held annually in the city on the first Saturday in May at such places as the City Council may direct and of which 78-days' written notice shall have been given. Such election shall be ordered and notice thereof given and the election officers appointed as provided by the general laws of the state pertaining to elections. The election officers must be qualified voters in the city. The City Council shall provide for their compensation.

(B) Any person desiring to run as a candidate for the office of Mayor or Alderman may do so by filing an application with the City Secretary at the City Hall not later than 5:00 p.m. of the seventy-first day before the date of such municipal election. Such application shall not be considered filed unless it has actually been received by the office of City Secretary. At the first regular election held under the Aldermanic form of municipal government, there shall be elected a Mayor and 5 Aldermen. There shall be 2-year staggered terms of office for Mayor and Aldermen. Three of the Aldermen shall hold office for 1 year from the date of their election, and the other 2 shall hold office for 2 years from the date of their election. At the first regular meeting after the first election under the Aldermanic form of municipal government, the City Council shall determine by lot which 2 Aldermen shall hold office for the long term, and which 3 Aldermen shall hold office for the short term. The duly elected Mayor shall hold office for the 2-year term as hereinabove provided in § 30.02. Thereafter, all the Mayor and all members of the Board of Aldermen shall hold office for terms of 2 years and until their successors have qualified.(EC 143.007(c))

(D) All elections for Mayor and Aldermen shall be held and the returns thereof shall be made and canvassed in accordance with the general laws of the state pertaining to municipal elections and the persons receiving the highest number of votes for the respective offices shall be declared elected.

(E) The newly elected city officials may enter upon their duties on the fifth day after the election, Sundays excepted. If any such official fails to qualify within 30 days after his election, his office shall be deemed vacant and a new election held to fill the same. The City Council elected shall meet at the usual place of meeting on the fifth day, Sundays excepted, after their election or as soon thereafter as possible and be installed under the general laws applicable thereto.

(State Law reference-Composition of city council VTCA Local Gov Code 22.0006; election by place system VTCA Local Gov Code 21.001)

§ 30.06 QUALIFICATIONS OF MAYOR AND ALDERMEN.

No person shall be eligible for the office of Mayor unless he is: a United States citizen, be 18 years of age, a registered voter, not been convicted of a felony, and has resided 12 months preceding the election within the State of Texas and the city limits. To be eligible for Aldermen, one must be a registered voter and a resident of the city at the time of his election. (EC §141.001(a))(LGC §22.032)

In addition, an officer entrusted with the collection or custody of funds belonging to a city who is in default to the city may not hold any municipal office until the amount of the default, plus 10 per cent interest is paid. (LGC §22.008)

§ 30.07 PRESIDENT PRO TEMPORE.

At the first meeting of each new City Council or as soon thereafter as practicable, one of the Aldermen shall be elected President pro tempore, who shall hold his office for 1 year. In case of the failure, inability, or refusal of the Mayor to act the President pro tempore shall perform the duties and receive the fees and compensation of the Mayor. (2004 Code)

§ 30.08 FILLING VACANCIES.

(A) In the event of a vacancy or vacancies from any cause in the office of Mayor or Alderman, such vacancy or vacancies may be filled as follows.

(1) If no more than 1 vacancy on the City Council exists, a majority of the remaining members of the City Council may fill such vacancy by appointment with such appointee to serve until the next regular city election; provided however, in filling such vacancy, the Mayor, if any, shall have a vote only in the event of a tie.(LGC 22.010 (a))

(2) In lieu of filling 1 vacancy on the City Council by appointment as provided for in division above, a special election may be ordered by the Council to fill such vacancy. (LGC 22.010(a)(b)(c))

(3) If 2 or more vacancies on the City Council exist at the same time, a special election shall be ordered to fill such vacancies. (LGC 22.010(d))

(4) Any special election to fill a vacancy or vacancies shall be ordered, held, and conducted in accordance with the general laws of the state.

(5) In the event of a vacancy in any other office in the city, the Mayor or acting Mayor shall fill such vacancy by appointment to be confirmed by the City Council.(LGC 22.010(e))

§ 30.09 PASSAGE OF ORDINANCES.

All ordinances to be passed by the City Council shall be passed by the Council upon 1 reading and upon publication as prescribed by the law of the state. All ordinances so passed shall be in full force and effect. (2004 Code)

§ 30.10 SALARIES OF ELECTED OFFICIALS.

The salary of the Mayor and the 5 Alderman shall be as determined from time to time by the City Council. The City Secretary is authorized to draw monthly from the General Fund of the city, by warrants, as in the case of other salaries of city employees on the first day of each month the determined amounts such being paid as official salaries and so much is hereby and accordingly appropriated for such purpose each pay day as mentioned.

(2004 Code)

§30.11 CLAIMS AGAINST THE CITY OF HAWKINS.

TORT CLAIMS.

All tort claims against the city, and the notice thereof, shall be governed by *V.T.C.A.*, Civil Practice and Remedies Code.

LEGAL DEFENSE AND INDEMNIFICATION OF OFFICERS AND EMPLOYEES.

Definitions.

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

Employee includes an officer, volunteer, or employee, a former officer, volunteer, or employee, and the estate of an officer, volunteer, or employee or former officer, volunteer, or employee of the city. The term "employee" includes a member of a governing board.

Official means any elected or appointed official of the city.

Right to indemnification.

Any city officer or employee who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment, shall be entitled to indemnification by the city, provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. Payment shall be governed by *V.T.C.A.*, Civil Practice and Remedies Code ch. 102.

Right to legal representation.

The city shall have the right and duty to provide legal representation through the city attorney, or in its discretion, through the selection of outside legal counsel, to any officer or employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, provided that such officer or employee is entitled to indemnification as set forth in this division. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the city in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this division.

City's defenses; limitation on indemnity.

Nothing in this division shall be construed as waiving the city's defense of governmental immunity to it or its employees or officers in any action brought against the city or such officer or employee. For any suit or claim arising under the Texas Tort Claims Act, the indemnity provided by this division shall be limited to the statutory limits applicable to the city provided in such Act, as amended.

State Law Reference-Texas Tort Claims Act, VTCA Civil Practices & Remedies

The provisions of this division shall apply only where the city has been given notice of the action brought against any city officer or employee within ten days of service of process upon the officer or employee.

Disciplinary actions by city.

Nothing in this division shall prevent the city from taking disciplinary action against any officer or employee for conduct defended or indemnified by the city under this division, either before or after conclusion of the civil suit.

Suits in behalf of city.

Nothing in this division shall require the city to indemnify any officer or employee for recoveries made against him in suits by or on behalf of the city. The city council may, however, authorize the city attorney to represent any officer or employee in a suit brought by a taxpayer in behalf of the city against the officer or employee.

CHAPTER 31: CITY OFFICERS

31.01 City Secretary

§ 31.01 CITY SECRETARY.

(A) *Creation of office of City Secretary.* The office of City Secretary is established. (1979 Code, § 13.1)

(B) *Powers and duties.* The City Secretary shall have all the powers and perform all duties prescribed to it by law. These duties shall include the following.

(1) The City Secretary shall attend every meeting of the City Council for the purpose of keeping accurate minutes of the proceedings of the City Council.

(2) The City Secretary shall engross and enroll all motions and resolutions of the City Council and ordinances of the city and include these in the City Code.

(3) The City Secretary shall attest all commissions and licenses issued.

(4) The City Secretary shall preserve and keep in order all books, papers, documents, and records of the City Council.

(5) The City Secretary shall have custody of all laws and ordinances of the city.

(6) The City Secretary shall have custody of the City Seal and shall affix this seal to obligations of the city only by order of the City Council.

(7) The City Secretary, in compliance with the Open-Meeting Law, shall post in a place readily accessible to the public and 72 hours preceding such meetings, notices of the date, time and place of each meeting of the City Council.

(8) The City Secretary shall perform all other necessary duties that pertain to such office and all other duties as required by the Mayor and the City Council.
(1979 Code, § 13.2)

(C) *Appointment and tenure.* The City Secretary shall be employed and removed by the Mayor and City Council. (Local Govt Code 22.073)

CHAPTER 32 POLICE DEPARTMENT

- 32.01 Creation of Chief of Police**
- 32.02 Method of Selection of Police Chief**
- 32.03 Method of Selection of Police Officers**
- 32.04**
- 32.05 Duties of Police Chief and Police Officers**
- 32.06**
- 32.07**
- 32.08**
- 32.09**
- 32.10**

§ 32.01 CREATION OF CHIEF OF POLICE.

The head of the City of Hawkins Police Department shall henceforth be known as Police Chief or Chief of Police. (2004 Code 33.02)

§32.02 METHOD OF SELECTION OF POLICE CHIEF.

The Mayor shall interview all applicants for the position of Police Chief. After careful consideration of the qualification of the Mayor's recommended appointee, the City Council shall decide whether to confirm the Mayor's recommendation for Chief of Police. (2004 Code 33.03)

§32.03 METHOD OF SELECTION OF POLICE OFFICERS.

The Police Chief and Mayor shall interview all applicants for the job of police officers and shall make their selection and present this selection to the City Council for their approval. (2004 Code 33.04)

§32.05 DUTIES OF POLICE CHIEF AND POLICE OFFICERS.

It shall be the duty of every officer to preserve the peace within the officer's jurisdiction. Officers shall interfere without warrant to prevent or suppress crime; execute all lawful process issued to the officer by any magistrate or court; give notice to a magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; arrest offenders without warrant in every case where the officer is authorized by law; and, enforce all municipal ordinances. (CCP Art 2.13)

CHAPTER 33: POLICE RESERVE FORCE

Police Reserve Force

- 33.20 Police Reserve Force created
- 33.21 Appointment of members
- 33.22 Special police force
- 33.23 Compliance with standards
- 33.24 Police Department Supervising Officer
- 33.25 Application for Police Reserve
- 33.26 Officer training
- 33.27 Uniforms
- 33.28 Weapons
- 33.29 Compensation
- 33.30 Riding in police vehicles
- 33.31 Requirements for members of the Police Reserve
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POLICE RESERVE FORCE

§ 33.20 POLICE RESERVE FORCE CREATED.

There is established a Police Reserve Force for the city. (Ord. 90-02-007, passed 2-19-1990)

§ 33.21 APPOINTMENT OF MEMBERS.

(A) Members of the Police Reserve Force shall be appointed and/or relieved at the discretion of the Police Department Supervising Officer and Mayor and shall serve as police officer during actual discharge of official duties.

(B) An appointment to the Reserve Force must be approved by the governing body before the person appointed may carry a weapon or otherwise act as peace officer. After the appointment is approved, the person appointed may carry a weapon only when authorized to do so by the Police Department Supervising Officer and only when discharging official duties as a peace officer.

(C) The Police Reserve Force shall not exceed 10 members.

(D) Members of the Police Reserve Force shall serve at the discretion of the Police Department Supervising Officer and may be called into active service at any time the Police Department Supervising Officer considers it necessary to have additional police officers to preserve the peace and enforce the law.

(E) Members of the Police Reserve Force must serve without compensation. Uniform and uniform compensation may be provided to the reserve police officers at the discretion of the Police Department Supervising Officer and Mayor.

(F) A commission shall be issued to each Reserve Officer upon appointment. This Commission will be valid only in the performance of official duties when called into active service by the Police Department Supervising Officer or his delegated authority. (Ord. 90-02-007, passed 2-19-1990; Am. Ord. 020715, passed 7-15-2002)

§ 33.22 SPECIAL POLICE FORCE.

This action does not limit the power of the Mayor to summon into service a special police force as provided by Tex. Loc. Gov't. Code, § 341.011. (Ord. 90-02-007, passed 2-19-1990)

§ 33.23 COMPLIANCE WITH STANDARDS.

(A) Reserve police officers must comply with the minimum training standards established by the Texas Commission on Law Enforcement minimum training standards established for all reserve law enforcement officers identical to the standards established for peace officers in permanent positions which must be fulfilled before a person appointed as reserve law enforcement officer may carry a weapon or otherwise act as a peace officer. The Police Department Supervising Officer shall establish qualifications and standards of training for members of the Police Reserve Force and shall establish rules and regulations governing police officers.

(B) The Police Department Supervising Officer may establish minimum physical, mental, educational and moral standards as used by the regular Police Department, but in no case shall the standards be less than that established by the Commission of Law Enforcement Officer Standards and Education.
(Ord. 90-02-007, passed 2-19-1990)

§ 33.24 POLICE DEPARTMENT SUPERVISING OFFICER.

(A) The Police Department Supervising Officer will have immediate direction and control of the Police Reserve.

(B) (1) The Police Department Supervising Officer shall appoint the head of the Police Reserve with the approval of the Mayor.

(2) Positions of rank that are established within the Police Reserve shall be filled by appointment by the Police Department Supervising Officer, subject to the approval of the Mayor. (Ord. 90-02-007, passed 2-19-1990)

§ 33.25 APPLICATION FOR POLICE RESERVE.

(A) The minimum physical, mental, educational and moral standards for reserve officers shall be the same as those established by the Commission of the Law Enforcement Officer Standards and Education.

(B) Application for the Police Reserve must be made to the Police Department Supervising Officer.

(C) After all entrance requirements have been satisfied by the applicant, his application will be forwarded to the Mayor for review and a personal interview. The Mayor will forward the application to the governing body, either approved or disapproved, for their review and interview. Provided there exists a vacancy in the Reserve Police Force, the successful applicant will be assigned a position.
(Ord. 90-02-007, passed 2-19-1990)

§ 33.26 OFFICER TRAINING.

(A) The Police Department Supervising Officer shall coordinate all of the Police Reserve training.

(B) The Police Reserve Officer training course curriculum shall equal or exceed the minimum standards of the police reserves as established by the Texas Commission of Law Enforcement Officer Standards and Education. In service type courses, which includes patrol observation, will be developed and offered to reserves as deemed necessary.

(Ord. 90-02-007, passed 2-19-1990)

§ 33.27 UNIFORMS.

(A) Every member of the Reserve shall wear such uniform as the Department may prescribe.

(B) Members of the Reserve shall wear the prescribed uniform only when called into active service by the Police Department Supervising Officer or his delegated authority.

(Ord. 90-02-007, passed 2-19-1990)

§ 33.28 WEAPONS.

(A) Members of the Reserve may carry a weapon only when called into active service by the Police Department Supervising Officer or his delegated authority.

(B) The authorized weapon shall be the same as prescribed for the regular police. (Ord. 90-02-007, passed 2-19-1990)

§ 33.29 COMPENSATION.

(A) Members of the Police Reserve must serve without compensation.

(B) Members of the Police Reserve may not accept police type employment, or act in any way as a police officer for compensation.

(Ord. 90-02-007, passed 2-19-1990)

§ 33.30 RIDING IN POLICE VEHICLES

Members of the Police Reserve force and other duly licensed peace officers will be permitted to ride in police vehicles with the regular police. Civilians will be allowed to ride in police vehicles with proper documentation and/or release from liability form completed and approved by the Chief of Police.

(Ord. 90-02-007, passed 2-19-1990)

§ 33.31 REQUIREMENTS AND REGULATIONS FOR MEMBERS OF THE POLICE RESERVE.

All members of the Reserve Police Force will be required to follow the same rules as regular police officers and will serve at the discretion and direction of the Chief of Police.(Ord 9002007)

CHAPTER 34: CITY POLICIES

- 34.1 Texas municipal retirement system
- 34.2
- 34.3 City of Hawkins Personnel Policy Manual Dated 7-15-2019
- 34.4 City of Hawkins Volunteer and Affiliates Policy Manual Dated 7-15-2019
- 34.5
- 34.6 Competitive Bidding
- 34.7 National Incident Management System (NIMS)
- 34.20 Records Management Program Definitions
- 34.21 City Records Declared Public Property
- 34.22 Records management program Policy
- 34.23 Designation of Records management Officer
- 34.24 Records Management Plan
- 34.25 Duties of Records Management Officer
- 34.26 Duties and Responsibilities of Department Heads regarding Records
- 34.27 Duties of the City Council regarding Records
- 34.28 Electronic Storage of Records
- 34.29 Destruction of Unscheduled Records
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GENERAL PROVISIONS

§ 34.01 TEXAS MUNICIPAL RETIREMENT SYSTEM.

(A) Authorization of restricted prior service credit.

(1) On the terms and conditions set out in Tex. Gov't. Code, Title 8, Subtitle G, § 853.305, as amended (hereinafter referred to as the TMRS Act), each member of the Texas Municipal Retirement System (hereinafter referred to as the System) who is now or who hereafter becomes an employee of this city shall receive restricted prior service credit for service previously performed as an employee of any of the entities described in said Tex. Loc. Gov't. Code, § 853.305, provided that:

- (a) The person does not otherwise have credited service in the system for that service;
and
- (b) The service meets the requirements of said Tex. Loc. Gov't. Code, § 853.305.

(2) The service credit hereby granted may be used only to satisfy length-of-service requirements for retirement eligibility, has no monetary value in computing the annuity payments allowable to the member, and may not be used in other computations, including computation of updated service credits.

(3) A member seeking to establish restricted prior service credit under this section must take the action required under said Tex. Loc. Gov't. Code, § 853.305 while still an employee of this city. (Ord. 000918, passed 9-18-2000)

(B) *Additional rights.* Pursuant to the provisions of Tex. Gov't. Code, Title 8, Subtitle G, § 854.202(g), as amended, which Subtitle shall herein be referred to as the TMRS Act, the city adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System (herein referred to as the System):

(1) Any employee of the city who is a member of the system is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the system performed for 1 or more municipalities that have adopted a like provision under Tex. Loc. Gov't. Code, § 854.202(g) of the TMRS Act;

(2) Prior to adopting this section, the governing body of the city has:

- (a) Prepared an actuarial analysis of member retirement annuities at 20 years of service;

and

(b) Held a public hearing pursuant to the notice provisions of the Texas Open Meetings Act, Tex. Gov't. Code, Ch. 551.

(3) The rights hereinabove authorized shall be in addition to the plan provisions heretofore adopted and in force at the effective date of this section pursuant to the TMRS Act.
(Ord. 000918; passed 9-18-2000)

§34.03 CITY OF HAWKINS PERSONNEL POLICY MANUAL.

It is declared to be the policy of the City of Hawkins that every employee is subject to provisions stated and named in the City of Hawkins Personnel Policy Manual dated July 15, 2019. The Council further hereby adopts the most current policy manual and incorporates any revisions that may be made in the future.

§34.04 CITY OF HAWKINS VOLUNTEER AND AFFILIATES POLICY MANUAL DATED 7-15-19.

It is declared to be the policy of the City of Hawkins that every volunteer and affiliate is subject to the provisions stated and named in the City of Hawkins Volunteer and Affiliates Policy Manual dated July 15, 2019. The Council further hereby adopts the most current policy manual and incorporates any revisions that may be made in the future.

§34.06 COMPETITIVE BIDDING.

The City of Hawkins adopts Local Government Code 252.021 as the guideline for competitive bidding projects and purchases. The City of Hawkins is required to take bids on projects and purchases in excess of \$50,000.
(Statute: LGC 252.021.)

§ 34.07 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).

The City of Hawkins hereby adopts the National Incident Management System dated October 10, 2017 in cooperation with the Department of Homeland Security and FEMA.
(Ordinance 050815.1 8-15-2005) (Amended NIMS October 10, 2017 version)

Records Management Program

- 34.20 Definitions
- 34.21 City records declared public property
- 34.22 Policy
- 34.23 Designation of records management officer
- 34.24 Records management plan to be developed; approval of plan; authority of plan
- 34.25 Duties of Records Management Officer
- 34.26 Duties and responsibilities of department heads
- 34.27 Duties of the City Council
- 34.28 Electronic Storage of Records
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***RECORDS
MANAGEMENT
PROGRAM***

The City of Hawkins shall provide for the proper and efficient management of the municipal records of the city. Since the citizens have a right to expect efficient and cost-effective government, and recognizing the importance of local government records in the lives of all citizens, the efficient management of city records is necessary to the effective and economic operation of the city, the preservation of records of permanent value is necessary to provide the people of the state with resources concerning their history and to document their rights of citizenship and property, and the establishment of uniform standards and procedures for the maintenance, preservation, microfilming, or other disposition of city records is necessary to fulfill the higher public purpose.

§ 34.20 DEFINITIONS.

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

City record.

- (1) The term "city record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by city offices or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business, and is hereby declared to be a record of the city and shall be created, maintained, and disposed of in

accordance with the provisions of this division and the provisions of the Local Government Records Act (V.T.C.A., Local Government Code ch. 201 et seq.).

- (2) The term "city record" does not include:
- a. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the city;
 - b. Notes, journals, diaries, and similar documents created by an officer or employee of the city for the officer's or employee's personal convenience;
 - c. Blank forms;
 - d. Stocks of publications;
 - e. Library and museum materials acquired solely for the purposes of reference or display;
 - f. Copies of documents in any media furnished to members of the public to which they are entitled under V.T.C.A., Government Code ch. 552, or other state law;
 - g. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement Government Code § 2009.054(c), associated with a matter conducted under an alternative dispute resolution which personnel of a state department or institution, local government, special district, or other political state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a system or organization.

Commission means the state library and archives commission.

Custodian means the appointed or elected public officer who, by the state Constitution, state law, ordinance, or administrative policy, is in charge of an office that creates or receives city records. For the purpose of this division, a custodian is a department head, under the administration of the city council, who is responsible for all records in his department.

Director and librarian means the executive and administrative officer of the state library and archives commission.

Electronic storage means the maintenance of city record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk,

or similar machine-readable medium.

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

Microfilm means roll microfilm, microfiche, and all other formats produced by any method of microphotography or other means of miniaturization on film.

Microfilming means the methods, procedures, and processes used to produce roll microfilm, microfiche, or other microphotography formats.

Office means any office, department, division, program, commission, bureau, board, committee, or similar entity of the city.

Permanent record means a record of permanent value, or any city record for which the retention period on a records retention schedule issued by the state library and archives commission is given as permanent.

Record means a record of the city.

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

Records retention schedule means the records retention schedules issued by the state library and archives commission.

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

Source document means the city record from which city record data is obtained for electronic storage. The term "source document" does not include backup copies of the data in any media generated from electronic storage.

(State Law reference- Similar definitions, V.T.C.A., Local Government Code §§ 201.003, 204.001, 205.001.)

§34.21 CITY RECORDS DECLARED PUBLIC PROPERTY

All city records as defined in §34.20 are hereby declared to be property of the city. No city official or employee has, by virtue of his position, any personal or property right to such records, even though he may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

(Code 2004, Ord. No. 901111, passed 11-19-1990) (State Law Reference: VTCA Local Govt Code 201.005)

§34.22 POLICY.

The city council does hereby establish and adopt a management program for the orderly and efficient retention, retrieval and destruction of the records of the city.

(Code 2004, Ord. No. 901111, passed 11-19-1990)

§34.23 DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The office of the City Secretary is authorized to establish and administer the records management program for the city, pursuant to legal, fiscal, administrative, and archival requirements, and the City Secretary or his designee is hereby named the records management officer. To this end, the city secretary will implement, but not be limited to, a program to encompass such areas of records management as are required to preserve and keep in order all books, papers, documents, records and files of the city council and of the executive departments.

(Code 2004, Ord. No. 901111, passed 11-19-1990)

§34.24 RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.

The City of Hawkins hereby states that it has adopted the State and Local Records Management Schedule guidelines as follows:

1. Schedule EL (Records of Elections and Voter Registration)
2. Schedule GR (Records Common to All Governments)

3. Schedule LC (Records of Justice and Municipal Courts)
4. Schedule PS (Records of Public Safety Agencies)
5. Schedule PW (Records of Public Works and Services)
6. Schedule UT (Records of Utility Services)

The Texas State Library granted a Declaration of Compliance per Local Government Code §203.043(a) on September 22, 2017. A record appearing on a schedule issued by the commission may be disposed of at the expiration of its retention period without additional notice to the Director and Librarian, subject to the provisions of Local Government Code §203.041(d).

§34.25 DUTIES OF RECORDS MANAGEMENT OFFICER.

The records management officer shall have the following duties, and others as assigned by the city council and as provided by state law:

Assist in establishing and developing policies and procedures for a records management program for the city, which program shall include basic file management and records disposition policies, systems, standards and procedures.

- (1) Administer the records management program and provide assistance to custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping.
- (2) In lieu of filing records control schedules, the city has adopted record retention schedules issued by the state library and archives commission.
 - a. The records management officer shall file with the state library and archives commission a declaration of compliance with the records scheduling requirements of the Local Government Records Act.
 - b. The records retention schedules adopted by the declaration of compliance may be amended by filing for approval a supplemental records control schedule, on which are listed proposed retention periods for records that do not appear on schedules issued by the commission.
 - c. Prepare or direct the preparation of requests for authorization to destroy records not on an approved control schedule as provided by the Local Government Records Act, requests to destroy the originals of permanent records that have been microfilmed, and electronic storage authorization requests.
- (3) In cooperation with custodians, identify and take adequate steps to preserve

city records that are of permanent value.

(4) In cooperation with custodians, identify and take adequate steps to protect essential city records.

(5) In cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction or other disposition of records is carried out in accordance with the policies and procedures of the city's records management program and requirements of state law.

(6) Report annually to the city council on program effectiveness.

(7) Provide records management advice and assistance to all city offices and departments, by preparation of manuals of procedure and policies and by on-site consultation.

(8) Carry out destruction and transfers that are required by records schedules, and carry out microphotography tasks when staff and a central facility becomes available.

(9) Design and manage the operations of a records center for the low-cost storage of inactive records and as a future site for a centralized micrographics program.

(10) Establish, in cooperation with other responsible city officials, a disaster plan for each city office and department to ensure maximum availability of records for re-establishing operations quickly and with minimum disruption and expense.

(11) Bring to the attention of the city council any office not in compliance with laws or ordinances regarding public access to information or protection of privacy.

(12) Disseminate to the city council and custodians information concerning state laws, administrative rules, and the policies of the city relating to local government records through a records manual, which may be amended from time to time, and other means of communication.

(13) In cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

(Code 2004, Ord. No. 901111, passed 11-19-1990) (State Law reference- Similar provisions, V.T.C.A., Local Government Code § 203.023.)

§34.26 DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS (CUSTODIANS).

(A) Custodians (Department Heads) of records in the city shall:

- (1) Cooperate with the City Secretary, as the records management officer, in carrying out the policies and procedures established by the city for the efficient and economical management of records and in carrying out requirements under the Local Government Records Act;
- (2) Adequately document the transaction of city business and the services, programs, and duties for which the custodian and the custodian's staff are responsible;
- (3) Maintain the records in the custodian's care and carry out their preservation, microfilming, destruction, or c only in accordance with the policies and procedures of the city's record management program and the required Local Government Records Act and rules adopted there under; and
- (4) Designate records officers within their offices and provide the records management officer the names of the designees and all persons working under their supervision, such records officers to report directly to the custodian in their department on matters relating to the records management program and have full access to all files in their respective departments.

