

Chapter AO
ADOPTING ORDINANCE

FROST CODE

Chapter 1

GENERAL PROVISIONS

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ARTICLE 1.01
CODE OF ORDINANCES

§ 1.01.001. Adoption.

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

§ 1.01.002. Designation and citation of code.

The ordinances embraced in this chapter and the following chapters, articles and sections shall constitute and be designated the “Code of Ordinances, City of Frost, Texas,” and may be so cited.
(Ordinance adopting Code)

§ 1.01.003. Catchlines of articles, divisions and sections.

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

§ 1.01.004. Definitions and rules of construction.

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

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

City and town. Each means the City of Frost, Texas.

City administrator, city manager, city secretary, chief of police or other city officers. The term “city administrator,” “city manager,” “city secretary,” “chief of police” or other city officer or department shall be construed to mean the city administrator, city manager, city secretary, chief of police or such other municipal officer or department, respectively, of the City of Frost, Texas.

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

Council. Whenever the term “council” or “city council” or “the council” is used, it shall mean the city council of the City of Frost, Texas.

County. The term “county” or “this county” shall mean the County of Navarro, Texas.

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

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

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

May. The word “may” is permissive.

Month. The word “month” shall mean a calendar month.

Must and shall. Each is mandatory.

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

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

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

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

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

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

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

Property. The word “property” shall mean and include real and personal property.

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

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

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

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

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

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

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

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

Year. The word “year” shall mean a calendar year.

(Ordinance adopting Code)

§ 1.01.005. Severability of parts of code.

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

(Ordinance adopting Code)

§ 1.01.006. Repeal of ordinances.

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

(Ordinance adopting Code)

§ 1.01.007. Amendments or additions to code.

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

(Ordinance adopting Code)

§ 1.01.008. Supplementation of code.

- (a) 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 during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.
- (c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines,

headings and titles;

- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this section,” “this subsection,” etc., as the case may be; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance material inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

(Ordinance adopting Code)

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

- (a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).
- (b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).
- (c) A person convicted of an offense under title 7, subtitle C, Transportation Code (the Uniform Act Regulating Traffic on Highways) for which another penalty is not provided shall be punished by a fine of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00) plus such other penalties and costs as may be provided by such subtitle C.
- (d) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.
- (e) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- (f) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.
- (g) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

(Ordinance adopting Code)

**ARTICLE 1.02
ADMINISTRATION**

**DIVISION 1
Generally**

§ 1.02.001. Title 28 Revised Civil Statutes adopted.

The city council hereby accepts and adopts the provisions of title 28 of the Revised Civil Statutes of Texas of 1925, and the provisions of that title shall be in force and the city shall be subject to the provisions of that title relating to cities and towns, invested with the rights, powers, privileges and immunities and franchises therein conferred.

(1978 Code, ch. 1, sec. 11)

§ 1.02.002. Town redesignated as city.

It is ordained by the city council, in accordance with and by authority of section 5.902 of the Texas Local Government Code, that the Town of Frost shall be hereafter designated the City of Frost, Texas.

(Ordinance 154 adopted 5/8/95)

§ 1.02.003. through § 1.02.030. (Reserved)

DIVISION 2
Claims Against City

§ 1.02.031. Notice requirements.

The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or, in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within sixty (60) days or within six (6) months for good cause shown from the date the damage or injury was received, give notice in writing to the mayor and city council of the following facts:

- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received.
- (2) The nature of the damage or injury sustained.
- (3) The apparent extent of the damage or injury sustained.
- (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred.
- (5) The amount for which each claimant will settle.
- (6) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented.
- (7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant, witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.
- (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

(Ordinance 152, sec. 1, adopted 8/1/94)

§ 1.02.032. Refusal by council required before filing suit.

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

(Ordinance 152, sec. 2, adopted 8/1/94)

§ 1.02.033. Service of notices.

All notices required by this division shall be effectuated by serving them upon the (city secretary, city clerk, or city manager) at the following location: Frost City Hall, 100 North Garitty St., Frost, TX 76641 (do not use post office box address), and all such notices shall be effective only when actually received in the office of the person named above.

(Ordinance 152, sec. 3, adopted 8/1/94)

§ 1.02.034. Waiver of notice requirements.

The above written notice requirements shall be waived if the city has actual knowledge of death, injury or property damage likely to result in a claim against the city. The city shall not be deemed to have actual knowledge unless that knowledge is attributable to an appropriate city official whose job duties include the authority to investigate and/or settle claims against the city.

(Ordinance 152, sec. 4, adopted 8/1/94)

§ 1.02.035. Notice to be sworn.

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

(Ordinance 152, sec. 5, adopted 8/1/94)

ARTICLE 1.03
MAYOR AND COUNCIL

§ 1.03.001. Compensation.

- (a) The mayor of the city shall receive as compensation for his services as such official the sum of five dollars (\$5.00) for each and every regular meeting of the city council, provided the mayor is present at such regular meeting and does act in his official capacity.
- (b) The mayor of the city shall receive as compensation for his services as such official the sum of three dollars (\$3.00) for each called meeting of the city council, provided the mayor is present and does act in his official capacity. It is further provided also that the payment of said sum of three dollars (\$3.00) shall be made contingent upon the fact that six (6) days shall elapse between any two consecutive called meetings when said meetings are caused by order of the mayor, but said sum shall be paid in every instance where the city council sits in called meeting when said meeting is caused by order of a majority of the members of the council.
- (c) Each member of the city council shall receive as compensation for his services as such councilman the sum of two dollars and fifty cents (\$2.50) for each and every regular meeting of the city council, provided said councilman is present at such regular meeting and does act in his official capacity.
- (d) Each member of the city council shall receive as compensation for his services as such councilman the sum of one dollar and fifty cents (\$1.50) for each called meeting of the city council, provided said councilman is present at such called meeting and does act in his official capacity.
- (e) The above stipulated salaries shall in every instance be paid immediately following said regular or called meeting of the council, or as soon thereafter as possible.
- (f) No compensation in any amount shall be tendered the mayor or any councilman if such official is obligated, by delinquent taxes or otherwise, to the city. If said official or officials are indebted to the city, then and in that event said salary or salaries shall be applied to such indebtedness.

(1978 Code, ch. 7, sec. 7)

**ARTICLE 1.04
ELECTIONS**

§ 1.04.001. Applicability of state law.

All municipal elections held in the city shall be conducted and results canvassed and announced by the election authorities, as prescribed by the general election laws of the state, and said general election laws shall control in all municipal elections.

(1978 Code, ch. 1, sec. 12)

§ 1.04.002. Accessible voting system required in each polling place.

As chief elections officer of the city, the city secretary shall provide at least one ES&S IvoTronic in each polling place in every polling location used to conduct any election ordered on or after January 1, 2006. The ES&S IvoTronic may be acquired by any legal means by the councilmembers of the city, including but not limited to lease or rental from the county, or from any other legal source, as authorized or required by sections 123.032 and 123.035, Texas Election Code.

(Ordinance 220 adopted 2/6/06)

ARTICLE 1.05
EMERGENCY MANAGEMENT

§ 1.05.001. Operational organization.

- (a) There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.
 - (b) An emergency management coordinator may be appointed by and serve at the pleasure of the director.
 - (c) 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 article. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
 - (d) The operational emergency management organization of the 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.
- (Ordinance 149, sec. 1, adopted 1/3/94)

§ 1.05.002. Powers and duties of emergency management director.

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

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) 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.
- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the 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.
- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the city emergency management organization, as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.

- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the county-wide coordination of emergency management efforts.
- (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (13) Other requirements as specified in the Texas Disaster Act of 1975, Texas Government Code chapter 418.
(Ordinance 149, sec. 2, adopted 1/3/94)

§ 1.05.003. Emergency management plan.

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management. When approved, it shall be the duty of all departments and 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 article and have the effect of law during the time of a disaster.

(Ordinance 149, sec. 3, adopted 1/3/94)

§ 1.05.004. Interjurisdictional program.

The mayor is hereby authorized to join with the mayor of the City of Corsicana and the county judge in the formation of an emergency management plan and shall have the authority to cooperate in the preparation of a joint emergency management plan, as well as all powers necessary to participate in a Corsicana/Navarro County program of emergency management insofar as said program may affect the city.

(Ordinance 149, sec. 4, adopted 1/3/94)

§ 1.05.005. Override.

At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall

be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

(Ordinance 149, sec. 5, adopted 1/3/94)

§ 1.05.006. Liability.

This article 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 the 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 article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license or privilege or otherwise permits the city to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

(Ordinance 149, sec. 6, adopted 1/3/94)

§ 1.05.007. Commitment of funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city council, nor shall any person have the 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, or property.

(Ordinance 149, sec. 7, adopted 1/3/94)

§ 1.05.008. Offenses; penalty.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the 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 article and shall be subject to the penalties imposed by this article.
- (d) Convictions for violations of the provisions of this article shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00).

(Ordinance 149, sec. 8, adopted 1/3/94)

§ 1.05.009. Limitations.

This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation.

(Ordinance 149, sec. 10, adopted 1/3/94)

ARTICLE 1.06
FINANCES

§ 1.06.001. Fiscal year.

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

(1978 Code, ch. 1, sec. 10)

§ 1.06.002. Annual budget.

- (a) Budget officer. The budget officer of the city shall be the mayor of the city.
- (b) Budget required. The budget officer shall, with the aid and counsel of the members of the city council, annually prepare a budget to cover all proposed expenditures of the government of the city for the succeeding year, in accordance with V.T.C.A., Local Government Code, chapter 102.
- (c) Contents. The budget shall show all expenditures proposed and shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also show as definitely as possible each of the various projects for which appropriations are made in the budget and the budgeted sums for each of such projects. The budget shall also contain a complete financial statement of the city showing all outstanding obligations of the city, the cash on hand to the credit of each and every fund, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.
- (d) Cooperation required. The mayor shall have the authority to require any officer or other unit of the city government to furnish such information as may, in the mayor's discretion, be necessary to afford proper preparation of the proposed budget.
- (e) Time of filing. The budget shall be filed with the city secretary not less than 30 days prior to the time the council makes its tax levy for the current fiscal year.
- (f) Public inspection. The budget filed with the city secretary shall be available for the inspection of any taxpayer during all reasonable business hours.
- (g) Public hearing and filing with county and state. A public hearing shall be had and the budget adopted thereafter shall be filed in accordance with V.T.C.A., Local Government Code, secs. 102.006 through 102.009.

(1978 Code, ch. 1, sec. 13)

§ 1.06.003. Audits.

An audit of the books of account of the city shall be made and filed annually in accordance with V.T.C.A., Local Government Code, chapter 103.

(1978 Code, ch. 1, sec. 14)

ARTICLE 1.07
COMMUNITY DEVELOPMENT PLAN

§ 1.07.001. Adopted.

A community development plan containing a population, housing, land use, streets, parks and recreation, water, sanitary sewer, drainage, economic development and capital improvements program element is hereby accepted and adopted.

Editor's note—The community development plan is not included herein, but is maintained on file for public inspection in the offices of the city.
(Ordinance 194 adopted 11/6/00)

**ARTICLE 1.08
DISCRIMINATION**

**DIVISION 1
Generally**

§ 1.08.001. through § 1.08.030. (Reserved)

DIVISION 2
Fair Housing

§ 1.08.031. Policy.

- (a) It is hereby declared to be the policy of the city to bring about through fair, orderly and lawful procedures, the opportunity of each person to obtain housing without regard to race, color, religion, sex, national origin, physical or mental disability, or familial status.
- (b) It is further declared that such policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, religion, sex, national origin, physical or mental disability, or familial status and further that the denial of such rights through considerations based on these protected classes is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

§ 1.08.032. Definitions.

As used in this division the following words and phrases shall have the meanings respectively ascribed to them in this section unless the context requires otherwise:

Director. The director of the human relations department or authorized assistant.

Discriminatory housing practice. An act which is unlawful under this division.

Dwelling. Any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more persons and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure or portion thereof.

Family. A single individual or a group of individuals living together under one common roof.

Major life activities. Functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Person. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Physical or mental disability. Any physical or mental impairment which substantially limits one or more major life activities.

Physical or mental impairment. Shall include:

- (1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
- (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

To rent. Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Senior adult. A person fifty-five (55) years of age or older.

§ 1.08.033. Interpretation and effect.

This division shall in no way be interpreted as creating a judicial right or remedy which is the same or substantially equivalent to the remedies provided under title VIII of the Civil Rights Act of 1968, as amended or the Federal Equal Credit Opportunity Act (15 U.S.C. 1691). All aggrieved parties shall retain the rights granted to them by title VIII of the Civil Rights Act of 1968, as amended and the Federal Equal Credit Opportunity Act. In construing this division, it is the intent of the city council that the courts shall be guided by federal court interpretations of title VIII of the Civil Rights Act of 1968, as amended, and the Federal Equal Credit Opportunity Act, where appropriate.

§ 1.08.034. Discrimination in the sale or rental of housing.

Except as exempted by statute it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, physical or mental disability, or familial status.
- (2) To discriminate against any person in the terms, conditions, or privileges of a sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, national origin, physical or mental disability, or familial status.
- (3) To make, print or publish or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, national origin, physical or mental disability, or familial status, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, religion, sex, national origin, physical or mental disability, or familial status, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, physical or mental disability, or familial status.

§ 1.08.035. Discrimination in housing financing.

It shall be unlawful for any bank, building and loan association, insurance company, or other person whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, national origin, physical or mental disability, or familial status of such person or such persons associated therewith or because of the race, color, religion, sex, national origin, physical or mental disability, or familial status, of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.

§ 1.08.036. Discrimination in providing brokerage service.

It shall be unlawful for any person to deny another person access to membership in, or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling and renting dwellings or to discriminate against another person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, physical or mental disability, or familial status.

§ 1.08.037. Unlawful intimidation.

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group or business because such individual, group, or business has complied with the provisions of this division or has exercised in good faith rights under this division, or has enjoyed the benefits of this division, or because such individual, group, or business has made a charge in good faith, testified in good faith or assisted in good faith in any manner in any investigation, or in any proceeding hereunder or has made any report to the director.

§ 1.08.038. Exemptions and exclusions.

- (a) Nothing in this division shall apply to:
- (1) Any single-family house sold or rented by an owner, provided that:
 - (A) Such private individual owner does not own more than three (3) single-family houses at any one time;
 - (B) If the owner does not reside in the house at the time of the sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period;
 - (C) Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such person's behalf, under any express voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time;
 - (D) The sale or rental is made without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
 - (E) The sale or rental is made without the publication, posting or mailing of any advertisement or written notice in violation of this division; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.
 - (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (b) For the purposes of subsection (a), a person shall be deemed to be in the business of selling or renting dwellings if:

- (1) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein;
 - (2) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or
 - (3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.
- (c) Nothing in this division shall prohibit a religious organization, association or society or a nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, physical or mental handicap, or familial status.
- (d) Nothing in this division shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members, or from giving preference to its members.
- (e) Nothing in this division shall bar any person from owning and operating a housing accommodation in which rooms are leased, subleased or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.
- (f) Nothing in this division shall prohibit the sale, rental, lease or occupancy of any dwelling designed and operated exclusively for senior adults and their spouses, unless the sale, rental, lease or occupancy is further restricted on account of race, color, religion, sex, national origin, physical or mental handicap or familial status.
- (g) Nothing in this division shall bar a person who owns, operates or controls rental dwellings whether located on the same property or on one or more contiguous parcels of property, from reserving any grouping of dwellings for the rental or lease to tenants with a minor child or children; provided however, in the event that said reserved area is completely leased or rented, the person owning, operating or controlling said rental dwelling may not refuse to rent or lease any other available dwelling to the prospective tenant on the basis of the tenant's status as parent or any other of the protected classifications set forth in this division.

§ 1.08.039. Violations.

No person shall violate any provision of this division, or knowingly obstruct or prevent compliance with this division.

§ 1.08.040. Enforcement.

- (a) Generally. The director of the human relations department shall have the responsibility of administering and implementing this division. The director may delegate the authority to investigate and conciliate complaints to other designated city employees.

(b) Complaints.

- (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereinafter referred to as the “charging party”) may file a complaint with the director. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The director shall prepare complaint forms and furnish them without charge to any person, upon request.
- (2) The director shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to subsection (a) of this section.
- (3) All complaints shall be filed within one hundred eighty (180) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the director shall provide notice of the complaint by furnishing a copy of such complaint to the person named therein (hereinafter referred to as the “respondent”) who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The respondent may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.
- (4) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.
- (5) If at any time the director shall receive or discover credible evidence and shall have probable cause to believe that any person or persons have committed a discriminatory housing practice as to which no complaint has been filed or is about to be filed, the director may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

§ 1.08.041. Investigation and conciliation.

- (a) Upon the filing or referral of a complaint as herein provided, the director shall cause to be made a prompt and full investigation of the matter stated in the complaint; provided, however, that before any charge becomes accepted for investigative purposes, the director or an investigator shall have personally reviewed with the charging party the allegations contained therein and shall have determined that said charge comes within the provisions of this division. In the event such review results in the determination that a particular charge does not come within the provisions of this division, the charging party shall be given a clear and concise explanation of the reasons why it does not.
- (b) If the director determines that there is not probable cause to believe that a particular alleged discriminatory housing practice has been committed, the director shall take no further action with respect to that alleged offense.
- (c) During or after the investigation, but subsequent to the mailing of the notice of complaint, the director shall, if it appears that a discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance

of the discriminatory housing practice and to obtain adequate assurance of future voluntary compliance with provisions of this division. Nothing said or done in the course of such informal endeavors may be made public by the director, the commission, the investigator, the conciliator, the charging party, or the respondent, or be used as evidence in a subsequent proceeding without the written consent of all persons concerned.

- (d) Upon completion of an investigation where the director has made a determination that a discriminatory housing practice has in fact occurred, if the director is unable to secure from the respondent an acceptable conciliation agreement, then the human relations commission of the city must, upon a majority vote, refer the case to the city attorney for prosecution in municipal court or to other agencies as appropriate. With such recommendation of the director and the referral of the human relations commission, the director shall refer his entire file to the city attorney. The city attorney shall, after such referral, make a determination as to whether to proceed with prosecution of such complaint in municipal court.

§ 1.08.042. Penalty.

If a discriminatory housing practice is found to have in fact occurred and the case has been referred to municipal court, the respondent shall be assessed a penalty of \$300.00 per violation.

(Ordinance 274 adopted 1/6/14)

ARTICLE 1.09
PARKS AND RECREATION

DIVISION 1
Generally

§ 1.09.001. through § 1.09.030. (Reserved)

DIVISION 2

City Park**§ 1.09.031. Alcoholic beverages.**

The consumption of alcoholic beverages, including wine, beer, ale, and mixed drinks, is hereby prohibited in the Frost City Park.

(Ordinance 145 adopted 8/2/93)

§ 1.09.032. Curfew.

(a) Hours established. The city park shall be closed to the public during the following hours, and the presence of any person in the park during such hours shall be unlawful; provided this section does not apply to employees of the city in the park on official business. It is a curfew violation for any person to be in the city park for any reason:

(1) Between 11:00 p.m. and 6:00 a.m. Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(2) Between 12:00 a.m. and 6:00 a.m. Friday or Saturday.

(b) Exceptions. There are no exceptions.

(c) Penalty. Any person who violates this section shall be punished by a fine in accordance with the general penalty provided in section 1.01.009. Each day a violation of this section shall occur shall constitute a separate offense.

(Ordinance 176 adopted 10/6/97 ; Ordinance adopting Code)

**ARTICLE 1.10
MUSEUM****§ 1.10.001. Mission.**

The mission of the museum is to collect, display, preserve, and protect items that represent elements of the heritage of the city and surrounding communities; encourage stabilization, restoration, and improvements of historical properties and their values; and foster civic pride in the accomplishments of the past.

§ 1.10.002. Location.

The official location of the museum is 116 N. Garitty Street, Frost, Texas.

§ 1.10.003. Board of directors.

- (a) Created. There is hereby created a board of directors, hereinafter referred to as the board.
- (b) Composition; appointment of members. The board shall consist of seven to nine members who are current or former residents of the Frost community and have previously demonstrated an active interest in the preservation of Frost and its history, subject to appointment or reappointment of the mayor upon recommendation from the board.
- (c) Terms; election of officers. Board members shall serve staggered terms of two, three, and four years, with the election of officers biennially.
- (d) Powers and duties. The board shall be empowered to:
 - (1) Select the official name of the museum.
 - (2) Prepare and approve bylaws to govern the department, which shall be ratified by the city councilmembers.
 - (3) Maintain an inventory of all items donated or loaned to the museum, with names and addresses of the donors or owners. Each item displayed shall be identified and labeled, as appropriate, with the name of the donor or owner.
 - (4) Prepare and submit annually to the city councilmembers a report summarizing the work completed the previous year, and goals for the future year.
 - (5) Accept on behalf of the city the donation of any money for the purpose of historic preservation.

§ 1.10.004. Authority to receive donations and conduct educational activities.

The city shall designate certain powers to the museum with regard to the ability to receive donations of money and objects and that those donations are tax deductible for the donor, and to conduct educational activities.

§ 1.10.005. Ownership of assets.

The city is the owner of all assets of the museum, excluding items loaned, until which time the Heritage Center becomes 501(C)3 approved and financially solvent.

§ 1.10.006. Dissolution.

Upon the dissolution of the museum, the city shall, after paying or making provision for payment of the liabilities of the museum, begin to directly operate the museum or dispose of all of the assets of the museum through transfer to such organization or organizations of similar purpose to the Frost Museum. (Ordinance 268 adopted 2/4/13)

FROST CODE

ANIMAL CONTROL

Chapter 2

ANIMAL CONTROL

ARTICLE 2.01
GENERAL PROVISIONS

- § 2.01.001. Purpose.
- § 2.01.002. Definitions.
- § 2.01.003. Enforcement.
- § 2.01.004. Penalty; failure to claim impounded animal.
- § 2.01.005. Responsibility of fees.
- § 2.01.006. Enclosing or using animal without consent of owner.
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- § 2.01.010. Contracts for services.
- § 2.01.011. Number of animals limited.
- § 2.01.012. Restraint and confinement.
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ARTICLE 2.02
RABIES CONTROL

- § 2.02.001. Local rabies control authority.
- § 2.02.002. Vaccination.
- § 2.02.003. Certificate of vaccination.
- § 2.02.004. Proof.

- § 2.02.005. Animals exposed to rabies.
- § 2.02.006. Notice to keeper of animal suspected of having rabies.
- § 2.02.007. Reporting bites to humans from animals.
- § 2.02.008. Quarantine procedures for animals.