(B) State law relating to the duties, other responsibilities, or recordkeeping requirements of a custodian of city records does not exempt the custodian or the records in the custodian's care from the application of this division and rules adopted by the state under the Local Government Records Act of 1989 and may not be used by the custodian as a basis for refusal to participate in the city records management program, the establishment of which is required by state law.

(Code 2004, Ord. No. 901111, passed 11-19-1990) (State Law reference- Similar provisions, V.T.C.A., Local Government Code§ 203.022.)

The City Council shall:

- (1) Establish, promote, and support an active and continuing program for the efficient and economical management of all city records;
- (2) Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
- (3) Facilitate the creation and maintenance of city records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the city and designed to furnish the information necessary to protect the legal and financial rights of the city, the state, and persons affected by the activities of the city government;
- (4) Facilitate the identification and preservation of city records that are of permanent value;
- (5) Facilitate the identification and protection of essential city records;
- (6) Cooperate with the state library and archives commission in its conduct of statewide records management surveys; and
- (7) Review a records control schedule or amended schedule by the officers of the city as it considers necessary.

(Code 2004, Ord. No. 901111, passed 11-19-1990) (State Law reference- Similar provisions, V.T.C.A., Local Government Code§ 203.021)

§ 34.28 ELECTRONIC STORAGE OF RECORDS.

- (a) Any city record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of the Local Government Records Act and rules adopted under it.
- (b) The city will be subject to rules established by the state library and archives commission for standards and procedures for electronic storage and will be subject to the provisions of V.T.C.A., Local Government Code ch. 205.

State Law reference- V.T.C.A., Local Government Code§ 205.002.

§ 34.29 DESTRUCTION OF UNSCHEDULED RECORDS.

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as records destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.
(2004 Code 34.31 Ord. 90-11-011, passed 11-19-1990)

Section

- 35.1 Creation of Municipal Court
- 35.2 Jurisdiction of Municipal Court
- 35.3 Municipal Judge
- 35.4
- 35.5 Municipal Court Building Security Fund
- 35.6 Municipal Court Technology Fund

§ 35.01 CREATION OF MUNICIPAL COURT.

There is created and established for the city a court to be known as the Municipal Court of Hawkins, Texas.
(Ordinance 92 12-7-1978; 2004 Code)

§ 35.02 JURISDICTION OF COURT.

The municipal court shall have jurisdiction within the territorial limits of the city of all criminal cases arising under the ordinances of the city and shall also have concurrent jurisdiction with the Justice of the Peace for the precinct in which the city is situated for all criminal cases arising under the laws of this state in which punishment is by fine only and with a maximum of such fine not to exceed \$200, and which violations occur within the territorial limits of the city. (2004)

§ 35.03 MUNICIPAL JUDGE.

The municipal court shall be presided over by a judge to be known as the Judge of the Municipal Court. The Municipal Judge is to be appointed to this position by the City Council. Upon enactment of the ordinance and the appointment of a Municipal Judge such initial Municipal Judge shall serve in that capacity concurrently to the unexpired term of the Mayor. At the expiration of said initial term, and every two years thereafter, the City Council shall appoint a Municipal Judge to serve for a term of 2 years. The Municipal Judge so appointed is not required to be a licensed attorney; however, such Judge shall be a citizen of the United States and a citizen of the State of Texas and a member in good standing of this city. The Municipal Judge shall receive a salary to be set by the City Council, which salary may not be diminished during his term of office. Furthermore, that said Municipal Judge may be removed from office during the term for which he was appointed for incompetency, inefficiency, official misconduct, or for good cause. However, such Judge shall not be removed until he is given due notice of the grounds for removal and is given an opportunity to present a defense and oppose said grounds of removal in a hearing before the Mayor and City Council. Any vacancy in the office of the Municipal Judge by death, resignation or otherwise shall be filled by the City Council, which may appoint some qualified person to act in the place and stead of the Municipal Judge; and the appointee shall have all of the powers and discharge all the duties of the office and shall receive the same compensation therefore as is payable to the regular Municipal Judge while so acting.
(2004 Code)

§ 35.05 MUNICIPAL COURT BUILDING SECURITY FUND.

(g) There is created and established a Municipal Court Building Security Fund, hereinafter the Fund, pursuant to Tex. Crim. Pro. Code, Art. 102.017.

(h) The Municipal Court of the city is authorized and required to assess a Municipal Court Building Security Fund Fee in the amount of \$3 against all defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the fee.

(i) The Clerk of the Court shall collect the fee and pay the fee to the City Secretary, who shall deposit the fee into the Municipal Court Building Security Fund.

(j) The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or building housing the Municipal Court of the city. Security devices and/or services shall include any and all items described in Tex. Crim. Pro. Code, Art. 102.017(d).

(k) The Fund shall be administered by or under the direction of the City Council. (Ord. 010908, passed 9-7-2001) Article 102.017 CCP

§ 35.06 MUNICIPAL COURT TECHNOLOGY FUND.

(A) *Establishment of Municipal Court Technology Fund.* There is created and established a Municipal Court Technology Fund, hereinafter the Fund, pursuant to Tex. Crim. Pro. Code, Art. 102.0172. (Ordinance 010909 9-7-2001)

(B) The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account of the city.

(C) Establishment of the amount of the fee: assessment and collection.

(1) The fee shall be in the amount of \$4.

(2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:

(a) A sentence is imposed on the person;

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

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

(3) The fee shall be collected on conviction for an offense committed on or after the date upon which this section is adopted.

(4) The Clerk of the Court shall collect the fee and pay the fee to the City Secretary, who shall deposit the fee into the Municipal Court Technology Fund.

(D) Designated use of the fund and administration. The Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of this city, including computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers, or docket management systems.

(E) The Fund shall be administered by or under the direction of the City Council. (Ord. 010909)

CHAPTER 36: TAXATION

- 10.10 Creation of Tax Department
- 10.11 Taxable property
- 10.12 Rendering of property
- 10.13 Property Tax
- 10.14 Annual Payment of Taxes
- 10.15 Ad Valorem Tax Exemption
- 10.16 Sales tax
- 10.17 Fiscal Year
- 10.18 Hotel/Motel Occupancy Tax
- 36.10

§ 36.01 CREATION OF TAX DEPARTMENT.

There is created a Tax Department of the city, to be under management, control and authority of a Tax Clerk, which is contracted by an Interlocal agreement with Wood County, Texas. The Interlocal cooperation agreement for ad valorem tax collection is renewed annually between Wood County and the City of Hawkins as the taxing entity. The mutual agreement is subject to the provision of VTCA Government Code, Chapter 791, the Interlocal Cooperation Act, and VTCA, Tax Code, Section 6.24. (2004 Code)

§ 36.02 TAXABLE PROPERTY.

All property, real, personal and mixed, located within the corporate limits of the city, as of January 1 of each year is declared subject to taxation by the city, for all purposes, at the values assessed and/or equalized for tax purposes and is declared taxable at the annual rate of taxation levied from year to year, as may be required to meet budgetary requirements.(2004 Code)

§ 36.03 RENDERING OF PROPERTY.

All property shall be rendered for taxation by the owners thereof, or be assessed by the Wood County Appraisal District Chief Appraiser, or his deputies, according to law and according to this code, on forms and in the manner required and provided by the Appraisal District and as may be adopted from time to time, such property to be rendered for taxation as of January 1 of each year, for the calendar year, and shall be rendered or assessed between January 1 and March 1 of each year, as may be ordained from time to time as necessary. (2004 Code)

§ 36.04 PROPERTY TAX.

There shall be and there is levied an ad valorem tax on all property, except that which may be by the Constitution and laws exempt from taxation, within the corporate limits of the city, for the erection, construction and purchase of public buildings, streets, sewers and other permanent improvements and for the operation of the police and health regulations and the administration of the city government, and to provide an interest and sinking fund for any indebtedness of the city.(2004 Code, §36.06)

§ 36.05 ANNUAL PAYMENT OF TAXES.

All taxes assessed and becoming due shall be due and payable annually upon receipt of tax statement, but, may be paid without penalty and interest until January 31st of each year. Taxes become delinquent on February 1st of each year and accrue interest according to the laws of Texas applicable of 10%. July 1st of each year any taxes remaining delinquent accrue additional penalty as allowed by law. (2004 Code §36.04)

§ 36.06 AD VALOREM TAX EXEMPTION.

(C) The City Council may exempt from ad valorem taxation a percentage of the market value of the residence homestead of a married or unmarried adult, including one owner living alone.

(D) The percentage may not exceed 40% for the years 1982 through 1984, 30% for the years 1985 through 1987, and 20% in 1988 and each subsequent year. The City Council may by resolution set the percentage of ad valorem tax exemption for each year within the percentage guidelines set out hereinabove. However, the amount of an exemption authorized pursuant to this subsection may not be less than \$5,000 unless the legislature of the state by general law prescribes other monetary restrictions on the amount of the exemption.

(E) An eligible adult is entitled to receive other applicable exemptions provided by law.

(F) Where ad valorem tax has previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect the tax against the value of the homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created.

(G) The legislature of the state by general law may prescribe procedures for the administration of residence homestead exemptions, and these procedures will be followed by the City Council.
(2004 Code § 36.08, Ord. —, passed 9-20-1982)

§ 36.07 SALES TAX.

11 *Adoption of local sales tax.* Due to the results of a city-wide election favoring the local sales tax, a 1% local sales and use tax is adopted in the city effective October 1, 1979.
(2004 Code)

12 *Authorization of Mayor and City Secretary.* The Mayor and/or City Secretary are authorized and empowered to take such steps as may be necessary to further comply with the laws of the state in the establishment and collection of this tax and using the revenues for operation of the city government. (2004 Code)

§ 36.08 FISCAL YEAR.

(E) The ending date of the fiscal year for the city shall from the effective date hereof be October 30 of each and every year hereafter, including the year 1981.

(F) As of the effective date of the ordinance set forth in this section, the tax rate for the city shall be applied on the basis of 100% evaluation of property subject to taxation within the city.

(G) By reason of the change of the fiscal tax year as provided for in this section, the city, acting through its Collector of Taxes, shall issue notices showing taxes due which shall cover a 5-month period from May 31, 1980, until October 30, 1981. Thereafter, statements covering taxes due for 12 months shall be issued reflecting the fiscal tax year ending on October 30 of each and every year. (Ord passed 4-20-81)

§ 36.09 HOTEL/MOTEL OCCUPANCY TAX.

(C) *Establishment of tax.* Pursuant to Tex. Tax Code, § 351.002, the city establishes a hotel/motel tax in the city.

(D) *Establishment of tax rate.* Pursuant to Tex. Tax Code, § 351.003(a), the city establishes a hotel/motel tax rate of 4% in the city.

(E) *Management of funds.* Pursuant to Tex. Tax Code, § 351.101(c), all revenue received shall be credited to the Hawkins Area Chamber of Commerce and expensed by them for the promotion of tourism within the city.

(F) *Collection of funds.* The City Secretary shall be responsible for the collection of the tax and crediting it to the Hawkins Area Chamber of Commerce.

(G) *Reimbursement for collection by owners.* Pursuant to Tex. Tax Code, § 351.005, the owners of the facilities collecting the tax shall retain the maximum of 1% allowed by law for reimbursement for collection of the tax.

(H) *Penalty.* Pursuant to Tex. Tax Code, § 351.004, it shall be a criminal misdemeanor offense to fail to collect the city hotel/motel occupancy tax, fail to file a return, file a false return, or fail to make timely remittances. The maximum fine for such failure shall be \$500. If the owner or operator of the hotel/motel fails to pay the tax when due or file a report when required, the owner or operator shall pay a penalty of 7% of the tax due. If the owner or operator fails to pay the tax or file a report within 30 days after the day on which the tax was due or the report was required, he shall pay an additional penalty of 5% of the amount of the tax due. Delinquent taxes and accrued penalties draw interest at the rate of 10% a year beginning 60 days after the day on which the tax was due.
(2004 Code §36.10, Ord. 020916, passed 9-16-2002, Ord. 021021, passed 9-1-2009)

CHAPTER 37: EMERGENCY MANAGEMENT

Section

- Organization
- Emergency Management Director; powers and duties
- Emergency Management Plan
- Inter jurisdictional program
- Override
- Liability
- Commitment of funds
- Offenses

37.99 Penalty

§ 37.01 ORGANIZATION.

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

(C) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director. The City of Hawkins may also enter into an interlocal agreement Wood County, Texas for these services.

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

(E) 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. 96-07-15, passed 7-15-1996)

Emergency Management

§ 37.02 EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES.

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

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

(D) 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.

(E) Authority to declare a local state of disaster. The declaration may not be continued or renewed in excess of 7 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.

(F) 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.

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

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

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

(J) 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.

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

(L) 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.

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

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

(O) Other requirements as specified in the Texas Disaster Act of 1975, Tex. Gov't. Code, Ch. 418.
(Ord. 96-07-15, passed 7-15-1996)

§ 37.03 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 of the state. Insofar as possible, the form of organization, titles, and terminology shall conform to 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. The City of Hawkins may enter into an interlocal agreement with Wood County, Texas for the emergency management plan.
(Ord. 96-07-15, passed 7-15-1996)

§ 37.04 INTERJURISDICTIONAL PROGRAM.

The Mayor is authorized to join with the County Judge of the County of Wood and the Mayors of the other cities in the county in the formation of an inter jurisdictional emergency management program for the County of Wood and shall have the authority to cooperate in the preparation of an inter jurisdictional 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 the program may affect the city.

(Ord. 96-07-15, passed 7-15-1996)

§ 37.05 OVERRIDE.

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

(Ord. 96-07-15, passed 7-15-1996)

§ 37.06 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 results of the 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 actual, impending, or practice enemy attack or natural or man- made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission or for loss of or damage to the property of such person.

(Ord. 96-07-15, passed 7-15-1996)

§ 37.07 COMMITMENT OF FUNDS.

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

(Ord. 96-07-15, passed 7-15-1996)

§ 37.08 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.

(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 signal, or the termination of a warning, shall be deemed guilty of a violation of this chapter and shall be subject to the penalties imposed by this chapter.
(Ord. 96-07-15, passed 7-15-1996)

§ 37.99 PENALTY.

Convictions for violations of the provisions of this chapter shall be punishable by a fine not to exceed \$500.
(Ord. 96-07-15, passed 7-15-1996)

CHAPTER 38: CITY PARK REGULATIONS

38.01 Camping, Campfires, and Fireworks Prohibited

38.02 Splash Park Rules

38.03 City Park Rules and Regulations

38.04 _____

38.05 _____

38.06 _____

38.07 _____

38.08 _____

§38.01 CAMPING, CAMPFIRES, AND FIREWORKS PRHIBITTED.

City Park Ordinance No 050620 is amended. It shall be unlawful for and person to construct and ignite a campfire or to ignite any product intended as a firework in a City of Hawkins park. Park patrons are allowed to ignite fire in built in barbecue receptacles. It shall be unlawful to fail to extinguish a fire before leaving the park. Camping in the park is prohibited. Special organizational events may camp with written permits from the Mayor.

(Ord No 080317, passed 3-17-2008)

§38.02 SPLASH PARK RULES

The Hawkins City Council hereby implements the following rules for the splash park:

1. No children under 16 years of age left unattended;
2. No pets;
3. No food or drinks;
4. No glass containers;
5. No roughhousing or violent play;
6. No climbing;
7. No smoking;
8. No motor vehicles;
9. No bicycles or skateboards
- 10.No alcohol;
- 11.No toys;
- 12.Area cleared during thunder and lightning;
- 13.Swim diapers required for children under 4 years of age.

(City Council Minutes 5-20-2013) (Amended 2020 Codification)

§38.03 CITY PARK RULES AND REGULATIONS.

The City of Hawkins Council establishes the following rules and regulations relating to activities at Hawkins City Parks:

1. Hours of operation is from 5:00am to 10:00pm;
2. Glass containers are prohibited;
3. Vehicles are prohibited;
4. Firearms are prohibited;
5. Inhalants and smoking prohibited;
6. Controlled substances and alcohol prohibited;
7. Litter prohibited;
8. Campfires and Fireworks prohibited;
9. Parking prohibited;
10. Disorderly conduct prohibited;
11. Camping prohibited;
12. Soliciting prohibited;
13. Children under 16 must be supervised by an adult;
14. Proper attire required: no exposure of genitals, pubic area, buttocks, or female breasts;
15. No gambling;
16. No acts constitution nuisance;
17. No pets;
18. No drones;
19. Destruction or Defacement of park property prohibited;
20. No disturbance of natural resources.

Each violation of shall constitute a Class C Misdemeanor and upon conviction, shall be punishable by a fine of not more than \$500.

The City Council of Hawkins as the governing body shall have and shall exercise the power to establish rules and regulations the any Hawkins City Park.

The Hawkins Police Department is charged with the responsibility of enforcing the rules in order to protect the peace, health, safety, and welfare of the public.

(Ord No.050620, passed 6-20-2005) (Amended 2020 Codification)

CHAPTER 39: HAWKINS PUBLIC LIBRARY

39.01 ESTABLISHMENT OF HAWKINS PUBLIC LIBRARY

39.02 _____

39.03 _____

§ 39.01 ESTABLISHMENT OF HAWKINS PUBLIC LIBRARY

The City of Hawkins created a public library on 5-18-1991. The library is a department of the City of Hawkins.

The library shall be operate under the direction of a Board consisting of five members to be appointed by the City Council for a term of two years.

(Ord 9105018, dated 7-18-1988)

PUBLIC WORKS

- 50. UTILITIES**
- 51. GARBAGE AND TRASH**
- 52. SANITARY SEWERS**
- 53. PLUMBING STANDARDS**

CHAPTER 50: UTILITIES

Section

- (2) Reporting requirements
- (3) Examination of records

- (4) _____
- (5) _____
- (6) _____
- (7) _____
- (8) _____
- (9) _____
- (10) _____
- (11) Identity Theft Prevention Program
- (12) Drought Contingency Plan

50.99 Penalty

§ 50.01 REPORTING REQUIREMENTS.

All persons, associations, organizations, and corporations using or maintaining any telegraph, telephone, electric light or other poles, gas pipe lines, pipes and other fixtures in any of the streets, highways, easements, alleys, parks or other places within the corporate limits of the city shall on the first day of August of each and every year file with the City Secretary a sworn report showing the gross receipts from the business conducted by such persons, associations, organizations and corporations within the corporate limits of the city for the preceding year ending June 30.
 (1979 Code, § 16.20)

§ 50.02 EXAMINATION OF RECORDS.

The City Council may when it may see fit have the books and records of the person, association, or corporation rendering the statement required in § 50.01 examined by a representative of the city to ascertain whether such statement is accurate, but nothing in this chapter shall be construed to prevent the city from ascertaining the facts by any other method.
 (1979 Code, § 16.21)

§ 50.10 IDENTITY THEFT PREVENTION PROGRAM

The City of Hawkins has established an identity theft prevention program pursuant to the Federal Trade Commission's red flags rule by which all utilities are required to have an identity theft program in place. The Red Flags rule defines Identity Theft as fraud committed using the identifying information of another person. Identifying information is defined under the rule as any name or numbers that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number,

date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code. The City of Hawkins hereby states that said identity theft program will automatically renew every two years on odd numbered years on November 1st of said years.

(Ordinance No. 081117, passed 11-17-2007)

§ 50.11 DROUGHT CONTINGENCY PLAN

The City of Hawkins has set quantifiable goals for the water system. These goals are stated in the Water Conservation Plan to meet the requirements set forth by the state and federal governments.

The City of Hawkins Water Conservation and Drought Contingency Plan is set forth and adopted by Ordinance 2019-1021 dated November 18, 2019.

(Ordinance No. 2019-1021, passed 11-18-19)

§ 50.99 PENALTY.

(A) *Nonpayment of rentals.* Every person, association, organization, and corporation who shall operate any business without the payment of the rentals provided for herein shall be subject to a penalty of \$100 for each and every day that such person, association, organization, or corporation shall conduct such business using and occupying the streets, easements, alleys, or other public ways of the city, without the payment of the said rentals which said sum may be recovered by the city in a court of competent jurisdiction by a suit filed therein.

(1979 Code, § 16.28)

(B) *Failure to report.* Every person, association, organization or corporation and the local manager or agent of every such person, association, organization or corporation failing or refusing to make the report required by § 50.01 or failing or refusing to allow the examination provided for in §

50.02 shall upon conviction in the corporation court of the city be fined in any sum not to exceed \$100 and every day's failure or refusal as mentioned in this section be deemed a separate offense.

(1979 Code, § 16.29)

CHAPTER 51: GARBAGE AND TRASH

51.01 Throwing of waste

- (1) Definitions
- (2) _____

- (3) Disposal of garbage by wholesale accumulators
- (4) Disposal of large or heavy objects
- (5) Disposal of manure and oil
- (6) _____
- (7) Prohibiting placing in street
- (8) _____
- (9) Prohibiting pilfering trash cans

51.99 Penalty

§ 51.01 THROWING OF WASTE.

34 It shall be unlawful hereafter for any person to throw, sweep, rake or cause to be thrown, swept, or raked into any street or alley of the city any waste paper, boxes, leaves, trash or waste matters of any kind that will cause such street or alley to become unsightly, unclean and cause same to be a fire hazard.

35 It shall be unlawful hereafter for any person to burn any waste paper, boxes, trash, leaves or waste matters of any kind in any street or alley of the city. Only controlled burning on personal private property at that person's own liability shall be allowed so long as it does not create a fire hazard or nuisance to the public.
(1979 Code, § 8.1)

36 Such practice heretofore has caused great expense to the city and also to some individuals and is deemed wholly without cause or justification. Therefore, any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed \$200. (2004 Code)

§ 51.20 DEFINITIONS.

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

DRY KITCHEN REFUSE. The solids after the liquid or slop has been drained off.

KITCHEN GARBAGE. Dry kitchen refuse, all meat, vegetable and fruit refuse.

PREMISES. Business houses, boarding house, offices, theaters, hotels, restaurants, cafes, eating houses, tourist camps, apartments, sanitariums, rooming houses, schools, private residences, vacant lots, and all other places within the city limits where garbage, trash or rubbish accumulates in ordinary quantities.

RUBBISH. Tin cans, bottles, glass, scraps of iron, tin, wire or any other metals from any premises within the city limits.

TRASH. Paper of all kinds, rags, old clothing, paper containers, old rubber, pieces of wood, boxes, barrels, crates, feathers, weeds, and grass from any premises within the city limits.
(1979 Code, § 8.10)

§ 51.22 DISPOSAL OF GARBAGE BY WHOLESALE ACCUMULATORS.

The places of wholesale accumulations, such as killing and dressing plants for fowl, wholesale fruit and vegetable houses, storage and other places, where the daily accumulation of kitchen garbage, trash and rubbish is more than the ordinary quantities, are not included in the service furnished by the City and such places are required to remove same at their own expense. (1979 Code, § 8.12)

§ 51.23 DISPOSAL OF LARGE OR HEAVY OBJECTS.

Heavy accumulations such as brick, broken concrete, lumber, ashes, clinkers, cinders, dirt and plaster, sand or gravel, automobile frames, dead trees, and other bulky, heavy material shall be disposed of at the expense of the owner or person controlling this material.
(1979 Code, § 8.13)

§ 51.24 DISPOSAL OF MANURE AND OIL.

Manure from cow lots, horse stables, poultry yards, pigeon lofts, and waste oils from garages or filling stations shall be disposed of at the expense of the party responsible for this material.
(1979 Code, § 8.14)

§ 51.26 PROHIBITING PLACING IN STREET.

The placing of kitchen garbage, trash or rubbish or any article in any street or alley within the city limits is prohibited.
(1979 Code, § 8.16)

§ 51.28 PROHIBITING PILFERING TRASH CANS.

The meddling with garbage cans, trash or rubbish receptacles or in any way pilfering or scattering contents or junkings in any alley or street within the city limits is prohibited.
(1979 Code, § 8.18)

§ 51.99 PENALTY.

- Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.
- Any person, firm or corporation violating any of the provisions of §§ 51.20 *et seq.* shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not more than \$100, and each day such violation continues shall constitute a separate offense.
(1979 Code, § 8.19)

CHAPTER 52: SANITARY SEWERS

- Definitions
 - Compliance with existing authority
 - Approving authority requirements
 - Approving authority review and approval
 - User charge system
 - Savings clause
 - Conditions or permits
 - Power to enter property
 - Authority to disconnect service
- 52.10 Notice
- 52.11 Continuing prohibited discharges

Regulations and Requirements

- Prohibited discharges
 - Chemical discharges
 - Hazardous metals and toxic materials
 - Particulate size
 - Storm water and other unpolluted drainage
 - Temperature
 - Radioactive wastes
 - Impairment of facilities
 - Requirements for traps
 - Requirements for building sewers
 - Sampling and testing
- 52.99 Penalty

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

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

APPROVING AUTHORITY. The City Mayor or his duly authorized representative.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20 degrees Centigrade.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal (also called the house lateral and house connection).

- ***(CHEMICAL OXYGEN DEMAND).*** Measure of oxygen consuming capacity of inorganic and organic matter present in the water, or wastewater, expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

CONTROL MANHOLE. A manhole giving access to a building sewer at some point before the building sewer discharge mixed with other discharges in the public sewer.

CONTROL POINT. Point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

GARBAGE. Animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

INDUSTRIAL WASTE. Waste resulting from any process of industry, manufacturing, grade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater or distinct from normal wastewater.

INDUSTRIAL WASTE CHARGE. The charge made on those persons who discharge industrial wastes into the city's sewage system.

MILLIGRAMS PER LITER (mg/l). The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

NATURAL OUTLET. Any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

NORMAL DOMESTIC WASTEWATER. Wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 230 mg/l and BOD is not more than 250 mg/l.

OVERLOAD. The imposition of organic, or hydraulic, loading on a treatment facility in excess of its engineered design capacity.

PERSON. Any individual and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, or other legal entity.

pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

PUBLIC SEWER. Pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

SANITARY SEWER. A public sewer that conveys domestic wastewater, or industrial wastes, or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

SLUG. Any discharge of water, wastewater, or industrial waste, which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration, or flows, during normal operation.

STANDARD METHODS. The examination and analytical procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater*, as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STORM SEWER. A public sewer which carries storm and surface waters and drainage and into which domestic wastewater, or industrial wastes, are not intentionally passed.

STORM WATER. Rainfall or any other form of precipitation.

SUPERINTENDENT. The Public Works Director of the city or his duly authorized deputy, agent or representative.

SUSPENDED SOLIDS (SS). Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

TO DISCHARGE. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of or to allow, permit, or suffer any of these acts or omissions.

TRAP. A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

UNPOLLUTED WASTEWATER. Water containing:

- No free or emulsified grease or oil;
- No acids or alkalis;
- No phenols or other substances producing taste or odor in receiving water;
- No toxic or poisonous substances in suspension, colloidal states or solution;
- No noxious or otherwise obnoxious or odorous gases;
- No more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Commission of Environmental Quality; and
- Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in *Standard Methods*.

WASTE. Rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural or industrial activities.

WASTEWATER. A combination of the water carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.

WASTEWATER FACILITIES. All facilities for collection, pumping, creating, and dispensing of wastewater and industrial wastes.

WASTEWATER SERVICE CHARGE. The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

WASTEWATER TREATMENT PLANT. Any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

WATERCOURSE. A natural or man-made channel in which a flow of water occurs,

either continually or intermittently.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.02 COMPLIANCE WITH EXISTING AUTHORITY.

(D) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:

- Wastewater;
- Industrial waste; and/or
- Polluted liquids.

(E) Unless authorized by the Texas Commission of Environmental Quality, no persons may deposit or discharge any waste included in division (A) of this section on public or private property or into or adjacent to any:

- Natural outlet;
- Watercourse;
- Storm sewer; and/or
- Other area within the jurisdiction of the city.

(F) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.03 APPROVING AUTHORITY REQUIREMENTS.

(C) (1) If discharges, or proposed discharges, to public sewers may:

- Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
- Creates a hazard to life or health; or
- Create a public nuisance;

(C)The Approving Authority shall require:

- Pretreatment to an acceptable condition for discharge to the public sewer;
- Control over the quantities and rates of discharges; and
- Payment to cover the cost of handling and treating the wastes.

(D) The approving authority is entitled to determine whether a discharge, or proposed discharge, is included under division (A) of this section.

(E) The approving authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of division (A) of this section.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.04 APPROVING AUTHORITY REVIEW AND APPROVAL.

(C) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.

(D) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

(E) Any person responsible for discharges requiring pretreatment, flow equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense. (Ord. 89-06-003, passed 6-19-1989)

§ 52.05 USER CHARGE SYSTEM.

(C) Persons making discharges of industrial waste into the city system shall pay a charge to cover all costs of collection and treatment.

(D) When discharges of any waste into the city system are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:

- Terms of acceptance by the city;
- Payment by the person making the discharge fee shall be determined by Mayor and Public Works Director at the time of application;
- Sewer connection procedures and requirements shall be in accordance with the Plumbing Code as adopted by the city;
- A sewer application approved with connection fee paid; and
- Construction of sewer connections shall be approved by city inspectors prior to sewer use.

(E) Each user of the wastewater treatment system will be notified, at least annually, in conjunction with a regular sewer bill of the rate and that portion of user charges or ad valorem taxes which are attributable to the operation and maintenance of the wastewater treatment system.

(F) The city will apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

(G) The permit charge is \$5.

(Ordinance 8906003, 6-19-89)

§ 52.06 SAVINGS CLAUSE.

A person discharging wastes into public sewers prior to the effective date of the ordinance set forth in this chapter may continue without penalty so long as he:

(A) Does not increase the quantity, or decrease the quality, of discharge without permission of the approving authority;

(B) Has discharged the waste at least 12 months prior to the effective date of this chapter; and

(C) Applies for and is granted a permit no later than 150 days after the effective date of the ordinance set forth in this chapter.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.07 CONDITIONS OR PERMITS.

35 The city may grant a permit to discharge to persons meeting all requirements of the savings clause, provided that the person:

35.1 Submit an application within 120 days after the effective date of the ordinance set forth in this chapter on forms supplied by the approving authority;

35.2 Secure approval by the approving authority of plans and specifications for the facilities when required; and

35.3 Has complied with all requirements for agreements or arrangements, including but not limited to, provisions for:

- Payment of charges;
- Installation and operation of the facilities and of pretreatment facilities, if required;
- Sampling and analysis to determine quantity and strength when directed by the city;

35.4 Provides a sampling point, when requested by the city, subject to the provisions of this chapter and approval of the approving authority.

36 A person applying for a new discharge shall:

36.1 Meet all conditions of division (A) of this section; and

36.2 Secure a permit prior to discharging any waste.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.08 POWER TO ENTER PROPERTY.

35 The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this chapter.

36 Anyone acting under this authority shall observe the establishment's rules and regulations citing safety, internal security, and fire protection.

37 Except when caused by negligence or failure of person(s) to maintain safe conditions, the city shall indemnify the person(s) against loss or damage to their property by city employees and against loss or damage to their property by city employees and against liability claims and demands for personal injury, or property damage, asserted against the person(s) and growing out of the sampling operation.

38 The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:

38.20 Inspection, observation, measurement, sampling or repair;

38.21 Maintenance of any portion of the sewage system lying within the easements; and

38.22 Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

39 No person acting under authority of this provision may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.09 AUTHORITY TO DISCONNECT SERVICE.

(C) The city may terminate water and wastewater disposal service and disconnect a customer from the system when:

(1) Acids or chemicals which may damage the sewer lines or treatment process are released to the sewer potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

(2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated, or requires treatment that is not provided by the city as normal domestic treatment; or

(3) The customer:

(a) Discharges waste or wastewater that is in violation of the permit issued by the approving authority;

(b) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;

(c) Fails to pay monthly bills for water and sanitary services when due; or

(d) Repeats a discharge of prohibited wastes to public sewers in violation of §§ 52.25 through 52.33 as stated above.

(D) If service is discontinued pursuant to subsection (A)(2) of this section, the city shall:

(1) Disconnect the sewer;

(2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

(3) Continue disconnection until such time as the consumer provides pretreatment/additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes. (Ord. 89-06-003, passed 6-19-1989)

§ 52.10 NOTICE.

The city shall serve persons discharging in violation of this chapter with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.11 CONTINUING PROHIBITED DISCHARGES.

No person may continue discharging in violation of this chapter beyond the time limit provided in the notice.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.25 PROHIBITED DISCHARGES.

36 No person may discharge to public sewers any waste which by itself, or by interference with other wastes, may:

- 36.1 Injure or interfere with wastewater treatment processes or facilities;
- 36.2 Constitutes a hazard to humans or animals; or
- 36.3 Create a hazard in receiving waters of the wastewater treatment plant effluent.

37 All discharges shall conform to requirements of this chapter.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.26 CHEMICAL DISCHARGES.

(A) No discharge to public sewers may contain:

- (1) Cyanide greater than 1.0 mg/l;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than 250 mg/l;
- (4) Gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquid, solid gas or;
- (5) Substances causing an excessive chemical oxygen demand (C.O.D.).

(B) No waste or wastewater discharged to public water may contain:

- (1) Strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (2) Fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Centigrade);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement to such a degree that any such material received in the composite wastewater treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of § 52.25(A).

(C.) No waste, wastewater, or other substance may be discharged into public sewers which have a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard.

(D) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.27 HAZARDOUS METALS AND TOXIC MATERIALS.

(F) No discharges may contain concentrations of hazardous metals other than amounts specified in division (B) of this section.

(G) The allowable concentrations of hazardous metals, in terms of milligrams per liter (mg/l), for

discharge to inland waters and determined on the basis of individual sampling in accordance with *Standard Methods* are as follows:

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Arsenic	0.1	0.2	0.3

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2

<i>Not To Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily Composite</i>	<i>Grab Sample</i>
Zinc	1.0	2.0	6.0

(Note: These concentration parameters and rules governing same are promulgated under authority of Tex. Water Code, §§ 5.131 and 5.132, Hazardous Metals, and in accordance with TCEQ Rule 156.19).

(H) No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions or pretreatment, conditions, concentrations, volumes, and other applicable provisions.

(I) Prohibited hazardous materials include but are not limited to the following:

(1) Antimony;

(2) Beryllium;

(3) Bismuth;

(4) Cobalt;

(5) Molybdenum;

(6) Uranium;

(7) Rhenium;

(8) Strontium;

(9) Tellurium;

(10) Herbicides;

(11) Fungicides; and

(12) Pesticides.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.28 PARTICULATE SIZE.

11 No person may discharge garbage, or other solids, into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than ½ inch in any dimension are prohibited.

12 The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horse power (0.76 h.p. metric) or greater. (Ord. 89-06-003, passed 6-19-1989)

§ 52.29 STORM WATER AND OTHER UNPOLLUTED DRAINAGE.

13 No person may discharge to public sanitary sewers:

13.10 Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;

13.11 Unpolluted cooling water;

13.12 Unpolluted industrial process waters;

13.13 Other unpolluted drainage, or make any new connections from inflow sources.

14 In compliance with the TCEQ and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in division (A) of this section may be discharged.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.30 TEMPERATURE.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of 10 degrees Fahrenheit or more per hour, or a combined total increase of plant influent to 110 degrees Fahrenheit. (Ord. 89-06-003, passed 6-19-1989)

§ 52.31 RADIOACTIVE WASTES.

(H) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(I) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers. (Ord. 89-06-003, passed 6-19-1989)

§ 52.32 IMPAIRMENT OF FACILITIES.

(H) No person may discharge into public sewers any substance capable of causing:

- Obstruction to the flow in sewers;
- Interference with the operation of treatment processes of facilities; or
- Excessive loading of treatment facilities.

(I) Discharges prohibited by division (A) of this section include, but are not limited to, materials which exert or cause concentration of:

- Inert suspended solids greater than 250 mg/l, including but not limited to:
 - Fuller's earth;
 - Lime slurries; and
 - Lime residues;
- Dissolved solids greater than 850 mg/l, including, but not limited to:
 - Sodium chloride; and
 - Sodium sulfate;
- Excessive discoloration, including, but not limited to:
 - Dye wastes; and
 - Vegetable canning solutions; or
- BOD, COD, or chlorine demand in excess of normal plant capacity.

(J) No person may discharge into public sewers any substance that may:

- Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;

- Overload skimming and grease handling equipment;
- Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the non amenability of the substance to bacterial action; or
- Deleteriously affect the treatment process due to excessive quantities.

(K) No person may discharge any substance into public sewers which:

- Is not amenable to treatment or reduction by the processes and facilities employed; or
- Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(L) The approving authority shall regulate the flow and concentration of slugs when they may:

- Impair the treatment process;
- Cause damage to collection facilities;
- Incur treatment costs exceeding those for normal wastewater; or
- Render the effluent unfit for stream disposal or industrial use.

(M) No person may discharge into public sewers solid or viscous substances which may violate division (A) of this section if present in sufficient quantity or size, including but not limited to:

- Ashes;
- Cinders;
- Sand;
- Mud;
- Straw;
- Shavings;
- Metal;
- Glass;
- Rags;
 - Feathers;
 - Tar;
 - Plastics;
 - Wood;
- Underground garbage;
- Whole blood;
- Paunch manure;
- Hair and fleshings;

- Entrails;
- Paper products, either whole or ground by garbage grinders;
- Slops;
- Chemical residues;
- Paint residues; or
- Bulk solids.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.33 REQUIREMENTS FOR TRAPS.

(I) Discharges requiring a trap include:

- Grease or waste containing grease in amounts that will impede or stop the flues in the public sewers;
- Oil;
- Sand;
- Flammable wastes; and
- Other harmful ingredients.

(J) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:

- Provide equipment and facilities of a type and capacity approved by the approving authority;
- Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
- Maintain the trap in effective operating condition.

(Ord. 89-06-003, passed 6-19-1989)

§ 52.34 REQUIREMENTS FOR BUILDING SEWERS.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

(D) Install an accessible control manhole;

(E) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and Install safety equipment and facilities (ventilation, steps and the like) where needed;

(F) Maintain the equipment and facilities.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.35 SAMPLING AND TESTING.

(F) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. (Note: The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 140-hour composites of all outfall. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease.

(G) Examination and analyses of the characteristics of waters and wastes required by this chapter shall be:

(1) Conducted in accordance with the latest edition of *Standard Methods*; and

(2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(H) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

(I) The approving authority shall determine which users or classes of users may contribute wastewater which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow BOD, TSS and pH at least annually.

(J) The city may select an independent firm or laboratory to determine flow, BOD, and suspended solids, if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.
(Ord. 89-06-003, passed 6-19-1989)

§ 52.99 PENALTY.

(P) *General.*

- A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200 for each act of violation and for each day of violation.

- In addition to proceeding under authority of division (A) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

(Q) *Failure to pay.* In addition to sanctions provided for by this chapter, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(R) *Penalty for criminal mischief.* The city may pursue all criminal and civil remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.
(Ord. 89-06-003, passed 6-19-1989)

CHAPTER 53: PLUMBING STANDARDS

§ 53.01 PLUMBING CODE.

The City of Hawkins hereby adopts the International Plumbing Code, 2015 Edition, as the official code for plumbing in the city limits.

TRAFFIC CODE

38 **GENERAL PROVISIONS**

39 **TRAFFIC REGULATIONS**

40 **PARKING REGULATIONS**

CHAPTER 70: GENERAL PROVISIONS

Section

- (5) Definitions
- (6) Duty of police
- (7) Damaging signs
- (8) Power to erect stop signs
- (9) Size of stop signs

70.99 Penalty

§ 70.01 DEFINITIONS.

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

LOADING ZONE. A section or space of the curb or adjacent street, set aside for exclusive use of loading or unloading of persons, merchandise, supplies and/or materials.

OPERATOR. Every individual who shall operate a vehicle as the owner thereof or as the agent, employee or permittee of the owner.

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise.

PARKING ZONE. Certain parts of the streets of the city that are herein, and that may hereafter be designated by the City Council and restricted to certain time limits for the parking of vehicles; and in case of creation of additional parking zones or spaces, the City Police is authorized to have installed appropriate signs and establish spaces in accord with the provisions hereof.

PERSONS. An individual who shall operate a vehicle as an individual or for a corporation, firm or partnership.

STREET and HIGHWAY. Any public street, alley or avenue located in the city and established and used by vehicles.

VEHICLE. Any device in, upon or by which any person or property is or may be transported upon a street or highway, except those operated upon rails or tracks.
(1980 Code, § 15.1)

§ 70.02 DUTY OF POLICE.

It shall be the duty of the police to enforce the provisions of this title, to determine the method necessary to enforce the provisions of this title, to give the location at which any vehicle is over parked as provided herein, the state vehicle license number, the make of the vehicle, the time and the date of such over parking and issue in writing on a form provided

by the city a notice to the operator to appear and answer the charge of over parking, such a notice to be furnished and fastened in a conspicuous place on such vehicle, unless the operator or an occupant be present for delivery thereof.

(1980 Code, § 15.5)

§ 70.03 DAMAGING SIGNS.

It shall be unlawful and an offense for any unauthorized person to deface, injure, tamper with, or willfully break, destroy or impair the usefulness of any signs or markers installed under the terms hereon, or any section in this code.

(1980 Code, § 15.9)

§ 70.04 POWER TO ERECT STOP SIGNS.

The city shall within the enactment of this title have the power to erect and maintain stop signs at any intersection within the corporate limits and that said stop signs shall impose a duty on any vehicular traffic facing said stop sign to bring their vehicle to a complete stop prior to entering said intersection whether for the purpose of crossing said intersection or turning into the connecting street. (1980 Code, § 15.20)

§ 70.05 SIZE OF STOP SIGNS.

The stop signs shall be red and white in color and no smaller than 18 inches in diameter and installed according to state regulations.

(1980 Code, § 15.21)

§ 70.99 PENALTY.

(J) Any firm, person or corporation who shall violate any provisions of this title, with the exception of §§ 70.04 and 70.05, shall, upon conviction, be deemed guilty of a misdemeanor and fined in any amount not to exceed \$100.

(1980 Code, § 15.12)

(K) Any person who shall violate any of the provisions of §§ 70.04 or 70.05 or shall fail to comply therewith or with any of the requirements thereof shall be deemed guilty of a misdemeanor and shall be liable to a fine, and upon conviction of any such violation shall be fined in any sum of not more than \$200.

(1980 Code, § 15.22)

CHAPTER 71: TRAFFIC REGULATIONS

Section

- 12.1 Running over fire hoses
- 12.2 Use of motor brakes
- 12.3 Speed limits

§ 71.01 RUNNING OVER FIRE HOSES.

15 *Driving over hoses.* No person shall drive or propel his automobile, truck or other vehicle or traffic over and across any portion of fire hose belonging to the city at any time whether the fire hose is being used at the time and place for the purpose of extinguishing a fire or is being placed on the ground for any purpose deemed necessary by the City Council, for the protection of property of citizens of the city or other persons having property within the city at the time and place of the violation.
(1980 Code, § 15.50)

16 *Damaging fire hoses.* It shall hereafter be unlawful for any person to purposely damage or molest any fire hose owned by the city whether the same is in use at the time and place of the violation or not.
(1980 Code, § 15.51)

17 *Penalty.* Any person, firm or corporation that violates any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed the amount of \$100. Each time this section is violated shall constitute a separate offense.
(1980 Code, § 15.52)

§ 71.02 USE OF MOTOR BRAKES.

(J) The use of motor brakes is hereby restricted within the city in an attempt to reduce noise, prevent destruction of pavement and facilitate lower speeds within the downtown and thru traffic corridors.

(K) Any person, firm or corporation violating any provisions of this section or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$500.
(Ord. 031020, passed 10-20-2003)

§ 71.03 SPEED LIMITS.

(N) Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Tex. Trans. Code, § 545.356, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are fixed at a rate of speed indicated for vehicles traveling upon named city streets.

(O) Any person, firm or corporation violating any provisions of this section or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$200.
(Ord. —, passed 4-2-1980; Ord. 90-12-013, passed - - 1990; Ord. 94-01-22, passed 1-17-1994; Ord. 020520, passed 5-20-2002)

CHAPTER 72: PARKING REGULATIONS

Section

- _____
- _____
- _____
- Parking within lines
- Loading zones
- Days and times in effect

§ 72.04 PARKING WITHIN LINES.

(S) Any vehicle parked in any parking space, in any parking zone, or space shall be parked parallel with the sidewalk or at an angle thereto in accord with the lines marked on the street or curb indicating the direction for parking in such place, if the line be drawn on the street, or painted at angles to the sidewalk, then such vehicle shall park within such lines and at an angle to the sidewalk indicated by such lines.

(T) It shall be unlawful and an offense to park any vehicle across any such lines or marks or to park the vehicle in such way that the same shall not be within the area designated by such lines or markings. (1980 Code, § 15.6)

§ 72.05 LOADING ZONES.

(D) The City of Hawkins is authorized to establish such loading zones as are necessary for the conduct of business and to omit parking from such loading zones as are necessary for the conduct of business during the regular business hours of the day, Sunday excepted.

(E) Such loading zones shall be properly marked, and no vehicle shall stand or park in a loading zone for the purpose of loading or unloading passengers for a period of time greater than 10 minutes.

(F) The use of loading zones for the loading or unloading of merchandise shall be confined to the handling of heavy and bulky materials.

(G) All such loading or unloading must be performed in an expeditious manner, and no vehicle may remain in a loading zone for a period of time greater than is necessary to expeditiously load or unload the same, nor while the operator is soliciting or engaged otherwise than in loading or unloading of the vehicle, except that a reasonable time shall be allowed for the procuring of a receipt for delivery. (1980 Code, § 15.7)

§ 72.06 DAYS AND TIMES IN EFFECT.

The use of said zones and parking spaces and the enforcement of same shall apply between the hours of 9:00 a.m. and 5:00 p.m. on every Monday through Saturday, inclusive, and shall not be effective at any time from 5:00 p.m. on each Saturday until 9:00

a.m. the following Monday and shall not apply on legal holidays as agreed upon and set by the Retail Merchants Association of Wood County.(1980 Code, 15.8)

GENERAL REGULATIONS

Chapter

- 91. FIRE PROTECTION AND PREVENTION
- 92. OIL AND GAS
- 93.
- 94. STREETS AND SIDEWALKS
- 95.
- 96. ANIMALS
- 97. ENVIRONMENTAL HEALTH CODE
- 98. STREET NUMBER REQUIREMENTS
- 99. OUTDOOR BURNING

CHAPTER 91: FIRE PROTECTION AND PREVENTION

Section

General Provisions

- 91.00 Burn Ban Ordinance
- 91.1 Current Life Safety Code and Fire Prevention Code
- 91.2 Fireworks
- 91.3 Creation of Hawkins Volunteer Fire Department
- 91.4 Appointment of Fire Department Officers and Authority of Chief and City Council
- 91.5 Texas Emergency Services Retirement System
- 91.6

Fire Limits

- 91.60 Establishing location of fire limits
- 91.61
- 91.62
- 91.63 Building Permit Required
- 91.64
- 91.65
- 91.99 Penalty

GENERAL PROVISIONS

§ 91.00 BURN BAN ORDINANCE.

An ordinance of the City of Hawkins providing for restrictions of outdoor burning during specific drought related conditions in the incorporated limits of the City of Hawkins. The City of Hawkins orders a city limits prohibition on outdoor burning and/or fireworks effectuated by the Hawkins City Council, to run concurrently with a county burn ban. A city burn ban shall be in effect within the city limits immediately upon the declaration of a county burn ban. No further action shall be required of the Council in the future.

Any person violating the burn ban ordinance shall be charged with a Class C Misdemeanor and upon conviction fined a sum not to exceed \$500.00.

The ordinance shall be enforced by the Hawkins Police Department.
(Ord 180813 dated 8-13-18) (LGC Chapter 52)

§ 91.01 CURRENT LIFE SAFETY CODE AND FIRE PREVENTION CODE.

It is the desire of the City Council to adopt in all respects the current version of the Life Safety Code and the current version of the Fire Prevention Code; and to facilitate proper construction and maintenance of buildings within the city and relating to public safety, health and general welfare.

The City of Hawkins wishes to have the current version in place at all times; therefore, all future revisions of codes shall be automatically adopted as they are revised as though they were copied herein fully.
(Ord. 020218, passed 2-18-2002)

§ 91.02 FIREWORKS.

(A) *Prohibited areas for fireworks.* No person shall cast, throw or fire any squib, firecracker, torpedo, sky rocket, roman candle or similar thing any place within the city limits of the City of Hawkins.
(1979 Code, § 9.10)

(B) *Penalty.* Any person violating any provisions hereof shall be fined in any sum not less than \$1 or than \$100. Also, violators will be liable for all damages. (1979 Code, § 9.13)
(Ord dated 11-19-18945; Reaffirmed 12-7-1978)

§ 91.03 CREATION OF HAWKINS VOLUNTEER FIRE DEPARTMENT

The City of Hawkins established a volunteer fire department in 1942. Per Texas Local Government Code

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§342.004 the City may form a fire department consisting of fire companies, a chief, and assistant engineers a department of the City. The fire department shall maintain engines and other fire protection equipment.

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(LGC 342.004) (Resolution 160321 3-21-16 reaffirms fire department)

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§ 91.04 APPOINTMENT OF FIRE CHIEF AND OTHER OFFICERS OF THE FIRE DEPARTMENT AND AUTHORITY OF FIRE CHIEF AND HAWKINS CITY COUNCIL

The Hawkins Volunteer Fire Department, a department of the City of Hawkins, is provided funding by the City of Hawkins. The Fire Chief, Assistant Fire Chief, Captains and Secretary-Treasurer of the Hawkins Volunteer Fire Department shall be chosen from applications submitted for the positions and appointment by the Hawkins City Council. Lieutenants and other necessary officers will be appointed by the Fire Chief pursuant to positions established by the Constitution and By-laws.(Ord 160701 dated 7-1-16) (LGC 342.004)

The Fire Chief shall have authority to assure discipline among the firemen by ordinance pursuant to LGC 342.004. The Fire Chief shall have the power to demote, suspend, or expel any officer or fireman for Neglect, refusal to perform his/her departmental duties, and/or for causing disruption in the discipline of the Department subject to an appeal to the Hawkins City Council. The demotion, suspension, or expulsion shall Take effect immediately and is subject to a reversal after a hearing before the Council. (Ord 160722, dated 7-22-16) (LGC 342.004)

The Hawkins City Council has final control over the Fire Department. (Ord 160729 dated 7-29-16) (LGC Chapter 51, 52, and 342.004)

§ 91.05 TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM BOARD

The City of Hawkins desires to have their fire fighters participate in TESRS. The TESRS Local Board For the City of Hawkins Volunteer Fire Department is hereby formed pursuant to the provisions of Texas Government Code 865.012.

(Ord 160919, dated 9-19-16) (Government Code Chapter 865)

FIRE LIMITS

§ 91.60 ESTABLISHING LOCATION OF FIRE LIMITS.

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The fire limits of the city shall be as follows: beginning at a point on the north boundary line of Blackburn Street at a point the SE corner of Hawkins Independent School lot; thence in a southerly direction across Blackburn Street to a point the NE corner of Block 23 of the original Hawkins town site; thence south along the east boundary line of Block 23, the west boundary line of Rock Street to a point at the intersection of Rock Street with Highway 80, the SE corner of Block 23; then south across Highway 80 property and across the T & P Ry. Co. property, at the NE corner of Block 26 of the Hawkins town site for corner; thence south 80 degrees and 40 feet east along the south boundary line of the T & P Ry. Co. property across the north boundary line of Block 27, Hawkins town site, continuing across Beulah Street continuing along the north boundary line of Block 28, Hawkins town site, continuing across Green Street to a point on the east boundary line of Green Street, the NW corner of Block 29, Hawkins town site; then north across said R.R. Co. property and the highway property to a point on the north boundary line of said highway property, to a point on the north

boundary line of the highway property, the SW corner of Block 20, and continuing north across Blackburn Street, at the southwest corner of Block 7, Hawkins town site, from corner thence westerly direction across Green Street, at the SE corner of Block 6, Hawkins town site, continuing west along the south boundary line of Block 6 to a point on the southwest corner of Block 6, continuing across Beulah Street to a point at the SE corner of Block 5, Hawkins town site, continuing along the south boundary line of Block 5 to a point at the SW corner of Block 5; thence westerly across Rock Street to the place of beginning.
(1979 Code, § 7.30) (Ord 9-2-1941)

§91.63 BUILDING PERMITS REQUIRED.