ARTICLE 2.03
AT-LARGE ANIMALS AND
IMPOUNDMENT

- § 2.03.001. Restraint; impoundment of unrestrained dogs.
- § 2.03.002. Interference with impoundment.
- § 2.03.003. Running at large.
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ARTICLE 2.04
LIVESTOCK AND FOWL

- § 2.04.001. Livestock running at large.
- § 2.04.002. Maintenance of stables, pens, houses and yards.
- § 2.04.003. Location of pens.
- § 2.04.004. Herding livestock on street.
- § 2.04.005. Fowl running at large.

ARTICLE 2.01
GENERAL PROVISIONS

§ 2.01.001. Purpose.

It is the purpose of this chapter to provide regulations for the control and care of animals in the city, to prevent and control the transmission of rabies to human beings and domestic animals, to reduce the number of stray dogs and cats in the city and the attendant health risks such animals pose, to provide regulations for the control of dangerous animals in the city and to prevent and control the attendant risks that dangerous animals pose to the public, to encourage responsible ownership of animals in the city, to prevent nuisances and to protect the health, safety and welfare of the general public.

§ 2.01.002. Definitions.

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

Abandon. To dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal, and shall also mean refusing to claim or failing to timely redeem any animal impounded or quarantined by the city, as specified in this chapter.

Adequate shelter. A structure with three sides, a roof and a floor to prevent rain or other precipitation from entering.

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

Animal control officer. An individual designated by the city to represent and act for the city in impounding animals, controlling animals running at large, and as otherwise provided by this chapter, and includes individuals acting under the authority, direction, or supervision of the animal control officer.

Animal shelter. Any facility operated by the city for temporary care, confinement and detention of animals and for humane euthanasia or other disposition of animals (rescue, redemption, and adoption).

Bee. Any stage of the common domestic honeybee (*Apis mellifera*).

Beehive. Any box, groups of boxes, or any other thing or object adapted to the keeping of bees.

Bite. Any abrasion, scratch, puncture, tear, or piercing of skin actually or suspected of being caused by an animal.

Board. The state board of health.

Bodily injury. Physical pain, illness or any impairment of physical condition.

Cat. Any live or dead cat (*Felis catus*).

Confined or confinement. With respect to an animal, confined within a house, building, or other enclosure, or within a fenced yard or premises, so that the animal cannot escape from said house, building, or other enclosure, or fenced yard or premises, without human assistance.

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

Cruelty to an animal. Shall include torturing or poisoning an animal; failing to reasonably provide food, water, care, or shelter; treating an animal in a cruel manner causing serious injury or death to the animal; unreasonably abandoning an animal in the person's custody; transporting or confining an

animal in a cruel manner; causing bodily injury to an animal; fighting one animal with another; or seriously overworking or overloading an animal.

Currently vaccinated. Vaccinated and satisfying the following criteria:

- (1) The animal must have been at least three (3) months of age at the time of vaccination;
- (2) At least thirty (30) days have elapsed since the initial vaccination;
- (3) Not more than twelve (12) months have elapsed for the one-year vaccine or not more than thirty-six (36) months have elapsed for the three-year vaccine (after the initial vaccination and the one-year booster).

Dangerous animal. Any animal which has been determined to be dangerous as set forth herein by the animal control officer or appropriate court; which demonstrates behavior and/or possesses the vicious propensity to inflict serious bodily injury or death upon human beings and constitutes a danger to human life or domestic animals; or any animal which has behaved in such a manner that the owner thereof knows, or reasonably should know, that the animal is possessed of tendencies to commit unprovoked attacks or to injure human beings or domestic animals; or any animal certified by a veterinarian, after observation thereof, as posing a danger to human beings or animals; or any animal that commits an unprovoked attack upon a human being or other domestic animals; or any animal that commits an unprovoked act that causes a person to reasonably believe that the animal will attack and cause bodily injury to that person.

Dangerous dog. A dog that makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or commits unprovoked acts in a place other than in an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Department. The department of state health services.

Dewormed. Means that a dog or cat has been effectively treated for roundworms, hookworms, and tapeworms within the immediate preceding 12-month period.

Dog. Any live or dead dog (*canis familiaris*).

Domestic animal. Shall include all species of animals commonly and universally accepted as being domesticated.

Domestic ferret. The domestic ferret is of the species *Mustela putorius furo*. Shall mean any live or dead domestic ferret (*Mustela putorius furo*).

Domestic rabbit. Any variety of rabbit (*Oryctolagus cuniculus*) live or dead. Any domesticated rabbit raised as a house pet must not be used for breeding purposes.

Enclosure. A fence with pickets four feet high and not more than six inches apart; a fence with three boards not less than five inches wide and one inch thick or four rails provided the fence is at least four feet high; a fence constructed of a pipe which demonstrates a sufficient strength and height to restrain the animal being contained; or, a chainlink fence at least four feet in height. Fencing must be in good repair, sufficient for the breed, and may not include trash (including, but not limited to doors, mattress springs, etc.).

Extreme weather. Temperatures above 90 degrees or below 42 degrees, snow, sleet, ice or heavy rain.

Feral animal. Any animal generally considered domesticated but that does not have an owner and is

wild.

Fowl. Shall include chickens (roosters and hens), ducks, swans, geese, pigeons, pheasants, peacocks, turkeys, guineas, quail, doves, or similar feathered animals except parakeets, parrots or other birds that are customarily retained as common household pets.

Harboring. The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of three (3) days, or taking control of an animal for at least twenty-four (24) consecutive hours.

Household pet animal. Shall include dogs, cats, rabbits, rodents, parakeets, parrots, reptiles, pot-bellied pigs, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, non-human primates, venomous snakes and any other species of wild, exotic or carnivorous animal that may be further restricted in this law or by state or federal law.

Impound. Apprehending, catching, trapping, netting, tranquilizing, confining, or, if necessary, destroying any animal by the animal control officer.

Inoculated.

- (1) When referring to a dog, a dog that has been injected for prevention of parvo and distemper within the immediately preceding 12-month period; and
- (2) When referring to a cat, a cat that has been injected for prevention of infectious feline diseases, panleukopenia, viral rhinotracheitis, and calicivirus within the immediately preceding 12-month period.

Isolated. To be kept separated and protected from all other animals or humans.

Kennel. A house for a dog/cat or for a pack/pride of dogs/cats or a professional establishment where dogs/cats are bred, raised, boarded, or trained. Veterinary clinics are excluded from this definition. Any household within the city limits that contains more than five (5), dogs or cats or a combination of ten (10), dogs and cats shall be considered a kennel and falls under all laws governing kennels (local, state and federal). Animals being fostered through legitimate rescues will not count towards the number of animals per household.

Livestock. Shall include cattle, oxen, horses, goats, sheep, swine, mules, donkeys, llamas, burros, ostriches, emus or any crossbreeding of such species, and all other domesticated animals kept for agricultural purposes (i.e. breeding for sale or slaughter), for pleasure or for aesthetic value.

Local rabies control authority. A person designated by the mayor and confirmed by the city council to receive reports of animal bites, investigate bite reports, ensure quarantine of animals and otherwise carry out provisions of state law pertaining to control and eradication of rabies. Other people, such as police chiefs, county judges, veterinarians, or pet owners, cannot overrule the LRCA.

Owner. Any person, firm or corporation who has right of property in an animal or who harbors, shelters, keeps, controls or manages an animal or allows an animal to remain about his premises for a period of three (3) days or longer to exclude veterinary facilities, boarding facilities, the animal shelter and rescue groups.

Pet animal. Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, non-human primates, venomous snakes and any other species of wild, exotic or carnivorous animal that may be further restricted in this law or by state or federal law.

Public nuisance. Any animal or animals that unreasonably annoy humans, endanger the life or health of

other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property.

Quarantine. A period of time in which an animal is isolated and under close observation for signs of rabies or other zoonotic diseases in accordance with state law and applicable regulations of the department of state health services.

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

Running at large.

- (1) On premises of owner. Any animal not confined to the premises of the owner by a secure enclosure of sufficient height, strength, length and/or manner of construction sufficient for the breed to preclude the animal from leaving the premises of the owner.
- (2) Off premises of owner.
 - (A) Any animal which is not physically and continually restrained by some person by means of a leash or a chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises.
 - (B) Provided, however, that any animal which is securely confined within a cage, automobile, truck or any other vehicle, and that cannot come into contact with any other person/property other than the owners, shall not be deemed at large.

Slaughter. The act of killing, bleeding out and/or eviscerating (removing the entrails) any animal.

Stray animal. Any animal that is improperly restrained; that wanders upon a public place, roadway, street, highway, or the property of another person; or that is impounded or brought to an animal shelter and is not wearing a collar or harness with a license tag, vaccination tag, or identification tag, and does not have an identification tattoo or microchip implant.

Under restraint. Controlled by leash, cord, or other suitable material attached to a collar or harness, or within a motor vehicle.

Unprovoked attack by an animal. An incident in which an animal has attacked a human being or an animal and was not hit, kicked, or struck by a human being with any object or part of a human being's body, nor was any part of the animal's body pulled, pinched, or squeezed by a human being, nor was the animal taunted or teased by any human being, nor was the human being in the animal's territory or on the property of the animal's owner at the time of the attack.

Vaccinated. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

Wild animal. An animal that commonly exists in a natural, unconfined state and is not domesticated, or was domesticated but has become feral, regardless of the circumstances or duration of captivity. Examples of wild animals include, but are not limited to, live monkey, raccoon, skunk, fox, lion, tiger, bobcat, cougar, panther, leopard, cheetah, bear, javelina, wolf, coyote, elephant, Gila monster, water moccasin, coral snake, rattlesnake, copperhead, king cobra, other poisonous snakes and reptiles, python, boa constrictor, crocodile, and alligator. This definition includes hybrids, and includes animals defined as a dangerous wild animal or exotic animal under state or federal law.

§ 2.01.003. Enforcement.

- (a) It shall be unlawful for any person to own, keep, possess, or harbor any animal in the city except

as provided in this chapter, and any failure, neglect, or refusal to comply with the provisions of this chapter or any act or omission contrary to the terms hereof shall be deemed a violation hereof.

- (b) Enforcement of this chapter shall be the responsibility of the animal control officer or any police officer (referred to herein collectively as “enforcement officers”).
- (c) Enforcement officers shall have the authority to issue citations for any violation of this chapter. It shall be a violation of this chapter for any person being issued a citation for a violation of this chapter to intentionally or knowingly fail to give the enforcement officer the person’s true name and address or to intentionally or knowingly fail to appear in accordance with the terms of the citation issued by the enforcement officer. For purposes of this section, a person shall be in violation upon failure to provide the requisite identification information upon a request for identification being issued by a person known to be an enforcement officer. If the person being cited is not present, the enforcement officer issuing the citation may send the citation to the alleged offender by registered or certified mail, return receipt requested. If the citation should come back unclaimed, then the citation shall be sent by regular mail. If the regular mailing does not return as unclaimed, the service of the citation shall be deemed completed.
- (d) It is unlawful for a person to interfere with an enforcement officer in the performance of the enforcement officer’s duties under this chapter.
- (e) Enforcement officers are authorized to pursue animals running at large onto private property while enforcing the provisions of this chapter.

§ 2.01.004. Penalty; failure to claim impounded animal.

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of a class C misdemeanor and, upon conviction, shall be fined in accordance with the general penalty provided in section 1.01.009, Frost Code of Ordinances. Each and every day of occurrence of the violation of the provisions of this chapter shall constitute a separate violation offense.
- (b) Any owner of an animal that is released to the animal control officer must pay, in advance, for the destruction of the animal. If the owner of any animal (other than those released voluntarily by the owner), seized or impounded by the animal control officer does not claim the animal within three (3) days, an abandonment charge shall be brought against the owner and said additional charge shall be deemed a separate offense.

§ 2.01.005. Responsibility of fees.

If, in the event the city incurs any fee(s) and/or other charges for the enforcement of any section or provision of this chapter, said fee(s) and/or charges will be charged back to the owner or responsible party for which enforcement and/or services were rendered.

§ 2.01.006. Enclosing or using animal without consent of owner.

No person shall tie up or enclose, or use any horse, mare, gelding, mule, ox or cow or any other domestic animal within the city limits without the consent of the owner.

(Ordinance 280 adopted 2/2/15)

§ 2.01.007. Kennels.

- (a) Permit required; standards for issuance. Kennels may only be operated within the city if a permit

is obtained from the city. The city may issue such a permit if:

- (1) The property and facility are inspected by the animal control officer or his designee and are determined to meet the requirements of this chapter as to the proper care and treatment of animals, prevention of nuisances and the prevention of zoonotic diseases;
 - (2) The owner and/or operator of the kennel has paid any and all permit fees as may be established by the city council; and
 - (3) Permits must be renewed annually and each renewal will require inspection and approval by the animal control officer or his designee.
- (b) Revocation of permit. A kennel permit may be revoked by the city for cause, including but not limited to violations of the provisions of this chapter or the inability of the permit holder to keep the animals in a healthy or sanitary environment. If the city denies or revokes a kennel permit, the city shall give written notice to the applicant or permit holder by personal service or certified mail, return receipt requested. The applicant or permit holder may appeal the decision to deny or revoke the permit by filing written notice with the city secretary or his designee within five (5) days after receipt of notice. The city secretary, at least five (5) days before the date of the hearing of the appeal, shall give written [notice] of the time and place of the hearing to the applicant or permit holder by personal service or certified mail, return receipt requested. The city secretary or his designee shall decide the appeal based on a preponderance of the evidence presented at the hearing. The decision of the city secretary or his designee shall be final.
- (c) Operation and care of animals. Kennels must be operated and all animals must be cared for in accordance with state law, including but not limited to the Texas Health and Safety Code and this chapter.
- (d) “Grandfather” exemption. The owner and/or operator of a kennel operated within the city prior to the adoption of the revised city ordinance dated February 2, 2015, shall be considered “grandfathered” and therefore exempt from new restrictions and/or regulations of said city ordinance. If and in the event the owner, operator or premises discontinues operation as a kennel then the “grandfather” clause will lapse.
(Ordinance 280 adopted 2/2/15 ; Ordinance adopting Code)

§ 2.01.008. Keeping wild animals.

- (a) It shall be unlawful to harbor or maintain within the city limits the following animals:
- (1) Bats.
 - (2) Skunks.
 - (3) Poisonous snakes.
 - (4) Any wild animal whose normal natural weight exceeds forty (40) pounds.
- (b) The owner shall keep any other wild animals under restraint at all times. The city council may grant exceptions to this section, by permit, to local civic groups for special events.

§ 2.01.009. Disposal of dead animals.

- (a) The carcass of any animal, not slaughtered for food, but dead of disease or any other cause, shall

be removed and/or disposed of by the owner (if known), and if not known, the owner of the premises where such animal is found, at his own expense, within twenty-four (24) hours after such death, according to such methods as may be approved by the health officer.

- (b) It shall be unlawful for any person to leave the carcass of any animal which died in the actual possession or ownership of such person in any public ground, road, street, or alley; or within fifty (50) yards of such ground, street, alley or public road.
- (c) All animal carcasses shall be properly buried or hauled to such a distance beyond the city as not to be offensive to the residents of the vicinity or to persons passing.

§ 2.01.010. Contracts for services.

The city council may enter into contracts or agreements with public or private entities to carry out the activities required or authorized under this article.

§ 2.01.011. Number of animals limited.

No person or household shall keep or harbor more than four (4) animals of the same species at any one residential location. A litter under four (4) months of age shall not be counted for the purpose of this section.

§ 2.01.012. Restraint and confinement.

- (a) Tying, staking or tethering animal. Animals shall not be tied, staked or tethered during the hours of 10:00 p.m. and 6:00 a.m. and during extreme weather conditions. Animals shall not be inhumanely chained, tied, fastened or otherwise tethered. The following conditions must be met:
 - (1) Only one animal may be tethered to each cable run.
 - (2) The tether must be attached to a properly fitting collar or harness worn by the animal, with enough room between the collar and the animal's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a cable run.
 - (3) There must be a swivel on at least one end of the tether to minimize tangling of the tether.
 - (4) The tether and cable run must be of adequate size and strength to effectively restrain the animal and must not weigh more than 1/8 of the animal's body weight.
 - (5) The cable run must be at least fifteen feet in length and mounted to either a swivel tie-out or to a cable/trolley/pulley system.
 - (6) The length of the tether from the cable run to the animal's collar should allow access to the maximum available exercise area and should allow continuous access to water, food, shelter, shade and a dry area. The animal must be able to have room to urinate or defecate in a separate area from the area where it must eat, drink or lie down. The tether system must be of appropriate configuration to confine the animal to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the animal, and to prevent the tether from becoming entangled with other objects or animals.
 - (7) Any animal tethered as described in subsections (1) through (6) above must be removed

from the tether at least once a day for adequate exercise.

- (b) Confinement during estrus. Any unspayed female dog or cat in the state of estrus (heat) shall be humanely confined during such period of time in a house, building or secure enclosure to ensure that an unwanted pregnancy will not occur. Owners who do not comply shall be ordered to remove the animal in heat to a veterinary hospital or boarding facility. All expenses incurred as a result of this confinement shall be paid by the owner.

§ 2.01.013. Authority to dispose of animal in state of pain or suffering.

- (a) If any animal without a license tag or other identifying marker is found in a state of pain or suffering or becomes so during confinement, the city or its agent may dispose of the animal in any humane manner without complying with the three (3) day, seventy-two (72) hour [waiting period].
- (b) If the owner or keeper of an animal found in a state of pain or suffering refuses to assume responsibility to care for the animal, the enforcement officer may dispose of the animal in a humane manner.

§ 2.01.014. Animal nuisance.

- (a) In addition to actions and conditions provided elsewhere in this chapter to be public nuisances, the commission of any of the following acts, or permitting any of the following conditions to exist on or to one's property within the city, shall constitute a nuisance to the health, safety, and general welfare of the city and its inhabitants and shall be unlawful, to-wit:
- (1) The keeping of an animal enclosure that emits foul and offensive odors which are obnoxious to any person of ordinary sensitivity in the vicinity.
 - (2) The keeping of bees that endanger the health and welfare of persons in the vicinity.
 - (3) The keeping of a dog, cat, or other pet animal that enters the property of another and commits any act that disturbs any person of ordinary sensitivity.
 - (4) The parking on or along any highway, street, or alley within the city, any vehicle used for hauling animals or fowl that emits odors obnoxious to any person of ordinary sensitivity in the vicinity.
- (b) Whenever any complaint is made to the city as to the unsanitary condition or offensive odors resulting from the keeping of such livestock, fowl, or pet animal or if such shall come to the attention of the city without complaint, the city shall investigate the same, and if such unsanitary condition is found to exist, the same shall constitute a nuisance. The city may give the owner or possessor of such livestock or fowl instructions as to how to clean up such premises and abate the nuisance, and if such unsanitary condition is not remedied within twenty-four (24) hours thereafter, complaint shall be filed against such owner, keeper or possessor for maintaining a nuisance in the city.

§ 2.01.015. Animal noise nuisances.

It shall be unlawful for any person to harbor or keep on his premises or in or about his premises, or premises under his control, any animal which, by making any loud, barking, growling, howling, whining and/or continuous noise for fifteen minutes, shall cause the peace and quiet of the

neighborhood or the occupants of adjacent premises to be disturbed. Such person shall be guilty of a misdemeanor and, upon conviction, shall be fined as provided in section 2.01.004. Violations of this article on different days shall constitute separate offenses.

§ 2.01.016. Dangerous dogs.

- (a) Animal control must notify, in writing or by certified letter, the owner of the dog in question that the dog has been deemed dangerous. The owner of the dangerous dog must deliver the dog to animal control officers immediately upon the dog being deemed dangerous by animal control. If the owner does not deliver the dog within 24 hours of such designation, animal control has the authority to seize the dog with a seizure warrant. The owner has 30 days to comply with the requirements listed in subsection (c).
- (b) The owner, not later than the fifteenth day after the owner is notified the dog is a dangerous dog, may appeal the determination of animal control to the city's municipal court. Upon notice of appeal by the owner to the municipal court regarding a dangerous dog, the court will conduct a hearing within ten (10) days regarding the validity of such finding. Such finding must be supported by a preponderance of the evidence.
- (c) The following criteria must be met to retain ownership of a dangerous dog and the dog must be in compliance with the following criteria:
 - (1) Proof of liability insurance or financial responsibility of one hundred thousand dollars (\$100,000.00) must be provided to the chief of police or designee;
 - (2) The dangerous dog must also be registered with the chief of police or designee. A tag will be provided to identify a dangerous dog. A dangerous dog fee, as established by Texas Health and Safety Code chapter 822, must be paid upon registration and renewed annually;
 - (3) The owner must purchase a fluorescent yellow collar for the dog that can be seen from fifty (50) feet away;
 - (4) All dangerous dogs must be confined by a building, wall or fence of sufficient strength or construction to retain the dog and the enclosure/property housing the dog must be clearly marked with a visible sign that the enclosure contains a dangerous dog. The enclosure must be reasonably constructed to keep the dog from escaping (all enclosures must have four sides, a top, a bottom and locks on the gates). Chains, ropes and/or leashes may not be used as the primary means of restraint (may be used as a secondary restraint inside the proper enclosure) for dangerous dogs; and
 - (5) The owner must secure the dog with a muzzle that does not interfere with the dog's vision or respiration when the dog is removed from its secure enclosure.
- (d) Owners of a dangerous dog commit a class C misdemeanor if the dangerous dog makes any unprovoked attack outside its enclosure or the owner does not comply with all requirements in this section.
- (e) Owners of a dangerous dog commit a class B misdemeanor if the owner has previously been convicted for not complying with the requirements in this article.
- (f) Any dangerous dog or other animal found running at large may be destroyed by any peace officer [or] animal control officer in the interest of public safety.

ARTICLE 2.02
RABIES CONTROL

§ 2.02.001. Local rabies control authority.

- (a) The local rabies control authority (LRCA) for the city shall be the animal control officer, who shall be appointed by the mayor and confirmed by the city council.
- (b) In the absence of the animal control officer, the mayor, or his/her designee, may carry out the functions of the animal control officer.
- (c) Among other duties, the local rabies control authority shall enforce:
 - (1) This article and the board rules that comprise the minimum standards for rabies control; and
 - (2) The ordinances or rules of the city.

§ 2.02.002. Vaccination.

Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at four (4) months of age or older shall be revaccinated in twelve (12) months and annually or triennially thereafter. Any person moving into the city from a location outside of the city, or who obtains ownership of a new dog or cat, shall comply with this section within ten (10) days after having moved into the city or after obtaining ownership of the new animal. This requirement pertains to all animals twelve weeks of age or older. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten-day observation period. A licensed veterinarian must vaccinate domestic ferrets against rabies in accordance with the law. The veterinarian administering the vaccination will provide a certificate of vaccination and a tag.

§ 2.02.003. Certificate of vaccination.

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate or record of vaccination. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

- (1) The name, address, and telephone number of the owner of the vaccinated dog or cat;
- (2) The date of vaccination;
- (3) The manufacturer and type (1 year approved or 3 year approved) of rabies vaccine used;
- (4) The year and number of rabies tag; and
- (5) The breed, age, color, name and sex of the vaccinated dog or cat.