The fees for building permits are \$.20 (twenty cents) per square foot; heating and cooled for residences and \$.20 (twenty cents) per square foot for out buildings. All permits have a minimum fee of \$50.00. All building permits are issued by the Hawkins City Council.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(Amended effective 5-30-2019.)

§ 91.99 PENALTY.

Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.
(1979 Code, § 7.39)

CHAPTER 92: OIL AND GAS

92.1 Fire Extinguisher Requirement

92.2

92.3

92.4 Distribution of natural gas

Liquefied Petroleum Gas

92.20 Definitions

92.21

92.22 Compliance with law; installing tanks, containers and equipment

92.23

92.24

92.25

92.26

92.27

92.28

92.29

92.30

92.31 Licensed person to adjust container devices

92.32 Storage inside buildings

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92.34

92.37 Vehicle Parking Restrictions

GENERAL PROVISIONS

§ 92.01 FIRE EXTINGUISHER REQUIREMENT.

(A) It shall be unlawful for any person, firm or corporation within the corporate limits of the city to operate any oil well, gas well or tank battery in connection with the producing and storing of oil from any oil well, without at the same time having on hand in convenient places for fighting fires originating at or that may spread to any such oil well, gas well or tank battery, all ample and sufficient and appropriate chemicals for smothering or extinguishing fires and the necessary fire fighting equipment for effectively using such chemicals in the fighting of fires.
(1979 Code, § 12.1)

(B) Anyone guilty of the acts listed in division (A) of this section shall upon conviction be guilty of a misdemeanor and shall be fined in any sum not to exceed \$100, and each day this section continues to be violated shall be deemed a separate offense.
(1979 Code, § 12.2)

§ 92.04 DISTRIBUTION OF NATURAL GAS.

(A) *Distributing natural gas in city limits.* It shall be unlawful for any person, firm or corporation not having a franchise from the city to distribute natural gas within the city for domestic or commercial use.
(1979 Code, § 12.30)

(B) *Franchises from city.* It shall likewise be unlawful for any person, firm or corporation to make or maintain connection with a residue gas line or any other natural gas line for the purpose of obtaining natural gas for domestic or commercial purpose unless the owner or operator of the residue gas line or other natural gas line has a franchise from the city to distribute natural gas within the city for domestic and commercial purposes.
(1979 Code, § 12.31)

(C) *Use of public streets.* It shall be unlawful for any person, firm or corporation to use any public street, park, alley, road, thoroughfare, highway, sidewalk, bridge, public ground, or other public property for any of the activities prohibited in divisions (A) and (B) of this section.
(1979 Code, § 12.32)

(D) *Gas lines.* The maintenance and use of residue gas lines and natural gas for lease operation purposes, except gas for residential or commercial use, is not prohibited thereby.
(1979 Code, § 12.33)

(E) *Providing gas to employees.* It shall be unlawful, notwithstanding the provisions heretofore set forth for the owner or operator of a residue gas line or other natural gas line to distribute natural gas to the residence or residences of 1 or more of its employees so long as the holder of a franchise for the distribution of natural gas is unable for economic reasons to furnish service. When service is subsequently provided the above described residence or residences shall disconnect from the residue lines or other natural gas lines and connect to the gas line of the franchise holder.
(1979 Code, § 12.34)

(F) *Penalties.* Any person, firm, or corporation who shall violate any of the provisions of this section shall, upon conviction thereof, be fined not less than \$25, nor more than \$100 for each such offense.
(1979 Code, § 12.35)

LIQUEFIED PETROLEUM GAS

§ 92.20 DEFINITIONS.

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

APPROVED. Approved by the Railroad Commission as the result of investigation and tests conducted under supervision, or by reason of accepted principles established by test by recognized authorities, technical or scientific organizations.

LIQUEFIED PETROLEUM GAS. Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene, butanes (isobutane or normal butane), and butylenes.

PREMISES. The grounds, as well as all buildings and appurtenances pertaining thereto, and any adjacent premises, if directly or indirectly under the control of the same person.

RAILROAD COMMISSION. The Railroad Commission of the state or regularly authorized deputy or agent thereof.

VEHICLE. All automobiles, trucks and trailers, and all appurtenances thereto.

(Ord. 96-09-27, passed 9-16-1996)

§ 92.22 COMPLIANCE WITH LAW; INSTALLING TANKS, CONTAINERS AND EQUIPMENT.

(A) *Generally.* No person shall keep, store, retain, handle, haul, transport, dispense, distribute, use or consume within the city any liquefied petroleum gas except upon full compliance with the requirements of the state.

(B) *Installing tanks, containers and equipment.* All tanks, containers and appurtenant equipment installed for use within the city for the purpose of providing liquefied petroleum gas for industrial, commercial and domestic uses shall be designed, constructed, equipped and installed in a manner as required by the laws of the state and all special regulations of the Railroad Commission as now or hereafter promulgated in conformity with the laws of the state.

(Ord. 96-09-27, passed 9-16-1996)

§ 92.32 LICENSED PERSON TO ADJUST CONTAINER DEVICES.

Adjustments, changes or alterations in the accessories, devices, regulators and safety devices of liquefied petroleum gas containers shall not be made except by persons licensed to do such work.

(Ord. 96-09-27, passed 9-16-1996)

§ 92.33 STORAGE INSIDE BUILDINGS.

No liquefied petroleum gas shall be stored or retained inside of any structure within the city except in Interstate Commerce Commission containers in sizes of 16 pounds of gas or less.

(Ord. 96-09-27, passed 9-16-1996)

§ 92.37 VEHICLE PARKING RESTRICTIONS.

No vehicle containing liquefied petroleum gas shall be parked or stored on the streets, alleys, public thoroughfares or at any other point except on premises owned or leased by the owner of such vehicle and approved as permanent tank locations; provided, however, the vehicle may be parked at the point where the commodity is to be delivered and such delivery is made without undue delay.

(Ord. 96-09-27, passed 9-16-1996)

CHAPTER 94: STREETS AND SIDEWALKS

Section

- Definitions
- Erection of private property

General Provisions

- Placement of mailboxes on city easement

Parading

- a. Permit requirement
- b. Protection by police
- c. Throwing of Candy prohibited

94.99 Penalty

GENERAL PROVISIONS

§ 94.01 DEFINITIONS.

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

CITY STREET. The entire width of a way held by the city in fee or by easement or dedication that has a part open for public use for vehicular travel.

ROADWAY. The portion of a city street that is improved, designed, or ordinarily used for vehicular travel. The term does not include a curb, berm, or shoulder.

SIDEWALK. The portion of a city street between the curb lines or lateral lines of a roadway and the adjacent property lines that is improved and designed for or is ordinarily used for pedestrian travel. (Ord. 030914, passed 9-15-2003)

§ 94.02 ERECTION OF PRIVATE PROPERTY.

Without the expressed permission of the city:

14. Private property may not be placed, erected or arranged temporarily or permanently on a sidewalk or the roadway of a city street;

15. Private property may not be placed, erected or arranged permanently on the easement of a city street;

16. Private property may not be placed, erected or arranged temporarily or permanently in such a manner that it forces those using it to have to be in the roadway of a city street or blocking the roadway or sidewalk when using it.
(Ord. 030914, passed 9-15-2003)

§ 94.03 PLACEMENT OF MAILBOXES ON CITY EASEMENT.

Mailboxes may be erected on the city easement, provided:

7. The city is notified in order to locate the position and depth of utility lines before it is erected;

8. No part of the mailbox hangs over any part of the roadway of the street, shoulder or curb;

9. No part of the mailbox hangs over the sidewalk or interferes with passage along the sidewalk;

10. In the event the mailbox has to be taken down for utility repair and/or construction, the owner will put the mailbox back at his own expense and/or effort.
(Ord. 030914, passed 9-15-2003)

PARADING

§ 94.20 PERMIT REQUIREMENT.

A permit is necessary for all parading on city streets due to the fact that the city has been confronted with traffic jams on city streets and it is to the welfare of the individuals as well as the city to receive permission for a parade or any marching within the city.

This is also a fire safety measure and the firefighters must be on the alert for the parade.
(1979 Code, § 11.10)

§ 94.21 PROTECTION BY POLICE.

Following a permit, the Chief of Police will be on hand to protect the persons marching from any vehicles that may be passing.
(1979 Code, § 11.11)

§ 94.22 THROWING OF CANDY PROHIBITED.

The unsafe act of throwing candy and or other items into City streets, which entices children to run into the street after said items is prohibited in the City of Hawkins, Texas.
(Ord No. 050919, passed 9-19-2005)

§ 94.99 PENALTY.

(3) Whoever shall violate any provision in this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(4) Any person, firm or corporation violating any provisions of §§ 94.01 through 94.03 or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$500.
(Ord. 030914, passed 9-15-2003)

CHAPTER 96: ANIMALS

Section

- Definitions

General Provisions

- Enforcement; authority for Animal Control Officer to issue citations
- Designation and operation of animal shelter
- Fees
- Limitation of Dogs Owned
- Authority to impound or destroy certain animals
- Reclaiming of impounded animals
- Leashing and confinement
-
- Care and treatment of animals offered for sale/trade
- Designation of local health authority; duties
- Reporting animal bites and attacks
- Rabies vaccination required
- Quarantine; authority to; animals subject to; death of animals subject to; disposition of animals subject to
- Immunity from damages

Prohibited Acts

- Stray animals unlawful; declared a public nuisance
- Noise; disturbing the peace
- Livestock, fowl and swine regulations; exceptions
- Dangerous dogs and dangerous wild animals prohibited
- Cruelty to animals prohibited
- Trapping prohibited; impoundment of traps; exceptions
- False reports; interference with Animal Control Officer in performance of duties; false information on citation
- Failure to vaccinate and register dogs and cats prohibited
- Failure to report animal bite or attack
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- Property damaged or destroyed by animals prohibited
- Public health and safety

Dangerous Animals

- (13) Definitions
- (14) Dangerous animals; exceptions
- (15) Guard dogs; penalty for failure to comply
- (16) Authority to destroy if found running at large
- (17) Authority to require removal from city; appeals from orders of removal

- (18) Failure to remove; grounds for impoundment or destruction
- (19) Owner to report disposition and relocation; penalty
- (20) Search and seizure warrants authorized

GENERAL PROVISIONS

§ 96.01 DEFINITIONS.

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

ABANDONMENT. To give up interest in or to forsake.

ANIMAL. Any warm blooded vertebrate creature, domestic or wild, excluding the human species.

ASTRAY or **STRAY.** Any animal running free with no physical or other restraint, whether on or off the owner's property.

CAT. Any domesticated member of the family felis catus, male or female, neutered or spayed, excluding hybrids.

CURRENT RABIES VACCINATION. Thirty days have elapsed since the vaccination was given.

DANGEROUS ANIMAL. Shall mean:

- 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; or
- 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 bite human beings or other animals; or
- 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; or
- Any animal that commits an 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; or
- Any individual domestic animal of any species that has on previous occasion or occasions, with or without provocation, attacked, bitten, or mauled any person or other domestic animal.

DOG. Any domesticated member of the family canis familiaris, male or female, neutered or spayed, excluding hybrids.

FEE. A monetary charge imposed by the city for services.

FOWL. Any heavy bodied terrestrial bird of the order Galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys, grouse, guineas, or other common domestic fowl, but not including caged pet birds kept in a building and not a fowl defined herein.

HUMANELY DESTROYED. To cause the death of an animal by a method which rapidly produces death with no visible evidence of pain or distress.

LIVESTOCK. All types of domesticated horses, cows, swine, sheep and goats or hybrids of same.

LOCAL HEALTH AUTHORITY. The Chief of Police or anyone designated by him to act in his place.

OBSERVATION PERIOD. The 10 days following an animal bite incident during which the biting animal's health status must be monitored.

OWNER. Any person, corporation, partnership, trust, or association or other entity owning, keeping, or harboring an animal or who has custody or control of same, or permits a stray animal to remain on or about his premises.

PERSON. Any individual, corporation, partnership, trust, association or other legal entity.

QUARANTINE. Strict confinement under restraint by closed cage at the City Animal Shelter under the supervision of the cities local health authority and/or Animal Control Officer.

RABIES. An acute viral disease of man and animals affecting the central nervous system and being transmitted through the bite of a rabid animal.

RABIES VACCINATION. The anti-rabies vaccine approved by the United States Department of Agriculture for use on domesticated animals (primarily dogs and cats) and administered by a veterinarian licensed by the State of Texas.

REPTILE. Any vertebrate of the class Reptilia that crawls or moves on its belly or on small short legs.

RESTRAINT. An animal shall be deemed to be restrained when it is:

(C) Confined on the premises of the owner within a fence or enclosure; or

(D) Fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises of the owner; or

(E) Under the control of a person by means of a harness, leash, chain, or similar device attended by a person of sufficient strength to prevent the animal from running at large; or

(F) On or within a vehicle being driven or parked; or

(G) At heel beside or otherwise controlled and obedient to a person competent to restrain the animal by command.

RUNNING AT LARGE. An animal off the premises of the owner and not under physical restraint of the owner.

WILD ANIMAL. Any animal not normally considered domesticated, that is wild by nature, which because of habit, mode of life, or natural instinct, is not capable of being completely domesticated, and requires the exercise of art, force or skill to keep it in subjection; and is dangerous by nature, capable of inflicting serious injury, death or disease to humans, and is more likely to do so than a domesticated animal.
(Ord. 91-03-014, passed 9-19-1994)

§ 96.02 ENFORCEMENT; AUTHORITY FOR POLICE TO ISSUE CITATIONS.

(D) Enforcement of this chapter shall be the responsibility of the Chief of Police.

(E) The Police shall have the authority to issue citations for any violation of this chapter. If the person being cited is not present, the police may send the citation to the alleged offender by registered (signature required) mail.
(Ord. 91-03-014, passed 3-14-91 sec 4.1.0)

§ 96.03 DESIGNATION AND OPERATION OF ANIMAL SHELTER.

37 The city shall establish and maintain facilities for impoundment, quarantine, maintenance, shelter and destruction of unclaimed, astray, or dangerous animals.

38 The Chief of Police shall ensure that the facilities, at all times, comply with the standards and regulations established by the Texas Department of Health.

39 The police shall require proof of rabies vaccination, and if a city resident, prior to the release of any dog or cat. In the absence of a current rabies vaccination the police shall:

39.20 Issue a citation for FAILURE TO VACCINATE AGAINST RABIES; and

39.21 Collect the current shelter fees; and

39.22 Require owner to sign AGREEMENT TO VACCINATE form;

40 All impounded dogs and cats, unless otherwise provided for in this chapter, which have not been redeemed within 72 hours after their impoundment shall be:

40.20 Adopted out to a new owner, who shall pay the current fees and otherwise comply with this chapter; or

40.21 Humanely destroyed and the carcass disposed of in an approved

manner. (Ord. 91-03-014, passed 3-14-91 sec 4.1.2)

§ 96.04 FEES.

(F) The various fees charged by the City Animal Shelter shall be set by the City Council and may be amended at any time at their discretion.

(G) The owner of any animal impounded in violation of this chapter shall have the right to redeem his animal (within the time frame set forth in § 96.03(D)) unless otherwise prohibited by this chapter, upon payment of the current Animal Shelter fees and otherwise complying with this chapter. (Ord. 91-03-014, passed 3-14-91 sec 4.4.3)

§ 96.05 LIMITATION OF DOGS OWNED.

It shall be unlawful for any person within the city to own, keep, or harbor more than four (4) dogs or any combination thereof over three months of age at any one address or location within the city. This section shall not apply to veterinarians, kennel operators, or pet shop operators . (Ord 91-03-014, sec 4.1.4(6))

§ 96.06 AUTHORITY TO IMPOUND OR DESTROY CERTAIN ANIMALS.

53 The Chief of Police, or other designee is authorized to:

53.10 Impound any animal (other than livestock) found running at large or astray within the city limits; or

53.11 Impound any animal being kept in violation of this chapter; or

53.12 Impound and immediately destroy any animal which is diseased and thereby endangers the health of a person or other animals; or

53.13 Impound any animal which has bitten a human or which has acted in a dangerous manner as described herein; or

53.14 Immediately destroy an animal posing an imminent danger to persons or property under circumstances of emergency; or

53.15 Impound and immediately destroy an animal that is injured to a degree presenting little or no likelihood of recovery.

54 If an animal is found running astray upon the premises of any person, the owner or occupant thereof shall have the right to confine the animal temporarily, in a humane fashion, pending notification and response of the police or other authority. When so notified, it shall be the duty (during regular working hours) of the police to take possession and impound the animal in accordance with this chapter.

55 The impoundment of livestock by the city is prohibited and notification shall be made to the Wood County Sheriff's Department for removal and impoundment.
(Ord. 91-03-014, passed 3-14-91 sec 4.1.5)

§ 96.07 RECLAIMING OF IMPOUNDED ANIMALS.

(C) *Animals impounded generally.* The owner can resume possession of any impounded animal (except where prohibited by this chapter) upon payment of the current Animal Shelter fees, any veterinarian fees incurred by the Animal Shelter for the welfare of the animal and upon compliance with the vaccination and registration provisions of this chapter.

(D) *Animals impounded for mistreatment.* Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(E) *Animals impounded for quarantine.* If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine; thereupon, the owner can resume possession under the provisions of division (A) of this section.

(F) *Adoption of impounded animals.* Any animal may be given up for adoption after 120 hours of confinement, except those under quarantine.
(Ord. 91-03-014, passed 9-19-1994)

(G) An owner may also authorize the adoption of an unwanted animal prior to the expiration of 72 hours by signing a waiver.
(Ord. 91-03-014, passed 3-14-91 sec 4.1.6)

§ 96.08 LEASHING AND CONFINEMENT.

(C) It shall be unlawful for the owner of any dog, or other animal to permit such dog, or other animal to run at large within the city limits.

(D) Dogs shall be deemed leashed and confined when in compliance with restraint, as defined in § 96.01.
(Ord. 91-03-014, passed 9-19-1994 sec 4.1.7)

§ 96.11 CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE/TRADE.

All persons offering animals for sale or trade within the corporate city limits shall comply with the following provisions for the care and treatment of such animals.

(G) *Feed and water.*

- Water and food shall be free of contamination, and receptacles shall be clean and sanitary.
- Water shall be available at all times and containers shall be filled as needed.
- Adequate supplies of food shall be provided to all animals.

(H) *Shelter, sanitation and health.*

- Shelter, as the term is used in this subsection, shall include any type of cage, coop, enclosure, confinement, pen, and/or containment area used to confine, contain, display, enclose or control any animal offered for sale or trade.
- All shelters shall be maintained in a sanitary condition.
- All shelters must provide sufficient space for each animal to stand, turn around, sit and lie in a comfortable and normal position.
- All shelters must be constructed in such a manner so as to protect the animals' feet and legs from injury.
- All shelters must be constructed in such a manner so as to protect the animals from any form of overheating, cold or inclement weather, must provide adequate ventilation, and must enable the animals to remain dry and clean. Cages, pens, crates, coops or other similar containments must be elevated from the ground.
- All shelters must provide convenient access to food and water receptacles.
- Excreta shall be promptly removed from all shelters as often as necessary to prevent contamination of the inhabitants and to reduce disease, hazards and odors.
- No animal shall be offered for sale which is known or suspected to be sick or unhealthy. All sick or injured animals shall be promptly removed from the grounds by the owner or any person left in charge of the animal. If the owner, or person in charge of the animal, fails to remove the animal, an Animal Control Officer may impound the animal in accordance with the provisions of this chapter.
- Any animal which appears to overpower or cause injury to another animal shall be removed by the owner or person in charge of the animal, and such person or owner shall seek veterinarian treatment for the animal, if necessary. If the owner, or person in charge of the animal, fails to remove the animal, an Animal Control Officer may impound the animal in accordance with the provision of this chapter.
- No animals shall receive any behavior-altering drugs either before or during the period of time offered for sale or trade.
- The owner, or person in charge of the animal, must comply with applicable provisions regarding the Rabies Control Act of 1981, being Tex. Health and Safety Code, §§ 826.001 *et seq.* The owner, or person in charge of the animal, must possess a valid rabies vaccination certificate, signed by a veterinarian licensed by the State of Texas, for each dog and/or cat offered for sale or trade.
- Any person offering animals for sale or trade must comply with § 96.38 relating to the reporting of bites from animals susceptible to rabies.

(I) *Transporting animals.* The following provisions shall be applicable to all persons upon both arrival and departure into the corporate city limits.

- No person shall transport or retain animals in bags, sacks, or other inhumane manner.

(J) *Miscellaneous provisions.*

- Brutal, inhumane treatment of any animal is prohibited. This includes, but is not limited to, hitting, slapping, kicking, dragging (with ropes, wires, or hands) tying too close together, or to trees, or to vehicles to prevent lying down or reaching water, or tying with tight collars or ropes or wires or tying an animal's feet together.
 - Abandoning animals is strictly prohibited.
 - Treatment of live birds. In addition to all other applicable provisions therein, all persons offering live birds for sale or trade must comply with the following:
 - The person shall immediately place the birds in coops, crates, or cages that are made of open slats or wire on at least 3 sides and that are of a height so that the birds can stand upright without touching the top.
 - The person shall keep clean water and suitable food in troughs or other receptacles in the coops, crates, or cages. The troughs or receptacles must be easily accessible to the confined birds and must be placed so that the birds cannot defile their contents.
 - The person shall keep the coops, crates, or cages in a clean and wholesome condition and may place in each coop, crate or cage only the number of birds that have room to move around and to stand without crowding one another.
 - The person cannot expose the birds to undue heat or cold and shall immediately remove all injured, diseased, or dead birds from the coops, crates, or cages.
 - Encouraging or instigating fighting between 2 or more animals is strictly prohibited.
 - Dangerous animals, as defined in § 96.01, are prohibited.
 - Stray animals and animals running at large, as defined in § 96.01, shall be impounded by the police in accordance with applicable provisions of the chapter.
 - It is within the power and complete discretion of the police to make a judgment as to whether an act or situation involving an animal is cruel and inhumane and to take appropriate action in accordance with this chapter.
- (Ord. 91-03-014, passed 9-19-1994)

§ 96.12 DESIGNATION OF LOCAL HEALTH AUTHORITY; DUTIES.

(F) The Chief of Police shall be designated as the local health authority for the city; he may thereafter designate a representative to act in his stead.

(G) The duties of the local health authority shall include but not be limited to the enforcement of:

- The provisions of the Rabies Control Act of 1981, being Tex. Health and Safety Code, §§ 826.001 *et seq.*;
- The ordinances and/or rules of the city pertaining to rabies and animal control; and
- The rules adopted by the Texas Board of Health pertaining to rabies quarantine.

(H) The Chief of Police may, with the approval of the City Council, employ such officers as are necessary to assist the local health authority in carrying out the provisions of this chapter.
(Ord. 91-03-014, passed 3-14-91 sec 4.1.9)

§ 96.13 REPORTING ANIMAL BITES AND ATTACKS.

(D) It shall be the duty of all persons having knowledge of an animal bite or attack to a human being, and that person having knowledge could reasonably foresee the bite or attack capable of transmitting rabies or has caused severe bodily injury to which a reasonable person would seek medical aid, to report such bite or attack to the local health authority or his designated agent. As to any animal known to have been, or suspected of being exposed to rabies, the following rules shall apply.

- Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues should be:
 - Humanely destroyed; or
 - If sufficient justifications for preserving the animal exist, the exposed animal should be immediately vaccinated against rabies, placed in strict isolation for 6 months and given a booster vaccination 1 month prior to release.
- Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be:
 - Humanely destroyed; or
 - If sufficient justifications for preserving the animal exist, the exposed animal should be given a booster rabies vaccination and placed in strict isolation for 3 months.
- These provisions apply only to domestic animals for which an approved rabies vaccine is available.

(E) It shall be the duty of every physician or other medical practitioner to report to the local health authority or his designated agent the names and addresses of any persons treated for rabies, symptoms of rabies, or for animal bites and attacks.
(Ord. 91-03-014 sec 4.2.8)

§ 96.14 RABIES VACCINATION REQUIRED.

(F) All dogs and cats over the age of 4 months shall be vaccinated against rabies and at regular intervals (1 year) thereafter.

(G) The owner of such animals shall receive and keep a certificate of vaccination and present the certificate when requested by the local health authority or his designated agent.(Ord. 91-03-014 sec 4.2.7)

§ 96.15 QUARANTINE; AUTHORITY TO; ANIMALS SUBJECT TO; DEATH OF ANIMALS SUBJECT TO; DISPOSITION OF ANIMALS SUBJECT TO.

(H) Quarantine shall have the meaning as defined in § 96.01.

(I) The Chief of Police shall have the authority to order the quarantine of animals responsible for bites, attacks or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

(J) Any animal which bites or attacks a human being or other animal or displays any of the clinical signs of rabies or any other zoonotic disease shall be subject to quarantine at the City Animal Shelter or at a facility designated by the Chief of Police.

(K) It shall be unlawful for any person, without the expressed permission of the local health authority, to destroy any animal subject to quarantine as provided by in this section, except when it is necessary to destroy such animal to protect the life of any person or other animal. An offense under this subsection is a class C misdemeanor.

(L) The carcass of any dead animal (if death has occurred within 2 hours) suspected of having been rabid or known to have been exposed to a rabid animal shall be surrendered to the local health authority upon demand.

(M) No person shall fail or refuse to surrender, upon demand by the local health authority or his designee, an animal for quarantine or humane destruction as required herein for rabies control.

(N) Disposition of animals subject to this chapter shall be as follows. The observation period for dogs shall be for 10 days, day of the bite or attach is day 1, and a release may be obtained if the animal has not displayed any clinical signs of rabies.

- The owner may obtain possession of his animal by complying with the provisions of this chapter and after paying all current fees. If the owner refuses to pay the cost of quarantine, the city may bring a civil suit against the owner to collect.

- If after 72 hours has expired past the end of the quarantine period and the owner has refused to or does not take possession of his animal, the animal may be sold and the proceeds retained by the city, or the animal may be destroyed. If the owner refuses to pay the amount for quarantine, the city may bring a civil suit against the owner to collect.

(O) Home quarantine shall not be allowed. Animals may be, at the owner's expense, quarantined with a local (within 25-mile radius of Hawkins) veterinarian of their choice. The owner of the animal shall report to the local health authority or his designee the name and address of the veterinarian where the animal is placed within 6 hours of impoundment. In addition to citations for violations of the preceding subsections of §§ 96.12 through 96.15, the local health authority, Chief of Police, is authorized to pursue, in conjunction with the City Attorney, such civil remedies as he deems appropriate to achieve compliance with the foregoing impoundment and quarantine requirements.
(Ord. 91-03-014, sec 4.4.4)

§ 96.16 IMMUNITY FROM DAMAGES.

Any local health authority, police officer, or persons acting under their direction shall not be held to answer or be liable for damages in any action brought by the owner of an animal when the animal is impounded, euthanized or otherwise disposed of in accordance

with this chapter.
(Ord. 91-03-014)

PROHIBITED ACTS

§ 96.30 STRAY ANIMALS UNLAWFUL; DECLARED A PUBLIC NUISANCE.

(D) All dogs, livestock, fowl, or dangerous wild animals running astray within the city limits are declared a public nuisance.

(E) It shall be unlawful for any person, without regard to the person's mental state, to suffer or permit any animal to run astray within the city limits.

(F) An offense under this section is a class C misdemeanor.
(Ord. 91-03-014 sec 4-1-5, 4-2-0)

§ 96.31 NOISE; DISTURBING THE PEACE.

37 It shall be unlawful for any person, without regard to the person's mental state, to suffer or permit any dog or other animal or fowl, to bark, crow, or otherwise make any loud repetitive, or unusual noise in a manner that unreasonably annoys, disturbs, or injures the comfort, repose, health, peace, or safety of inhabitants in the vicinity where such noise is made or caused to be made.

38 An offense under this section is a class C misdemeanor.
(Ord. 91-03-014 sc 4.2.1)

§ 96.32 LIVESTOCK, FOWL AND SWINE REGULATIONS; EXCEPTIONS.

40 It shall be unlawful for any person, without regard to the person's mental state, to keep swine within the city limits, with the exception of those swine which are classified as agriculture projects by students of the Hawkins Independent School District or those being transported within enclosed vehicles by someone engaged in transportation in connection with auction, slaughterhouse or like facility.

41 It shall be unlawful for any person, without regard to the person's mental state, to keep a horse or cow on any premises, the overall area of which is less than $\frac{1}{2}$ of an acre for each horse or cow kept; or keep more than can be cared for under sanitary conditions and not create a public nuisance; and in no event shall the number exceed the permitted 1 adult for the first $\frac{1}{2}$ acre, and 2 adults per acre for each additional acre over $\frac{1}{2}$ acre of a single track of land.

42 It shall be unlawful for any person, without regard to the person's mental state, to keep small livestock (goats, sheep, nursing baby animals, or miniature horses and cows) on any premises, the overall area of which is less than $\frac{1}{3}$ acre with an area or $\frac{1}{4}$ of an acre per animal, or keep more than can be cared for under sanitary conditions and not create a public nuisance.

43 It shall be unlawful for any person, without regard to the person's mental state, to keep fowl in a secured pen or enclosure that is closer than 50 feet to any inhabited dwelling, other than that of the owner. An offense under this section is a class C misdemeanor.(Ord. 91-03-014 sec 4.2.2)

§ 96.33 DANGEROUS DOGS AND DANGEROUS WILD ANIMALS PROHIBITED.

(E) It shall be unlawful for any person, without regard to the person's mental state, to own or keep a dangerous dog or an animal classified as dangerous by its breed and nature within the city limits.

(F) It shall be unlawful for any person, without regard to the person's mental state, to own, possess, keep, harbor, or exhibit any dangerous wild animal within the city limits; the following are exceptions to this chapter if such owning, possessing, keeping, or exhibiting does not occur in a residential structure or within 500 feet thereof:

- (1) Zoo; or
- (2) Zoological park; or
- (3) Research institution; or
- (4) Performing animal exhibitions.

(G) Dangerous wild animals shall include, but not be limited to the following:

- (1) Bears;
- (2) Ocelots;
- (3) Crocodiles;
- (4) Lions;
- (5) Cheetahs;
- (6) Raccoons;
- (7) Tigers;
- (8) Foxes;
- (9) Jaguars;
- (10) Alligators;
- (11) Leopards;
- (12) Bobcats;

- (13) Venomous snakes;
- (14) Lynx;
- (15) Cougars;
- (16) Constrictor snakes;
- (17) Non-human primates;
- (18) Coyotes;
- (19) Skunks;
- (20) Wolves;
- (21) Bats;
- (22) Squirrels;
- (23) Hybrids of above.

(H) An offense under this section is a class C misdemeanor.
(Ord. 91-03-014 sec 4.2.3)

§ 96.34 CRUELTY TO ANIMALS PROHIBITED.

41 It shall be unlawful for any person, without regard to the person's mental state, to fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the elements, veterinary care when needed to prevent suffering, and with humane care and treatment.

42 It shall be unlawful for any person, without regard to the person's mental state, to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combative event between animals or between animals and humans.

43 It shall be unlawful for any person, without regard to the person's mental state, to turn loose with the intent to abandon any animal, fowl, or reptile within the city limits.

44 It shall be unlawful for any person, without regard to the person's mental state, to tie or tether an animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a passing pedestrian within the city limits.

45 It shall be unlawful for any person, without regard to the person's mental state, who is the operator of a motor driven vehicle which strikes a domesticate animal to fail to stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner's identity cannot be ascertained and located, such operator shall report the accident to the local Police Department.

46 An offense under this section is a class C misdemeanor.
(Ord. 91-03-014 sec 4.2.4)

§ 96.35 TRAPPING PROHIBITED; IMPOUNDMENT OF TRAPS; EXCEPTIONS.

(l) It shall be unlawful for any person, without regard to the person's mental state, to set or place any trap, designed for trapping animals, on any public or private property within the city limits.

(m) Any trap, when found within the city limits, are declared to be abandoned property and any peace officer or their designated agent is authorized to impound and process the same abandoned property in accordance with the Tex. Crim. Code of Pro., Art. 18.17.

(n) This section does not apply to any peace officer, or their designated agent engaged in the performance of their duties within the city limits or to a person using traps designed to trap pocket gophers and moles.

(o) An offense under this section is a class C misdemeanor.
(Ord. 91-03-014, sec 4.2.5)

§ 96.36 FALSE REPORTS; INTERFERENCE WITH ANIMAL CONTROL OFFICER IN PERFORMANCE OF DUTIES; FALSE INFORMATION OF CITATION.

(L) It shall be unlawful for any person, without regard to the person's mental state, to make a false report or complaint concerning a violation of this chapter to any member of the city governing body, peace officer, or other official having jurisdiction within the city limits.

(M) It shall be unlawful for any person, without regard to the person's mental state, to interfere with, hinder or obstruct a police officer while engaged in the enforcement of this chapter, including but not limited to the failure to release an animal for impoundment or any manner of interference with such impoundment.

(N) It shall be unlawful for any person, without regard to the person's mental state, upon being issued a citation or a summons for violation of this chapter, to provide a false name, or other false information concerning an animal or its ownership to peace officer, or their designated agent.

(O) An offense under this section is a class C misdemeanor.
(Ord. 91-03-014, sec 4.2.6)

§ 96.37 FAILURE TO VACCINATE PROHIBITED.

13 It shall be unlawful for any person, without regard to the person's mental state, to own, keep, harbor or otherwise possess a dog or cat over the age of 4 months within the city limits without such animal being vaccinated by a licensed veterinarian against rabies; exceptions are the hybrids of such animal which shall not be possessed within the city limits. In the absence of proof of rabies vaccination the person shall be issued a citation for FAIL TO VACCINATE AGAINST RABIES.

14 An offense under this section is a class C misdemeanor.
(Ord. 91-03-014, sec 4.2.7)

§ 96.38 FAILURE TO REPORT ANIMAL BITE OR ATTACK.

18 It shall be unlawful for any person, without regard to the person's mental state, having knowledge of an animal bite or attack to an individual that the person having knowledge could reasonably foresee as

capable of transmitting rabies or has caused severe bodily injury to which a reasonable person would seek medical aid, to fail to report such bite or attack to the local health authority (Chief of Police) or his designated agent. This report shall include the name and address of the victim, the owner of the animal (if known) and any other data which may aid in locating the victim, owner of the animal, or the animal.

19 The local health authority shall investigate all reports filed under this section.

20 An offense under this section is a class C misdemeanor.
(Ord. 91-03-014 sec 4.2.8)

§ 96.40 PROPERTY DAMAGED OR DESTROYED BY ANIMALS PROHIBITED.

(P) It shall be unlawful for any person, without regard to the person's mental state, to allow an animal to run at large within the city limits and the animal damages or destroys the tangible property of another person. The owner shall also be held liable for the damage or destruction caused by his animal while restrained when on public or other private property not his own.

(Q) An offense under this section is a class C misdemeanor if the amount of pecuniary loss is less than \$50.

(Ord. 91 91-03-014 sc 4.2.10)

§ 96.41 PUBLIC HEALTH AND SAFETY.

(K) It shall be unlawful for any person, without regard to the person's mental state, to keep yards, pens and enclosures in which animals are confined in such a manner as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity; or to breed or attract flies, mosquitoes, or other noxious insects or in any manner endanger the public's health or safety.

(L) An offense under this section is a class C misdemeanor.
(Ordinance 91-03-014)

DANGEROUS ANIMALS

§ 96.55 DEFINITIONS.

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

DANGEROUS ANIMAL. The meaning as defined in § 96.01.

GUARD DOG. A dog which has been specifically trained to attack on command, or a dog of a breed which would give the impression it has been trained to attack.
(Ord. 91-03-014, sec 4.3.0)

§ 96.56 DANGEROUS ANIMALS; EXCEPTIONS.

Animals that are in the service of law enforcement agencies or guard dogs, which are restrained, as provided for in this chapter, are exempt from this section.
(Ord. 91-03-014, sec 4.3.1)

§ 96.57 GUARD DOGS; PENALTY FOR FAILURE TO COMPLY.

(K) It shall be unlawful for any person, without regard to the person's mental state, to place or maintain any dog which has been specifically trained to attack, or would give the impression by its particular breed that it has been trained to attack, in an area for the protection of persons or property unless the dog is restrained as provided for in this chapter.

(L) The area or premises in which a guard dog is confined shall be conspicuously posted with warning signs bearing letters not less than 2 inches in height and placed not less than 25 feet on or adjacent to the structure or barrier which confines the animal; in no event shall less than 1 warning sign be posted.

(M) The owner of any dog used for the specific purpose as a guard dog shall post with the city an insurance policy or cash bond in the amount of not less than \$100,000 insuring against liability of the owner for damages resulting from bodily injury to an individual caused by any dog belonging to or in the custody or control of the owner.

(N) An offense under divisions (B) and (C) of this section is a class C misdemeanor.
(Ord. 91-03-014, sec 4.3.2)

§ 96.58 AUTHORITY TO DESTROY IF FOUND RUNNING AT LARGE.

Any dangerous animal or guard dog found running at large may be destroyed by any peace officer in the interest of public safety.
(Ord. 91-03-014, sec 4.3.3)

§ 96.59 AUTHORITY TO REQUIRE REMOVAL FROM CITY; APPEALS FROM ORDERS OF REMOVAL.

(U) The Chief of Police may order any owner or person having care, custody or control of any dangerous animal or guard dog to take such animal permanently from the city limits. This animal must be removed immediately following receipt of such an order, even if appeal is initiated.

(V) The owner of any dangerous animal or guard dog which has been ordered removed from the city limits may appeal, in writing, within 10 days of the order to a committee, comprised of the Chief of Police, and the Mayor.

(W) Such committee may uphold, reverse or modify the order, and may stipulate restrictions on the animal as a condition to allow the animal to return within the city limits. If the order is upheld, the owner or person having care, custody or control shall not bring the animal back into the city limits. (Ord. 91-03-014, sec 4.3.4)

§ 96.60 FAILURE TO REMOVE; GROUNDS FOR IMPOUNDMENT OR DESTRUCTION.

If the owner of any dangerous animal or guard dog which has been ordered removed

from the city limits fails to remove such animal as provided for in this chapter, such animal may be impounded and/or destroyed.
(Ord. 91-03-014, sec 4.3.5)

§ 96.61 OWNER TO REPORT DISPOSITION AND RELOCATION; PENALTY.

(H) The owner of any dangerous animal or guard dog which has been ordered removed from the city limits shall report the disposition and relocation within 10 days after the expiration date of the order to remove the animal from the city limits.

(I) An offense under this section is a class C misdemeanor and each day after the expiration date, in which the information is not provided, shall constitute a separate offense.
(Ord. 91-03-014, sec 4.3.6)

§ 96.62 SEARCH AND SEIZURE WARRANTS AUTHORIZED.

The police shall be authorized to obtain a search and seizure warrant if there is sufficient reason to believe that an animal ordered removed from the city has not been removed.
(Ord. 91-03-014, sec 4.3.7)

CHAPTER 97: ENVIRONMENTAL HEALTH CODE

Section 97.01 Definitions;

General

1Sec. 97.01 Definitions.

For purposes of this article, the terms set forth below shall have the following meanings, and any words not herein defined shall be construed in the context used and by ordinary interpretation and not as a word of art:

Brush shall mean scrub vegetation; dense undergrowth; dead, cut or broken tree or shrubbery limbs and branches, whether standing or fallen; or cut or mowed weeds or other vegetative growth characterized by woody branches or stalks.

Carrion shall mean the dead and putrefying flesh of any animal, fowl or fish.

Dump shall mean to dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, or toss.

Filth shall mean any matter in a putrescent state.

Garbage shall mean any kitchen refuse, foodstuffs or related material, including all decayable waste.

Impure or unwholesome matter shall mean any putrescible or nonputrescible condition, object or matter which tends to, may or could cause injury, death or disease to human beings.

Includes and *including* are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.

Junk shall mean all worn out, worthless or discarded material, including but not limited to any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions, or other electronic devices not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.

Matter shall mean that of which any physical object is composed.

Nuisance shall mean any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health, or that is offensive to the senses, or that threatens to become detrimental to the public health; and shall include but not be limited to: any abandoned wells, shafts or basements, abandoned refrigerators, stagnant or unwholesome water, sinks, privies, filth, carrion, rubbish, junk, trash, debris or refuse, impure or unwholesome matter of any kind, any objectionable, unsightly, or unsanitary matter of whatever nature.

Objectionable, unsightly or unsanitary matter shall mean any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Owner shall mean any person or entity shown as the property owner on the latest property tax assessment rolls of the City, or any person having or claiming to have any legal or equitable interest in the property, or any person claiming, occupying or having supervision or control of any property, including any tenant of the property and any agent who is responsible for managing, leasing or operating the property.

Person shall mean any individual, firm, partnership, association, business, corporation, or any other entity recognized at law.

Property shall mean all land, occupied or unoccupied, and any improvements located on or within such land, including any building or other structure designed or used for residential, commercial, business, industrial, or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the land.

Putrefaction shall mean decomposition of organic matter resulting in production of foul-smelling matter; or putrefied matter; or the condition of being putrefied.

Putrescible shall mean subject to putrefaction.

Refuse shall mean heterogeneous accumulation of worn out, used, broken, rejected or worthless materials, including but not limited to garbage, rubbish, paper or litter, and other decayable or non-decayable matter.

Rubbish shall mean junk, trash, debris, rubble, stone, useless fragments of building materials, and other miscellaneous, useless waste or rejected matter.

City shall mean the City of Hawkins, Texas.

Trash and *debris* shall mean all manner of refuse including but not limited to: mounds of dirt; piles of leaves; grass and weed clippings; paper trash; useless fragments of building material; rubble; furniture, other than furniture designed for outside use; items of salvage, such as scrap metal and wood; old barrels; old tires; tree and brush trimmings; and other miscellaneous wastes or rejected matter.

Vegetative growth shall mean any grass, weeds, shrubs, trees, brush, bushes, vines, or other plant material.

Weeds shall mean any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding: shrubs, bushes and trees, cultivated flowers, and cultivated crops.

Section 97.02 Nuisance and Other Offensive Conditions:

Section 97.03	Weeds, brush, and other objectionable matter;
Section 97.04	Inspections;
Section 97.05	Duty of Owner;
Section 97.06	Notice to Abate;
Section 97.07	Additional Authority to Abate;
Section 97.08	Assessment of Expenses; Lien;
Section 97.09	Enforcement;

Section 97.10 Violation;

Section 97.11 through 97.19 (reserved);

Nuisance and Other Offensive Conditions

Sec. 97.02 - Prohibited accumulations, dumping, stagnant water, trash, and other unsightly or unsanitary matter declared a nuisance.

(A) It is unlawful and declared a nuisance for an owner of property within the corporate limits of the City to permit or allow any stagnant or unwholesome water, sinks, refuse, filth, carrion, weeds, rubbish, brush, refuse, trash, debris, junk, garbage, impure or unwholesome matter of any kind, or objectionable or unsightly matter of whatever nature to accumulate or remain upon such property or within any public easement on or across such property or upon any adjacent public street or alley right-of-way between the property line of such property and where the paved surface of the street or alley begins.

(B) It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, upon or along any drain, gutter, alley, sidewalk, street, park, right-of-way, vacant land, body of water, or any other public or private property within the City, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, weeds, brush, junk, garbage, impure or unwholesome matter of any kind, or other objectionable or unsightly matter of whatever kind.

(C) It shall be the duty of the owner of property within the City to keep their property free and clear of all such matter described in subsections (a) and (b), and to fill up, drain, or regrade any such property which shall have stagnant water thereon, and to cleanse and disinfect any such property from refuse, rubbish, trash, filth, carrion, or objectionable, unsightly or unsanitary matter of any kind, or other impure or unwholesome matter of any kind.

Sec. 97.03. - Weeds, brush, and other objectionable matter.

(A) It shall be unlawful for an owner of property within the City to permit weeds, grass, brush, or any objectionable or unsightly matter, to accumulate or grow to a height greater than 12 inches upon such property within 150 feet of any property line of such property which abuts any street right-of-way, alley, utility easement, subdivided property, developed property, or any buildings or other structures. It shall be the duty of such owner to keep the area from the property line of the owner's property to the curb line next adjacent to it, if there is a curb line, and, if not, then to the centerline of any adjacent unpaved street, or to the edge of the pavement of such street, cleared of any of the matter referred to above, and it shall be unlawful for an owner to fail to do so. All vegetative growth (including hay, unless the hay is cultivated on property which has been granted an agricultural property tax exemption on the most recent tax roll as certified by the Wood County appraisal district), except regularly cultivated row crops, which exceed 12 inches in height, shall be presumed to be objectionable and unsightly matter; provided further that regularly cultivated row crops shall not be allowed to grow within the right-of-way of any public street, right-of-way, or easement, nor shall they be allowed to obstruct the necessary view to and from adjacent rights-of-way, but shall be kept mowed as provided herein, and it shall be unlawful to allow the same.

(B) With respect to property five or more contiguous acres in size, the provisions of this section shall not apply to any part of such property which is greater than 150 feet from any open public street, thoroughfare, or right-of-way, as measured from the right-of-way line of said street, thoroughfare, or right-of-way, and which is greater than 150 feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line.

Sec. 97.04 - Inspections.

(A) For the purpose of ascertaining whether violations of this article exist, the Police Chief of the City, or his designee, is authorized to enter property at a reasonable time to inspect, investigate, or abate a nuisance or other

violation of this article or to enforce this article, in accordance with law.

(B) If an inspection or investigation of property is sought from an owner of property but is refused, the Chief of Police, shall have every recourse provided by law, including an injunction to secure entry. If the owner of property cannot be identified or located, the Chief of Police or his designee may enter the property to the extent allowed by law. The Chief of Police or any Police Officer is hereby designated as a code enforcement official of the City to be issued a search warrant as authorized by Vernon's Ann. C.C.P. art. 18.05, as the same may be amended or superseded.

Sec. 97.05 - Duty of owner to cut and remove weeds, brush, and unsightly matter. It shall be the duty of an owner of property to drain and/or fill any such property or portion thereof which is unwholesome, contains stagnant water, or in any other condition that may produce disease. It shall be the duty of an owner of property to cut and remove all weeds, brush, vegetative growth, and other objectionable or unsightly matter as often as may be necessary to comply with section 97.03, and to use every precaution to prevent the same from occurring, growing, or accumulating on such property.

Sec. 97.06 - Notice of violation and to abate; failure to comply; correction by the City .

(A) If property within the City is in violation of this article, the City's Chief of Police, or his duly appointed designee or representative, may give notice to an owner of property that such property is in violation of this article and the nature of the violation.

(B) If the owner of property for which such notice has been given does not comply with the terms of this article and the demand for compliance as set forth in the notice within seven days of the notice of a violation, the City may:

(1) Do or cause to be done the work or make or cause to be made the improvements required to obtain compliance with this article; and

(2) Pay for the work done or improvements made and charge the expenses to the owner of the property. The City shall be entitled to reimbursement of all such expenses. All such expenses incurred in doing or in having such work done shall be a charge to, and a personal liability of, such owner.

(C) The notice must be given:

(1) Personally to the owner in writing;

(2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or

(3) If personal service cannot be obtained by:

(a) Publication at least once;

(b) Posting the notice on or near the front door of each building on the property to which the violation relates; or

(c) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(D) If notice is mailed to the owner of property in accordance with subsection (B) of this section, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(E) In a notice provided under this section, the City may inform the owner of property by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the

date of the notice, the City, without further notice may correct the violation at the owner's expense and assess the expense against the property. If the violation covered by a notice under this subsection occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, then the City without notice may take any action permitted by subsections (B)(1) and (B)(2) of this section and assess its expenses as provided by section 97.08.

Sec. 97.07 - Additional authority to abate nuisance.

(A) The City may abate, without notice, weeds that:

- (1) Have grown higher than 48 inches; and
- (2) Are an immediate danger to the health, life, or safety of any person.

(B) Not later than the tenth day after the date the City abates weeds under this section, the City shall give notice to the property owner. The notice shall contain:

- (1) An identification, which is not required to be a legal description, of the property;
- (2) A description of the violations of this article that occurred on the property;
- (3) A statement that the City abated the weeds; and
- (4) An explanation of the property owner's right to request an administrative hearing about the City's abatement of the weeds.

(C) The City's Municipal Judge shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the City a written request for a hearing.

(D) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the City's abatement of the weeds.

(E) The City may assess expenses and create liens under this section as it assesses expenses and creates liens under section 97.08. A lien created under this section is subject to the same conditions as a lien created under section 97.08

(F) The authority granted the City by this section is in addition to the authority granted by section 97.06.

Sec. 97.08. - Assessment of expenses; lien.

(A) Any and all expenses incurred by the City under or pursuant to section 97.06 may be assessed against the property on which the work is done or improvements made.

(B) In order to obtain a lien against the property, the City's Mayor, or municipal official designated by the Mayor must file a statement of expenses with the county clerk of the county in which the City is located. The lien statement shall be filed in the real property records of the said county. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.

(C) The lien obtained by the City is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the City.

(D) The lien is inferior only to:

(1) Tax liens; and

(2) Liens for street improvements.

(E) The City Attorney may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due.

(F) The City Attorney may foreclose a lien on property under this section in a proceeding relating to the property brought under V.T.C.A., Tax Code ch. 33, sub ch. E as amended or superseded.

(G) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in doing or causing to be done the work or making or causing to be made

(H) The remedy provided by this section is in addition to any fines or civil penalties that may be assessed.

Sec. 97.09. - Enforcement.

The provisions of this article shall be enforced by the Police Chief, or a duly appointed representative, and it shall be unlawful for any person to interfere with or hinder any such person in the exercise of that person's duties under this article.

Sec. 97.10. - Violation; penalty for failure to comply.

(A) It shall be unlawful for any person to violate any provision of this article, and after any period of notice which may be required hereunder, any such violation shall be punishable, upon conviction, by a fine in an amount not to exceed \$2,000.00. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. This section shall be in addition to and cumulative of the provisions for abatement of a nuisance by the City and charging the cost of same against the owner of the property.

(B) Notwithstanding the foregoing, any violation of any provision of this article which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purpose.

(C) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

Section 97.20 Junked, Wrecked, and Abandoned Motor Vehicles:

Section 97.21 Public Nuisance;

Section 97.22 Offense;

Section 97.23 Disposition of Junked Vehicle;

Section 97.24 No reconstruction of junked vehicle;

Section 97.25 Disposal of junked vehicle;

Section 97.26	Application of article;
Section 97.27	Enforcement;
Section 97.28 through 97.39	(reserved);
Section 97.40	Taking into custody;
Section 97.41	Notice;
Section 97.42	Contents of Notice;
Section 97.42	Notice by Publication;
Section 97.44	Storage Fees;
Section 97.45	Auction or Use of Abandoned Items;
Section 97.46	Auction Proceeds;
Section 97.47	Police Department Use;
Section 97.48	Demolition of Abandoned Motor Vehicle;
Section 97.49 through 97.85	(reserved)

Junked, Wrecked and Abandoned Motor Vehicles .

Sec. 97.20. - Definitions.

The following terms used in this article shall be defined as follows:

Abandoned motor vehicle: A motor vehicle that:

- (A) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours; or
- (B) Has remained illegally on public property for more than 48 hours; or
- (C) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours; or
- (D) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; or
- (E) Has been left unattended for more than 24 hours on the right-of-way of the Texas Department of Transportation or a controlled access highway; or
- (F) Is considered an abandoned motor vehicle under V.T.C.A., Transportation Code § 644.383(r).

Antique vehicle: A passenger car or truck that is at least 25 years old.

Junked vehicle: A vehicle that is self-propelled and:

- (A) Does not have lawfully attached to it:
 - (1). An unexpired license plate; or
 - (2). A valid motor vehicle inspection certificate; and

- (B) Is:
 - (1). Wrecked, dismantled or partially dismantled, or discarded; or
 - (2). Inoperable and has remained inoperable for more than:
 - (a). Seventy-two consecutive hours if the vehicle is on public property; or
 - (b). Thirty consecutive days, if the vehicle is on private property.

Motor vehicle: A vehicle that is subject to registration under V.T.C.A. Transportation Code, ch. 501, as amended or superseded.

Motor vehicle collector: A person who:

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

- (B) 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.

Outboard motor: An outboard motor subject to registration under V.T.C.A., Parks and Wildlife Code, ch. 31, as amended or superseded.

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.

Watercraft: A vessel subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31, as amended or superseded.

Sec 97.21. - Public nuisance.

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 the City ; and

- (G) Is a public nuisance.

Sec. 97.22. - Offense.

- (A) A person commits an offense if the person maintains a public nuisance described by section 97.21 of this article.

(B) An offense under this division is a misdemeanor punishable by a fine not to exceed \$200.00.

Sec. 97.23. - Procedure for disposition of junked vehicle.

(A) The procedure for the abatement and removal of a junked vehicle or part thereof as a public nuisance from private property, public property, or public right-of-way shall be as follows:

(1) *Notice.* After a determination is made by the Chief of Police of the City or the officer's designee, that a particular vehicle is a junked vehicle, or after an order is issued by the municipal court pursuant to section 97.42 of this article, there shall be provided not less than ten days notice of the nature of the nuisance.