§ 2.02.004. Proof.

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this article.

§ 2.02.005. Animals exposed to rabies.

Any person having knowledge of the existence of any animal known to have been, or suspected of being exposed to rabies must immediately report such knowledge to the local rabies control authority giving any information which may be required. For any animal known to have been, or suspected of being exposed to rabies, the following rules must apply:

- (1) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the local rabies control authority for a period of not less than forty-five (45) days.
- (2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local rabies control authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than ninety (90) days. A revaccination shall be done at 3 weeks post-exposure and 8 weeks post-exposure while the animal is in quarantine.

§ 2.02.006. Notice to keeper of animal suspected of having rabies.

Whenever the local rabies control authority has good reason to believe that any dog, cat, or other animal is infected with rabies, he shall notify the keeper, harbinger or person(s) claiming any such animal of his belief. It shall thereafter be unlawful for any person having such notice to interfere in any manner with such officer or his authorized representative in taking possession of animal for the purpose of examination to determine if such animal is in fact infected with rabies.

§ 2.02.007. Reporting bites to humans from animals.

- (a) Any person having knowledge of an animal bite to a human will report the incident to the local rabies control authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (b) The owner of the biting animal will place that animal in quarantine as prescribed in section 2.02.008 "Quarantine procedures for animals," under the supervision of the local rabies control authority.
- (c) The local rabies control authority will investigate each bite incident, utilizing standardized reporting forms provided by the state department of health.
- (d) Bites to humans from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this article.

§ 2.02.008. Quarantine procedures for animals.

- (a) When a dog or cat, which has bitten a human, has been identified, the owner will be required to produce the animal for a ten-day quarantine period at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this article and each day of such refusal constitutes a separate and individual violation. The ten-day observation period will begin on the day of the bite incident. The animal must be placed in a state department of health approved quarantine facility or a veterinary clinic under the supervision of a veterinarian licensed in the state specified for this purpose.
- (b) It shall be unlawful for any person to interrupt the ten-day observation period.

- (c) No wild animal, including feral cats and dogs, will be placed in quarantine. All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a state department of health certified laboratory for rabies diagnosis.
- (d) Livestock quarantine must adhere to state law governed by state health and safety codes.

ARTICLE 2.03
AT-LARGE ANIMALS AND IMPOUNDMENT

§ 2.03.001. Restraint; impoundment of unrestrained dogs.

(a) Restraint required; impoundment.

- (1) Restraint required. Each dog in the city shall be restrained by its owner by:
 - (A) Confining the animal on the owner's premises within a fence or other enclosure; or
 - (B) A leash adequate to control movement of the animal, under the control of a responsible person, when off the owner's premises.
- (2) Stray dogs declared nuisance. Each stray dog in the city is declared to be a public nuisance.
- (3) Impoundment. Each unrestrained dog can be detained and impounded by the local rabies control authority or that officer's designee.
- (4) Redemption of impounded dog. The owner of an impounded dog must pay the city a fee of \$25.00 to secure the release of each such animal, and then only if the animal has been duly vaccinated.
- (5) Redemption period. The period of redemption of the animal by the owner shall be determined by the detention facility rules.
- (6) Disposition of unclaimed dogs. Humane disposition of each unclaimed stray dog may be made on the expiration of the redemption period.

(b) Violations; penalty.

- (1) A person commits an offense if the person fails or refused to restrain a dog owned by the person.
- (2) An offense under this subsection is a class C misdemeanor.

§ 2.03.002. Interference with impoundment.

(a) A person commits an offense if:

- (1) The person prevents, hinders, obstructs or physically resists an animal control officer or person authorized to enforce provisions of the article while such person is apprehending an animal or performing other duties; or
- (2) The person takes or attempts to take an impounded animal from a kennel or other confinement area without proper authorization.

(b) An offense under this section is a class C misdemeanor.

§ 2.03.003. Running at large.

- (a) It shall be unlawful for an owner or harbinger of any pet animal and/or livestock or any other person who has such animal under his or her possession or care, to allow or permit such animal to run at large at any time. The animal control officer, chief of police or any authorized

representative may pick up and impound any animal found running at large within the corporate limits of the city in accordance with the terms hereof.

- (b) It is an exception to subsection (a) that:
 - (1) The animal is a police service animal under the supervision of a peace officer in the performance of his or her official duties.
 - (2) The cat is spayed or neutered.
 - (3) The animal is a waterfowl at a municipally owned facility.
- (c) Each animal in violation of this section constitutes a separate offense.

§ 2.03.004. Animals subject to impoundment; disposition.

- (a) The following animals may be impounded:
 - (1) Any pet animal not having evidence of being vaccinated as described in section 2.02.002.
 - (2) Any animal infected with disease or kept under conditions which could endanger the public or animal health.
 - (3) Any animal that creates a nuisance, as defined in section 2.01.014.
 - (4) Any animal running at large, as stipulated in section 2.03.003.
 - (5) Any animal treated in a manner determined by the animal control officer to be cruel or inhumane.
 - (6) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by the local rabies control authority.
 - (7) Any animal violating any provisions of this chapter.
- (b) If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner for a period of three days until he can notify the animal control officer to come and impound such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded as herein provided.
- (c) Reasonable effort shall be made by the animal control officer to contact the owner of any impounded animal wearing a current vaccination tag. Reasonable effort may include a telephone call and/or written form. However, final responsibility for location of an impounded animal is that of the owner.
- (d) The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinary bills incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and registration provisions of this chapter, except where prohibited in subsections (e) and (f) of this section.
- (e) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
- (f) 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.

- (g) The local rabies control authority shall select and establish a place for impounding all animals impounded under any provision of this chapter.
- (h) Any animal, except vicious or wild animals, not reclaimed by the owner may be humanely euthanized or put up for adoption after being impounded for seventy-two (72) hours. Any animal wearing a current registration/rabies tag shall be impounded for ten (10) days.
- (i) Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer.
- (j) Any nursing baby animal may be immediately euthanized to prevent further suffering if impounded without the mother or if the mother cannot or refuses to provide nutritious milk.
- (k) An owner who no longer wishes to have responsibility for an animal may sign a written waiver stating that the animal has not bitten or scratched any person within the last ten days, releasing ownership to the shelter. The owner shall be charged a fee for release of the animal.
- (l) No fee shall be assessed to an individual who delivers a stray animal in accordance with this chapter.
- (m) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary medical care, as determined by an enforcement officer.

ARTICLE 2.04
LIVESTOCK AND FOWL

§ 2.04.001. Livestock running at large.

It shall be unlawful for any person to allow or permit any cows, horses, mules, jacks, jennys, goats, sheep, swine, or any other livestock of any character to run at large upon the streets, alleys, public highways, public parks, or public lands, or upon any vacant lot or lots, within the city.

§ 2.04.002. Maintenance of stables, pens, houses and yards.

All stables, pens, houses and yards used for the keeping of livestock or fowl within the city shall be kept in a clean, sanitary condition.

- (1) All pens and enclosures wherein fowl are kept, shall be maintained and kept in such manner as not to become unsanitary, offensive or disagreeable to persons residing or working in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or in any manner cause any injury to the health of the public or any person residing in the vicinity of the said pen or enclosure.
- (2) All pens and enclosures wherein one (1) or more cows, horses, goats, sheep or mules are kept shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept as to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of the said pen or enclosure. Every cow lot, horse lot, goat, sheep or mule lot, wherein a cow, horse, sheep, goat or mule is kept or maintained shall be cleaned of droppings at least twice in each week, and the manure on such lot, pen or enclosure shall be promptly removed after each cleaning.

§ 2.04.003. Location of pens.

- (a) Fowl shall be kept in a suitable pen or enclosure situated not less than two hundred fifty feet (250') from any inhabited dwelling, so that no part of said pen or enclosure shall be closer than two hundred fifty feet (250') and [no] fowl can approach closer than said distance to such inhabited dwelling; provided that this distance requirement shall not apply to the dwelling of the owner himself.
- (b) It shall be unlawful for any person, firm or corporation to keep, harbor or raise any cow, horse, goat, sheep or mule in a pen or enclosure situated on any point closer than two hundred fifty feet (250') to any inhabited dwelling; provided that this distance requirement shall not apply to the dwelling occupied by the owner himself.
- (c) Any pen or enclosure built within the city prior to the adoption of the revised city ordinance dated February 2, 2015, shall be considered "grandfathered" and therefore exempt from new restrictions.

§ 2.04.004. Herding livestock on street.

Any person who shall herd cattle, horses, mules, hogs or other animals on any street, sidewalk or alley within the city shall be deemed guilty of a misdemeanor.

§ 2.04.005. Fowl running at large.

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

(Ordinance 280 adopted 2/2/15)

ANIMAL CONTROL

FROST CODE

Chapter 3

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§ 3.02.105.	Authority to turn off current or remove wires.		DIVISION 6
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§ 3.02.106.	Conduits required.	§ 3.02.301.	Adopted; amendments.
§ 3.02.107.	Electrical signs.	§ 3.02.302.	through § 3.02.350. (Reserved)

BUILDING REGULATIONS

	DIVISION 7	§ 3.04.007.	Exterior requirements.
	Housing Code	§ 3.04.008.	Requirements for installing manufactured homes on individual lots.
§ 3.02.351.	Adopted.	§ 3.04.009.	Time period for compliance; requirements prior to occupancy.
§ 3.02.352.	through § 3.02.380. (Reserved)		
	DIVISION 8	§ 3.04.010.	Existing manufactured homes.
	Fire Code	§ 3.04.011.	Unsafe structures.
§ 3.02.381.	Adopted; amendments.	§ 3.04.012.	Violations; penalty.

**ARTICLE 3.03
SUBSTANDARD AND DILAPIDATED
BUILDINGS**

§ 3.03.001.	Purpose.
§ 3.03.002.	Dilapidated and substandard structures defined.
§ 3.03.003.	Building official defined.
§ 3.03.004.	Notice to abate; public hearing.
§ 3.03.005.	Removal by city.
§ 3.03.006.	Standards for ordering repair, vacation or demolition.
§ 3.03.007.	Owner's request for demolition or cleanup.
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**ARTICLE 3.04
MOVING AND PLACEMENT OF
BUILDINGS AND MANUFACTURED
HOMES**

§ 3.04.001.	Purpose.
§ 3.04.002.	Definitions.
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§ 3.04.004.	Investigation of permit application.
§ 3.04.005.	Issuance of denial of permit.
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**ARTICLE 3.05
ADDRESSING STANDARDS**

§ 3.05.001.	Established.
§ 3.05.002.	Criteria for street naming and property numbering.
§ 3.05.003.	Placement of address numbers.
§ 3.05.004.	Records; enforcement.
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**ARTICLE 3.06
FLOOD DAMAGE PREVENTION**

§ 3.06.001.	Statutory authorization, findings of fact, purpose and methods.
§ 3.06.002.	Definitions.
§ 3.06.003.	General provisions.
§ 3.06.004.	Administration.
§ 3.06.005.	Flood hazard reduction standards.
§ 3.06.006.	Penalty.

**ARTICLE 3.07
STREETS, SIDEWALKS AND OTHER
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§ 3.07.001.	Riding animals on newly paved streets.
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**ARTICLE 3.08
FENCING**

§ 3.08.001.	Fence prohibition; nonconforming fences.
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FROST CODE

§ 3.08.002.	Definitions.	§ 3.08.007.	Miscellaneous uses.
§ 3.08.003.	Residential uses.	§ 3.08.008.	Permits required.
§ 3.08.004.	Residential subdivision enclosures (including subdivision entry features).	§ 3.08.009.	Requirements for swimming pools; penalty.
§ 3.08.005.	Nonresidential uses.	§ 3.08.010.	Fences around gravel pit ponds; penalty.
§ 3.08.006.	Office, business or industrial park or complex (including entry features).		

**ARTICLE 3.01
GENERAL PROVISIONS**

§ 3.01.001. Permit fees.

Fees for construction permits are as follows:

- (1) Building permit: \$65.00.
- (2) Mechanical permit: \$65.00.
- (3) Plumbing permit: \$65.00.
- (4) Electrical permit: \$65.00.
- (5) HVAC permit: \$65.00.

ARTICLE 3.02
TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

DIVISION 1
Generally

§ 3.02.001. Penalty.

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all other remedies provided herein. To the extent of any conflict between this section and a penalty provision in the codes adopted herein, such penalty provision shall be amended and this section shall control.

(Ordinance 289B, sec. 8, adopted 4/3/17)

§ 3.02.002. Enforcement of regulations.

- (a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the city for or with respect to any lot, tract or parcel of land within the city limits, after the effective date of this article, except in compliance with all then-applicable requirements of this article and the codes adopted by this article.
- (b) This article and any code or provision adopted by this article may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of [or] in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this article, with respect to any land, building or development within the city, [shall be punishable] by fine and penalties as provided herein.

(Ordinance 289B, sec. 10, adopted 4/3/17)

§ 3.02.003. through § 3.02.050. (Reserved)

DIVISION 2

Building Code and Residential Code**§ 3.02.051. Building code adopted; amendments.**

- (a) Adoption. That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the International Building Code, 2015 edition, including all appendix chapters, published by the International Code Council, Inc., is hereby adopted as the building code of the city establishing the minimum regulations governing conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made part of this section as if fully set out in this article.
- (b) Amendments. The International Building Code, 2015 edition, is hereby amended as follows: Each reference to “Jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Frost, Texas.
- (Ordinance 289B, sec. 2, adopted 4/3/17)

§ 3.02.052. Residential code adopted; amendments.

- (a) Adoption. The adoption of that certain document, one copy of which is on file at the office of the city secretary, being marked and designated as the International Residential Code for One- and Two-Family Dwellings, 2015 edition, including all appendix chapters, published by the International Code Council, Inc., [is hereby adopted] as the residential code of the city, regulating and controlling design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings; multiple single-family dwellings not more than three stories high with separate means of egress, including the accessory structures of the dwelling; and townhouses in the city; providing for the issuance of permits and collection of fees [and] is hereby ratified, confirmed, and adopted; and each and all of the regulations, provisions, conditions and terms of such International Residential Code for One- and Two-Family Dwellings, 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made part of this section as if fully set out in this article.
- (b) Amendments. The International Residential Code for One- and Two-Family Dwellings, 2015 edition, is hereby amended as follows: Each reference to “Jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Frost, Texas.
- (Ordinance 289B, sec. 3, adopted 4/3/17)

§ 3.02.053. through § 3.02.100. (Reserved)

DIVISION 3

Electricity

Part I

In General**§ 3.02.101. Electrical wiring and apparatus defined.**

The words or term “electrical wiring and apparatus” as used in this division shall be construed to include all materials, devices, machinery, appliances, appurtenances or conductors used in connection with the production of electric light, heat or power or the transmission of electrical signals, except where specifically limited to one or more of them and then only as specifically limited.

(1978 Code, ch. 3, sec. 5(M))

§ 3.02.102. Electrician’s license.

- (a) Required. No corporation, copartnership, association or individual shall engage in the business of installing electrical wiring and apparatus within any building in the city for use in connection with electric light, heating or power without first appearing in person or by duly authorized representative at the office of the city secretary and securing from him an electrician’s license.
- (b) Fee; bond. No electrician’s license shall be issued except upon payment of a fee of twenty-five dollars (\$25.00) to the city secretary together with the filing of a bond of one hundred dollars (\$100.00) conditioned upon compliance with the ordinances of the city regulating electrical wiring and apparatus and the faithful performance of all contracts entered into for the installation of electrical wiring and apparatus inside any building for use in connection with electric light, heat or power.
- (c) Privileges granted. Said electrician’s license shall entitle the holder thereof to engage in the business of installing wiring and apparatus inside buildings for use in connection with electric light, heat or power within the limits of the city for the period of one year from date of issue.
- (d) Revocation; forfeiture of bond.
 - (1) Any failure on the part of the holder of an electrician’s license to comply with the provisions of any ordinance of the city regulating electrical wiring and apparatus or to faithfully carry out the conditions of a contract for installing electrical wiring and apparatus shall be deemed sufficient cause for revoking the electrician’s license together with all rights and privileges thereunder and the forfeiture of the bond filed pursuant to the requirements of subsection (b) above.
 - (2) The city secretary is hereby authorized to refuse to issue an electrician’s license to any previous holder of one which has been revoked or to any corporation, copartnership, association or individual with which said holder is associated.
- (e) Disposition of funds upon forfeiture of bond. The amount realized upon the forfeiture of any bond over and above the expense involved in its forfeiture shall be expended in making the necessary changes in the electrical wiring and apparatus found to be contrary to the provisions of this division or deficient in quality in other particulars as specified in the contracts entered into and covered by the bond, and the unused balance, if any, shall be paid into the city treasury.

(1978 Code, ch. 3, sec. 5.C–G)

§ 3.02.103. Standards for electric lines.

Every corporation, copartnership, association or individual owning or operating a line or wires over streets, alleys or buildings in this city shall use only wires that are suitable and strong; shall suitably and safely attach them to strong and sufficient supports and insulate them at all points of attachment; shall remove all wires abandoned for use; and shall suitably insulate every wire where it enters a building, and if such wire is other than a wire designated to carry an electric light or power current shall attach to it, at suitable and convenient points in the circuit calculated to prevent danger from fire and near the place of entering the building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire from entering the building by means of such wire beyond the point at which such appliance is attached.

(1978 Code, ch. 3, sec. 5.B)

§ 3.02.104. Wires interfering with fire department or use of fire escapes.

No wire or wires shall be installed, operated or maintained over any street, alley, sidewalk, or building in this city which shall be liable to seriously interfere with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes, and on complaint of the fire chief said obstructing, interfering or hazardous wires shall be removed or properly rearranged.

(1978 Code, ch. 3, sec. 5.J)

§ 3.02.105. Authority to turn off current or remove wires.

The chief of the fire department or the electrical inspector, or a competent person delegated by them or either of them, shall have the power to at once cause the removal of all wires, or the turning off of all electric current, where the circuits interfere with the work of the fire department during the progress of a fire. The electrical inspector is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed by him to be in an unsafe condition or which have not been installed in conformity with the provisions of this division and from which the electrical inspector has caused the electric current to be turned off.

(1978 Code, ch. 3, sec. 5.Q)

§ 3.02.106. Conduits required.

All wiring for electric light or power hereafter installed in churches, theaters, other places used for public gatherings and all buildings within the city shall be installed in suitable approved conduits, and all such wires hereafter installed in unfinished base in all buildings other than dwellings designed for the occupancy of not more than three families shall be likewise placed in similar conduits.

(1978 Code, ch. 3, sec. 5.H)

§ 3.02.107. Electrical signs.

All electrical signs shall be erected under the supervision of the electrical inspector.

(1978 Code, ch. 3, sec. 5.O)

§ 3.02.108. Permits.

- (a) Required. No alteration or change shall be made in the electrical wiring or apparatus located within a building for use in connection with the production of electric light, heat or power, nor shall any such electrical wiring or apparatus be installed in any building, without first securing

from the electrical inspector a permit therefor, nor shall any change be made in any wiring or apparatus after inspection without notifying the electrical inspector and securing a permit therefor.

- (b) Application. Before issuing a permit for the installation of any wiring or apparatus or the alteration or change of any wiring or apparatus as provided in subsection (a) of this section, an application shall be filed with the electrical inspector describing such installation or the alteration or changes to be made, including the apparatus and material used. No deviation shall be made in the details for wiring or apparatus as shown on the application without permission from the electrical inspector in writing.

(1978 Code, ch. 3, sec. 5.R, S)

§ 3.02.109. Concealed work.

- (a) No corporation, copartnership, association or individual or agent thereof shall hereafter conceal or cause to be concealed any electrical wiring or apparatus mentioned in this division except with the express permission of the electrical inspector, and he is hereby authorized and directed to remove any flooring, lathing or plaster, sheetmetal or other material which may conceal any electrical wiring or apparatus contrary to the provisions of this division.
- (b) On completion of the inspection of any electrical wiring or apparatus designed to be concealed and found to be in full compliance with the provisions of this division, it shall be the duty of the electrical inspector to post a notice to that effect at the main cut-out center, and said notice shall be considered as an express permission to conceal said electrical wiring and apparatus, but no concealment shall take place until such notice has been posted by the electrical inspector.

(1978 Code, ch. 3, sec. 5.P)

§ 3.02.110. Certificate of satisfactory inspection.

Upon the completion of the installation of electrical wires and apparatus in any building for use in connection with electric light, the electrical inspector, or a competent assistant deputized by him, shall at once inspect the same, and if approved by him shall issue a certificate of satisfactory inspection, which shall contain the date of inspection and an outline of the results of such examination, but no certificate shall be issued unless all apparatus, wires, etc., connected therewith are in strict conformity with the rules and regulations herein set forth, nor shall current be turned on any wiring apparatus until a certificate of satisfactory inspection is issued.

(1978 Code, ch. 3, sec. 5.T)

§ 3.02.111. Liability.

This division shall not be construed to relieve from or lessen the responsibility of any corporation, copartnership, association, individual or agent thereof installing, operating or controlling any electrical wiring or apparatus for damages to anyone injured thereby, nor shall the city be held as assuming any liability by reason of the inspection authorized herein or a certificate or permit issued pursuant to the provisions of this division.

(1978 Code, ch. 3, sec. 5.V)

§ 3.02.112. through § 3.02.140. (Reserved)

Part II
Electrical Inspector

§ 3.02.141. Office created.

The office of electrical inspector in and for the city is hereby created.
(1978 Code, ch. 3, sec. 5.A)

§ 3.02.142. Duties.

It shall be the duty of the electrical inspector to enforce the provisions of this division or any ordinance or ordinances now in force or which may hereafter be adopted concerning electrical wiring or apparatus.
(1978 Code, ch. 3, sec. 5.I)

§ 3.02.143. Deputies.

The electrical inspector, by and with the consent of the mayor and city council, shall have power to deputize one or more assistants, and each one of said assistants shall in every case be known to be competent to discharge the duties of electrical inspector, and the rights and privileges conferred upon the electrical inspector are hereby conferred upon each assistant to the electrical inspector when properly appointed.
(1978 Code, ch. 3, sec. 5.K)

§ 3.02.144. Right of entry.

The electrical inspector or competent assistant appointed by him shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any test of the electrical apparatus or appliances therein contained, and for that purpose he shall be given prompt access to all buildings, private or public.
(1978 Code, ch. 3, sec. 5.L)

§ 3.02.145. Decisions on questions.

The electrical inspector shall decide all questions not provided for in this division pertaining to the installation, operation or maintenance of electrical wiring and apparatus.
(1978 Code, ch. 3, sec. 5.N)

§ 3.02.146. Interference.