(a) Such notice must be personally delivered or sent by certified mail with a five-day return requested to:

- (1) The last known registered owner of the nuisance;
- (2) Each lienholder of record of the nuisance; and
- (3) The owner or occupant of:
 - (i) the property on which the nuisance is located; or
 - (ii) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered. If the notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

(B) The notice must state that:

(1) The nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed;

(2) Any request for a hearing must be made before that ten-day period expires;

(3) If the vehicle is not removed and abated within the said ten-day period, a public hearing will be held on the abatement and removal (which hearing, if requested by a person for whom notice is required under subsection (1)a.3. shall not be earlier than the 11th day after the date of the service of the notice); and

(4) The date, time and place of the hearing (if known at the time the notice is sent).

(C) *Hearing.*

(1) If the junked vehicle is not removed and abated within the prescribed time period, the municipal court judge of the City shall hold a public hearing on the abatement and removal of the junked vehicle. At the hearing, the municipal court judge shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time.

(2) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(3) Following the hearing, the municipal court judge shall consider all evidence and determine whether the vehicle or any part thereof, constitutes a public nuisance as alleged. If the municipal court judge finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, and that the notice requirements provided in this article have been met, the municipal court judge shall make a written order setting forth the judge's findings and ordering that the nuisance be abated.

(4) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include the vehicle's:

(a) Description;

(b) Vehicle identification number; and

(c) License plate number.

(d) In addition, the order must state that the vehicle will be disposed of in accordance with the Texas Transportation Code.

(e) The relocation of a junked vehicle that is a public nuisance to another location within the corporate limits of the City after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(D) *Abatement of nuisance.*

(1) In the event the municipal court judge orders abatement of the nuisance, the City or any duly authorized person may abate such public nuisance by removal and disposal of the junked vehicle.

(2) Not later than the fifth day after the date of the removal, notice identifying the vehicle or part of the vehicle must be given to the Texas Department of Transportation.

Sec. 97.24 - Junked vehicles not to be reconstructed or made operable after removal.

After any junked vehicle has been removed under the authority of this article, it shall not be reconstructed or made operable again.

Sec. 97.25 - Disposal of junked vehicles.

Any junked vehicle taken into custody by the City or any duly authorized person pursuant to this article shall be disposed of in accordance with applicable provisions of V.T.C.A., Transportation Code ch. 683, as amended or superseded.

Sec. 97.26. - Application.

The provisions of this division of this article shall not apply to a vehicle or vehicle part that is:

(A) Completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(B) 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:

(1) Maintained in an orderly manner;

(2) Not a health hazard; and

(3) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery. For purposes hereof, a car cover is not an appropriate means to screen a vehicle or vehicle part.

Sec. 97.27. - Enforcement.

(A) The Chief of Police or his designee is hereby authorized to enforce this article. Such employee may issue a warning or a citation before issuing a notice.

(B) Upon conviction on a citation issued under this article, the municipal court judge shall order that the vehicle be abated and removed within a prescribed period of time, subject to the terms and provisions of this article.

(C) The enforcement remedies authorized under this article shall not be deemed exclusive, and the City reserves the right to seek any enforcement remedy available at law, in equity, or otherwise. The failure of the City to seek enforcement of this article by any means provided for hereunder shall not foreclose the enforcement of this article by any other means.

Sec. 97.28 through 97.39 reserved for future expansion.

Sec. 97.40. - Taking into custody.

The police department of the City may take into custody an abandoned motor vehicle, watercraft, or outboard motor found on public or private property. The police department may use its own personnel, equipment, and facilities or, when specifically authorized by the City Council, contract for other personnel, equipment, and facilities, to remove, preserve, store, send notice regarding, and dispose of an abandoned motor vehicle, watercraft or outboard motor it takes into custody.

Sec. 97.41. - Notice.

The Police Department shall send notice of abandonment of a vehicle, watercraft, or outboard motor taken into custody to:

(A) The last known registered owner of each motor vehicle, watercraft, or outboard motor (i) taken into custody by the police department, or (ii) for which a garage keeper's report is received pursuant to V.T.C.A., Transportation Code § 683.031, as amended or superseded; and

(B) Each lienholder recorded under V.T.C.A, Transportation Code, ch. 501 (as amended or superseded) for the motor vehicle or under V.T.C.A., Parks and Wildlife Code ch. 31, (as amended or superseded), for the watercraft or outboard motor.

Sec. 97.42. - Contents of notice.

The notice under section 97.41 of this division must:

(A) Be sent by certified mail not later than the tenth day after the date the police department:

(1) Takes the abandoned motor vehicle, watercraft, or outboard motor into custody; or

(2) Receives the garage keeper's report under V.T.C.A., Transportation Code § 683.031;

(B) Specify the year, make, model, and identification number of the abandoned motor vehicle, watercraft, or outboard motor;

(C) Give the location of the facility where the abandoned motor vehicle, watercraft, or outboard motor is being held;

(D) Inform the owner and lienholder of the right to claim the abandoned motor vehicle, watercraft, or outboard motor not later than the 20th day after the date of the notice on payment of:

(1) Towing, preservation, and storage charges; or

(2) Garage keeper's charges and fees under V.T.C.A., Transportation Code, § 683.032, and if the vehicle

is a commercial motor vehicle impounded under V.T.C.A., Transportation Code § 644.383(a) (as amended or superseded), the delinquent administrative penalties and costs; and

(E) State that failure of the owner or lienholder to claim the abandoned motor vehicle, watercraft, or outboard motor during the period specified by subsection (4)b. is:

(1) A waiver by that person of all right, title, and interest in the item; and

(2) Consent to the sale of the item at a public auction.

Sec. 97.43. - Notice by publication.

Notice by publication in one newspaper of general circulation in the City is sufficient notice under this division if:

(A) The identity of the last registered owner cannot be determined;

(B) The registration has no address for the owner; or

(C) The determination with reasonable certainty of the identity and address of all lienholders is impossible.

Notice by publication (i) must be published in the same period that is required this code for notice by certified mail and contain all of the information required by that section, and (ii) may contain a list of more than one abandoned motor vehicle, watercraft, or outboard motor.

Sec. 97.44. - Storage fees.

(A) The police department or the agent of the police department that takes into custody an abandoned motor vehicle, watercraft, or outboard motor is entitled to reasonable storage fees:

(1) For not more than ten days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and

(2) Beginning on the day after the day the police department mails notice and ending on the day accrued charges are paid and the vehicle, watercraft, or outboard motor is removed.

Sec. 97.45. - Auction or use of abandoned items; waiver of rights.

(A) If an abandoned motor vehicle, watercraft, or outboard motor is not claimed under sections 97.41 and 97.42 of this division:

(1) The owner or lienholder:

(a) Waives all rights and interests in the item; and

(b) Consents to the sale of the item by public auction or the transfer of the item, if a watercraft, as provided in V.T.C.A., Transportation Code, § 683.014(d), (as amended or superseded); and

(2) The police department may sell the item at a public auction, transfer the item, if a watercraft, as provided in V.T.C.A., Transportation Code § 683.014(d), (as amended or superseded), or use the item as provided by section 97.47 of this division.

(B) Proper notice of the auction shall be given. A garage keeper who has a garage keeper's lien shall be notified of the time and place of the auction.

(C) The purchase of an abandoned motor vehicle, watercraft, or outboard motor:

(1) Takes title free and clear of all liens and claims of ownership;

(2) Shall receive a sales receipt from the police department; and

(3) Is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title.

Sec. 97.46. - Auction proceeds.

(A) The Police Department is entitled to reimbursement from the proceeds of sale of an abandoned motor vehicle, watercraft, or outboard motor for:

(1) The cost of the auction;

(2) Towing, preservation, and storage fees resulting from the taking into custody; and

(3) The cost of notice or publication as required by sections 97.41, 97.42 and 97.43 of this division.

(B) After deducting the reimbursement allowed under subsection (A) of this section, the proceeds of the sale shall be held for 90 days for the owner or lienholder of the item.

(C) After the 90-day period provided in subsection (B) of this section, proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage, and notice and publication fees resulting from taking other vehicles, watercraft, or outboard motors into custody if the proceeds from the sale of the other items are insufficient to meet those fees.

(D) The City Secretary may transfer funds in excess of \$1,000.00 from the account described in subsection (C) of this section to an account to be used by the Police Department for equipment acquisition.

Sec. 97.47. - Police department use of certain abandoned motor vehicle.

(A) The Police Department may use an abandoned motor vehicle, watercraft, or outboard motor for department purposes if the item is not claimed as provided for in this article.

(B) If the Police Department discontinues the use of an abandoned motor vehicle, watercraft, or outboard motor, the department shall auction the item.

(C) This section does not apply to a vehicle on which there is a garage keeper's lien.

Sec. 97.48. - Demolition of abandoned motor vehicles.

The procedures for handling the demolition of an abandoned motor vehicle shall be in accordance with V.T.C.A., Transportation Code, ch. 683, sub ch. D, as amended or superseded.

Section 97.101 Substandard and Dangerous Buildings:

Section 97.102 Dangerous Buildings as Public Nuisance;

Section 97.103 Minimum Standards;

Section 97.103	Designation and Duties of Building Official;
Section 97.104	Criminal Enforcement;
Section 97.105	Civil Enforcement;
Section 97.106	Notice;
Section 97.107	Hearing;
Section 97.108	Findings of Fact;
Section 97.109	Copy of Order;
Section 97.110	Filing and Publishing;
Section 97.111	Copy of Order to Lienholders;
Section 97.112	Citation for Violation;
Section 97.113	Demolition and Assessment;
Section 97.114	Penalty;

Substandard and Dangerous Buildings.

Sec. 97.101 - Attributes of dangerous buildings.

(A) Any building or structure which has any or all of the conditions or defects described in this section shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, welfare, or safety of the public or its occupants are endangered or adversely affected:

- (1) Whenever any door, aisle, passage, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1½ times the working stress allowed in the building code for new building of similar structure, purpose or location.
- (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new building of similar structure, purpose or location.
- (5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or

dislodged, or to collapse and thereby injure persons or damage property.

(6) Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

(7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(8) Whenever the building or structure, or any portion thereof, because of:

- (a) Dilapidation, deterioration or decay;
- (b) Faulty construction;
- (c) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
- (d) The deterioration, decay or inadequacy of its foundation; or
- (e) Any other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(10) Whenever, the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

- (a) An attractive nuisance to children;
- (b) A harbor for vagrants, vermin, criminals or immoral persons; or
- (c) As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code or of any law or ordinance of state or jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever, any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 66 percent of the strength; fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) The term "building code" as used in this section, refers to the building code as adopted by the City.

Sec. 97.102 - Dangerous buildings as public nuisance.

All dangerous buildings and structures within the terms of section 97.101 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this article.

Sec. 97.103. - Minimum standards for continued use or occupancy of buildings.

(A) The minimum standards for the continued use and occupancy of all buildings or structures, regardless of the date of their construction, are that buildings or structures shall not be in a condition or have a defect which constitutes a dangerous building or structure as defined in section 97.101. The following standards shall be followed by the Building Official and the City Council in ordering repair, vacation or demolition.

(1) If the dangerous building or structure can reasonably be repaired so that it will no longer exist as a dangerous building or structure, it shall be ordered repaired.

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

(3) In any case where a dangerous building or structure is 50 percent or more damaged, decayed or deteriorated from its original value or structure, it shall be demolished and in all cases where a building or structure cannot be repaired so that it will no longer exist in violation of the terms of this section, is shall be demolished. In all cases where a dangerous building or structure is a fire hazard existing or erected in violation of the terms of this section or any ordinances of the City or statues of the state, is shall be demolished. Included in the terms "demolished" in this section is the cleaning of the property and removing all debris and trash, and sealing sewer service (belowground) to prevent infiltration into the City sanitary sewer system.

Sec. 97.103. – Designation and Duties of Building Official.

(A) The Chief of Police or his designee is designated as the Building Official for the City. It shall be the duty of the Building Official or his designee to:

(1) *Inspections.* Inspect or cause to be inspected, when deemed necessary, public buildings, schools, halls, churches, theatres, hotels, dwellings, tenements or apartments, other multifamily residences and commercial manufacturing building for the purpose of determining whether any condition exist which render such a place a dangerous building or structure within the terms of section 97.101

(2) *Investigations of complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that the building, wall, or structure is or may be a dangerous building or structure as defined in this article.

(3) *Procedure for inspection.* Upon probable cause to suspect that any building or premises are in violation of this article, and if such building or premises are opened and clearly unoccupied, the building official may enter such building or premises for the purpose of inspecting the building or premises without prior notice to any person; or if such building or premises are closed, or if a reasonable prudent person would have reason to believe that such premises are occupied, the building official shall have recourse to every procedure, right or remedy provided by law to secure entry for the purpose of inspecting the building or premises.

(4) *Commencement of proceedings.* When the building official has inspected or caused to be inspected any building or structure, and has found and determined that such building is a dangerous building or structure, the building official shall commence proceedings to cause repair, vacation or demolition of the building or structure. The building official may commence criminal proceeding or civil proceedings, or both, as determined by the conditions existing on such premises.

(5) *Written notice to owner.* Notify in writing, by certified mail, the owner of the building or structure, as determined by using the records in the office of the county clerk in the county in which the building or structure is located, that the building is a dangerous building or structure as defined in this section. The notice to the owner shall further state their reason that the building does not meet the minimum standards for continued use and occupancy of a building and that unless the building is put in a condition so that the building is not a dangerous building or structure within a reasonable time not exceeding 60 days (as specified by the building official), then a hearing will be scheduled before the building commission to determine whether the building complies with the minimum standards set forth in this section. The building official, in his sole discretion, may elect not to send this notice to remedy and may instead proceed directly with notice of hearing as set forth in section 97.107.

(6) *Appearance at hearings.* Appear at all hearings conducted by the City Council and testify as to the conditions of the dangerous building or structure.

(7) *Placement of notice on dangerous buildings; contents of notice.* Place a notice on all dangerous building or structures, upon a determination by the City council, reading as follows:

"THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE CITY COUNCIL OF THE CITY OF HAWKINS, TEXAS. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN THE OWNER. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH."

Sec. 97.104. - Criminal enforcement.

(A) The Chief of Police is hereby authorized to commence criminal proceedings whenever he finds that there has been a violation of any subsection of this section.

(B) It shall be unlawful for any owner, occupant or person in control to maintain a dangerous building or structure as defined in section 97.101. All buildings or structures which are determined to be dangerous buildings or structures are declared to be public nuisances. For purposes hereof, the term "maintain" shall mean keep, preserve, use, maintain status quo or permit to exist.

(C) After the notice described in section 97.104 is posed, it shall be unlawful for any person to use, enter, remain in or occupy such building or structure, or for the owner of such building to normally permit any person to use, enter, remain in or occupy such building. It shall be a defense to any prosecution occurring under this subsection that entry was made for the sole purpose of repairing, demolishing or removing such building or

structure.

(D) It shall be unlawful for any person to remove or deface the notice posted pursuant to section 97.104 until the required repairs, demolition or removal have been completed and a certificate of occupancy has been issued pursuant to the provisions of the building code.

(E) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure without first obtaining the appropriate permits for each building or structure according to the applicable conditions prescribed in the building code.

Sec. 97.105. - Civil enforcement.

(A) *Assessment lien or civil penalty.* If the dangerous building or structure is not vacated, secured, repaired, removed or demolished within the allotted time, the City may:

(1) Without further action by the City Council, vacate, secure, remove or demolish the building at its own expense, by City personnel or its contractor. Any costs incurred by the City in securing, removing or demolishing the building or structures may be charged to the owner. The City may assess the expenses on, and the City shall have a lien against, the property on which the building was located, unless the property is a homestead as protected by the state Constitution. The lien arises and attaches to the property by the state Constitution. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in which the property is located. The notice of lien must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building is located, the amount of expenses incurred by the municipality and the balance then due; or

(2) Acting by and through the City Council, assess a civil penalty under the applicable state law not exceeding \$2,000.00 per day for failure to repair, remove or demolish the building or structure. Notice of the hearing in which the civil penalty will be considered shall be given to the owner by personally serving the owner with written notice; or by sending the notice in the United States mail by certified mail, return receipt requested, addressed to the owner at the owner's post office address at least ten days prior to the administrative hearing. Before holding a hearing to consider a civil penalty, the board shall have evidence that the property owner was actually notified of the requirements of the order and his need to comply with such requirements. Any civil penalty assessed shall be imposed as a lien against the land on which the building stands or stood, unless it is a homestead as protected by the state Constitution, to secure the payment of such civil penalty.

Promptly after the imposition of the lien, the City shall file for record, in recordable form in office of the county clerk of the county in which the land is situated, a written notice of the imposition of the lien. The notice must contain a legal description of the land. In addition to the filing of the lien, the City may seek a judgment against the owner for the civil penalty in accordance with applicable state law.

(B) *Additional remedies.* In addition to any remedy set forth in this section, the City may exercise any and all of its rights to abate any nuisance as defined in this section and seek appropriate relief as authorized by applicable state law.

Sec. 97.106. - Notice of hearing to owner, lienholder or mortgagee.

(A) Upon notification from the building official that he, or his designee, has determined that a building or structure is a dangerous building or structure as defined in this article, and does not meet the minimum standards for continued use and occupancy, the City Council shall cause a notice of hearing to be issued to the owner, lienholder and mortgagee of the alleged dangerous building or structure. The notice of hearing must be sent by certified mail at least ten days prior to the hearing and must include a statement that the owner, lienholder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required so that

the building or structure will not constitute a dangerous building or structure and the time it will take to reasonably perform the work. The Building Official or his designee shall make diligent effort to discover each mortgagee and lienholder for purposes of giving them notice and an opportunity to comment at the hearing. The records in the office of the county clerk in the county in which the building or structure is located shall be used to determine, if possible, the identity and address of any owner, lienholder or mortgagee of the building or structure. The City may file notice of the hearing in the official public records of real property in the county in which the property is located. The notice shall contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholder or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquired such interest after the filing of the notice.

Sec. 97.107. - Hearing.

(A) On the date set forth in the notice, the City Council shall hold a hearing to determine whether the building is a dangerous building or structure as defined in section 97.101. If the City Council determines that the building or structure is a dangerous building or structure, the City Council may order that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time as provided for by V.T.C.A., Local Government Code ch. 214. In addition, if there is a mortgagee or lienholder, the City Council may provide in the order an additional reasonable time as provided by this section for the ordered action to be taken by any mortgagee or lienholder in the event the owner fails to comply with the order within the time provided for action by the owner. No notice to any mortgagee or lienholder shall be required other than a copy of the order in the event the owner fails to timely take the ordered action. The owner of the building or the lienholder or mortgagee may present proof at the hearing of the scope of any work that may be required so that the building or structure will not be dangerous building or structure and the time it will take to reasonably perform the work.

Sec. 97.108 - Findings of fact.

(A) The City Council shall make written findings of facts from the testimony offered, as to whether or not the building in question is a dangerous building within the terms of section 38-101.

Sec. 97.09 - Copy of order to owner.

(A) After the hearing, a copy of the order issued by the City council, if any, shall be promptly mailed by certified mail, return receipt requested, to the owner of the building.

Sec. 97.110 - Filing and publishing order.

Within ten days after the date that the order is issued, the City shall:

- (1) File a copy of the order in the office of the City Secretary; and
- (2) Publish in a newspaper of general circulation in the City a notice containing the street address of legal description of the property, the date of the hearing, a brief statement indicating the results of the order and instruction stating where a complete copy of the order may be obtained.

Sec. 97.111 - Copy of order to mortgagee and lienholder.

After the hearing, if the owner does not take the ordered action within the allotted time, a copy of the building commission order shall be promptly mailed by certified mail, return receipt requested, to each identified mortgagee and lienholder.

Sec. 97.112 - Citation for violation.

At the conclusion of the hearing, the City Council may order the building or structure repaired, demolished or removed as the council may deem necessary. In no event, however, shall the time fixed for such repair, demolition or removal be more than 90 days from the date of the council order, unless the council allows for additional time which shall be entered only if the council finds that the building is in violation of the standards set out herein and the applicable codes of the City .

Sec. 97.113. - Demolition and assessment.

Should the owner or other person responsible for such building or structure fail or refuse to comply with the order of the City Council, the City Council may order the Chief of Police to close the building or structure or to demolish or remove the same and to assess the expenses incurred against the property owner. Notice of the amount of the assessment shall be given the owner and all lienholders by certified mail, return receipt requested to the addressee only, and upon the owner's failure to pay the same within 30 days after notice, the Mayor or their designee may proceed to file a sworn affidavit of such expenses in the Office of the County Clerk, Wood County, Texas, to establish the City's lien for such removal expenses against the property to which the building was attached. The lien shall be extinguished if the property owner or other interested party reimburses the City for the removal expenses.

Sec. 97.114 - Violation, penalty.

Any person violating the provisions of this article shall upon conviction, be subject to a fine not to exceed the sum of \$2,000.00 and that each day in violation shall constitute a separate offense.

(Ordinance 2019-1216, passed 12-16-2019)

CHAPTER 98: STREET NUMBERS

§ 98.00 STREET NUMBER ORDINANCE.

All property owners in the City of Hawkins, Texas are required to mark their properties with the street numbers assigned to the properties by the 911 addressing system. The numbers must be at least three inches in height and of such width to make them visible from the street. The numbers shall be placed so that the view of them will not be blocked when emergency responders are looking for them from the street.

Violation of the ordinance is a class C misdemeanor punishable per §10.99 of City of Hawkins Code 2018 codification.

CHAPTER 99: OUTDOOR BURNING

§ 99.00 OUTDOOR BURNING

The City of Hawkins adopts Texas Administrative Code Title 30 Part 1 Chapter 111 Subchapter B Articles 111.201-111.221 in its entirety. Property owners will be free to burn plant growth on the property where it originated in all counties except those part of an NAAQS (National Ambient Air Quality Standards; the Clean Air Act) nonattainment area. Authority to burn applies to all parts of Counties both to inside and outside cities. Property owners will neither have to give prior notice to nor receive authority to burn from the TCEQ.

Any person, firm or corporation violating any provisions of this ordinance or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars. (\$500.00) The ordinance will be enforced by the Hawkins Police

Department.

(Ordinance 050328 adopted 5-28-2005; Amended Ordinance 060821 adopted 8-21-2006)
Texas Administrative Code Title 30 part 1 Chapter 111 Subchapter B Articles 111.201-111-221.

BUSINESS REGULATIONS

Chapter

21 GENERAL BUSINESS REGULATIONS

22 ALCOHOLIC BEVERAGES

CHAPTER 110: GENERAL BUSINESS REGULATIONS

General Provisions

- 110.01 Posting Signs
- 110.02 Garage Sales
- 110.03
- 110.04 Sexually Oriented Business
- 110.05 Drilling, Auguring, Boring and Trenching

Itinerant Vendors, Peddlers and Solicitors

- 110.30 Permit Requirement
- 110.31 Proof of Insurance Required
- 110.32
- 110.33
- 110.34
- 110.35
- 110.36 Prohibiting peddling merchandise on streets
- 110.37
- 110.38
- 110.39 Home grown products
- 110.99 Penalty

GENERAL PROVISIONS

§ 110.01 POSTING SIGNS.

(R) Any business or residence that so wishes to place posted signs, showing the hours to be closed, upon their own property may do so at their own discretion. (1979 Code, § 11.20)

(S) Anyone found loitering or damaging property at these locations during the posted hours shall be prosecuted. (1979 Code, § 11.21)

§ 110.02 GARAGE SALES.

(M) The City Secretary shall issue a temporary use permit for the purposes of permitting an individual to sell their personal property on their residential property, provided the following conditions and requirements are met:

- Such sales shall not be conducted longer than 72 hours or 3 days in length;
 - Such sale permits may only be issued to the same individual twice in a calendar year;
 - Such sale permits shall only be issued at the same address location or building twice a calendar year.
- (1979 Code, § 10.8)

(N) Any person, firm, or agent violating any of the provisions of this section shall, upon conviction thereof, be deemed guilty of misdemeanor and shall be fined any sum not in excess of \$200. (1979 Code, § 10.9)

§ 110.04 SEXUALLY ORIENTED BUSINESSES

The City of Hawkins has the intent to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizen of the city. The City has the intent to restrict the location of a sexually oriented business with a certain distances of schools, churches, and other houses of worship, child care facilities, and residential neighborhoods.

1. Section 243.002 of the Local Government Code defines sexually oriented businesses to include a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer; and
2. An application for a license to operate a Sexually Oriented Business shall be made on a form provided by the City of Hawkins. The application shall be accompanied by a sketch or diagram showing the configuration of the Premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated architect scale. Applicants who must comply with Section 1-56 of this Ordinance shall submit a diagram meeting the requirements of Section 1-56.
3. The City of Hawkins shall approve the issuance of a license to an applicant within 30 days after receipt of an application unless the City finds one or more of the following to be true:
 1. An applicant is under 18 years of age.
 2. An applicant or an applicant's spouse is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a Sexually Oriented Business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the license or has failed to answer or falsely answered a question or request for information on the application form.

4. An applicant or an applicant's spouse has been convicted of a violation of a provision of this Ordinance, other than the offense of operating a Sexually Oriented Business without a license, within two years immediately preceding the filing of the application.

5. Any fee required by this Ordinance has not been paid.

6. An applicant has been employed in a Sexually Oriented Business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a Sexually Oriented Business Premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

7. An applicant or the proposed establishment is in violation of or is not in compliance with Section 1-12, 1-16, 1-20, 1-31, 1-41,142, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58or 1-59 of this Ordinance.

8. An applicant or an applicant's spouse has been convicted of a crime involving any of the following offenses as described in Chapter 43 of the Texas Penal C

- (aa) prostitution; Section 43.02 Texas Penal Code;
- (bb) promotion of prostitution; Section 43.03 Texas Penal Code;
- (cc) aggravated promotion of prostitution; Section 43.04 Texas Penal Code;
- (dd) compelling prostitution; Section 43.05 Texas Penal Code;
- (ee) obscenity; Section 43.23 Texas Penal Code;
- (ff) sale, distribution, or display of harmful material to a minor; Section 43.24 Texas Penal Code;
- (gg) sexual performance by a child; Section 43.25 Texas Penal Code;
- (hh) employment harmful to children; Section 43.251 Texas Penal Code;
- (ii) possession or promotion of child pornography; Section 43.26 Texas Penal Code; or

Or, any of the following offenses as described in Chapter 21 of the Texas Penal Code:

- (aa) public lewdness; Section 21.07 Texas Penal Code;
- (bb) indecent exposure; Section 21.08 Texas Penal Code;
- (cc) indecency with a child; Section 21.11 Texas Penal Code; or

Or, any of the following offenses as described in Chapter 22 of the Texas Penal Code: (aa) sexual assault; Section 22.011 Texas Penal Code;

- (aa) aggravated sexual assault; Section 22.021 Texas Penal Code; or

And, any of the following offenses as described in Chapter 25 of the Texas Penal Code: (aa)Prohibited sexual conduct; Section 25.02 Texas Penal Code:

(bb)Enticing a child; Section 25.04 Texas Penal Code; (cc)harboring runaway child; Section 25.06 Texas Penal Code; or

Or, criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses.

The City shall revoke a license if the City determines that:

1. a licensee gave false or misleading information in the material submitted to the City during the application process;
2. a licensee or an agent or Employee of a licensee has knowingly allowed possession, use, or sale of controlled substances on the Premises;
3. a licensee or an agent or Employee of a licensee has knowingly allowed prostitution on the Premises;
4. a licensee or an agent or Employee of a licensee knowing ly operated the Sexually Oriented Business during a period of time when the licensee 's license was suspended;
5. a licensee has been convicted of an offense listed in Section 1-13(a)(8)a for which the time period required in Section 1-13 (a)(8)b has not elapsed;
6. on two or more occasions within a 12-month period, a person committed a criminal offense listed in Section 1-13(a)(8)a in or on the licensed Premises, for which a conviction has been obtained, and the person or persons were Employees of the Sexually Oriented Business at the time the offenses were committed;
7. a licensee or an agent or Employee of a licensee has knowingly allowed any act of sexual intercourse,

sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises. The term “sexual contact” shall have the same meaning as it is defined in Sec 21.01(2), Texas Penal Code.

8.a licensee is delinquent in payment to the City for hotel occupancy taxes, ad valorem taxes, or sales tax related to the Sexually Oriented Business.

The regulations pertaining to the License of Sexually Oriented Business under this Ordinance and the regulations regarding the location of a Sexually Oriented Business are adopted under the authority of Chapter 243 of the Texas Local Government Code. A person who commits an offense under this Ordinance is guilty of a Class C Misdemeanor and/or a Class A Misdemeanor.

(Ord 051121, dated 11-21-2005)

§ 110.05 DRILLING, AUGURING, BORING, OR TRENCHING

The City of Hawkins has the intent to regulate the hours of operation for companies that engage in drilling, directional drilling, auguring, boring, or trenching in the city limits of Hawkins, Texas. Providing days and hours for operation.

The City of Hawkins orders that any company engaging in the business of drilling, directional drilling, auguring, boring, or trenching during the following hours: Monday through Thursday, 7:00am to 4:00pm; Friday, 7:00am to 3:00pm; no weekend or City of Hawkins holidays.

Exceptions are allowed as follow: emergency repairs that need to be made by utility companies that do business in the city limits of Hawkins are authorized to make repairs at any time necessary by calling 811 for emergency line locates to eliminate damage to the City of Hawkins utility system.

Any person violating any provision of the ordinance shall be charged with a Class C Misdemeanor, and upon conviction, be fined a sum not exceeding five hundred dollars. (\$500.00) Any person violating any provision of the ordinance that causes damage to the City of Hawkins utilities shall owe restitution for labor, material, and all expenses necessary to cover the damage or repair(s) to said City of Hawkins utilities. Each day that a provision is violated shall constitute a separate offense.

(Ordinance 181015, dated 10-15-18; amended 1-21,2020)

ITINERANT VENDORS, PEDDLERS AND SOLICITORS

§ 110.30 PERMIT REQUIREMENT.

All solicitors must obtain a permit from the city secretary of the City of Hawkins that follow the Texas State Statue, TC Section 552.007. A fee of \$25.00 will be assessed for each permit.

Any person desiring to go from house to house or from place to place in the city to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines shall make written application to

the City Secretary no later than 11 days before the permit will be granted. The application must include: name and address of applicant, the date and time the solicitation is to occur, each location where the solicitation is to occur, and the number of solicitors to be involved in the solicitation.
(TC 552.007)

§ 110.31 PROOF OF INSURANCE REQUIRED.

Each vendor is required to show proof of liability insurance in the amount of one million (\$1,000,000.00) and a driver's license must be furnished with the application for solicitation.

No more than one (1) permit shall be granted to an organization in any calendar year.

§ 110.36 PROHIBITING PEDDLING MERCHANDISE ON STREETS.

It shall hereafter be unlawful for any person to peddle any kind of merchandise, patent medicine or nostrum on the streets or alleys within the corporate limits of the city.
(1979 Code, § 10.10) Penalty, see § 110.99)

§ 110.39 HOME GROWN PRODUCTS.

This subchapter shall not apply to any person who himself offers for sale any product raised or grown upon the property owned or rented by hire or under his control.
(1979 Code, § 10.13)

§ 110.99 PENALTY.

(X) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(Y) Any person, firm or corporation violating any provisions of §§ 110.30 through 110.35 or failing to observe any provisions therein shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$10 and not more than \$100, and each and every day or fraction of a day during which §§ 110.30 through 110.35, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.
(1979 Code, § 10.7)

(Z) Any person, firm or corporation violating any of the provisions of §§ 110.35 through 110.39

(AA) shall, upon conviction, be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed \$100 and each and every day of violation shall constitute a separate offense.
(1979 Code, § 10.14)

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- Prohibiting consumption on city property
- Definitions
- Denial of defense
-
- Powers of police

111.99 Penalty

§ 111.01 CONSUMPTION ON CITY PROPERTY.

It shall be unlawful for any person who intentionally and knowingly, regardless of age or marital status, to consume any alcoholic beverage in or on any property owned, operated, under the care of, custody, and control of the city without a permit approved by the Hawkins City Council for an activity held on any said City owned property.
(1979 Code, § 3.1) (Am. Ord. —, passed 9-19-1988) (amended 1-21-2020) Penalty, see § 111.99

§ 111.02 DEFINITIONS.

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

ALCOHOLIC BEVERAGE. Any beverage containing alcohol in excess of 1% by volume, and for the purpose of this chapter the possession of any amount of the same in a public place as herein above described shall be deemed a violation of this chapter.

PUBLIC PLACE. Such property that is visited by any person, open to the public, and usually accessible to the public and shall include public parking areas, roads, streets, highways, public businesses, City Hall, city parks and city recreation areas within the territorial limits of the city.
(1979 Code, § 3.2) (Am. Ord. —, passed 9-19-1988)

§ 111.03 DENIAL OF DEFENSE.

The fact that the purchase of the alcoholic beverage was made in a place where the sale of same is legal shall not be a defense for the prosecution of this chapter.
(1979 Code, § 3.3) (Am. Ord. —, passed 9-19-1988)

§ 111.05 POWERS OF POLICE.

The city or any other officer with the authority (police) when in his opinion he sees any person or persons with any form of any alcoholic beverage, whether it is beer, whiskey, or any intoxicating beverage being consumed in any of these areas has the power to arrest and take in custody that person or persons.
(1979 Code, § 3.5) (Am. Ord. —, passed 9-19-1988)

§ 111.99 PENALTY.

Any person convicted for the violation of this chapter shall be punished by a fine not to exceed
\$500.
(1979 Code, § 3.5) (Am. Ord. —, passed 9-19-1988)

GENERAL OFFENSES

130.GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Discharging firearms

130.03 Climbing on Public Structures

130.04

130.05

§ 130.01 DISCHARGING FIREARMS.

(J) *Firing certain guns.* It shall hereafter be unlawful for any person, firm, corporation or association to fire or shoot or cause to be fired or shot any firearm, rifle, shotgun, automatic rifle, revolver, pistol or any other weapon designed for the purpose of firing or discharging a shell or cartridge, whether such shell or cartridge is blank or live ammunition, at any place within the corporate limits of the city, except for the protection of private property, and except peace officers while in the performance of their official duties. This shall not prohibit the firing of BB guns.

(1979 Code, § 9.40)

(K) *Penalties.* Any person, firm or corporation violating any of the provisions of this section or failing to observe any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 nor more than \$200.

(1979 Code, § 9.41)

§ 130.03 CLIMBING ON PUBLIC STRUCTURES.

It shall be unlawful for any person to intentionally and knowingly, regardless of age, to climb on any city structure without the consent of the Hawkins City Council except for maintenance of such structures.

Any person violating this ordinance shall upon conviction be deemed guilty of a misdemeanor and shall be fined a sum not to exceed \$500.00.

This ordinance shall be enforced by the Police Department of the City of Hawkins.
(Ord. No. 070319, passed 3-19-2007)

LAND USAGE

150. BUILDING REGULATIONS

151. MOBILE HOMES

152. OIL AND GAS WELLS

153. SUBDIVISIONS

154. FLOOD DAMAGE PREVENTION

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- (5) Codes adopted by reference

Construction of Fences, Curbs and Barriers

150.40 Authority of City Council

150.41

150.42

150.99 Penalty

GENERAL PROVISIONS

§ 150.01 CODES ADOPTED BY REFERENCE.

The City of Hawkins hereby adopts the 2015 International Building Code
Family of Codes.

(Ord. 2019-0617, passed 6-19-2019)

CONSTRUCTION OF FENCES, CURBS AND BARRIERS

§ 150.40 AUTHORITY OF CITY COUNCIL.

The City Council shall within the enactment of the ordinance set forth in this subchapter have the power to control and regulate the erection, construction and maintenance of fences, curbs and barriers. (1979 Code, § 6.70)

§ 150.99 PENALTY.

(E) *General.* Whoever shall violate any provisions of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.
(Ord. 96-0715, passed 7-15-1996)

General Provisions
CHAPTER 151: MOBILE HOMES

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- 151.02 Inspection
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- 151.05 Recreation Vehicles

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- 151.21 Application requirements
- 151.22 Permit fee
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License

- 151.35 License required
- 151.36 Application for original license
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- 151.39 License fee
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- 151.41 Transfer of license fee
- 151.42 Violations, notice, suspension of license

HUD-Code Manufactured Home Park

- 151.55 Site plan
- 151.56 Standards
- 151.57 Design and location of storage facilities
- 151.58 Location of homes and accessory structures
- 151.59 Setbacks and screenings
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- 151.67 Maintenance of park
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- 151.70 Compliance
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- 151.73 HUD-Code manufactured home outside a mobile home park;
AMENDED 8-21-17

151.74 Additional requirements

151.99 Penalty

GENERAL PROVISIONS

§ 151.01 DEFINITIONS.

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

COMMON ACCESS ROUTE\INTERNAL STREETS. Private drive allowing principal means of access to individual HUD-Code manufactured mobile home lots or auxiliary buildings.

DRIVEWAY. Minor entranceway off the common access route within the park, into an off street parking serving 1 or more HUD-Code manufactured mobile home.

HUD-CODE MANUFACTURED HOME PARK. A parcel of land under single entity ownership which has been placed and improved for the placement of HUD-Code manufactured homes, accessory use, and service facilities, meeting all requirements of this chapter and any applicable deed restrictions and state laws.

HUD-CODE MANUFACTURED MOBILE HOME. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet in length, or when erected on site, is 320 more square feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Anything less than the length and\or width specified in this paragraph shall not be allowed in a HUD-Code manufactured home park under the provisions of this chapter.

LICENSE. Written license issued by the City Council, permitting a person to operate and maintain a HUD-Code manufactured home park under the provisions of this chapter.

MOBILE HOME. A structure that was constructed before June 15, 1976, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Mobile homes shall not be allowed in a HUD-Code manufactured home park.

PARKING STREET, OFF STREET. A minimum space 9 feet in width by 18 feet in length, located within the boundary of a HUD-Code manufactured home space, or in common parking and storage area having unobstructed access to an internal street.

PERMIT. Written permit\certification issued by the City Council permitting the

construction, alteration, or extension of a HUD-Code manufactured home park (formally called a mobile home park) under the provisions of this chapter and regulations issued hereunder.

PERSON. Any natural individual, firm, trust, partnership, association or corporation.

PLOT PLAN\SITE PLAN. Graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

SEWER CONNECTION. Connection consisting of pipe, fittings, and appurtenances from the drain outlet of a HUD-Code manufactured mobile home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the HUD-Code manufactured home park.

SEWER SERVICE RISER PIPE. That portion of sewer service which extends vertically to the ground elevation and terminated at a HUD-Code manufactured home space.

SPACE. Plot of ground within a HUD-Code manufactured home park designated for accommodation of 1 HUD-Code manufactured home, together with such open space as required by this chapter. Term includes **LOT** and **SITE**.
(Ord. —, passed 4-20-1998)

§ 151.03 NOTICES, HEARINGS AND ORDERS.

Whenever it is brought to the attention of the City Council that there has been a violation of any provisions of this chapter, the City Council shall give notice of such alleged violation to the permit or

(C) licensee or agent, as hereinafter provided.

(D) Such notice shall:

- Be in writing;
- Shall include a statement of the reasons for its issuance;
- Allow a reasonable time of not less than 30 days nor more than 1 year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community for the performance of the act it requires;
- Be served upon the licensee or his agent, provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state;
- Contain an outline of remedial action when if taken will effect compliance with the provisions of this chapter. If the violation is not remedied in accordance with the notice, and a breach of the ordinance continues, then the Council may revoke any permits or licenses issued in addition to any

punishment provided in § 151.99.
(Ord. —, passed 4-20-1998)

§ 151.04 MOBILE HOMES AND HUD-CODE MANUFACTURED MOBILE HOMES RESTRICTIONS AND GUIDELINES.

(F) The installation of HUD-Code manufactured mobile home may be placed in a grandfathered mobile home park or a HUD-Code manufactured mobile home park. This provision is prospective and shall not apply to any mobile homes used and occupied as residential dwelling in the city on the effective date of this chapter.

(G) Single resident units not inside a grandfathered mobile home park or a HUD-Code manufactured mobile home may be placed inside the city limits under the following conditions:

- Request approval from the City Council;
- Submit a picture of the HUD-Code manufactured mobile home;
- Submit a diagram showing the exact location of the unit and gravel road or paved road leading to the unit;
- Must be a HUD-Code manufactured mobile home, with required tie down equipment;
- Must have coordinated skirting around the HUD-Code manufactured mobile home;
- Obtain a permit after the approval of the City Council.

(Ord. —, passed 4-20-1998; Am. Ord. —, passed 2-21-2000)

§ 151.05 RECREATION VEHICLES

All Recreational Vehicles occupied on private property in the City of Hawkins, Texas for more than ten (10) days must obtain a temporary permit or move the RV to an approved RV or Mobile Home Park. All temporary permitted RV's must be connected to its own City of Hawkins water meter. The temporary permit may be granted by the Hawkins City Council for a period up to sixty (60) days.

An application for a temporary permit must be obtained from and submitted to the City Secretary at least five (5) days before a regular City Council Meeting for the application to be considered by the City Council.

A recreational vehicle may only be used for temporary residency by the property owner, while the owner is actively involved in construction of his own permanent residence.

Any person, firm, or corporation violating this ordinance shall upon conviction be

guilty of misdemeanor and shall be fined not less than \$1.00 or more than \$500.00. Each day that the violation continues, shall be considered a separate offense.

(Ordinance 110620 6-20-2011)

PERMITS

§ 151.20 PERMIT REQUIRED.

It shall be unlawful for any person to construct, alter, extend or expand any HUD-Code manufactured home park (formally called a mobile home park) within the limits of the city unless he holds a valid permit issued by the City Council in the name of such person for the specific construction, alteration or extension proposed.
(Ord. —, passed 4-20-1998) Penalty, see § 151.99

§ 151.21 APPLICATION REQUIREMENTS.

All applications for permits shall be made upon standard forms provided by the City Council and shall contain the following:

(B) Name and address of the applicant;

(C) Location and legal description of the HUD-Code manufactured home park (formerly called a mobile home park);

(D) To this application shall be attached 3 copies of a site plan, at a minimum scale of 1" - 200' for sites of 30 acres or more, and at a minimum scale of 1" - 100' for site under 30 acres. The site plan shall include all data required under § 151.04.
(Ord. —, passed 4-20-1998)

§ 151.22 PERMIT FEE.

All applications shall be accompanied by a fee of \$100. When upon review of the application the City Council is satisfied that the proposed plan meets the requirements of law, a permit shall be issued.
(Ord. —, passed 4-20-1998)

§ 151.23 DENIAL OF PERMIT/HEARING.

Any person whose application for a permit under this chapter has been denied may request in writing a rehearing on the matter and offer additional evidence if desired.
(Ord. —, passed 4-20-1998)

LICENSE

§ 151.35 LICENSE REQUIRED.

It shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated or maintained upon any property owned or controlled by him any HUD-Code manufactured home park (formerly called a mobile home park) within the limits of the city unless he holds a valid license issued annually by the City Council. All applications for licenses shall be made in writing on forms furnished by him, to the City Council, who shall issue a license upon compliance by the applicant with provisions of this chapter. The City Council shall not issue a license unless the applicant is a valid holder of a certificate of occupancy which shall be issued by the City Council upon compliance with applicable ordinances and laws. At any time a certificate of occupancy is revoked, the license shall be cancelled. The license shall expire on December 31 of each year.
(Ord. —, passed 4-20-1998) Penalty, see § 151.99

§ 151.36 APPLICATION FOR ORIGINAL LICENSE.

Application for original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of the license fee hereinafter provided and shall contain:

- (H) The name and address of the applicant;
- (I) A copy of a valid certificate of occupancy;
- (J) The location and legal description of the park;

(K) A site plan of the park prepared in accordance with § 151.04.
(Ord. —, passed 4-20-1998)

§ 151.37 HEARING GRANTED APPLICANTS.

Any person whose application for a license under this chapter has been denied may request in writing and within 10 days a rehearing which shall be granted by the City Council.
(Ord. —, passed 4-20-1998)

§ 151.38 APPLICATION FOR LICENSE RENEWAL.

Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City Council on or before December 1 of each year. The application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the HUD-Code manufactured home park (formerly called a mobile home park) register as hereafter provided.
(Ord. —, passed 4-20-1998)

§ 151.39 LICENSE FEE.

All original license applications or renewals hereof shall be accompanied by a fee of \$50. All renewal fees shall be due on the issuance of the license.
(Ord. —, passed 4-20-1998)

§ 151.40 TRANSFER OF LICENSES.

Every person holding a license shall give notice in writing to the City Council within 15 days after having sold, transferred, given away, or otherwise disposed of interest in or control of any HUD-Code manufactured home park (formerly called a mobile home park). Application for transfer of license shall be made no later than 15 days after the date of the sale, transfer, or other disposition of interest in or control of HUD-Code manufactured home park (formerly called a mobile home park) and the City Council shall act thereon at the next regularly scheduled meeting.
(Ord. —, passed 4-20-1998)

§ 151.41 TRANSFER OF LICENSE FEE.

All applications for license transfers shall be accompanied by a fee of \$50. (Ord. —, passed 4-20-1998)

§ 151.42 VIOLATIONS, NOTICE, SUSPENSION OF LICENSE.

Whenever, the City Council finds that conditions or practices exist which are in

violation of any provisions of this chapter it shall give notice in writing in accordance with § 151.03 to the permittee or licensee or his agent that unless such conditions or practices are corrected within a reasonable period of time of not less than 30 days nor more than 1 year as specified in such notice, the license or permit shall be suspended. At the end of said period of time and if such conditions or practices have not been corrected, the City Council may suspend the license and give notice in writing of such suspension to the licensee or his agent at the address provided in the application. Upon receipt of notice of suspension, the licensee shall cease operation of such park within 10 days after the notice is issued. (Ord. —, passed 4-20-1998)

HUD-CODE MANUFACTURED HOME PARK

§ 151.55 SITE PLAN.

The site plan shall be filed as required by § 151.21 and shall show the following:

(F) The name, address, fee owner and record owner of the proposed or existing HUD-Code manufactured home park (formally called a mobile home park);

(G) Name of subdivision where the park is located;

(H) Name of adjacent public streets and roads;

(I) Contour lines at 2-foot intervals;

(J) Locations and dimensions of all HUD-Code manufactured home space, utility easements, drives, recreation areas, streets and sidewalks. Each HUD-Code manufactured mobile home space shall be numbered;

(K) Scale of plan (no smaller than 1" - 200') and complete dimensions;

(L) Density in units per gross acre;

(M) Area and dimensions of site;

(N) Areas defined for waste containers and method of disposal of garbage and refuse;

(O) Location of shower and toilet facilities;

(P) Water and sewer plans must be submitted showing the following:

(1) Sewer line locations, grades, and sizes;

(2) Water line locations and sizes and source of water supply;

(Q) Paving and drainage plans must show the directions and calculated quantities of runoff and the

proposed specifications for streets;

(R) The City Secretary shall notify the applicant in writing as to whether the plan was approved or disapproved, stating the reason for disapproval and the modifications or conditions that must be made or met before approval can be obtained upon subsequent submission.
(Ord. —, passed 8905001A 8905002A 10-20-1997; 7-20-1998)

§ 151.56 STANDARDS.

Any HUD-Code manufactured home park (formerly called a mobile home park) constructed after adoption of this chapter, and any extension\addition to an existing HUD-Code manufactured home park in the city shall be done in compliance with the following site requirements.

41 *Density.* A HUD-Code manufactured home park (formerly called a mobile home park) shall be planned for and shall have no more than 10 spaces per acre. Each HUD-Code manufactured home park (formerly called a mobile home park) shall be planned for and shall provide a minimum of 5 acres in area.

41.20 *Basic HUD-Code manufactured home minimum site requirements.*

41.21 *Height regulation.*

- The height limit for any structure intended for occupancy in the HUD-Code manufactured home park shall be 35 feet.
- The average height of the HUD-Code manufactured mobile home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed 4 feet from the top of the pad.

41.22 *Spacing regulations.* HUD-Code manufactured homes shall be located no closer than 20 feet from any exterior wall to the closest exterior wall of the nearest HUD-Code manufactured home.

41.23 *Space.* Each and every HUD-Code manufactured home shall be located on separate space which shall conform to the following standards:

- Be served with sanitary sewer, water, electrical power, telephone service, and natural gas; (Propane if natural gas is not available. Piped in according to the LPG city ordinance.)
- Provide a minimum average width of 40 feet and a minimum average depth of 80 feet;
- Abut and/or have access to a private street for a minimum distance of 12 feet;
- Provide a minimum area of 3,200 square feet, said area to be determined by the boundary lines of the space;
- Provide a HUD-Code manufactured home pad which shall provide adequate foundation for the placement and tie-down of 1 single-family HUD-Code manufactured home thereby securing the superstructure against uplift, sliding rotation, and overturning. Said pad shall:
 - Be constructed of concrete, or any base that adequately supports the weight of the HUD-Code manufactured home placed thereon and be durable and well drained under use and weather conditions;

- Provide anchors and tie-down such as cast-in place concrete dead men, eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors, or other devices which secure the stability of the HUD-Code manufactured home and shall be placed at least at each corner of the HUD-Code manufactured home;

- Cover an area of at least 240 square feet and at least one-third the area of the largest HUD-Code manufactured home which is to be placed on the HUD-Code manufactured mobile home space, whichever is greater. No surface provided for a purpose other than the foundation of a HUD-Code manufactured home shall be considered a part of such HUD-Code manufactured home pad.

- Provide a minimum of 2 off-street parking spaces which shall be constructed of all weather base, preferable concrete.

- Double street frontage of HUD-Code manufactured home spaces shall be avoided.

- No vehicular access to a HUD-Code manufactured home space is permitted from a public dedicated street.

- The ground surface in all parts of every HUD-Code manufactured home park (formerly called a mobile home park) and especially beneath HUD-Code manufactured homes and other structures shall be graded and equipped to drain all surface water in a safe efficient manner so as not to permit water to stand or become stagnant.

(Ord. —, passed 4-20-1998)

§ 151.57 DESIGN AND LOCATION OF STORAGE FACILITIES.

Storage facilities with a minimum capacity of 200 cubic feet per HUD-Code manufactured home space may be provided on the space or in compounds located within 200 feet of space. Where provided, storage facilities shall be faced with a durable, fire resistant material. Storage outside the permitted walls of the HUD-Code manufactured home shall be permitted only if in such facilities. No storage shall be permitted under a HUD-Code manufactured home. Storage facilities shall not be located within 10 feet of the boundary line of any HUD-Code manufactured home space boundary line.

(Ord. —, passed 4-20-1998)

§ 151.58 LOCATION OF HOMES AND ACCESSORY STRUCTURES.

No HUD-Code manufactured home or accessory structure such as a refuse container, carport cabana, awning, fence, or storage-locker shall be permitted within 10 feet of a private street or the boundary line of a HUD-Code manufactured home space boundary line, provided further that 2 HUD- Code manufactured homes shall not be placed less than 20 feet apart.

(Ord. —, passed 4-20-1998)

§ 151.59 SETBACKS AND SCREENINGS.

(H) No HUD-Code manufactured home or structure in a HUD-Code manufactured home park (formerly called a mobile home park) shall be located within the yard setback area. The minimum setback area for each space is:

- Front yard: 25 feet;
- Rear yard: 15 feet;
- Side yard: 5 feet.

(I) The following screening requirements shall be applicable: a landscaped strip, not less than 10 feet in width or a screening device as defined herein shall be located along all HUD-Code manufactured home park (formerly called a mobile home park) boundary lines abutting upon a public dedicated street or abutting residential property. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing, and maintenance of site obscuring trees, shrubs, and plant life, as described below. Trees, shrubs, cane, and/or other vegetation shall be planted, cultivated, and maintained as a light and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately 5 years. At least 1 row of trees with a minimum initial trunk diameter of 1 inch and minimum initial height of 5 feet shall be planted on 25 foot centers. Also 2 rows of cane, non deciduous shrubs, and/or other suitable screening plants shall be planted on 10 foot centers. The buffer strips are intended to provide a 75% or more opaque screen when viewed horizontally between 2 and 10 feet above the natural ground at the end of the growing period of 5 years from the date of planting. Additional planting, cultivation, and maintenance may be required by the city officials during the use period of the buffer strip to achieve and maintain this effect.
(Ord. —, passed 4-20-1998)

§ 151.60 ACCESS; TRAFFIC CIRCULATION; PARKING.

56 Internal streets shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.

57 All internal streets shall be constructed to specifications set by the City Council and shall be maintained by the owner.

58 All private streets shall be constructed with all weather material and shall be durable and well drained under normal use and weather conditions.