No corporation, copartnership, association or individual or agent thereof shall interfere with the electrical inspector or any competent person or persons lawfully deputized to assist him as hereinbefore provided, while in the performance of duty, and each such interference shall be deemed to constitute a separate offense within the intent and meaning of this division.
(1978 Code, ch. 3, sec. 5(U))

§ 3.02.147. through § 3.02.170. (Reserved)

Part III
Electrical Code

§ 3.02.171. Adopted; amendments.

- (a) Adoption. That certain document, one copy of which is on file in the office of the city secretary, being marked and designated as the National Electrical Code, 2017 edition, including appendix chapters, published by the National Fire Protection Association, is hereby adopted by the city for the purpose of establishing rules and regulations for construction, alteration, removal and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2017 edition and the whole thereof, save and except such portions as are hereafter deleted, modified and amended, of which no less than one copy has been and is now filed in the office of the city secretary. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions of such code shall be controlling in construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the city.
- (b) Amendments. The National Electrical Code, 2017 edition, is hereby amended as follows: Each reference to “Jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Frost, Texas.
- (Ordinance 289B, sec. 6, adopted 4/3/17)

§ 3.02.172. through § 3.02.200. (Reserved)

DIVISION 4
Plumbing Code

§ 3.02.201. Adopted; amendments.

- (a) Adoption. That certain document, one copy of which is on file at the office of the city secretary, being marked and designated as the International Plumbing Code, 2015 edition, including appendix chapters, published by the International Code Council, Inc., is hereby adopted as the code for the city for regulating design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city; providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2015 edition, published by the International Code Council, Inc., on file on the office of the city secretary, are hereby referred to, adopted and made part of this section as if fully set out in this article.
- (b) Amendments. The International Plumbing Code, 2015 edition, is hereby amended as follows:
Each reference to “Jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Frost, Texas.
- (Ordinance 289B, sec. 4, adopted 4/3/17)

§ 3.02.202. through § 3.02.250. (Reserved)

DIVISION 5

Gas Code**§ 3.02.251. Adopted.**

There is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from gas installations, that certain code known as the Southern Standard Gas Code recommended by the Southern Building Code Congress, being particularly the 1973 edition thereof. A copy of the code has been and now is filed in the office of the city secretary, and the same is hereby adopted and incorporated as fully as if set forth at length herein. The city council shall establish fees for permits required by the gas code, shall appoint an official to be responsible for enforcement of the gas code, and shall hear appeals arising out of the enforcement of said code.

(1978 Code, ch. 3, sec. 7)

§ 3.02.252. through § 3.02.300. (Reserved)

DIVISION 6
Mechanical Code

§ 3.02.301. Adopted; amendments.

- (a) Adoption. That certain document, one copy of which is on file at the office of the city secretary, being marked and designated as the International Mechanical Code, 2015 edition, published by the International Code Council, Inc., is hereby adopted as the mechanical code for the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the city; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made part of this section as if fully set out in this article.
- (b) Amendments. The International Mechanical Code, 2015 edition, is hereby amended as follows: Each reference to “Jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Frost, Texas.
- (Ordinance 289B, sec. 7, adopted 4/3/17)

§ 3.02.302. through § 3.02.350. (Reserved)

DIVISION 7
Housing Code

§ 3.02.351. Adopted.

The Southern Standard Housing Code, being particularly the 1973 edition, thereof and the whole thereof, save and except such portions as may hereinafter be amended, of which one (1) copy has been and is now filed in the office of the city secretary, is hereby adopted and incorporated as fully as if set forth at length herein, and from the date on which this section shall take effect the provisions therein shall be controlling in the use, maintenance, and occupancy of all dwellings within the city. The city council shall appoint an official responsible for enforcement of the housing code, and shall hear appeals arising out of the enforcement of said code.

(1978 Code, ch. 3, sec. 4)

§ 3.02.352. through § 3.02.380. (Reserved)

DIVISION 8

Fire Code**§ 3.02.381. Adopted; amendments.**

- (a) Adoption. That certain document, a copy of which is on file in the office of the city secretary, being marked and designated as the International Fire Code, 2015 edition, published by the International Code Council, Inc., is hereby adopted as the fire code of the city for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city and providing for the issuance of permits for hazardous uses and operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2015 edition, published by the International Code Council, Inc., on file in the office of the city secretary are hereby referred to, adopted and made part of this section as if fully set out in this article.
- (b) Amendments. The International Fire Code, 2015 edition, is hereby amended as follows: Each reference to “Jurisdiction” or location for insertion of name of jurisdiction shall mean the City of Frost, Texas.
- (Ordinance 289B, sec. 5, adopted 4/3/17)

ARTICLE 3.03
SUBSTANDARD AND DILAPIDATED BUILDINGS

§ 3.03.001. Purpose.

This article is enacted to protect the health, safety, and welfare of the citizens of this city by requiring the demolition or repair of buildings which are dilapidated, substandard, or which are unfit for human habitation.

(Ordinance 119, sec. 1, adopted 7/2/84)

§ 3.03.002. Dilapidated and substandard structures defined.

Buildings or structures as hereinafter described shall be deemed to be dilapidated, substandard, and unfit for human habitation and a nuisance subject to abatement as herein provided for:

- (1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail, or rain; or damage through fire to the extent that the roof, windows, and doors, or portions of the house, building, or structure which protect from the weather, will no longer reasonably protect from the weather.
- (2) All vacant buildings or structures which are unsecured, deteriorated, or contain accumulations of flammable materials, and as such represent a fire hazard to surrounding property.
- (3) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand reasonably anticipated storms.
- (4) All buildings, structures, or premises permitted to exist which constitute a menace to health or safety, including conditions conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease. The term "premises" shall include all areas surrounding buildings and accessory structures as well as vacant lots, and shall include weeds, underbrush, trash, debris, and personal property of no reasonable value.

(Ordinance 119, sec. 2, adopted 7/2/84)

§ 3.03.003. Building official defined.

The "building official" as used herein shall mean any person designated by the city council to enforce the provisions of this article.

(Ordinance 119, sec. 3, adopted 7/2/84)

§ 3.03.004. Notice to abate; public hearing.

- (a) Whenever the building official shall be of the opinion that any building is dilapidated or substandard and constitutes a hazard to the health, safety, and welfare of the citizens, he shall file a written statement to this effect with the city secretary. The city secretary shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. The city secretary shall also provide a copy of the notice to the holder of any mortgage or deed of trust or other lien or encumbrance of record and the owner or holder of any lease of record. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this article. Such notice shall state that the building has been declared to be

dilapidated or substandard as the case may be, and constitutes a hazard to the health, safety, and welfare of the citizens, and that a public hearing will be held by the city council at its regular meeting next following a fifteen (15) day interval from the date of service of such notice for the purpose of hearing evidence pertaining to the alleged physical condition of such building. The owner and occupant, if any, of such building, or any other party with an interest therein, will be allowed at such hearing to present evidence in rebuttal to that submitted by the building official. Where the owner is unknown or his whereabouts are unknown, or where service of notice has failed as herein provided for, notice may be effected by publication once a week for two (2) consecutive weeks in the city's official newspaper.

- (b) After considering the evidence submitted at such hearing, should the city council determine therefrom that the building concerned is dilapidated or substandard and constitutes a hazard to the health, safety, and welfare of the citizens, it shall, by resolution, so find. The resolution shall specify the defects in the building upon which the findings are predicated and indicate whether such defects can be repaired. Depending upon the magnitude of such defects, the resolution shall provide a reasonable time not to exceed one hundred eighty (180) days in which the owner may repair or remove the building as the case may be.
- (c) At any time, prior to notice and hearing, the building official may also require the building, structure, or portion thereof to be vacated forthwith and not be occupied until after the public hearing and compliance by the owner with requirements, if any, imposed by resolution of the city council. The building official shall cause to be posted at each entrance to such building the following notice:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN
PROHIBITED BY THE BUILDING OFFICIAL OF THE CITY OF FROST, TEXAS.

- (d) Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation, or their agents or other servants, to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same. Should the city council find, after the public hearing, that neither repairs to, nor demolition of, the building is required, the building official shall forthwith remove such notice.
 - (e) The city secretary shall maintain a file on each building which the building official has determined to be substandard. The file shall include a photograph of the building, the building official's inspection report, documentation of notice and public hearing proceedings, and the city resolution requiring repair or removal and the affidavit of city expense if applicable.
- (Ordinance 119, sec. 4, adopted 7/2/84)

§ 3.03.005. Removal by city.

- (a) Authorized. If, after the expiration of the allotted time, the owner has neither repaired nor removed the building in accordance with the terms of the resolution, the city council, by motion, may order the removal of the building at the expense of the city.
- (b) Recovery of expenses.
 - (1) Should the city incur the expense for removal of the building as provided in subsection (a), there shall be prepared an itemized statement in the form of an affidavit containing the following information:

- (A) Name and address of the owner, occupant, or agent of the owner of the property, if known, and, if unknown, that fact.
 - (B) A legal description of the property involved, together with its street address.
 - (C) A statement that the notice and public hearing requirements of this article have been fulfilled.
 - (D) An itemized statement of the cost incurred by the city in eliminating the condition constituting a violation of this article.
- (2) A copy of such statement shall be delivered to the owner of the premises by registered mail, together with a demand for payment of such cost involved. The demand shall state that, in the event remittance is not received within thirty (30) days from the date of such demand, the cost will be assessed against the property involved. If after the expiration of thirty (30) days such owner has not remitted to the city the full amount of such cost, a copy of the statement and demand will be delivered to the office of the city secretary for recordation purposes as an assessment and lien against the property involved. Thereafter, the fact of such assessment will be made known to any person or agency contacting the office of the tax collector for the purpose of determining what taxes are due and owing against the property involved. It is provided, however, that the means of recovering such expenses shall not include forced sale of the land by the city.

(Ordinance 119, sec. 5, adopted 7/2/84)

§ 3.03.006. Standards for ordering repair, vacation or demolition.

The following standards shall be followed in substance by the city council in ordering repair, vacation, or demolition:

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

(Ordinance 119, sec. 6, adopted 7/2/84)

§ 3.03.007. Owner's request for demolition or cleanup.

The owner of a substandard building, structure, or premises, as defined herein, may voluntarily execute an agreement requesting the demolition of such building or the cleanup of such premises. If the city council authorizes said demolition or cleanup, then the procedures set forth herein for notice and hearing shall not be required. The city council may authorize the expenditure of public funds for such demolition and/or cleanup if, in its judgment, the same is justified and necessary to protect the public health and safety. This procedure shall only be applicable when funds are available for this purpose, and the city shall never be under any obligation to appropriate funds for such purposes.

(Ordinance 119, sec. 7, adopted 7/2/84)

§ 3.03.008. Disposition of items of personal property in buildings to be demolished.

In the event there are items of personal property in the premises to be demolished according to the provisions of this article, additional notice shall be given to the effect that, if such items of personal property are not removed from the premises within thirty (30) days, they shall be placed in storage for a period of ninety (90) days. During this period they may be redeemed by the owner after all costs incurred in placing the items in storage and all accumulated storage fees have been paid. In the event that the property is not redeemed within ninety (90) days, the city may cause the same to be sold at auction. The proceeds of the sale shall be used to pay for any costs incurred in the storage of the property and any excess amount shall be set off against the cost of demolition to be charged to the owner.

(Ordinance 119, sec. 8, adopted 7/2/84)

§ 3.03.009. Liability of city.

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

(Ordinance 119, sec. 9, adopted 7/2/84)

ARTICLE 3.04
MOVING AND PLACEMENT OF BUILDINGS AND MANUFACTURED HOMES

§ 3.04.001. Purpose.

Public interest necessitates the regulation of moving houses, buildings, and manufactured homes within the city for the following reasons:

- (1) To protect the health, safety and welfare of the general public from damage resulting from faulty and uncontrolled installation and/or transportation of manufactured homes, houses, and buildings;
- (2) To preserve property values within the city;
- (3) To enhance the beauty and unique character of the city.

§ 3.04.002. Definitions.

HUD-code manufactured 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 one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not refer to a recreational vehicle as that term is defined by 24 C.F.R. section 3282.8(g).

Manufactured home. A HUD-code manufactured home or mobile home, and collectively means or refers to both.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body (8) feet or more in width or forty body (40) body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Multi-section manufactured home. A manufactured home which is assembled on the lot or tract of land in two or more sections, each of which is no less than 12 feet in width in the traveling mode.

Nonconforming. An existing manufactured home which does not conform to the regulations prescribed and was in existence and lawfully in compliance with any previous ordinance.

Permanent foundation. Shall be the installation specifications of the home manufacturer and shall include blocks, pads, tie-down system, and skirting. All axles, wheels, and hitches must be removed. The foundation also can be any foundation approved by the building official in writing.

Permit. An official document issued through the city secretary upon approval by the city council which indicates conformance with the regulations and authorizes legal use of the premises for which it is used and/or transportation of same.

§ 3.04.003. Permit required; application; fee.

- (a) Permit required; mobile homes not qualified. It shall be unlawful for any person to move or

relocate any house, manufactured home, building, or structure within the corporate limits of the city for the purpose of placing such structure upon any lot or tract of ground for any use or occupancy of any nature whatsoever without first obtaining a permit from the city secretary. Provided, however, that mobile homes shall not be moved or relocated within the city limits and shall not qualify for a permit.

- (b) Application for permit. Any person desiring to move or relocate a house, manufactured home, building, or structure within the corporate limits of the city shall first file an application with the city secretary requesting that she/he be permitted to do so. Applications for permits may be obtained from the city secretary and all information requested must be provided on the application before the application will be processed.
 - (c) Fee. A nonrefundable processing fee of \$50.00 shall be paid by the applicant at the time the application is filed for a permit.
 - (d) Double fee in case of failure to obtain permit. Any person locating a house, building, or manufactured home on an individual lot or tract without first making application for a permit will be subject to a processing fee double the normal amount. Such doubled fee does not excuse full compliance with the code and shall be separate from other penalties described herein.
 - (e) Exceptions. Nothing herein contained shall require the securing of a permit from the city for the movement of super-heavy or oversized equipment for the transportation of commodities over any state or federal highway within the city limits when such movement is with a valid permit with the state department of transportation as required by law.
 - (f) Campers and recreational vehicles. No permit will be issued for a permanent residence, nor will city utility services be provided, for any of the following: campers, camper trailers, travel trailers, or recreational vehicles.
- (Ordinance 189 adopted 5/1/00 ; Ordinance 254 adopted 3/7/11)

§ 3.04.004. Investigation of permit application.

- (a) Upon filing of the application for permit, the building official may use whatever means necessary to verify information submitted on the application, including but not limited to inspection of the house, building, or manufactured home and proposed location.
- (b) The building official shall advise the city secretary whether the house, building, or manufactured home and proposed location meet all the requirements of the applicable codes and ordinances of the city.

§ 3.04.005. Issuance of denial of permit.

- (a) After receiving the application and the report from the building official, the application will be submitted to the city council, and thereafter all provisions of chapter 3 (building regulations) of this code shall be complied with.
- (b) The city council shall take into account all relevant information when considering whether to grant to deny an application for permit. The city council shall deny any request upon a finding of any of the following conditions:
 - (1) The house, building, or manufactured home in question does not meet all the requirements of the applicable ordinances of the city;

- (2) The lot or tract of land that the house is to be located on does not meet all of the requirements of the applicable ordinances of the city;
 - (3) The house, building or structure has deteriorated more than fifty percent (50%) of its original value by virtue of fire or by virtue of age or normal wear and tear or other elements;
 - (4) The moving of such building, house, or structure could cause serious injury to persons or property or damage to the streets or other public improvements;
 - (5) The applicant cannot ensure that he can bring the building up to city standards within ninety (90) days after completion of the move; or
 - (6) The applicant cannot ensure that the grounds from which a building is removed will be completely cleared, leveled, and cleaned within ninety (90) days after the permit is issued.
 - (7) No manufactured home or mobile home may be moved into the city that is more than 10 years old.
- (c) Once the information is reviewed and approved and the required fees paid, the permit shall be issued and the house, manufactured home, or building may be moved onto the property pursuant to any conditions, requirements, or restrictions decreed by the city council as well as any requirements imposed by the codes and ordinances of the city.
- (Ordinance 189 adopted 5/1/00 ; Ordinance 313-A adopted 6/7/21)

§ 3.04.006. Arrangements for removal of wires, poles and other improvements.

Upon the issuance of said permit, the house mover shall make arrangements with the public utilities, railroads and other persons, firms or corporations whose facilities are involved in such movement for the removal, relocation, and replacement of wires, poles, or other improvements, to enable the building or structure to be moved with proper clearance as provided in this article.

§ 3.04.007. Exterior requirements.

In addition to all requirements of the building codes or ordinances, all buildings moved to any place within the city shall be completely painted on the outside surfaces. However, the painting requirements herein shall be waived if the building, when located, is veneered with brick or other building stone, or is covered with other finished siding and all trim has been painted.

§ 3.04.008. Requirements for installing manufactured homes on individual lots.

- (a) Minimum size of manufactured home. A HUD-code manufactured home installed on an individual lot shall be a minimum of nine hundred square feet in size.
- (b) Siding. The exterior of the home shall be of wood, vinyl, or a non-metal type siding.
- (c) Maintenance. All parts of a manufactured home, the facilities provided in the home and the improvements required by this code, to include utility lines, shall be maintained in good repair or shall be replaced.
- (d) Number of persons occupying manufactured home. A manufactured home shall be occupied by one family only or by not more than three unrelated persons, and the number of persons allowed to occupy a home shall be figured in accordance with the housing code.

- (e) Setbacks; driveway required. At least 12 feet shall be maintained between the end or side of the manufactured home and the side property lines, and at least a 12-foot driveway must be provided on one side of the manufactured home.
- (f) Identification of property lines. It shall be the owner's responsibility to have the property corners identified so that accurate measurements can be made for proper installation of home.
- (g) Utility connections. The home shall be properly connected to utilities which will provide adequate lighting, heating, cooling, ventilation, cooking facilities, sewer, water, and water heating equipment.
- (h) Front door to face front property line. Manufactured homes installed on individual lots shall be installed with the front door facing the front property line.
- (i) Driveway approach. If it is necessary to make a curb opening for a driveway on a street with concrete curb and guttering, the drive approach shall be installed with concrete.
- (j) Zoning. Manufactured homes shall be installed in areas designated by the zoning ordinance. (Ordinance 189 adopted 5/1/00 ; Ordinance 213 adopted 12/6/04)

§ 3.04.009. Time period for compliance; requirements prior to occupancy.

Manufactured homes installed on individual lots, houses and buildings will be allowed a time period of ninety (90) days after approval of the application for permit for full compliance with the herein requirements; however, the home may not be lived in and no one will be allowed to stay in a home unless it has been tied down and underpinned and is properly connected to utilities. Utilities will not be turned on until the manufactured home is tied down and underpinned.

(Ordinance 189 adopted 5/1/00 ; Ordinance 213 adopted 12/6/04 ; Ordinance adopting Code)

§ 3.04.010. Existing manufactured homes.

- (a) Maintenance. Existing manufactured homes, their facilities, fixtures, utilities, appliances and all parts thereof shall be maintained in good repair or replaced.
- (b) Nonconforming manufactured homes. Manufactured homes which exist in compliance with any previous ordinance shall be allowed to remain as a nonconforming [use]. If the home is destroyed by fire, the elements, or other causes and the cost of repairs equals 50% or more of the value of the home as determined by the building official, the home shall be removed.

§ 3.04.011. Unsafe structures.

Any manufactured home may be declared an unsafe structure when conditions exist as those defined for an unsafe structure in the city code, and the manufactured home may be processed as an unsafe structure as described by the terms of the city code.

(Ordinance 189 adopted 5/1/00)

§ 3.04.012. Violations; penalty.

- (a) It shall be unlawful for any person, firm, or corporation to violate the terms of this article or provide any false or misleading information used to obtain a permit approval. A house, building, or manufactured home shall be in violation of this code if it does not comply with the terms of this code or the approved permit at any point after the permit is issued.

- (b) Violations of this article shall be punishable as a class C misdemeanor and subject to a fine in accordance with the general penalty provided in section 1.01.009 for each separate violation. Each day a violation exists, or is permitted to exist, shall constitute a separate and distinct offense. (Ordinance 189 adopted 5/1/00 ; Ordinance adopting Code)

ARTICLE 3.05
ADDRESSING STANDARDS

§ 3.05.001. Established.

There are hereby established the following addressing standards for numbering property and naming public streets within the city.

(Ordinance 137, sec. 1, adopted 8/5/91)

§ 3.05.002. Criteria for street naming and property numbering.

- (a) Street naming and property numbering procedures shall be established in conjunction with the platting and subdivision requirements of the city.
 - (b) A survey and inventory of all public street names within the city shall be conducted by September, 1991 for use with addressing procedures. Property needing street naming or number assignment on public streets will be identified. Duplicate names or similar-sounding names will be repealed and renamed on the recommendation of staff with approval by city councilmembers.
 - (c) Street name criteria: Non-duplication of existing names, no similar-sounding names. Name changes must meet the same criteria established for new street names. Petitions for change must be presented with signatures from 3/4 of the property owners abutting the street. Development along the street and traffic volume may be considered as additional criteria.
 - (d) Property numbering criteria: Number assignment is based upon a grid system: center point within the community, with axis forming base lines, north-south line being N. Front Street and east-west line being Garitty Street. Block assignments will consist of 300 feet per block. Number assignment progresses from the center point outward each direction, with the interval distance of 50 feet allowed for each number in blocks with 50-foot lots, and the interval distance of 25 feet allowed for each number in blocks with 25-foot lots. Travelling from the center point, odd numbers assigned to the left and even numbers to the right street side.
 - (e) Final approval of new street names and name change requests resides with the mayor. Street name adoption or changes must comply with criteria established under these standards.
- (Ordinance 137, sec. 2, adopted 8/5/91)

§ 3.05.003. Placement of address numbers.

Within 60 days of being notified of the physical address, the owner or occupant of every house and building in the city shall place the street number assigned by the city in some conspicuous place on or near such house or building so that the same may be plainly seen from the street. The house numbers shall be at least 3 inches high and shall be made of some bright metal or material.

(Ordinance 137, sec. 3, adopted 8/5/91)

§ 3.05.004. Records; enforcement.

- (a) A complete record of the numbering of all houses in the city shall be prepared by the city and filed in the office of the city secretary.
- (b) Notification in written form must be presented to the property owner and/or tenant when final assignment of addresses occurs. Notification also will be made to the 911 database. Once notified, the address becomes effective within 10 days.

- (c) Within 60 days of notification, proper address number signage should be posted. After 90 days, if no number sign is posted, the enforcement shall consist of the proper authority posting such number and to apply applicable charges to the resident or property owner.
- (d) Maintenance of the city's addressing procedure will reside in the city hall.
(Ordinance 137, sec. 4, adopted 8/5/91)

§ 3.05.005. Street signs.

Street signs should be erected at all intersections of public streets.
(Ordinance 137, sec. 5, adopted 8/5/91)

ARTICLE 3.06
FLOOD DAMAGE PREVENTION

§ 3.06.001. Statutory authorization, findings of fact, purpose and methods.

- (a) Statutory authorization. The legislature of the state has, in the Flood Control Insurance Act, Texas Water Code, section 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city does ordain as follows.
- (b) Findings of fact.
- (1) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (c) Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - (7) Insure that potential buyers are notified that property is in a flood area.
- (d) Methods of reducing flood losses. In order to accomplish its purposes, this article uses the following methods:
- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

- (4) Control filling, grading, dredging and other development, which may increase flood damage;
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (Ordinance 255, art. I, adopted 2/7/11)

§ 3.06.002. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding. 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. 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. 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. 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. 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. The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, zone A usually is refined into zone A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood. The flood having a 1 percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zone A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year, also called the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. 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. 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. 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. 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.

Elevated construction. 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. 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. 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. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study. 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). An official map of a community, issued by the administrator, where the boundaries of the flood, and 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). 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.”

Flood protection system. 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.

Floodplain or floodprone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management. 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. 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.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See “Regulatory floodway.”

Functionally dependent use. 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. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior; or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

Levee. 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. 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. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home. 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. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction. 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. 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. A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine. 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. 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. 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. 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. 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. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance 255, art. 2, adopted 2/7/11)

§ 3.06.003. General provisions.

- (a) Lands to which this article applies. This article shall apply to all areas of special flood hazard with the jurisdiction of the city.
- (b) Basis for establishing 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), City of Frost, Texas, Community Number (CIS #480954), dated August 8, 1978, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.
- (c) Establishment of development permit. A floodplain development permit shall be required to ensure conformance with the provisions of this article.
- (d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.
- (e) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) Interpretation. In the interpretation and application of this article, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

- (g) Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ordinance 255, art. 3, adopted 2/7/11)

§ 3.06.004. Administration.

- (a) Designation of floodplain administrator. The mayor or designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.
- (b) Duties and responsibilities of floodplain administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
 - (2) Review permit applications to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
 - (3) Review, approve or deny all applications for development permits required by adoption of this article.
 - (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.
 - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state water development board (TWDB), and also the state commission on environmental quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (8) When base flood elevation data has not been provided in accordance with section 3.06.003(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 3.06.005.

(c) Permit procedures.

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (A) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - (B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 3.06.005(b)(2);
 - (D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (E) Maintain a record of all such information in accordance with subsection (b)(1) of this section.
- (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (A) The danger to life and property due to flooding or erosion damage;
 - (B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (C) The danger that materials may be swept onto other lands to the injury of others;
 - (D) The compatibility of the proposed use with existing and anticipated development;
 - (E) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (F) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (G) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (H) The necessity to the facility of a waterfront location, where applicable;
 - (I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) Variance procedures.

- (1) The city council shall hear and render judgment on requests for variances from the requirements of this article.

- (2) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (3) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (c)(2) of this section have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 3.06.001(c)).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (A) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (B) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (C) Any applicant to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(A) The criteria outlined in subsections (d)(1) through (9) of this section are met; and

(B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance 255, art. 4, adopted 2/7/11 ; Ordinance adopting Code)

§ 3.06.005. Flood hazard reduction standards.

(a) General standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 3.06.003(b), section 3.06.004(b)(8), or subsection (c)(3) of this section, 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 2 feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 3.06.004(c)(1)(A), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to 2 feet above the base flood level or, together with

attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (A) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (B) The bottom of all openings shall be no higher than 1 foot above grade.
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
 - (A) Require that all manufactured homes to be placed within zone A on a community's 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.
 - (B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (C) Require that manufactured homes being placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:

- (i) The lowest floor of the manufactured home is at 2 feet above the base flood elevation; or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (c) Standards for subdivision proposals.
- (1) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with section 3.06.001(b), (c), and (d) of this article.
 - (2) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet the floodplain development permit requirements of sections 3.06.003(c) and 3.06.004(c) of this article, and the provisions of this section.
 - (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3.06.003(b) or section 3.06.004(b)(8) of this article.
 - (4) Base flood elevation data shall be generated by a detailed engineering study for all zone A areas, within 100 feet of the contour lines of zone A areas, and other streams not mapped by FEMA, as indicated on the community's FIRM.
 - (5) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
 - (6) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance 255, art. 5.A–C, adopted 2/7/11)

§ 3.06.006. Penalty.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance 255, art. 5.E, adopted 2/7/11)

ARTICLE 3.07
STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

§ 3.07.001. Riding animals on newly paved streets.

It shall be unlawful for any person to ride a horse or mule or any other animal on a newly paved street in the city for sixty days after new pavement has been applied.

(Ordinance 275 adopted 4/7/14)

ARTICLE 3.08
FENCING

§ 3.08.001. Fence prohibition; nonconforming fences.

- (a) No fence, wall or outdoor area enclosure structure may be erected, placed or altered within the city unless such fence, wall or outdoor area enclosure is in conformance with provisions set forth herein. Existing fences in violation of this article may remain, but may not be remodeled, repaired or replaced except in compliance with this article.
- (b) Nonconforming fences that are damaged by accident, fire and/or nature may be temporarily repaired without a permit from the city. Permanent repairs to nonconforming fences of more than fifty percent requires [a permit] and compliance with this article.
- (Ordinance 297, sec. 1, adopted 11/6/17)

§ 3.08.002. Definitions.

For the purposes of these regulations, the following definitions shall apply:

Alternate orientation. Created when a structure located on a corner lot is constructed to face the street frontage not normally associated to be the front of the lot.

Barrier. A fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Corner lot. A lot, tract or parcel which abuts two (2) streets at their intersection, with the longer street frontage being the side of the lot.

Corner orientation. Created when a structure located on a corner lot is constructed to face the intersection. Diagonally across a lot, rather than a traditional orientation toward one (1) of the intersecting streets. In cases of corner orientation, both sides of the lot along the street frontages are to be treated equally as front yards.

Electrical fence. An outdoor area enclosure consisting of an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.

Fence. An outdoor area enclosure of wood, chain link, or other approved building material serving to enclose, divide or protect an area. Fences shall be defined as walls when the average construction thickness exceeds three (3) inches.

Front building setback. Minimum required front yard setback as specified under the city zoning ordinance.

Front yard. That portion of a lot lying between the required front yard setback(s) and the property lines(s) adjacent to the street right-of-way or access easement.

Interior lot. A lot, tract or parcel which is bounded by one (1) or more lots, tracts or parcels along both sides of the lot lines (not a corner lot).

Key lot. An interior lot, tract or parcel which sides to the rear of one (1) or more lots, tracts or parcels.

Non-residentially zoned areas. Any land within the city zoned for nonresidential uses.

Office, business or industrial park complex enclosure (including entry features). A wall of masonry or masonry and pressure-treated timber, plaster, iron, or other approved building material serving to enclose or protect an office, business or industrial park complex. Park/complex enclosures are limited

to application along the perimeters of platted nonresidential subdivisions containing four (4) or more lots.

Outdoor area enclosure. Any fence, wall or structure of various materials designed to serve as an enclosure of an outdoor area, a barrier or boundary, or to otherwise divide or protect an area.

Privacy/security enclosures. Fences, walls or structures located on individual lots, tracts or parcels for the purpose of enclosing an outdoor area for privacy or security purposes.

Rear lot line. The boundary line of any lot, tract or parcel opposite the front yard of the lot, being the rear property boundary.

Residential subdivision enclosures (including subdivision entry features). A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose, divide or protect a residential subdivision. Residential subdivision enclosures are limited to application along the perimeters of platted residential subdivisions containing ten (10) or more lots.

Residential zoned areas. Any land within the city zoned for residential uses.

Side lot line. The boundary line(s) extending between the front and rear lot lines of a lot, tract or parcel, being the side property boundaries.

Spa, non-self-contained. A hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A non-self-contained spa is intended for recreational bathing and contains water over 24 inches deep.

Spa, self-contained. A continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 24 inches deep.

Swimming pool. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, fixed-in-place wading pools, hot tubs, and spas.

Visibility triangle. An area located at the intersection of two (2) streets, access easements of [or] alleys or any combination thereof where no structure, growth or object shall exceed two (2) feet in height, created by measuring 25 feet from the rights-of-way intersection along each right-of-way (ROW).

Wall. An outdoor area enclosure of masonry, wood, plaster or other approved building material serving to enclose, divide or protect an area. Fences shall be defined as walls when the average construction thickness exceeds three (3) inches.

(Ordinance 297, sec. 2, adopted 11/6/17)

§ 3.08.003. Residential uses.

In residentially zoned districts, fences, walls and outdoor area enclosure structures may be erected if in accordance with the following regulations:

- (1) Privacy/security enclosures:
 - (A) Privacy/security enclosures may be fences or walls as defined herein.
 - (B) Maximum height shall not exceed six (6) feet.
 - (C) May be erected upon the rear lot line of any lot.

(D) May be erected upon the side lot lines of any interior lot; however, no fence may be erected alongside lot lines to exceed the required front yard setback.

(2) All fencing must be kept in good repair.
(Ordinance 297, sec. 3, adopted 11/6/17)

§ 3.08.004. Residential subdivision enclosures (including subdivision entry features).

No nonresidential subdivision enclosures shall be allowed, without prior approval.
(Ordinance 297, sec. 4, adopted 11/6/17)

§ 3.08.005. Nonresidential uses.

In nonresidential zoning districts, fences, walls and outdoor area enclosures may be erected if in accordance with the following regulations:

(1) Privacy/security enclosures:

(A) Privacy/security enclosures may be fences or walls as defined herein.

(B) Maximum height shall not exceed six (6) feet.

(C) May be erected upon the rear lot line of any lot, tract or parcel.

(D) May be erected upon the side lot line of any lot, tract or parcel; provided that no fence may be erected on a side lot line to exceed the required front building setback without prior city council approval.

(E) No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements or floodway.

(F) Plans for each [such] enclosures shall be specifically reviewed and approved by the building professional.

(Ordinance 297, sec. 5, adopted 11/6/17)

§ 3.08.006. Office, business or industrial park or complex (including entry features).

(a) All enclosures shall be walls. Fences, as defined herein, shall not be allowed.

(b) All enclosures shall be constructed with minimum 10" x 20" brick columns set on piers with a maximum spacing of ten (10) feet on center. Infill material between brick columns shall be brick, pressure-treated lumber, plaster, iron or other approved material.

(c) Maximum height of all enclosures shall be either [eight] (8) feet.

(d) Walls enclosing nonresidential developments may be erected along rear property lines.

(e) Walls enclosing nonresidential developments may be erected upon rear property lines and to the front and side property lines and to the front and side property lines exceeding the required front yard setback; provided that such encroaching structure does not exceed the required two (2) foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements or floodway.

(f) Plans for such enclosures shall be specifically reviewed and approved by the building

professional.

(Ordinance 297, sec. 6, adopted 11/6/17)

§ 3.08.007. Miscellaneous uses.

The following regulations shall apply to zoning district[s] of the city as applicable.

- (1) Screening. Live screening using natural growth or planted vegetation shall be allowed within the city under the following provisions:
 - (A) No tree, shrub, hedge or other vegetation shall be so planted, pruned or otherwise maintained to exceed a height of two (2) feet within the defined visibility triangle or street right-of-way.
 - (B) Any tree, shrub, hedge or other form of vegetation located within the public right-of-way, utility easements, or visibility triangle shall be subject to removal (without compensation) by the authority of the city for the purpose of utility maintenance and public safety.
- (2) Barbed wire. Except as provided herein, the use of barbed wire as an enclosing material is specifically prohibited within the city:
 - (A) Authorized in the A [AG], agricultural zoning when existing at the time of annexation.
 - (B) Authorized when attached to the top of a minimum six-foot high security fence.
 - (C) Authorized in all zoning district classifications if the use of the land is that of animal husbandry.
- (3) Electrical fences. Except as provided herein, the use of electrical fencing is specifically prohibited within the city:
 - (A) Electric fences are allowed only if it is associated with land that is used for animal husbandry.
 - (B) The electrical fence must be located a distance of at least six (6) inches inside a non-electric fence.
 - (C) Electrical fences shall be UL approved and installed and maintained as per manufacturer's instructions.
 - (D) Electric fences not in compliance with the above are hereby declared a nuisance per se and must be immediately removed.
- (4) Corner lots. The following regulations provide for the maximum safety of persons using sidewalks and streets. On any corner lot, no wall, fence, sign, structure, plant growth, or any other object, whether movable or stationary, which obstructs the vision at elevations between two (2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a visibility triangle, created by measuring 25 feet from the rights-of-way (ROW).

(Ordinance 297, sec. 7, adopted 11/6/17)

§ 3.08.008. Permits required.

Prior to construction of any outdoor area enclosure, a permit shall be obtained from the building

official. An application shall be accompanied by a plot plan and shall accurately reflect all proposed outdoor area enclosure structures, all easements, building setback lines and visibility triangles. Residential subdivision enclosures, office, business or industrial park/complex enclosures and any privacy/security enclosure constructed as a wall within any nonresidential zoning district shall have detailed drawings submitted with an application. Upon approval of the application by the building official (when applicable) and payment of the permit fee, as set by the city council, a permit shall be issued for construction. If the permit holder fails to comply with the provisions of this article, the permit shall be revoked, and the so-constructed fence shall be considered a nuisance per se and must be immediately removed.

(Ordinance 297, sec. 8, adopted 11/6/17)

§ 3.08.009. Requirements for swimming pools; penalty.

- (a) An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:
- (1) General standards. The top of the barrier shall be at least six (6) feet above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased up to 4 inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above-ground pool structure. When barriers have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.
 - (2) Openings in barrier.
 - (A) Openings in the barrier shall not allow passage of a 1-3/4 inch diameter sphere.
 - (B) Exceptions:
 - (i) When vertical spacing between such openings is 45 inches or more, the opening size may be increased such that the passage of a 4-inch diameter sphere is not allowed.
 - (ii) For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches when the distance between the tops of horizontal members is 45 inches or more.
 - (3) Chainlink fences. Chainlink fences used as the barrier shall not be less than 11 gauge.
 - (4) Access gates. Access gates shall comply with the requirements of subsections (1) through (3). Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, (i) the release mechanism shall be located on the pool side of the barrier at least 3 inches below the top of the gate, and (ii) the gate and barrier shall have no opening greater than 1/2 inch within 18 inches of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

- (5) Requirements for certain dwelling units.
- (A) Where a wall of a Group R, Division 3 Occupancy dwelling unit, triplex (as defined in the 1997 Uniform Building Code) serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of subsections (1), (2) (3) and (4) of this section shall be provided.
- (B) Exceptions: When approved by the building official, one of the following may be used:
- (i) Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches above the floor.
- (ii) An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.
- (iii) Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.
- (6) Above-ground pools. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (i) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (ii) the ladder or steps shall be surrounded by a barrier that meets the requirements of subsections (1) through (5).
- (7) Indoor swimming pools. For an indoor swimming pool, protections shall comply with the requirements of subsection (a)(5) of this section.
- (8) Spas and hot tubs. For a non-self-contained and self-contained spa or hot tub, protection shall comply with the requirements of this section 3.08.009.
- (b) Any person, firm or corporation convicted of violating this section shall be fined not less than fifty dollars (\$50.00) and no more than two thousand dollars (\$2,000.00) and each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- (Ordinance 297, sec. 9, adopted 11/6/17)

§ 3.08.010. Fences around gravel pit ponds; penalty.

In all cases wherein a lake, pool or pond is constructed in connection with the operation of a gravel pit and the same is within one thousand (1,000) feet of any residence suitable fences shall be placed around such body of water adequate to prevent children from entering such premises. Any person, firm or corporation convicted of violating this section shall be fined not less than fifty dollars (\$50.00) and no more than two thousand dollars (\$2,000.00) and each day any violation or noncompliance continues

shall constitute a separate and distinct offense.
(Ordinance 297, sec. 10, adopted 11/6/17)

BUILDING REGULATIONS

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Chapter 4

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**ARTICLE 4.01
GENERAL PROVISIONS**

§ 4.01.001. Prohibited businesses.

(a) Prohibitions.

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

(A) A slaughtering establishment;

(B) A hide house;

(C) An establishment for making soap;

(D) An establishment for steaming or rendering lard, tallow, offal, or any other substance that may be rendered; and

(E) Any other establishment or place at which any nauseous, offensive, unwholesome business may be conducted.

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

(b) Penalty. Any person, firm, corporation or entity violating any of the provisions of this section shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this section shall continue shall constitute a separate offense.

(Ordinance 167 adopted 7/1/96)

ARTICLE 4.02
PEDDLERS AND ITINERANT MERCHANTS

§ 4.02.001. Declaration of nuisance.

The practice of going in and upon private residences, business establishments, or offices in the city by solicitors, peddlers, hawkers, itinerant merchants, and transient merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence, business establishment, or office, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

(1978 Code, ch. 4, sec. 4.A)

§ 4.02.002. Exceptions.

(a) The provisions of this article requiring a license shall not apply to persons employed by or representing any established merchant, business, firm or corporation located and regularly doing business in the city, or to farmers selling any food items raised or produced by themselves, and/or to permanently established residents in the city

(b) Persons duly licensed are exempt from the provisions of section 4.02.001 which declares going in and upon private residences, business establishments, or offices to be a nuisance.

(1978 Code, ch. 4, sec. 4.B; Ordinance adopting Code)

§ 4.02.003. Application for license.

Any person desiring to engage in the business of itinerant merchant or that of peddling within the corporate limits of the city shall make written application for a license to do so to the city secretary.

(1978 Code, ch. 4, sec. 4.C)

§ 4.02.004. Issuance of license; fees.

(a) The city secretary shall, subject to approval of the mayor, issue a license upon the payment of the following fees, to wit:

(1) For itinerant merchants offering for sale bankrupt stock, fire or water damaged stock, or goods, wares, merchandise, or any other commodity for a limited time of one month or less: \$50.00.

(2) For each additional month, for each of the next five months or fraction thereof: \$10.00.

(3) If a merchant liable to above-named tax remains more than six months and up to twelve months, for each additional month or fraction thereof: \$5.00.

(4) For traveling medicine vendors: \$25.00.

(5) For medical specialists: \$25.00.

(6) For other peddlers, using vehicle: \$25.00.

(7) For other peddlers walking and not using vehicle: \$15.00.

(b) No fee shall be required of those persons engaging in interstate commerce.
(1978 Code, ch. 4, sec. 4.D; Ordinance 281 adopted 4/6/15 ; Ordinance adopting Code)

§ 4.02.005. Refusal to leave premises.

It shall be unlawful for any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another to willfully refuse to leave said premises after having been notified by the owner or possessor of said premises, or his agent, to leave the same.
(1978 Code, ch. 4, sec. 4.E)

§ 4.02.006. License required before going upon private property.

Peddlers and solicitors are required to make written application for a license to the city secretary at least forty-eight (48) hours prior to going in or upon any private property within the city to solicit orders and shall not do so until a license has been issued.
(1978 Code, ch. 4, sec. 4.F)

§ 4.02.007. Duration of license; cancellation.

All peddler's licenses shall be for a specified time not to exceed one (1) year, and every license shall be subject to cancellation for failure to comply with city ordinances and other rules and regulations of the city.
(1978 Code, ch. 4, sec. 4.G)

ARTICLE 4.03
SOLICITATION OF MONEY AND GIFTS FOR CHARITABLE PURPOSES

DIVISION 1
Generally

§ 4.03.001. Applicability.

No solicitation or contribution as provided herein shall be asked, demanded or received by any person, or the representatives of any person, firm, institution, organization or association, until the provisions herein are fully complied with and until a permit therefor as herein provided shall be issued by the mayor authorizing such solicitation in the city. Nothing in this article shall be deemed to grant a right to solicit or beg upon the streets or in public places in the city or operate a "Tag Day" without first securing from the mayor a permit specifically for this purpose after due application for same in the manner above prescribed has been made to the mayor and such application has been granted.

(1978 Code, ch. 4, sec. 5.K)

§ 4.03.002. Misrepresentation prohibited.

It shall be unlawful for any person or persons, firm, or association to solicit or obtain alms or gifts in money or merchandise, directly or indirectly, by the misrepresentation of names, occupation, financial condition, social condition or residence.

(1978 Code, ch. 4, sec. 5.A)

§ 4.03.003. through § 4.03.030. (Reserved)

DIVISION 2

Permit**§ 4.03.031. Required.**

- (a) It shall be unlawful to solicit or to accept alms or gifts, in money or in merchandise, directly or indirectly, for or in behalf of any person or charitable, patriotic, social or philanthropic organization; to promote or participate in any entertainment, benefit, dance, fair or bazaar in the name of charity, patriotism or philanthropy; or to solicit or accept gifts or any property for any evangelistic, religious, philanthropic, or charitable purpose of any nature or kind whatever, except by such organization on its own premises, or from members of such church or religious organization while acting under and in accordance with the authority of the proper church officials, without first obtaining a permit to solicit funds in the city, said permit to be issued under the terms and regulations herein stated. This article shall not be construed so as to prohibit any organization from soliciting funds from its own membership at any time or place that they may desire.
- (b) It shall be unlawful for any person, persons, organization or association to hold a benefit dance or rummage sale, or to sell or offer for sale any property which has been given for sale or charity, philanthropy or patriotic purposes, without first obtaining a permit as hereafter provided.
- (1978 Code, ch. 4, sec. 5.B, C)

§ 4.03.032. Application.

Each applicant for a permit to solicit funds in the city shall submit to the city secretary a statement sworn to and containing the following information:

- (1) The name and address of the organization.
 - (2) The name and address of the officers of its governing board.
 - (3) The amount to be solicited.
 - (4) The percentage of collection to be paid solicitors.
 - (5) The net proceeds anticipated for the purpose solicited for.
 - (6) The officials of the organization for whose support the permit is asked.
- (1978 Code, ch. 4, sec. 5.D)

§ 4.03.033. Granting or denial.

The mayor shall grant or refuse permits to solicit funds, being governed in his decisions by the terms of this article, and any decisions rendered by the mayor in granting or refusing a permit to solicit funds shall be final, except that appeal may be taken to the city council.

(1978 Code, ch. 4, sec. 5.E)

§ 4.03.034. Records.

The city secretary shall keep such applications on file and a record of the mayor's action thereon, subject to inspection by any person at any reasonable time.

(1978 Code, ch. 4, sec. 5.F)

§ 4.03.035. Duration.

Said solicitation permits, when granted by the mayor, shall be valid for a period specified and no longer, and in no case shall they exceed a period of 30 days after the date thereof unless same shall be renewed in due course by the mayor.

(1978 Code, ch. 4, sec. 5.G)

§ 4.03.036. Credentials; responsibility of permit holder for acts of representatives.

All applicants receiving permits shall supply their solicitors with proper credentials, and the recipient of the permit shall be responsible for the overt acts of his or its authorized representatives in connection with this solicitation.