59 Internal street dimensions, parking.

59.10 Internal streets shall be minimum width of 20 feet. Parking shall not be allowed on the minimum street width. An additional lane of 9 feet minimum width may be added to 1 or both sides for off-street parking.

59.11 Internal streets shall permit unobstructed access to within at least 200 feet of any portion of each HUD-Code manufactured home.

59.12 Within each HUD-Code manufactured home park (formerly called a mobile home park), streets shall be named and HUD-Code manufactured homes numbered. Park signs and numbers shall be of standard size and placement to facilitate location by emergency vehicle.

59.13 Private streets which may connect 2 public street right-of way(s) shall, by the use of curves, off-sets, location, and/or the use of 2 or more streets, be located so as to discourage through traffic.

59.14 Private street intersections shall generally be at right angles, offsets at intersections of less than 125 feet (center line to center line) shall be avoided, and intersection of more than 2 streets at 1 point shall be avoided.

59.15 Dead-end private streets shall be limited to a maximum length of 1,000 feet and shall be provided with a vehicular turning space, with a turning circle of 80 feet in diameter.

59.16 Streets shall be laid out to provide a minimum distance of 240 feet, center to center of parallel streets, between intersections.

59.17 The private streets, parking lots, walks, and service areas shall be lighted at all times so the HUD-Code manufactured home park (formerly called a mobile home park) shall be safe for occupants and visitors, provided further all entrances and exits shall be lighted.
(Ord. —, passed 4-20-1998)

151.61 FIRE SAFETY STANDARDS.

(H) Service buildings (office, laundry facilities, repair shops, and the like) shall be provided with emergency fire extinguishing apparatus of such types and sizes as may be prescribed by the city's fire prevention regulations. Fire resistant skirting with the necessary vents, screens, and/or opening shall be installed on each HUD-Code manufactured home within 30 days after its emplacement in the park. Each HUD-Code manufactured home shall be equipped with an operable smoke detector. To insure compliance by the HUD-Code manufactured home owner with these requirements, licensee shall make such compliance and conformation thereof a condition in the agreement for rental of a HUD-Code manufactured home space.

(I) Access to HUD-Code manufactured home for fire fighting approaches to all HUD-Code manufactured homes shall be kept clear for emergency vehicles.

(J) Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Fire Marshal but in no case shall the park provide less than a system of standard hydrants located not more than 500 feet from each HUD-Code manufactured home space and served by water lines not less than 6 inches in diameter installed in a looped system.

(K) The HUD-Code manufactured home park (formerly called a mobile home park) licensee or agent shall provide an adequate system of collection and safe disposal of rubbish.
(Ord. —, passed 4-20-1998)

§ 151.62 WATER SUPPLY.

(E) All approved water supply for domestic use and fire protection purposes shall be supplied to meet the requirements of the HUD-Code manufactured home park (formerly called a mobile home park).

(F) All plumbing shall be in accordance with applicable ordinances of the city.
(Ord. —, passed 4-20-1998)

§ 151.63 SEWAGE DISPOSAL.

From and after the effective date of the ordinance set forth in this chapter, the following shall apply.

(K) Waste from all toilets, lavatories, sinks, and showers in a HUD-Code manufactured home park (formerly called a mobile home park) shall be discharged into a public sewer or a private disposal system approved by the City Council.

(L) All plumbing shall comply with applicable plumbing codes.

(M) Each HUD-Code manufactured home pad shall have a sewer riser pipe of at least 4 inches which shall be capped when not in use.
(Ord. —, passed 4-20-1998)

§ 151.64 ELECTRICAL AND TELEPHONE DISTRIBUTION SYSTEMS.

From and after the effective date of the ordinance set forth in this chapter, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the state. (Ord. —, passed 4-20-1998)

§ 151.65 BATHROOM AND LAUNDRY FACILITIES.

All rooms containing bathrooms or laundry facilities shall have fire resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent materials.
(Ord. —, passed 4-20-1998)

§ 151.66 REFUSE AND GARBAGE.

Solid waste shall be stored in fly proof, water proof containers, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of the refuse and garbage shall be so conducted as to create no health hazard. A refuse pickup easement shall be granted by the owner of the HUD-Code manufactured home park (formerly called a mobile home park) to the city, if these facilities are located so as to require the entrance of a municipal vehicle into the trailer park. (Ord. —, passed 4-20-1998)

§ 151.67 MAINTENANCE OF PARK.

The owner of the park shall be responsible to insure that it is maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard. Growth of plant materials such as weeds and grass, especially beneath HUD-Code manufactured homes and other structures shall be continuously controlled. All streets, parking and storage areas shall be maintained to provide a fully all weather surface.
(Ord. —, passed 4-20-1998)

§ 151.68 CONFORM TO CODES.

All HUD-Code manufactured home park (formerly called a mobile home park) facilities and HUD-Code manufactured homes contained therein shall conform without limitation to the codes and ordinances of the city,

including the building, plumbing, electrical, and fire codes and all applicable laws of the state.
(Ord. —, passed 4-20-1998)

§ 151.69 OFFICE.

(I) Every HUD-Code manufactured home park (formerly called a mobile home park) shall have an office in which a copy of the park permit or license shall be posted and the park register shall be in such office. It shall be the duty of the licensee to keep a register of the park occupancy which shall contain the following information:

- Name and address of owner and occupant;
- The make, model, serial number, year, and dimensions of all HUD-Code manufactured homes;
- The date of arrival and departure of each HUD-Code manufactured home.

(J) The park operator shall submit the park register to the City Council each year upon requesting license renewal and shall make the register available to any authorized city official upon reasonable request. Upon gaining knowledge of a departure of any HUD-Code manufactured home, the park operator shall notify the City Tax Assessor. Failure to do so shall place the operator in violation of this chapter.
(Ord. —, passed 4-20-1998)

§ 151.70 COMPLIANCE.

It shall be the responsibility of the licensee to insure that all requirements of this chapter are met and maintained. Any HUD-Code manufactured home park (formerly called a mobile home park) issued an initial license after adoption of this chapter shall be notified in writing by the City Council in accordance with § 151.03 and upon failure to comply the license shall be revoked.
(Ord. —, passed 4-20-1998)

§ 151.71 NONCONFORMING HUD-CODE MANUFACTURED HOME PARK.

(F) Nonconforming HUD-Code manufactured home parks (formerly call mobile home park) in use and/or existence on the effective date of this chapter and not complying with all applicable provisions of this chapter shall be considered a nonconforming HUD-Code manufactured home park. Such nonconforming HUD-Code manufactured home park (formerly called a mobile home park) shall conform to requirements of Ordinances 89-05-001 and 89-05-002 of the code of ordinances of the city as it existed prior to the effective date of the ordinance set forth in this chapter. Nonconforming parks shall, however, comply with the requirements of § 151.03 and § 151.66.

(G) Any land area added to a nonconforming HUD-Code manufactured home park (formerly called a mobile home park) shall conform to all requirements of this chapter.
(Ord. —, passed 4-20-1998)

§ 151.72 SIZE OF LOT, SPACING AND CLEARANCES FOR HUD-CODE MOBILE HOME.

A HUD-Code manufactured mobile home space shall be at least 3 times larger than the mobile home to be placed thereon and no less than 3,000 square feet in area. The space shall be clearly delineated on the ground in accordance with the permit application. A minimum clearance of 30 feet between mobile homes and 12 feet from the property line.

The front yard shall have at least 25 feet to the property line. The rear yard must be at least 15 feet from the property line. There shall not be more than 1 HUD-Code mobile home placed on a lot.

(Ord. —, passed 4-20-1998; Am. Ord. —, passed 7-20-1998)

§ 151.73 HUD-CODE MANUFACTURED HOME OUTSIDE A MOBILE HOME PARK.

All HUD-Code manufactured homes outside of a mobile home park after February 21, 2000 shall be set up in the designated sites shown on the city map. Exception: A HUD-Code manufactured home may be placed on a lot outside the designated area upon the approval of the joining residents, property owners and City Council.

(Ord. —, passed 4-20-1998; Am. Ord. —, passed 2-21-2000)

§ 151.74 ADDITIONAL REQUIREMENTS.

(H) Responsibilities of the park management.

- All responsibilities set out elsewhere in this chapter shall apply.
- The licensee or his agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair and in clean and sanitary condition.
- The licensee or agent shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(I) Responsibilities of park occupants.

- All responsibilities of occupants set out elsewhere in this chapter shall apply.
- The park occupant shall comply with all requirements of this chapter.
- The park occupant shall be responsible for proper placement of his HUD-Code manufactured home in a HUD-Code manufactured home park.
- The use of space immediately beneath a HUD-Code manufactured home for storage shall not be permitted.

(J) Location.

- Mobile homes shall not be permitted in a HUD-Code manufactured home park.
 - Only HUD-Code manufactured homes shall be permitted in a HUD-Code manufactured home park.
- (Ord. —, passed 4-20-1998)

§ 151.99 PENALTY.

Any person, firm or corporation violating this chapter or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$1 nor more than \$500, and each day that such violation continues shall be considered a separate offense and punishable accordingly.
(Ord. —, passed 4-20-1998)

CHAPTER 152: OIL AND GAS WELLS

Section

152.01	Title
152.02	Police power
152.03	Definitions
152.04	
152.05	
152.06	

§ 152.01 TITLE.

The title of this chapter and the name by which it shall be known is the City of Hawkins Oil and Gas Well Ordinance.
(Ord. 88, passed 12-17-1962; Am. Ord. —, passed 7-19-)

§ 152.02 POLICE POWER.

The City Council finds that there has been and there is a likelihood of additional drilling and production operations for oil and gas within the corporate limits of the city requiring that operations for the drilling and production of oil and gas within such area be regulated because of the fire hazards created by such operations, as well as the menace of falling derricks, unsanitary conditions, contaminated water supply and all similar and like threats to the lives, property, health, safety and welfare of the public in general, for which the police power of the state delegated to this city is to be and is invoked in aid of the enforcement of this chapter.
(Ord. 88, passed 12-17-1962; Am. Ord. —, passed 7-19-)

§ 152.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a separate meaning. All technical or oil and gas industry words or phrases used herein and not specifically defined herein shall have the meaning customarily attributable thereto by prudent operators in the oil and gas industry.

APPLICANT. The person making application for a permit for the drilling and operation of a well under this chapter and his or its agents, representatives, administrators, employees, executors, heirs, successors and assigns.

GAS. Natural gas, including all of its constituent elements, which elements include (but not by way of limitation) gasoline, condensate, distillate, butanes, propane, and other lighter hydrocarbons.

GAS WELL. A well producing gas, as herein above defined, and which produces no oil as herein above defined, or less than 1 barrel of oil to each 100,000 cubic feet of gas.

OIL. Any liquid hydrocarbon, regardless of gravity, capable of being produced from a drilling unit in liquid form at the well by ordinary production methods and which is not the result of the condensation of gas after it leaves the reservoir.

OIL WELL. Any well which produces 1 barrel or more of oil, as herein above defined, to each 100,000 cubic feet of gas, as herein above defined.

PERMITTEE. The person to whom is issued a permit for the drilling and operation of a well under this chapter and his or its agents, representatives, administrators, employees, executors, heirs, successors and assigns.

PERSON. Includes both the singular and plural; shall mean and include any person, individual, firm, partnership, association, corporation, club, society, co-operative, trust, municipal corporation, or political subdivision whatsoever, and their agents, representatives, administrators, employees, executors, heirs, successors, and assigns.

WELL. Any hole or holes, bore or bores, to any sand, formation, strata or depth, which is or are drilled, bored, sunk, dug or put down for the purpose of either exploring for or ascertaining the existence of any oil, gas, liquid hydrocarbon, or any of them, or for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any of them; or to be used for injection or disposal. (Ord. 88, passed 12-17-1962; Am. Ord. —, passed 7-19-)

CHAPTER 153: SUBDIVISIONS

Section

- 22.10 Purpose
- 22.11 Variance from regulations
- 22.12 Procedure and limitation for subdividing land

- 22.13 Preliminary plats
- 22.14 Final or record plat
- 22.15 General requirements for streets
- 22.16 Improvements

- 153.99 Penalty

§ 153.01 PURPOSE.

(L) The purpose of this chapter is to set the procedure and standards for submitting plats, for subdividing property, for the layout and development of lots, land and subdivisions within the corporate limits of the city, and the extra-territorial jurisdiction of that city, as prescribed in this chapter and to guide and assist the developer in correct procedures to be followed and to furnish information on standards

required.

(M) Also, this chapter should promote the safe, orderly and healthful development of the city by controlling the location, width, design, and type of streets, sidewalks, storm sewers, culverts, bridges, utilities and essential services required.
(1979 Code, § 6.60)

§ 153.02 VARIANCE FROM REGULATIONS.

The governing body of the city may authorize a variance from those regulations.

(T) A variance will not be granted unless undue hardship will result from requiring strict compliance. In granting a variance, the governing body shall proscribe only conditions that it deems necessary or desirable to the public interest, health, safety, convenience, and welfare of the city. A variance shall not be granted unless there exists a special circumstance or unique condition affecting the land involved so that the strict application of the provisions of this chapter would deprive the landowner of a substantial property right or reasonable use of the land and the variance would not be detrimental to the public health, safety, welfare and convenience, nor would be injurious to other property in the area.

(U) The financial hardship alone is not sufficient to show undue hardship. Therefore, a variance from the provisions of this chapter shall not be granted solely because nonconformance is more profitable to the developer.
(1979 Code, § 6.61)

§ 153.03 PROCEDURE AND LIMITATION FOR SUBDIVISING LAND.

The following are procedures and limitations governing the platting and subdividing of land.

(O) Any owner of any tract of land situated within the corporate limits of the city, or within its

extra-territorial jurisdiction, who may desire to subdivide same, or any part thereof, shall have a preliminary plat and also a final or record plat made by a registered professional engineer, professional land planner or a registered public land surveyor from an actual survey of the proposed subdivision, conforming to all of the rules and regulations set forth herein, and shall submit same to the governing body of the city for its approval.

(P) The practice of division of land by describing metes and bounds is by definition an act of subdivision and is therefore subject to the regulations expressed herein.
(1979 Code, § 6.62)

§ 153.04 PRELIMINARY PLATS.

(G) The original or reproducible tracing and 4 prints of a preliminary plat shall be submitted to the governing body of the city for tentative approval before the sub divider proceeds with the final or record plat. Such preliminary plat and a non-refundable preliminary filing fee of \$25 plus \$1 per lot (except that total preliminary filing fee shall not exceed \$125) must be filed at the city offices at least 10 days prior to a regular meeting of the governing body of the city at which approval is asked. Single tracts being subdivided into no more than 4 lots shall pay only a fee of \$15 and no final plat fee shall be required.

(H) The plat shall be drawn to a scale of not more than 100 feet to an inch and shall contain the following information:

- A title, including the name of the subdivision, developer, engineer (or surveyor), name of survey, the scale, date, a north point and approximate acreage;
- The boundary lines of the tract to be subdivided with courses, angles, and distances, the property lines and names of record owners of adjoining undeveloped property, easements, building lines, buildings and lots, physical features, including water courses, ravines, bridges, culverts, drain pipes, sanitary and storm sewers, water mains, and other existing features on the property being developed and on undeveloped properties within 200 feet of the subject property;
- Location and width of existing streets, street names, width between curbs, if paved, and alleys, within and adjacent to the property;
- The location, width, and names of all proposed streets, alleys or other public ways, all lots, blocks and all parcels of land to be dedicated for public use;
- A vicinity map shall be presented prior to submitting the preliminary plat, showing sufficient area to properly locate the proposed subdivision in relation to schools, parks, shopping centers, thoroughfares and highways;
- Approval of a preliminary plat shall expire at the end of 1 year if final plat has not been submitted for all or a portion of the subdivision;
- The preceding requirements for the preliminary plat and filing fee in this subsection are waived if the following criteria are met:
 - The subdivision is actually a re-subdivision of lots previously platted and filed of record in Plat Records, Wood County, Texas; or all proposed lots of the subdivision abutting upon an existing street of adequate width such that no additional right of way is required; and in either case, no connection of public streets, alleys, storm sewers, sanitary sewers, or water mains is required within or for extension to the subdivision;
 - The developer first secures written permission from the governing body of the city to waive the preliminary plat and proceed directly to the final plat procedure.
(1979 Code, § 6.63)

§ 153.05 FINAL OR RECORD PLAT.

(O) A final or record plat shall be prepared and submitted to the governing body of the city along with a \$25 final filing fee after ordered changes or alterations, if any, in the preliminary plat have been made and after all survey work on the ground has been completed. No record plat will be considered unless a preliminary plat has first been submitted or formally waived in accordance with § 153.04. The final or record plat shall be 24 inches by 36 inches or 24 inches by 18 inches drawn on minimum 3-mil polyester drafting film in India ink to a scale of not more than 100 feet to the inch. The original or a reproducible tracing and 4 prints shall be submitted to the governing body of the city not less than 10 days prior to the meeting of the City Council at which it is considered. Such tracing in its final form approved by the governing body of the city shall become the property of the city.

(P) The final or record plat shall contain the following information:

- (1) A title, including the name of the subdivision, name or survey, the scale, date, and a north point;

(2) The shape and exterior boundaries of the tract subdivided, indicated by the use of a distinctive or individual symbol, shall be completely and accurately determined by courses, angles and distances, and the tract shall be tied to a recognized surveyed corner described by Survey Abstract Number and volume and page of Wood County deed records where the corner is recorded. These boundaries shall be obtained by an accurate survey in the field;

(3) The names of all proposed streets;

(4) The dimensions of all lots, streets, alleys, and angles of intersection must be shown. The functions of all curves shall begin along the property lines of each street and alley. The blocks and lots shall be properly numbered and minimum finished floor elevations (for designated flood hazard areas) superimposed on each lot;

(5) The boundaries and widths of easements required for the installation of various franchise utilities, including but not limited to electrical power, natural gas, telephone, and television cable;

(6) The names of adjoining subdivisions, the lines of abutting lots, lot and block numbers, and all streets, easements, and principal lines, survey lines and corners and landmarks in the territory contiguous to the proposed subdivision shall be accurately tied to the lines of the subdivision by distances and bearings or angles. Location of all water courses and associated flood plains, ravines, bridges, culverts, drain pipes, and other existing features;

(7) A description of the type of all monuments set and their location designated by a distinctive symbol;

(8) A certificate of ownership and dedication of all streets, alleys, easements, and public areas to the public use forever, signed and acknowledged before a Notary Public by the owner of the land and placed on the face of the map;

(9) The certificate of the registered professional engineer or registered public land surveyor, who surveyed, mapped, and monument the land, which certificate shall be sworn to before a Notary Public and shall be placed on the face of the map;

(10) Prerequisite to final plat approval by the governing body of the city, all plans for construction of sewer, water, storm drainage, and paving shall be approved by the governing body of the city. Letters of consent to the platting and improvements shall be submitted by all lien holders and other parties having rightful claim of ownership or easement to the property. Construction plans shall include a signed statement signifying the developer's agreement to complete all improvements shown thereon;

(11) Following approval of the final plat, the Mayor will sign the plat which shall then be filed by the city with the County Clerk. The plat filing will be delayed upon written request of the owner. (1979 Code, § 6.64)

§ 153.06 GENERAL REQUIREMENTS FOR STREETS.

The following are general regulations for construction of streets:

(A) In general, streets of new subdivisions shall be in line with existing streets in adjoining subdivisions except in so far as the topography, requirements of traffic circulation, and other considerations make it desirable to depart from such plans. Unless otherwise approved by the governing body of the city, provisions must be made for the extension of main thoroughfares and secondary streets must provide free

circulation within the subdivision.

(B) The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where no adjacent connections are platted, must in general be the reasonable projection of streets in nearest subdivided tracts and must be continued to the boundaries of the tract subdivided.

(C) Except in unusual cases, no dead-end street will be approved unless such dead-end streets are provided to connect with future streets in adjacent land, but cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connecting streets. Such streets shall provide proper access to all lots and shall generally not exceed 500 feet in length, and a turnaround shall be provided at the closed end, with an outside radius of at least 60 feet.

(D) New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city.

(E) Where the subdivision is a portion of a tract later to be subdivided into its entirety, a tentative overall subdivision plat for the entire tract shall be submitted with the final plat of the portion first to be subdivided.

(1979 Code, § 6.65)

§ 153.07 IMPROVEMENTS.

The following rules shall regulate improvements to buildings and land in the city.

(L) *Designs.* All design of water and sewer utilities, paving and/or drainage facilities within and adjacent to subdivisions of the city shall be made by or under the direct supervision of a registered professional engineer and the plans shall bear his seal.

(M) *Plan profile sheet and scale.* Completed plans shall be on standard 24 inches by 36 inches plan, profile, or plan-profile sheets to a scale of not more than 50 feet to the inch horizontal scale and 5 feet to the inch vertical scale.

(N) *Final approval.* Final approval of water and sewer plans as well as final approval of paving and/or drainage plans is to be made by the governing body of the city and shall be prerequisite to approval of the final plat by the governing body of the city.

(O) *Contractual arrangements.*

- *Utilities.* A contract for the installation of water and sewer utilities must be entered into with the City Water Department in accordance with that Department's policies and governing ordinances. The city will be contracting agent and will secure bids and contracts for water and sewer utility improvements. In no case shall permanent paving improvements be commenced until required subsurface utilities are completed.

- *Paving and drainage.* The developer shall secure a contractor for paving and drainage improvements by whatever means (bidding, negotiation, and the like) he deems appropriate. The contract terms shall rest with the parties involved except that all work must be uniform with existing paving and drainage facilities of the city.

(P) *Bonds.*

- Contractors for all water and sewer utility improvements shall be required to furnish to the

city a performance, payment, and maintenance bond in the amount of 100% of contract amount. The maintenance bond shall be in full force and effect for 1 year from the date of written acceptance by the city of the improvements.

- Prior to final acceptance of the paving and drainage improvements, the contractor shall supply to the city a maintenance bond in the amount of 10% of the final cost of the improvements. The maintenance bond shall guarantee the work to be free of defects in workmanship or materials for a period of 1 year from the date of final acceptance by the city.

(Q) *Financial provisions.*

- Funding of water and sewer utility improvements will be as required by the governing body of the city.

- The developer shall bear full cost of all drainage structures, including inlets, culverts, storm sewers, manholes, and sub drains required to carry storm drainage or groundwater on or across the property regardless of its origin. The city may, at its option, participate in the cost of drainage improvements. Participation must be approved individually on the merits of the work and the availability of funds by the City Council.

- The cost of clearing, excavation, sub grade stabilization, installing curb and gutter and paving of subdivision streets shall be the sole responsibility of the developer up to and including streets 31 feet in width between curbs. The city shall pay for pavement (base and surface course only) in excess of that width if such extra width is required by the city and upon approval of the City Council prior to beginning any construction on the street(s). The developer shall be responsible for the full cost of installing curb and gutter along existing public ways abutting his subdivision.

(G) *Prevention of erosion, sediment transport and siltation.* Whereas it is a violation of state statutes to markedly increase the turbidity of streams, whether perennial or intermittent, it shall be the responsibility of the developer, builders, contractors, and others disturbing the natural surface or ground cover, both collectively and separately, to institute such precautions as may be necessary to prohibit erosion, sediment transport, and/or siltation into any storm water conveyance system or onto nearby properties. It shall be a violation of this chapter to pollute such streams by introducing into the waterways construction debris, trees, brush, or other cleared materials, excavated material, trash or rubbish.

(H) *Compliance with standards.* All subdivisions within the city and within ½ mile shall comply with these minimum standards unless variances are granted as covered in § 153.02.

(1) Minimum residential pavement widths shall be 31 feet between the inside faces of curbs for curbed and guttered streets and 24 feet clear pavement width exclusive of shoulders on streets not curbed and guttered. In tracts subdivided for industrial development, the minimum pavement width shall be 36 feet between curbs.

(2) Curb and gutter shall be standard city design and construction and shall be required in all subdivisions.

(3) Pavement in all nonindustrial subdivisions shall consist of the equivalent of 1½ inches of hot mix asphaltic concrete on 6 inches compacted iron ore gravel for up to an including 36 feet in pavement width. Streets in excess of 36 feet shall consist of the equivalent of 2 inches of hot mix asphaltic concrete on 8 inches compacted iron ore gravel. Pavement in industrial subdivisions shall be the equivalent of 2 inches hot mix asphaltic concrete on 8 inches compacted iron ore gravel.
(1979 Code, § 6.66)

§ 153.99 PENALTY.

Any person, firm, partnership, association or corporation who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed \$500. Each day a violation hereof continues to exist shall be deemed a separate offense. This provision shall not apply to any violation occurring outside the corporate limits of the city. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this chapter.
(1979 Code, § 6.67)

CHAPTER 154: FLOOD DAMAGE PREVENTION

154.00	Statutory Authorization
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CHAPTER 154: FLOOD DAMAGE PREVENTION

154.00 STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Therefore, the City Council of Hawkins, Texas, does ordain as follows:

154.01 FINDINGS OF FACT

(1) The flood hazard areas of the City of Hawkins are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

154.02 DEFINITIONS

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of

property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/ AO, AR/ AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AI-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO, VI-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) -The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, AI-A30, AR, VI-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date

of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (5) the overflow of inland or tidal waters.
- (6) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY- means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the

purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

11. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

12. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

13. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

17. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior or;

b. Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are

constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA - see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued,

provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/ or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

154.03 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Hawkins;

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), Community Number, 481056, dated 9-03-2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- (1) considered as minimum requirements;
- (2) liberally construed in favor of the governing body; and
- (3) deemed neither to limit nor repeal any other powers granted under State statutes.

154.04 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Wood County Emergency Management Coordinator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44CFR pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

- i. Review, approve or deny all applications for development permits required by adoption of this ordinance.
- ii. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- iii. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- iv. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- v. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- vi. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

SECTION C. PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be presented To the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.

Additionally, the following information is required:

- Elevation (in relation to mean sea level), of the lowest floor

(including basement) of all new and substantially improved structures;

- Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
- A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);
- Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- Maintain a record of all such information in accordance with Article 4, Section (B) (1).

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - ii. The necessity to the facility of a waterfront location, where applicable;
 - iii. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance

would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

154.05 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.
2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/ or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.
3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than 1 foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or

other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. **Manufactured Homes**

1. Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites(i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - a. The lowest floor of the manufactured home is at or above the base flood elevation, or;
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an

adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

All proposals for the development of subdivisions including the placement of

manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION E. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Hawkins from taking such other lawful action as is necessary to prevent or remedy any violation.

Ordinance dated 6-18-18

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