(1978 Code, ch. 4, sec. 5.H)

§ 4.03.037. Transfer; revocation.

The solicitation permit herein prescribed shall be nontransferable, and may be revoked at any time by the mayor and shall never operate as a grant or a privilege or mature into a right.

(1978 Code, ch. 4, sec. 5.I)

§ 4.03.038. Investigation of violations.

In all cases where the mayor is of the opinion that the funds of any institution or organization under a permit from the city have been or are being diverted from the purpose from which they are collected, or have been secured by misrepresentation, such person, persons, institution or organization shall be subject to investigation by the mayor, and if the mayor deems it warranted, [he] may require such person or organization to file an immediate account of its receipts and expenditures with the mayor and shall summon such witnesses to appear before him as shall be necessary to ascertain the truth or falsity as to the facts of such representation, or of such diverting of funds from their proper purposes, and the mayor, upon hearing witnesses and after investigating all the facts, shall render his decision as to whether or not the solicitation permit shall then and there be cancelled.

(1978 Code, ch. 4, sec. 5.J)

ARTICLE 4.04
JUNK DEALERS

DIVISION 1
Generally

§ 4.04.001. Definitions.

Junk. Old iron, chain, brass, copper, tin, lead, or other base metals, old rope, bags, rags, waste paper, paper, clippings, clips, bagging, rubber, glass, empty bottles, bones, and any article which has been discarded or is no longer used for the purpose for which it was manufactured.

Junk dealer. Any person, partnership, or corporation who, irregularly or continually, either at wholesale or retail, buys, sells, or deals in junk, whether as an itinerant or at a fixed place of business.
(1978 Code, ch. 4, sec. 1.A; Ordinance adopting Code)

§ 4.04.002. Compliance.

No junk dealer shall pursue his occupation or business within the city without complying with the terms and provisions of this article as herein set out, and without procuring a license as herein required.
(1978 Code, ch. 4, sec. 1.B)

§ 4.04.003. Fireproof construction of buildings.

No junk dealer shall carry on his business in any building which is not of fireproof construction.
(1978 Code, ch. 4, sec. 1.D)

§ 4.04.004. Fence or other enclosure.

Every place, other than a building, where any junk dealer carries on his business shall be enclosed by a fence or other structure not less than seven feet in height. Said fence or other structure shall be so constructed that no dust or other material may pass through the same. Said enclosure shall be maintained in good condition at all times, and no junk shall be piled or placed within the same so as in any manner to protrude above said enclosure.
(1978 Code, ch. 4, sec. 1.E)

§ 4.04.005. Hours for receiving goods.

No junk dealer shall make any purchase or receive any article from any person between sunset and 7:00 a.m. on the succeeding day.
(1978 Code, ch. 4, sec. 1.M)

§ 4.04.006. Receiving goods from certain persons prohibited.

No junk dealer shall purchase, receive, or in any wise acquire any junk from any person under the age of eighteen (18) years, or from any habitual drunkard, or from any insane person.
(1978 Code, ch. 4, sec. 1.N)

§ 4.04.007. Inspections.

The place of business of each junk dealer shall be subject to inspection by the proper municipal authorities at all reasonable times, and the contents thereof shall be arranged in an orderly manner, with

all similar things located together so as to facilitate such inspection.
(1978 Code, ch. 4, sec. 1.O)

§ 4.04.008. Holding period for goods received.

All junk received by any junk dealer shall be retained for a period of forty-eight (48) hours before it is disposed of by said dealer, but this provision shall not apply to old rags or paper.
(1978 Code, ch. 4, sec. 1.P)

§ 4.04.009. Records generally.

Each junk dealer shall keep a daily record plainly written in ink or indelible pencil in the English language, which record shall accurately describe each article purchased, received, or in any manner acquired by him, and the name and residence of each person from whom each article was purchased or acquired, the day and hour of such purchase or acquisition, and the price paid for each article. This record shall be open to inspection by the chief of police or any person acting under his direction at all reasonable times. No entry in said record shall be in any wise changed, erased, obliterated, altered, or defaced.

(1978 Code, ch. 4, sec. 1.Q; Ordinance adopting Code)

§ 4.04.010. through § 4.04.040. (Reserved)

DIVISION 2

License**§ 4.04.041. Application.**

Every applicant for a license as a junk dealer shall file with the city secretary a written application upon a form prepared and provided by the city, signed and sworn to by the applicant. Said application shall contain the following information:

- (1) The name and residence of each applicant, if an individual or partnership; if a corporation, its name, principal place of business, and the address of each of the following officers, to wit: president, vice-president, secretary, treasurer, and general manager.
- (2) The length of time each applicant, if a person or partnership, has resided in the city, the business or occupation pursued by him during the five years immediately preceding the date of such application, giving the place where such business or occupation was followed, whether he is married or single, and whether he has ever been convicted either of a felony or of a misdemeanor, and, if so, giving the nature of the offense and the court in which the conviction was had. If the applicant is a corporation, the application shall contain the same information with respect to each of the following officials thereof, to wit: president, vice-president, secretary, treasurer and general manager.
- (3) Whether the applicant or the enumerated officers, if the applicant is a corporation, has ever been employed by a junk dealer or has ever been engaged in the business of a junk dealer, and, if so, the time when engaged in business as a junk dealer or when employed by a junk dealer.
- (4) A detailed statement of the nature of the business to be conducted, and the kind of junk to be collected, bought, sold, or otherwise dealt in.
- (5) The place where such business is to be located or carried on.
- (6) Each application shall contain a stipulation to the effect that the applicant accepts the license, if granted, upon the condition that it may be suspended for good cause at any time by the mayor or other proper officials designated by the council; provided, however, that the applicant shall have the right to appeal and a hearing before the city council, and if the city council concurs in the action of the mayor or other designated officer in suspending such said license, its decision shall be final.
- (7) Each application shall be accompanied by a bond in the penal sum of one hundred dollars (\$100.00), payable to the city, with at least two good and sufficient sureties or sufficient collateral security, approved by the city council, conditioned that during the term of the license the applicant will duly observe all laws, ordinances, rules and regulations which are now in force or which may hereafter become applicable to junk dealers.
- (8) When any such application has been made, the city secretary shall at once report the same to the chief of police, fire chief, and building inspector. It shall thereupon become the duty of each of said city officials to inspect or cause to be inspected the place where the business of such junk dealer is to be carried on, and to determine whether such place of business complies with all applicable laws, ordinances, rules and regulations. The place where such junk dealer conducts his business, and all buildings situated thereon, shall be so constructed and maintained that such junk dealer may carry on his business in a sanitary manner. No fire hazard shall be contained thereon, and said place of business shall be so arranged that a proper inspection may be made at any time

by the duly authorized fire, building, and police authorities.
(1978 Code, ch. 4, sec. 1.C; Ordinance adopting Code)

§ 4.04.042. Issuance.

When an application and bond have been filed as provided herein, the city council shall make an investigation, and if the applicant is found to be a suitable person to carry on the business of a junk dealer, and if the bond is found to be good and sufficient, a license shall be issued to the applicant to engage in the business of a junk dealer after payment has been made by him to the city of the license fee herein required. No license shall be refused except for good cause.
(1978 Code, ch. 4, sec. 1.F)

§ 4.04.043. Denial.

If any application for a license as junk dealer has been refused, the applicant shall be privileged to make another application at any time thereafter upon showing that the reason for such rejection of said application no longer exists. No license as a junk dealer shall be granted to any person who shall have been convicted within five years immediately preceding the date of said application of any violation of this article, or who has within said period been convicted of any felony or any misdemeanor other than of a misdemeanor growing out of and arising from the violation of some traffic law. No license as a junk dealer shall be issued to any corporation if any of the before-named officers thereof have been so convicted of any of said stated offenses.
(1978 Code, ch. 4, sec. 1.G)

§ 4.04.044. Fee; duration.

Each junk dealer shall pay an annual license fee of five dollars (\$5.00). No license shall be issued for a period of more than one year, and all licenses shall terminate on the first day of January next succeeding the issuance thereof, unless sooner revoked or suspended as provided herein.
(1978 Code, ch. 4, sec. 1.H)

§ 4.04.045. Fee for additional vehicles.

The issuance of a junk dealer's license shall entitle the owner and holder thereof to have, keep and operate one vehicle in connection with said business for the purpose of collecting or delivering junk within the city. For each additional vehicle so used by the licensee, the additional sum of two dollars (\$2.00) shall be paid.
(1978 Code, ch. 4, sec. 1.I)

§ 4.04.046. Duplicate license.

In the event a license is lost or destroyed, it shall be the duty of the city secretary to issue a duplicate thereof in lieu of the original license upon the filing of an affidavit setting forth the circumstances surrounding the loss or destruction of said license, upon the payment of a fee of one dollar (\$1.00).
(1978 Code, ch. 4, sec. 1.J)

§ 4.04.047. Posting.

Each holder of a junk dealer's license shall at all times cause the same to be posted in a conspicuous place on the premises described in the application for such license for such period of time as said license may remain in full force and effect. No person shall post said license upon any property or

premises other than those described in the application therefor, and no person shall knowingly permit said license to be defaced or destroyed.

(1978 Code, ch. 4, sec. 1.K)

§ 4.04.048. Business to be operated at designated location; operating without valid license.

No junk dealer shall carry on his business at any place other than the one designated in his license, nor shall said business be carried on at any time after the suspension, revocation, or expiration of said license.

(1978 Code, ch. 4, sec. 1.L)

§ 4.04.049. Revocation.

If complaint is made in writing by any municipal official or by any resident of the city to the effect that any junk dealer has violated any of the provisions of this article, said dealer shall be summoned to appear before the city council to show cause why his license shall not be revoked. If, after a hearing, the council finds that said dealer is guilty as charged in the complaint, his license shall be revoked and he shall be entitled to a refund covering the unexpired period of such license. Notice of the revocation of said junk dealer's license shall be served upon the licensee by mailing such notice to him at the address given in the application and by filing a copy of said notice with the city secretary.

(1978 Code, ch. 4, sec. 1.U)

ARTICLE 4.05
AUTOMOTIVE WRECKING AND SALVAGE YARDS

DIVISION 1
Generally

§ 4.05.001. Definitions.

As used herein:

Automotive wrecking and salvage yard. Any lot or tract of land whereon three (3) or more discarded, abandoned, junked, wrecked or worn-out automotive vehicles, including but not limited to autos, trucks, tractor-trailers, and buses, are kept or stored for the purpose of disassembling, dismantling, cutting up, stripping, repairing, or otherwise wrecking such automotive vehicles to extract therefrom parts, components or accessories for sale or for use in the automotive repair or rebuilding business.

Solid. Constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chainlink fence with strips or slats as herein provided.

§ 4.05.002. Removal of flammable liquids from vehicles.

All oil, gasoline and other flammable liquids shall be completely drained and removed from any junked, wrecked, or abandoned automotive vehicle before said vehicle is placed in any automotive wrecking and salvage yard in the city.

§ 4.05.003. Fence or other enclosure.

- (a) Solid fence or wall required; height. Every automotive wrecking and salvage yard within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:
- (1) Any side of such yard which extends generally parallel to and within one hundred feet (100') of any public street right-of-way shall be bounded by a solid fence or wall at least eight feet (8') in height.
 - (2) All sides of such yard not included in subsection (1) above shall be bounded by a solid fence or wall at least six feet (6') in height.
- (b) Construction and maintenance. Every fence or wall herein required shall be constructed and maintained as follows:
- (1) All fences shall be constructed of wood, masonry, corrugated sheetmetal, or any combination thereof; provided, however, that any one (1) side of an automotive wrecking and salvage yard shall be bounded by a fence or wall constructed of only one (1) of the above materials.
 - (2) All fences or walls shall extend downward to within three inches (3") of the ground and shall test plumb and square at all times.
 - (3) All fences or walls shall be constructed in compliance with all applicable provisions of the building code of the city.
- (c) Use of building as part of enclosure. Any part of a fence or wall required by this section may

consist in whole or in part of a solid wall and door, or walls and doors, of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

- (d) Gates. Openings in the prescribed enclosure which are necessary to permit reasonable access to said automotive wrecking and salvage yards shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal daytime business hours.

(Ordinance 110 adopted 1/4/82 ; Ordinance adopting Code)

§ 4.05.004. Use of premises outside enclosure.

It shall be unlawful for any owner, operator, or his agents or employees to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom, outside of or above the herein required fence or wall.

§ 4.05.005. Arrangement of vehicles, parts and materials.

All automotive vehicles, parts and other materials located in or on the premises of any automotive wrecking and salvage yard in the city shall be so arranged to allow reasonable access to and inspection of the premises by authorized fire, health, police and building officials of the city.

§ 4.05.006. through § 4.05.030. (Reserved)

DIVISION 2

License**§ 4.05.031. Required.**

- (a) No person shall exercise, carry on or engage in the business of operating an automotive wrecking and salvage yard unless such person first obtains a license to do so from the city.
- (b) A separate license shall be required for operators of automotive wrecking and salvage yards for each place of business.

§ 4.05.032. Application; issuance or denial.

Any person desiring a license required herein shall make application therefor in writing to the mayor, stating where the business is to be located and the residential address of the owner and the manager. Upon receipt of such application, the mayor shall investigate the applicant and shall determine whether or not the license should be issued or refused. If the mayor shall refuse the issuance of the license, he shall do so in writing, stating the reasons for such refusal. The applicant may, within ten (10) days of the receipt of the written refusal, appeal the decision of the mayor to the city council, provided he does so in writing. The city council shall then decide the matter, and their decision shall be final.

§ 4.05.033. Fee.

The license fee for each automotive wrecking and salvage yard shall be fifty dollars (\$50.00) per annum payable on the first (1st) day of April of each year.
(Ordinance 110 adopted 1/4/82)

ARTICLE 4.06
SEXUALLY ORIENTED BUSINESSES

DIVISION 1
Generally

§ 4.06.001. Definitions.

Adult arcade. A movie arcade, game (penny) arcade or other establishment which holds itself out to be primarily in the business of offering to customers still or motion pictures or games which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult book or video store. An establishment which holds itself out to be primarily in the business of offering to customers books, magazines, films or videotapes (whether for viewing on- or off-premises), periodicals, or other printed or pictorial materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and in which twenty-five percent (25%) or more of the gross floor area is devoted to offering such merchandise.

Adult cabaret. A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Adult lounge. An adult cabaret which is a permitted or licensed premises pursuant to the Texas Alcoholic Beverage Code, where alcoholic beverages may be served or sold.

Adult motel. A hotel, motel, or similar commercial establishment which offers sleeping accommodations to the public for any form of consideration for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult novelty shop. An establishment which holds itself out to be primarily in the business of selling products which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and in which twenty-five percent (25%) or more of the gross floor area is devoted to the sale of such products.

Adult service business. A sexual encounter center, escort agency or bureau, nude modeling studio, massage parlor or any other commercial enterprise which holds itself out to be primarily in the business of offering a service which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult theater. An establishment which holds itself out to be primarily in the business of exhibiting to customers motion pictures which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person and who solicits, offers, or performs sexual activities to a patron, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency or bureau. A person or business association who furnishes, offers to furnish, refers, or advertises to furnish escorts as one of its primary business purposes, for a fee, commission, or other consideration.

Massage parlor. An establishment or place primarily in the business of providing massage services to patrons and which employs masseurs, masseuses, or other persons who solicit, offer, or perform sexual

activities to a patron.

Nude modeling studio. Any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or state of nudity. The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.

Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually oriented business. An adult arcade, adult book or video store, adult cabaret, adult lounge, adult motel, adult novelty shop, adult service business, adult theater, or other commercial enterprise, the primary business of which is the offering of a service of the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Specified anatomical areas.

- (1) Less than completely and opaquely covered:
 - (A) Human genitals or pubic region;
 - (B) Buttock; or
 - (C) Female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities.

- (1) Showing human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

§ 4.06.002. Penalty.

Any person violating a provision of this article, upon conviction, is punishable by a fine as provided for in the general penalty provision found in section 1.01.009 of this Code of Ordinances. A separate offense is committed on each day on which a violation occurs or continues to exist.

§ 4.06.003. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid license may be enjoined by a suit for injunction as well as prosecution for any criminal violations.

§ 4.06.004. General regulations.

- (a) Public visibility of advertisements or displays. On-premises advertisements, displays, or other promotional materials for a sexually oriented business which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public places outside the business.
- (b) Educational information regarding sexually transmitted diseases.
- (1) Each separate room or compartment of a sexually oriented business into which patrons are allowed access will be posted with an AIDS educational message, which will consist of one of the following statements:
- (A) STOP AIDS. AVOID CONTACT WITH SEXUAL FLUIDS AND DIRTY NEEDLES.
- (B) AIDS IS TRANSMITTED BY SEX WITHOUT CONDOMS OR BY SHARING NEEDLES.
- (C) A poster or sign with a similar message as approved in writing by the mayor.
- (2) As to subsection (A) or (B) above, said statements shall be in lettering not less than one and one-half inches in height; as to subsection (C) above, the height of the lettering shall be within the discretion of the city and/or county health officer.
- (3) All signage shall be in both the English and Spanish languages and shall include a designated AIDS information telephone number.
- (c) Each adult sexually oriented business shall be required to prominently display and make available to patrons of the sexually oriented business literature concerning sexually transmitted disease and/or AIDS.

§ 4.06.005. Location.

- (a) Relation to other sexually oriented businesses. A sexually oriented business shall not be located on any lot within five hundred feet (500') of any lot on which there is located another sexually oriented business.
- (b) Relation to civic uses. A sexually oriented business shall not be located on any lot within one thousand feet (1,000') of any lot on which there is located any public or private school, church, public park or playground, or licensed day care center.
- (c) Relation to residential zones and uses. A sexually oriented business shall not be located on any lot within one thousand feet (1,000') of any lot which is zoned or used for residential purposes.
- (d) Measurement of distance. A radius or distance under this section shall be determined from the midpoint of a line joining the two most distant points on the boundaries on the lot.

§ 4.06.006. through § 4.06.030. (Reserved)

DIVISION 2

License**§ 4.06.031. Required; application.**

- (a) A person commits an offense if he operates a sexually oriented business without a valid license issued by the city for the particular type of business.
- (b) An application for a license must be made on a form provided by the city. The application must 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 scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6").
- (c) The applicant must be qualified according to the provisions of this article and the premises must be inspected and found to be in compliance with the laws of the state and the ordinances of the city. Such inspections shall be conducted by the respective officials within thirty (30) days of the date of the application.
- (d) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a five percent (5%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under section 4.06.032 of this article and each applicant shall be considered a licensee if a license is granted.
- (e) The fact that a person possesses a valid private club or other alcoholic beverage retail license or permit does not exempt him from the requirement of obtaining a sexually oriented business license from the city.

(Ordinance 155 adopted 7/3/95 ; Ordinance adopting Code)

§ 4.06.032. Standards for issuance.

- (a) The city council shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application, unless it finds one (1) or more of the following to be true:
 - (1) An applicant is under eighteen (18) years of age.
 - (2) An applicant or an applicant's spouse is overdue in his payment to the city of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has 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 article, other than the offense of operating a sexually oriented business without a license, within two (2) years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.
 - (5) An applicant is residing with a person who has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months, or residing with a

person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

- (6) The premises to be used for the sexually oriented business have not been approved by the city or any state or county health or building official as being in compliance with applicable laws and ordinances.
- (7) The license fee for operating a sexually oriented business as required by this article has not been paid.
- (8) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding twelve (12) months and has demonstrated that he or she is unable to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- (9) An applicant or the proposed establishment is in violation of or is not in compliance with the other provisions of this article.
- (10) (A) An applicant or an applicant's spouse has been convicted of a crime involving any of the following offenses described in the Texas Penal Code:
 - (i) Prostitution;
 - (ii) Promotion of prostitution;
 - (iii) Aggravated promotion of prostitution;
 - (iv) Compelling prostitution;
 - (v) Obscenity;
 - (vi) Sale, distribution, or display of harmful material to minor;
 - (vii) Sexual performance by a child;
 - (viii) Possession of child pornography;
 - (ix) Public lewdness;
 - (x) Indecent exposure;
 - (xi) Indecency with a child;
 - (xii) Sexual assault or aggravated sexual assault as described in the Texas Penal Code;
 - (xiii) Incest, solicitation of a child, or harboring a runaway child as described in the Texas Penal Code; or
 - (xiv) Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;
- (B) For which:
 - (i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

- (ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (iii) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- (b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.
- (c) An applicant who has been convicted or whose spouse has been convicted of an offense listed in subsection (a)(10) of this section may qualify for a sexually oriented business license only when the time period required by subsection (a)(10)(B) has elapsed.
- (d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

§ 4.06.033. Fee.

The initial fee and annual renewal fee for a sexually oriented business license is \$1,000.00, which shall be paid at the time an application is filed. This fee shall not be refunded in the event such application is denied, suspended or revoked.

§ 4.06.034. Inspections.

- (a) An applicant or licensee shall permit representatives of the city or any law enforcement agency to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law and/or these regulations, at any time it is occupied or open for business.
- (b) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises at any time the business is occupied or open for business by a representative of the city who is serving in an official capacity or any law enforcement officer.
- (c) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent residence.

§ 4.06.035. Expiration; renewal.

- (a) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in section 4.06.031 of this article. Application for renewal should be made at least thirty (30) days before the expiration date, and, when made less than thirty (30) days before the expiration date, the expiration for the license will not be affected.
- (b) When the city council denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the city council finds that the basis

for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

§ 4.06.036. Suspension.

The mayor shall suspend a license for a period not to exceed thirty (30) days if he or she determines that a license or an employee of a licensee has:

- (1) Violated or is not in compliance with these regulations;
- (2) Engaged in excessive use of alcoholic beverages while on the premises of the sexually oriented business;
- (3) Refused to allow an inspection of the premises of a sexually oriented business as [by an] authorized representative of the city or law enforcement agency;
- (4) Knowingly permitted gambling by any person on the premises of the sexually oriented business;
- (5) Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

§ 4.06.037. Revocation.

- (a) The city council may revoke a license if a cause of suspension in section 4.06.036 of this article occurs and the license has been suspended within the preceding twelve (12) months.
- (b) The city council may also revoke a license if it determines that:
 - (1) A licensee gave false or misleading information in the material submitted during the application process;
 - (2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (3) A licensee or an employee has knowingly allowed prostitution on the premises;
 - (4) A licensee or an employee knowingly 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 4.06.032(a)(10) for which the time period required in section 4.06.032(a)(10)(B) has not elapsed.
 - (6) On two (2) or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in section 4.06.032(a)(10), 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 employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact (as defined in section 21.01 of the Texas Penal Code) to occur in or on the licensed premises;
 - (8) A licensee is delinquent in payment of any sales taxes, licensee fees, or other debt owed to the city if such obligation is related to the sexually oriented business.

- (c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- (d) When the city council revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license for one (1) year from the date revocation became effective. If, subsequent to revocation, the city council finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under subsection (b)(5) of this section, an applicant may not be granted another license until the appropriate number of years required under section 4.06.032(a)(10)(B) has elapsed.
(Ordinance 155 adopted 7/3/95 ; Ordinance adopting Code)

§ 4.06.038. Appeals.

If the mayor suspends a license, he or she shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of his or her action and the right to an appeal. The aggrieved party may appeal the decision of the mayor to the city council. The filing of an appeal stays the action of the mayor in suspending or revoking a license until the city council makes a final decision.

§ 4.06.039. Transfer.

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Ordinance 155 adopted 7/3/95)

ARTICLE 4.07
PUBLIC DANCE HALLS AND PUBLIC DANCES

§ 4.07.001. Definitions.

As used in this article:

Public dance. Any dance or ball to which admission can be had by payment of a fee, or by the purchase, possession or presentation of a ticket or token or in which a charge is made for caring for clothing or other property, or any other dance to which the public generally may gain admission with or without the payment of a fee.

Public dance hall. Any room, place or space in which a public dance or public ball shall be held.
(1978 Code, ch. 4, sec. 2.A)

§ 4.07.002. Dance hall license.

- (a) Required; application; fee. It shall be unlawful to hold any public dance or public ball within the limits of the city until the dance hall in which the same may be held shall first have been duly licensed for such purpose. Applications will be made on forms furnished and prescribed by the city for that purpose. The license, when authorized by the mayor, shall be issued by the city secretary, and the fee therefor shall be paid at the time of the issuing of the license. An annual license fee for each public dance hall shall be required in the amount of ten dollars (\$10.00).
- (b) Standards for issuance. No license for a public dance hall shall be issued until it shall be found by inspection that such a hall complies with and conforms to the health and fire regulations of the city, and that it is properly ventilated and supplied with sufficient toilet conveniences and is a safe and proper place for the purpose for which it is used, as determined by regulations heretofore and hereafter adopted by the city council.

(1978 Code, ch. 4, sec. 2.B, C)

§ 4.07.003. Public dance permit.

In addition to the public dance hall license provided for in section 4.07.002, there shall be required a public dance permit. No person, persons, societies, clubs or organizations shall hold a public dance or public ball until a permit shall be issued therefor by the city secretary, and application for such permit shall be upon a form furnished by the city and shall be filed with the mayor at least forty-eight (48) hours before the dance or ball is to begin, and said permit shall be issued by the city secretary when all the provisions of this article and other ordinances in reference thereto are complied with and upon payment of the dance permit fee, which fee shall be one dollar (\$1.00).

(1978 Code, ch. 4, sec. 2.D)

§ 4.07.004. Transfer of license or permit.

No license or permit issued under the provisions of this article shall be transferred unless approved by the mayor of the city upon application.

(1978 Code, ch. 4, sec. 2.E)

§ 4.07.005. Condition of premises; prohibited conduct; appeals.

All public dance halls shall be kept at all times in a clean, healthful and sanitary condition, and all rooms connected therewith shall be kept open and the entire place shall be well lighted. Any member

of the police department shall have the power, and it shall be their duty, to cause the place, hall or room where any dance or ball is held or given to be vacated whenever any provision of this article is being violated or whenever any indecent act shall be committed, or when any disorder of a gross, violent or vulgar character shall take place therein. It shall be unlawful for any person in charge of said public dance hall to permit any boisterous or disorderly person to enter, be or remain in or to assist in any such public dance hall or public dance; and it shall be unlawful for any person to conduct himself in a boisterous or disorderly manner in any public hall or public dance. No intoxicated, gross-mannered or vulgar person or indecent character shall be permitted in any dance hall, and no person or persons shall be permitted who conduct themselves in a gross or vulgar manner. No indecent, freak or immodest dances are to be allowed. Anyone interested or affected by the ruling of the mayor is hereby given the right of appeal from said ruling to the city council, provided said notice of appeal is filed with the city secretary within five (5) days from the ruling of the mayor.

(1978 Code, ch. 4, sec. 2.F)

§ 4.07.006. Enforcement.

The mayor shall examine all applications for dance hall licenses and dance permits and make recommendations with reference to applications for dance hall licenses and dance permits. The mayor and police officers of the city are hereby empowered, in the case of any and all dances, to enforce all rules, regulations and ordinances relating to public dances and public dance halls, and are hereby empowered to revoke any dance permit at any time when any provision of this article is not being complied with.

(1978 Code, ch. 4, sec. 2.G)

§ 4.07.007. Applicability.

The provisions of this article shall in no way interfere with private dances given at the private homes of reputable people or with dances given by reputable and permanently organized clubs, societies or corporations, where the attendance is restricted to the members of the society, club or corporation and their guests; provided, however, that the terms of this article shall apply to any and all instances where any dance or ball is had where admission can be had by the payment of a fee or by the purchase, possession, or presentation of a ticket or token, or in which a charge is made for caring for clothing or other property, or to which the public generally may gain admission with or without the payment of a fee.

(1978 Code, ch. 4, sec. 2.H)

ARTICLE 4.08**REGULATION OF LAWFUL SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES****§ 4.08.001. Definitions.**

All definitions of words, terms and phrases as set forth in V.T.C.A., Alcoholic Beverage Code section 1.04 et seq. are hereby adopted and made a part hereof.

§ 4.08.002. License or permit required.

- (a) It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any alcoholic beverage including mixed beverages within the city unless such person has obtained a license or permit, as applicable (depending upon the requirements under Texas law relative to the product to be sold), from the State of Texas.
- (b) The city council does hereby levy a fee pursuant to V.T.C.A., Alcoholic Beverage Code section 61.36 and section 11.38, both as described in detail below, which shall be one-half of the state fee upon every person as permitted by V.T.C.A., Alcoholic Beverage Code sections 61.36 and 11.38, unless prohibited by state law. The license or permit fee, as applicable, shall be paid in cash, cashier's check or money order.

§ 4.08.003. Procedures regarding licenses or permits.

- (a) It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any alcoholic beverages including mixed beverages within the city unless such person has obtained a city license or permit, as applicable, from the office of the city secretary.
- (b) Any person wishing to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any alcoholic beverage including mixed beverages must complete a city license or permit application and pay the application fee as set forth in sections 4.08.004 and 4.08.005.
- (c) The city secretary shall ensure that the application complies with this article, and to ensure that the applicant has paid all ad valorem taxes. After the city secretary has verified that zoning is proper, that the applicant has paid all ad valorem taxes and other city fees and fines and that the applicant has passed a criminal background check, the city secretary shall approve the applicant's application to the Texas Alcoholic Beverage Commission.
- (d) After approval by the city council, the application shall be deemed approved and the city secretary shall issue a city license or permit, as applicable, upon payment by the applicant of the initial license or permit fee as forth in sections 4.08.004 and 4.08.005.
- (e) Applications and licenses or permits shall be kept on file in the city secretary's office.

§ 4.08.004. Application fee; initial license or permit fee.

- (a) In order to reimburse the city for its cost in connection with accepting and processing applications to sell alcohol in accordance with this article, an application fee in the amount of \$75.00 or such lesser fee as may be authorized by law shall be charged by the city secretary for accepting any initial license or permit application. No license or permit application may be accepted unless accompanied by the application fee.

- (b) As set forth above, the city's initial license or permit fee shall be equal to one-half of the State of Texas fee required by the Texas Alcoholic Beverage Commission of every person that may be issued any state permit or license for the manufacture, distilling, brewing, importing, transporting, storing, distributing [or sale] of any alcoholic beverage, unless a different fee is allowed or required by state law. Mixed beverage permits with a food and beverage certificate as referenced in section 11.38(d)(3) of the Alcoholic Beverage Code are exempt from the initial permit fee.
- (c) The city secretary shall issue a receipt for the application fee and initial license or permit fee and keep a record of the same in the city secretary's office.

§ 4.08.005. License or permit renewal; license or permit renewal fee.

- (a) All licenses or permits shall be renewed annually. All licenses or permits shall terminate at midnight on the day before the anniversary date of their issuance, and no license or permit shall be issued covering a term longer than one (1) year.
- (b) Subject to the exception contained in section 11.38(d)(3) of the Alcoholic Beverage Code, the city shall require payment of an annual license or permit renewal fee by all establishments selling alcoholic beverages within the city. And, except as limited by section 11.38(d)(3) of the Alcoholic Beverage Code, the license or permit renewal fee shall be equal to one-half of the state fee required by the Texas Alcoholic Beverage Commission of every person that may be issued any state license or permit for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any alcoholic beverage, unless a different fee is allowed or required by state law. Mixed beverage permits with a food and beverage certificate as referenced in section 11.38(c)(3) of the Alcoholic Beverage Code shall be renewed at the end of the three (3) year period following issuance and annually thereafter.
- (c) The city secretary may cancel a license or permit if a licensee or permittee fails to pay the applicable license or permit renewal fee. The city secretary shall send notice of such cancellation to the address on file with the license or permit application.
- (d) A licensee or permittee who sells an alcoholic beverage without first having paid the applicable license or permit renewal fee under this section commits a misdemeanor punishable by a fine of up to \$200.00.
- (e) Within 90 days prior to the renewal date, the licensee or permittee shall provide to the city secretary, in a form acceptable to the city, all information and data which the city, in its sole discretion, believes is necessary to make determinations regarding renewal, including, but not limited to, any information pertaining to gross receipts under part 8(F)(1-4) [section 4.08.008(e)(1)-(4)] of this article. A licensee or permittee's failure to provide adequate information may result in the non-renewal of the license or permit.

§ 4.08.006. Hours of operation.

The hours of sale and consumption of alcoholic beverages are those "standard hours" as authorized by chapter 105 of the Alcoholic Beverage Code.

§ 4.08.007. Sale or consumption on premises of municipal buildings and city-owned property prohibited.

- (a) Except as set forth below, it shall be unlawful for any person to sell an alcoholic beverage on the

premises of any municipal building or city-owned property.

- (b) Except as set forth below, it shall be unlawful for any person to consume an alcoholic beverage on the premises of any municipal building or city-owned property.
- (c) This section shall not prohibit the responsible consumption of alcoholic beverages upon any municipal property as the city council may from time to time specifically exempt from this section, provided that such consumption complies with all other applicable laws.

§ 4.08.008. Regulation of sale of alcoholic beverages near public or private schools, churches, or hospitals.

- (a) The city council hereby enacts regulations applicable in the city, prohibiting the sale of alcoholic beverages under certain circumstances. In addition, the sale of alcoholic beverages is prohibited in any zoning district where food and beverage sales are not allowed. Sales of alcoholic beverages are further prohibited within:
 - (1) One hundred feet (100') of a church, public or private school, or public hospital;
 - (2) One thousand feet (1,000') of a public school if the city council receives a request from the governing body of the public school; or
 - (3) One thousand feet (1,000') of a private school if the city council receives a request from the governing body of the private school; or
 - (4) Provided, however, that in the event that the one thousand foot (1000') limitation in subsection (a)(2) is not requested or is not applicable for any reason, then the one hundred foot (100') limitation is nevertheless intended to still be enforceable.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with Texas Alcoholic Beverage Commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under section 109.53, Texas Alcoholic Beverage Code.
- (d) The city council may allow variances to the regulation(s) under subsection (a) if the council

determines that enforcement of the regulation(s) in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community. Applications for variances shall be made to the city secretary. The application fee of \$200.00 shall be paid at the time the application is made. The request for variance shall first be considered by the planning and zoning commission, with final approval/denial being made by the city council.

- (e) Subsection (a)(3) does not apply to the holder of:
- (1) A retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages (a food service establishment);
 - (2) A retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or
 - (3) A wholesaler's distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's, permit or license, or any other license or permit held by a wholesaler or manufacturer.
 - (4) In accordance with the Texas Alcoholic Beverage Code, section 25.13(d) and, for the purpose of this subsection (e), "it shall be presumed that a permittee is not primarily operating as a food services establishment if alcohol sales are in excess of 50 percent of the gross receipts of the premises." A holder of a mixed beverage permit which has been issued a food and beverage certificate by the Texas Alcoholic Beverage Commission, because the gross receipts of mixed beverages sold by the holder are 50 percent or less of the total gross receipts from the premises, will be considered to be operating primarily as a food service establishment, and to which subsections (a)(2) and (3) therefore do not apply.
- (f) Subsection (a)(3) does not apply to the holder of:
- (1) A license or permit issued under chapter 27, 31, or 72 of the Alcoholic Beverage Code who is operating on the premises of a private school; or
 - (2) A license or permit covering a premises where minors are prohibited from entering under section 109.53 [of the Alcoholic Beverage Code] and that is located within 1,000 feet of a private school.
- (g) Subsection (a)(1) does not apply to the holder of:
- (1) A license or permit [holder] who also holds a food and beverage certificate covering a premises that is located within 100 feet of a public or private school; or
 - (2) A license or permit covering a premises where minors are prohibited from entering under section 109.53 [of the Alcoholic Beverage Code] and that is located within 1,000 feet of a public or private school.
- (h) A "private school" means a private school, including a parochial school that:

- (1) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
- (2) Has more than 100 students enrolled and attending courses at a single location.

§ 4.08.009. Regulation of sale of alcoholic beverages near day-care centers or child-care facilities.

- (a) This section applies only to a permit or license holder under chapter 25, 28, 32, 69, or 74 of the Alcoholic Beverage Code who does not hold a food and beverage certificate.
- (b) Except as provided by this subsection, the provisions of section 4.08.008 relating to a public or private school also apply to a day-care center and a child-care facility as those terms are defined by section 42.002, Human Resources Code. Section 4.08.008(a)(2) and (c) do not apply to a day-care center or child-care facility.
- (c) This section does not apply to a permit or license holder who sells alcoholic beverages if:
 - (1) The permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
 - (2) The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or the license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.
- (d) This section does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by section 42.002, Human Resources Code.

§ 4.08.010. Additional regulations applicable to sale of alcoholic beverages.

In addition to the other regulations contained in this section 15 [this article], or in other portions of this Code of Ordinances, which apply to the sale of alcoholic beverages in the city, the following regulations are specifically applicable to the sale of alcoholic beverages:

- (1) The sale of alcoholic beverages is prohibited in any residential area - specifically including, without limitation, all areas zoned either A, SF-E, SF-1, SF-2, TF, MH-1, MH-2, MF [AG, R-1, R-2, R-3, MH, MHP], or PD when the planned development includes residential purposes.
- (2) In accordance with section 109.32(c) of the Texas Alcoholic Beverage Code, the city council has determined that, in exercising the authority granted by section 109.32 with regard to the regulation of the sale of alcoholic beverages, it is in the best interest of the public health, safety and welfare of the citizens for such regulations to distinguish between retailers selling alcoholic beverages for on-premises consumption and retailers, manufacturers, or distributors who do not sell alcoholic beverages for on-premises consumption.

§ 4.08.011. Failure to supervise a minor.

- (a) A person commits the offense of failure to supervise a minor if such person is the parent, foster parent or guardian of a child under 18 years of age; and:
 - (1) Such person recklessly allows such person's residential property, commercial property or rented premises to be used for a gathering of individuals under 21 years of age, and where

at such gathering, alcohol or other illegal controlled substances are served, consumed, ingested or otherwise used by said individuals under 21 years of age; or

- (2) Such person recklessly allows said child to be in possession of:
 - (A) Stolen property; or
 - (B) A “controlled substance,” as that term is defined under Texas law, and where said minor does not have a legal prescription for said controlled substance.
- (b) For purposes of this section, a person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. This risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances a viewed from the actor’s standpoint.
- (c) It is an affirmative defense to an offense under this article if the person took reasonable steps to control the conduct of the child at the time the person is alleged to have committed the offense of failure to supervise a minor. It is also an affirmative defense to prosecution under this section that the adult parent, guardian or spouse of a person under the age of 21 is visibly present when the alcohol is consumed by such person.

§ 4.08.012. Penalty.

Any person, firm or corporation violating any of the provisions or terms of this article shall be deemed to be guilty of a class C misdemeanor and upon conviction in the municipal court shall be punishable by a fine not to exceed two hundred dollars (\$200.00) for each offense.

(Ordinance 313-B adopted 11/1/21)

ARTICLE 4.09
GARAGE SALES

§ 4.09.001. Definition; general restrictions.

- (a) Garage sales shall mean and include all sales entitled “garage sale,” “yard sale,” “attic sale,” “rummage sale,” “flea market sale,” or any similar casual sale of tangible personal property, not associated with a commercial business properly licensed with the State of Texas to collect sales tax, which is advertised by any means whereby the public at large is or can be made aware of the garage sale.
 - (b) Property sold must belong to the individual or persons conducting the sale, at least one of whom must reside on the premises where the sale is being held. Said merchandise must not be that which has been purchased for the purpose of resale, but only privately owned, used goods, wares and merchandise.
 - (c) Said sale shall be conducted in such a manner so as not to cause or create a disturbance or nuisance in the neighborhood.
- (Ordinance 286, sec. 2, adopted 8/1/16)

§ 4.09.002. Duration and frequency.

Garage sales shall not be conducted for more than three (3) consecutive days between the hours of sunrise and sunset, and not more than three (3) times per year.
(Ordinance 286, sec. 3, adopted 8/1/16)

§ 4.09.003. Signage.

Any temporary sign for the occasional (i.e., not ongoing) sale of personal household goods, typically displayed in a residential area or on the property of a nonprofit organization, must comply with this section. Off-premise garage sale signs must be approved by private property owner(s).

- (1) Maximum height: Three (3) feet;
 - (2) Placement: On private property only. Cannot be mounted on public/utility structures within public right-of-way or easements;
 - (3) Maximum number: Three (3) on the property having the sale; one (1) on any property not having the sale.
 - (4) Duration: Signs may only be displayed from 5:00 p.m. the day before the sale, until 8:00 a.m. the day after the sale. A fine will be assessed for each garage sale sign left after 8:00 a.m. on the required removal date.
- (Ordinance 286, sec. 4, adopted 8/1/16)

§ 4.09.004. Permits.

No garage sale shall be conducted without a written permit from the city, and application must be made early enough for the same to be issued at least three (3) days prior to the first day of the sale. A permit for the citizen’s first sale of the year is at no charge. Subsequent permits shall carry a five dollar (\$5.00) fee. Nonprofit organizations shall be exempt from all permit fees. Permits may be revoked if such sale causes undue traffic congestion or creates a disturbance, nuisance, or breach of the peace.

(Ordinance 286, sec. 5, adopted 8/1/16)

§ 4.09.005. Removal of tables, booths, etc.

It shall be the duty of the residents of the property where the garage sale is held to remove within twenty-four (24) hours after the sale is over and [sic] any and all tables, booths, showcases, or other artifices from the area away from public view where the sale was, and to restore the premises to at least the state and condition that it was in prior to said sale.

(Ordinance 286, sec. 6, adopted 8/1/16)

§ 4.09.006. Penalty.

Any person, firm or corporation violating any of the provisions or terms of this article, or owning or occupying real property on which a violation occurs, shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed five hundred dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs fire safety, zoning or public health or sanitation, which shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for such offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

(Ordinance 286, sec. 7, adopted 8/1/16)

BUSINESS REGULATIONS

FROST CODE

Chapter 5

FIRE PREVENTION AND PROTECTION

**ARTICLE 5.01
GENERAL PROVISIONS**

- § 5.01.001. Arson reward.
- § 5.01.002. Driving over fire hose.
- § 5.01.003. Interference with firemen;
duty of drivers upon approach
of fire apparatus.

**ARTICLE 5.02
FIRE MARSHAL**

- § 5.02.001. Office created; qualifications;
removal; salary.
- § 5.02.002. Authority to enter premises
where fire has occurred.
- § 5.02.003. Duties.
- § 5.02.004. Investigation of fires; duty
when evidence indicates crime.

- § 5.02.005. Authority to summon
witnesses and require
production of evidence.
- § 5.02.006. Misconduct of witnesses.
- § 5.02.007. Investigations may be private.
- § 5.02.008. Maintaining dangerous
building or premises.
- § 5.02.009. Maintaining dangerous
equipment or conditions.
- § 5.02.010. Notice required before
prosecution.

**ARTICLE 5.03
OPEN BURNING**

- § 5.03.001. General prohibition; rules for
cooking and recreational fires.

**ARTICLE 5.01
GENERAL PROVISIONS**

§ 5.01.001. Arson reward.

The mayor of the city is hereby authorized and empowered to offer a reward of not less than two hundred fifty dollars (\$250.00) payable to the person or persons who shall be responsible for the arrest and conviction of any person committing in the city the crime of arson as the same is now defined by the Penal Code of the state.

(1978 Code, ch. 5, sec. 2; Ordinance adopting Code)

§ 5.01.002. Driving over fire hose.

It shall be unlawful for any person to stop upon, or to drive any vehicle upon or across, any fire hose of the fire department of the city while such hose is being used in fighting fire.

(1978 Code, ch. 5, sec. 4.A)

§ 5.01.003. Interference with firemen; duty of drivers upon approach of fire apparatus.

- (a) It shall be unlawful for any persons or person to interfere in any manner with the firemen of the city while such firemen are en route to a fire or while such firemen are engaged in fighting such fire.
- (b) It shall be unlawful for any person to drive or operate any vehicle upon the streets and alleys of this city in a manner which would interfere with a fire apparatus en route to a fire within the city. At the approach of a fire apparatus, all persons driving or operating vehicles on the streets, alleys, or other public thoroughfares of the city shall immediately drive such vehicle to the right-hand curb and keep such vehicles stationary for such period as it is safe to proceed.

(1978 Code, ch. 5, sec. 4.B)

ARTICLE 5.02
FIRE MARSHAL

§ 5.02.001. Office created; qualifications; removal; salary.

The office of fire marshal is hereby created. Such office shall be independent of other city departments. The fire marshal shall report directly to the mayor and the city council. The fire marshal shall be properly qualified for the duties of his office, and shall be subject to removal at all times and for any reason. He shall receive an annual salary to be determined by the city council.

(1978 Code, ch. 5, sec. 1.A; Ordinance adopting Code)

§ 5.02.002. Authority to enter premises where fire has occurred.

The fire marshal shall have the authority at all times of the day or night, when necessary in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings adjoining or near the same, which authority shall be exercised only with reason and good discretion.

(1978 Code, ch. 5, sec. 1.B)

§ 5.02.003. Duties.

- (a) Investigation of fires. The fire marshal shall investigate the cause, origin, and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The fire marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigations required by this article.
- (b) Inspections; order to correct hazardous conditions; reports to state fire marshal. The fire marshal, upon complaint of any person having an interest in any building or property adjacent, and without complaint, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, monthly or more often, to enter upon and make or cause to be made a thorough examination of all mercantile, manufacturing and public buildings together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustibles, inflammables and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if said owner or occupant deems himself aggrieved by such order, he may, within five (5) days, appeal to the mayor, who shall investigate the cause of the complaint, and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. At

the end of each month the fire marshal shall report to the state fire marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.
(1978 Code, ch. 5, sec. 1.C)

§ 5.02.004. Investigation of fires; duty when evidence indicates crime.

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or conspiracy to defraud, or criminal conduct, in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.
(1978 Code, ch. 5, sec. 1.D)

§ 5.02.005. Authority to summon witnesses and require production of evidence.

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.
(1978 Code, ch. 5, sec. 1.E)

§ 5.02.006. Misconduct of witnesses.

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of said investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor, and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted.
(1978 Code, ch. 5, sec. 1.F)

§ 5.02.007. Investigations may be private.

All investigations held by or under the direction of the fire marshal may, at his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and denied opportunity to communicate with each other until they have been examined.
(1978 Code, ch. 5, sec. 1.G)

§ 5.02.008. Maintaining dangerous building or premises.

Any owner or occupant of a building or other structure or premises who shall keep or maintain the same when, for want of repair or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein, shall be guilty of violation of the city fire protection code.

(1978 Code, ch. 5, sec. 1.H)

§ 5.02.009. Maintaining dangerous equipment or conditions.

Any owner or occupant of a building or other structure or premises who shall keep or maintain the same with an improper arrangement of a stove, range, furnace, or other heating appliance of any kind whatever, including chimneys, flues, and pipes with which the same may be connected, so as to be dangerous in the matter of fire, or health, or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, or refuse, or with any other conditions which shall be dangerous in character to the persons, health, or property of others, or which shall be dangerous in the matter of promoting, augmenting, or causing fires, or which shall create conditions dangerous to firemen, or occupants of such building, structure or premises other than the maintainer thereof, shall be guilty of violation of the city fire protection code.

(1978 Code, ch. 5, sec. 1.I)

§ 5.02.010. Notice required before prosecution.

No prosecution shall be brought under sections 5.02.008 and 5.02.009 of this article until the order provided for in section 5.02.003 be given and the party notified shall fail or refuse to comply with same.

(1978 Code, ch. 5, sec. 1.J)

ARTICLE 5.03
OPEN BURNING

§ 5.03.001. General prohibition; rules for cooking and recreational fires.

It shall be unlawful for any person to burn trash, refuse, debris, tree limbs, garbage, household items, leaves, tires, flammable containers, animal carcasses, construction materials, roofing materials, plastic hazardous waste or any combustible material or substance in the open/outdoors within the city limits. Fires for the purpose of recreation or cooking are allowed and shall be conducted as follows.

- (1) Cooking fires shall be in an enclosed chamber, barbeque pit, or barbeque grill designed to prevent the fire and embers from escaping the enclosed chamber.
 - (2) Cooking fires shall only be from propane gas, logs, wood chips, and/or charcoal briquettes.
 - (3) Recreational fires shall be at least 15 feet from any building, structure, or fence.
 - (4) Recreational fires shall only be from the burning of logs, wood chips, manufactured burning logs (Duraflame, etc.) and/or charcoal briquettes.
 - (5) Recreational fires shall be contained in a chamber or pit designed to prevent the fire from escaping and shall be covered by a screen or other device to prevent embers from escaping.
 - (6) No recreational fire chamber or fire pit fuel area shall be in excess of three feet on any side or in diameter, and shall not exceed two feet in height.
 - (7) Recreational fires using portable outdoor fireplaces, manufactured fire pits, chimineas, or other retail designed outdoor fire chamber shall be used in accordance with manufacturer instructions and warnings.
 - (8) Any and all allowed recreational fires shall be closely monitored by an adult and not left unattended for any period of time.
 - (9) A portable fire extinguisher with a minimum 4-A rating, or alternative means of extinguishment such as a garden hose, shall be in place and ready for immediate use during any allowed recreational fire.
- (Ordinance 292 adopted 7/3/17)

FROST CODE

HEALTH AND SANITATION

Chapter 6

HEALTH AND SANITATION

ARTICLE 6.01
GENERAL PROVISIONS

§ 6.01.001. Prohibited acts and conditions.

ARTICLE 6.02
HEALTH NUISANCES

- § 6.02.001. Generally.
- § 6.02.002. Definitions.
- § 6.02.003. Specific nuisances.
- § 6.02.004. Notice to abate; abatement by city; court order.
- § 6.02.005. Abatement when no person can be held liable.

ARTICLE 6.03
WEEDS, RUBBISH AND OTHER
OBJECTIONABLE MATTER

- § 6.03.001. Notice.
- § 6.03.002. Cutting or removal by city.
- § 6.03.003. Additional authority to abate dangerous weeds.
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ARTICLE 6.04
FOOD PRODUCTS ESTABLISHMENTS

- § 6.04.001. Definition.
- § 6.04.002. Employee health certificate.
- § 6.04.003. Proof of grease trap cleaning or grease pickup.

ARTICLE 6.01
GENERAL PROVISIONS

§ 6.01.001. Prohibited acts and conditions.

- (a) Businesses or substances injurious to health. It shall be unlawful for any person to carry on, within the city, any trade, business, or occupation which is injurious to the health of people residing in the vicinity, or to permit any substance which may have like effect to remain upon any premises owned by him.
- (b) Injurious or offensive premises. It shall be unlawful for any person to own, keep or use any building or premises in the city which may in any manner be detrimental to the public health, injurious to the health of the people, or offensive to any private family, individual person or the neighborhood.
- (c) Keeping hides, cattle or other animals. It shall be unlawful for any person to own, keep or use, within the corporate limits of this city, any pen or enclosure within which hides, cattle, or other animals are kept in such manner as to constitute a nuisance.
- (d) Slaughterhouses. It shall be unlawful for any person to build or establish any abattoir, slaughterhouse, slaughter pen or yard within the corporate limits of the city without first having obtained the permission of the city council.
- (e) Hotels, restaurants or other establishments creating offensive conditions. It shall be unlawful for any person to own, keep or use within the corporate limits of this city any hotel, restaurant, cook shop, beef shop, livery stable, wagon yard or other establishment which is operated or kept in such a manner as to be unwholesome, nauseous or offensive, or so that foul or offensive or unwholesome substances or liquids shall flow or be thrown or discharged therefrom into or upon any street, alley, gutter, yard, lot or other adjacent ground, public or private.
- (f) Sale of unwholesome food or drink. It shall be unlawful for any person knowingly to sell within the city any animal which died by any other means than by slaughter, the flesh of animals slaughtered when diseased, the flesh of any animal not commonly used for food, or any kind of corrupted, diseased or unwholesome substances, whether for food or drink, without making the same fully known to the buyer.
- (g) Sale of adulterated or misbranded milk. It shall be unlawful for any person to sell milk which has been in any way adulterated, by water or otherwise, or any liquid held to be milk and which has been compounded in such manner as to resemble milk but which is in fact composed of other substances, or any milk which is misbranded.
- (h) Depositing offensive substance. It shall be unlawful for any person to place, conduct, or deposit in or upon any street, gutter, sidewalk, public place or private lot within this city, where such substance will become offensive to the public, any putrid or defective beef, pork, or other meat, hides of any kind, fish, or any filth, offal, dung, excrement, dead cats, dead chickens, or any other animals or fowls, or any slops, urine, dishwater, distilled or fermented liquors, or any other unwholesome or offensive liquid or solid whatsoever.

(1978 Code, ch. 6, sec. 1)

ARTICLE 6.02
HEALTH NUISANCES

§ 6.02.001. Generally.

Whatever is dangerous to human life or health, and whatever renders the ground, the water, the air, or any food or drink unwholesome or a hazard to human life and health, is hereby declared a nuisance. (1978 Code, ch. 6, sec. 3.A)

§ 6.02.002. Definitions.

Wherever in this article the following terms are used, they shall be construed to mean the following:

Abatement, abated. The doing away with, removing, or correcting the cause of nuisances.

Public thoroughfare. Any street, alley, sidewalk, gutter, or other public grounds to which the public has free access and free use.

(1978 Code, ch. 6, sec. 3.B)

§ 6.02.003. Specific nuisances.

The following are declared to be nuisances and shall be abated, and any person guilty of performing any of the acts herein set out, or of causing any such nuisances, or of permitting or suffering any of them to remain upon his premises or in any building occupied by or controlled by him, or on any public thoroughfare immediately adjacent to such premises, shall, upon conviction thereof, be fined as provided in this code:

- (1) Any building, structure, or basement, or any part thereof, used to house people or in which people work, which is overcrowded, or has inadequate means of ingress and egress, or is insufficiently supported, ventilated, drained, cleaned, or lighted.
- (2) All cellars, vaults, drains, pools, sewers, privies, yards, grounds or premises which have for any cause become foul, nauseous or offensive or injurious to health, or unpleasant to persons in adjacent residences, or to persons passing such premises.
- (3) All markets, laundries, stores or other buildings or places which are not preserved clean and free from filthy and unwholesome substances and odors.
- (4) Every trade, business or occupation injurious to the health or comfort of persons who reside in the vicinity where such trade, business or occupation is carried on.
- (5) All lots or receptacles containing water allowed to become stagnant or offensive or unwholesome from any cause.
- (6) All deposits or substances that are offensive or liable to engender disease; any nauseous, foul or putrid liquids, or substances likely to become nauseous, foul, offensive or putrid, discharged, placed, thrown or conducted into or upon any public thoroughfare; all carcasses, all decaying flesh, fish, fowls, fruit or vegetation, all deposits of manure, and all flesh, of any kind or description whatsoever, when thrown upon or conducted into or upon any public thoroughfare or enclosure in such manner as to render such substance unwholesome and offensive or liable to become unwholesome or offensive.
- (7) All filthy or offensive water or slops in any private yard or premises when permitted to become

unwholesome and offensive to the public.

- (8) Any unwholesome food, liquor or adulterated medicine.
- (9) All cattle, horse or hog pens, stables or enclosed areas in which any cattle, horses or hogs may be confined which may from use have become offensive.
- (10) Any granaries, barns, elevators or other premises where rats and vermin breed or are harbored.
- (11) Any article or substance placed upon any public thoroughfare, except such articles as are permitted by ordinances of this city, in such manner as to obstruct the free passage upon such thoroughfare.
- (12) The act of depositing any filth, or any foul, offensive, nauseous or injurious substance, upon any public thoroughfare or other public place.
- (13) The act of sweeping or depositing any trash, paper, or rubbish into any public thoroughfare or other public place and allowing the same to remain in such place longer than six (6) hours.
- (14) The act of burning any hair, leather, rags, or any other substance of any kind which may cause or produce an offensive smell, smoke or odor capable of annoying persons living in the vicinity of such fire, or persons passing along the public thoroughfare.
- (15) The act of defecating or urinating upon any public thoroughfare, or at any place which may be seen from a private residence, or by persons passing along the public thoroughfare.
- (16) The act of keeping, raising, possessing or having in or about the premises, except within enclosures, any pigeons with the intent to keep, raise or breed same.
- (17) The act of allowing any weeds, filth or rubbish of any kind to remain on any sidewalk in front of or at the side of any premises owned by such persons, or in the street to the middle thereof, or in front or at the side of any premises owned or controlled by such person, or upon any alley to the middle thereof that may be at the rear or side of any lots owned or controlled by such person.
- (18) The act of expectorating mucous, or saliva, or saliva mixed with tobacco, or secretions from the nose or air passages, or the remains of any chewed or partly chewed tobacco or snuff, or the remnant of any partially chewed or smoked cigar, upon any sidewalk, or upon the floor of any public building or public vehicle.
- (19) The act of hauling, carrying or transporting any meat of slaughtered animals or fish through the streets of the city without having the same entirely covered, screened and protected from dust and public view.
- (20) The act of scattering or distributing any advertisements, circulars, handbills, printed or written announcements, or paper of like character, or of any medicine, upon the public thoroughfares or within public buildings or grounds within the city.
- (21) The act of the owner or possessor of any animal which may die within the city limits to fail to have the carcass of same removed within eighteen (18) hours after death of said animal.
- (22) The act of throwing from any opening in, or carrying from, any dwelling or place of abode any night soil, feces, urine or filthy or unclean water into any public thoroughfare or into or upon any adjacent property without the consent of the owner.

- (23) The act of conducting, or causing to be conducted, into any alley or gutter, wastewater from any sink, tank, or other source of water supply in such manner as to produce any pool or pools in stagnant water in said alley or gutter.
 - (24) The act of dumping upon and removing from any public thoroughfare any coal or like material in a dry state, in such manner that annoying or offensive dust is generated from such materials; the act of leaving any coal dust or like materials upon such thoroughfare at or near the place where such coal or material was deposited or from which it was removed.
 - (25) The act of throwing any discarded glassware, tinware, queensware, crockery, or other rubbish upon the public thoroughfares.
 - (26) The act of allowing any privy to become dilapidated or out of repair so that any person within, or the contents thereof, may be exposed to view; the act of constructing or keeping on the premises any privy, the contents of which are exposed to view, or which can be seen from any public thoroughfare; the act of discharging or causing to be discharged the contents of such privy into any public thoroughfare or other public places, or upon premises belonging to another person.
 - (27) The act of throwing or depositing any filth, substance, or thing into any private well or cistern.
 - (28) The act of erecting or maintaining a building or structure the roofs or eaves of which project beyond the property line or shed water upon any property other than that belonging to the owner of such structure or building.
 - (29) Any other act or thing done or suffered within the city limits which may interfere with the enjoyment by any member or members of the community, or by any person or persons, who may thereby be deprived of his or their right to be free from foul, noxious or offensive or unpleasant odors or vapors, and to breathe fresh air and to be free from the sight of foul or offensive objects and substances.
- (1978 Code, ch. 6, sec. 3.C, D)

§ 6.02.004. Notice to abate; abatement by city; court order.

- (a) In the event the owner of such property, or the person responsible for such nuisance, shall fail or refuse to comply with the provisions of this article within ten days after notice to do so, the city may abate such nuisance, or cause the same to be done, and make payment therefor. The expenses incurred in so doing or having such work done, or such improvements made, shall be chargeable to the owners of such property or the person responsible for such nuisance, and such charge shall be a personal liability of such owner or person to the city. Said notice may be in writing, served upon such owner or person in person by an officer or employee of the city, or it may be by letter addressed to such owner or person at his post office address. Or, if personal service may not be had as aforesaid, or if the owner's address is unknown, notice may be given by publishing a brief summary of said order as many as two times within ten consecutive days in some newspaper of general circulation in the city addressed "Sanitary Improvements, To Whom It May Concern," and such publication shall be deemed sufficient notice.
- (b) In all cases arising under this article, whenever it shall appear to the court that the nuisance continues at the time of the conviction, the court shall order and adjudge removal or abatement or destruction of the same, as the case may require, and shall issue a separate warrant therefor. The court shall inquire into the probable cost of such removal, abatement or destruction, and tax the cost against the defendant, with the provision that the same may be remitted if the defendant remove, abate, or destroy such nuisance without the interference of the chief of police or

policemen. Such cost, in case the warrant be executed by the chief of police or policeman, shall be taxed and collected as other costs in the case.

- (c) Upon the conviction of a defendant for obstructing the free use of any public thoroughfare within this city, if such obstruction shall still exist, the court shall order the chief of police to remove the same at the cost of the defendant, which cost shall be taxed and collected as other costs in the case.

(1978 Code, ch. 6, sec. 3.E; Ordinance adopting Code)

§ 6.02.005. Abatement when no person can be held liable.

Whenever any carcass of any dead animal or other offensive substances injurious to the health of the public, or of persons in its vicinity, is found in any place within this city for the removal or abatement of which no person can be held liable, it shall be the duty of the chief of police to remove or abate the same at the expense of the city.

(1978 Code, ch. 6, sec. 3.F; Ordinance adopting Code)

ARTICLE 6.03
WEEDS, RUBBISH AND OTHER OBJECTIONABLE MATTER

§ 6.03.001. Notice.

- (a) The owner of any lot, lots or property within the city shall keep the same free from weeds, rubbish, brush and any other objectionable, unsightly or unsanitary matter of whatever nature. Whenever the owner of any such lot, lots or property within the city shall fail to keep the same free from weeds, rubbish, brush and any other objectionable, unsightly or unsanitary matter of whatever nature, the city secretary shall give the owner of such lot, lots or property ten (10) days' notice in writing requiring such owner to remove and remedy, within a period of ten (10) days from such notice, such conditions and to remove such weeds, rubbish, brush and any other objectionable, unsightly or unsanitary matter of whatever nature from said property. Such notice shall 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's records; or
 - (3) If personal service cannot be obtained, notice may be given 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, if the property contains no buildings.
 - (4) If the city mails a notice to a property owner in accordance with this subsection 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.
- (b) Annual notice. In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, the city may abate any nuisance contained on the property covered by this article without further notice and assess expenses to the owner.

(1978 Code, ch. 6, sec. 9.A; Ordinance adopting Code)

§ 6.03.002. Cutting or removal by city.

Should the owner of any lot or lots within the city, who shall allow weeds, grass or uncultivated plants to grow in rank profusion to an average height of twelve (12) inches or excess making it unsightly, harboring snakes, rodents and mosquitoes, making it a threat to public health and safety, and allowing the accumulation of rubbish, trash, or objectionable, unsanitary or unsightly matter, as the case may be, fail or refuse to mow or cut down or remove said weeds or plants, or refuse or fail to remove

rubbish, trash or unsanitary matter, within ten (10) days after notice to said owner to do so, in writing, or by a letter addressed to his post office address, or within ten (10) days after notice by publication in the official newspaper of the city two (2) times in ten (10) consecutive days, the city may do such cutting, mowing or removing such weeds, grass or uncultivated plants, rubbish, trash, or objectionable or unsanitary matter or cause the same to be completed by the city at a billable rate of \$120.00 per hour with a one (1) hour minimum.

(Ordinance 287 adopted 7/11/16)

§ 6.03.003. Additional authority to abate dangerous weeds.

- (a) The city may abate, without notice, weeds that have grown higher than forty-eight (48) inches and are an immediate danger to the health, life, or safety of any person.
- (b) Not later than the 10th day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 342.006 of the Health and Safety Code.
- (c) The notice shall contain:
 - (1) Identification, which is not required to be a legal description, of the property;
 - (2) A description of the violations of this article that occurred on the property;
 - (3) A statement that the city abated the weeds; and
 - (4) An explanation of the property owner's right to request an administrative hearing related to the city's abatement of the weeds.
- (d) The city shall conduct an administrative hearing on the abatement of weeds under this section if the property owner files with the city a written request for a hearing within thirty (30) days of the date of the notice required under this section.
- (e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 342.007 of the Health and Safety Code. A lien created under this section is subject to the same conditions as a lien created under section 342.007 of the Health and Safety Code.
- (g) The authority granted a city by this section is in addition to the authority granted by Health and Safety Code, section 342.006.

(Ordinance adopting Code)

§ 6.03.004. Lien for city's expenses.

The mayor shall file a statement of such expense incurred under section 6.03.002, giving the amount of such expense, and the date on which said work was done, with the county clerk, and the city shall have a privileged lien on such lot or lots or real estate upon which said work was done to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code, sec. 342.007, which lien shall be second only to tax liens and liens for street improvements, and said amount shall bear ten percent (10%) interest from the date said statement was filed. It is further

provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the city, and the statement of expenses so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work.

(1978 Code, ch. 6, sec. 9.C)

ARTICLE 6.04
FOOD PRODUCTS ESTABLISHMENTS

§ 6.04.001. Definition.

The words or term “food products establishments” as used in this article shall mean and include any place or establishment occupied, used or maintained for the purpose of selling, offering for sale, exposing or keeping with the intention of selling, or manufacturing for sale, any food products, such as meat markets, butcher shops, fish markets, bakeries, confectioneries, ice cream factories, places for handling, preparation or sale of dairy products or canned or prepared foodstuffs, hotels, restaurants, grocery stores, fruit or vegetable markets, fruit or vegetable vendors peddling by wagon or otherwise, soda fountains, bottling works, vinegar or pickle factories, and all similar businesses handling or having to do with foodstuffs, and shall include every room used for the purpose of any such business, in the keeping, storing, manufacturing, preparing, handling, distributing, selling, servicing or offering for sale any food products, whether raw, cooked, or otherwise prepared, or any liquid intended as food or drink for human beings, and all places or premises connected with any such room or rooms.

(1978 Code, ch. 6, sec. 2.A)

§ 6.04.002. Employee health certificate.

- (a) It shall be unlawful for any person afflicted with or having any contagious or communicable or infectious disease to accept employment or work in, around or about any food products establishment, and every person applying for or accepting such work or employment shall first be examined by a physician duly authorized to practice medicine, and procure a certificate showing the applicant to be free from such disease.
- (b) It shall hereafter be unlawful for any person, firm or corporation maintaining or operating any food products establishment, its officers or agents to employ or permit to be employed or to work in, around or about any food products establishment any person who does not hold a food handler’s health certificate from the city health officer.

(1978 Code, ch. 6, sec. 2.B, C)

§ 6.04.003. Proof of grease trap cleaning or grease pickup.

All food preparation establishments are required to furnish copies of manifests and/or receipts to city hall as proof of grease trap cleaning or grease pickup immediately after work is completed at regular intervals designated by the sewage treatment plant operator.

(Ordinance 191 adopted 6/5/00)

HEALTH AND SANITATION

FROST CODE

Chapter 7

MUNICIPAL COURT

**ARTICLE 7.01
GENERAL PROVISIONS**

- § 7.01.001. Created; jurisdiction.
- § 7.01.002. Clerk.
- § 7.01.003. Rules of practice and procedure.
- § 7.01.004. Cash bail.

**ARTICLE 7.02
JUDGE**

- § 7.02.001. Office created; powers and duties; compensation.
- § 7.02.002. Oath.

**ARTICLE 7.03
FINES, COSTS AND SPECIAL EXPENSES**

- § 7.03.001. Technology fund.
- § 7.03.002. Building security fund.

ARTICLE 7.01
GENERAL PROVISIONS

§ 7.01.001. Created; jurisdiction.

There is hereby created a court in and for the city, which shall be known as the municipal court. This court shall have jurisdiction within the city with power to hear and determine all cases of alleged violations of the ordinances of the city and all other cases over which municipal courts are generally given jurisdiction by state law.

(1978 Code, ch. 7, sec. 4.A)

§ 7.01.002. Clerk.

(a) City secretary to serve as clerk; deputies. The city secretary shall serve as court clerk for the city. The city council may also appoint such deputy clerks as may be necessary for the efficient operation of the municipal court.

(b) Powers and duties. The clerk of the municipal court and such deputy clerks as may be appointed shall perform all the duties and have all the powers bestowed upon clerks of municipal courts by state law.

(1978 Code, ch. 7, sec. 4.E, F)

§ 7.01.003. Rules of practice and procedure.

The rules prescribed by state law governing trials in the state justice of peace courts shall govern the procedure and practice of the municipal court, and the city council may prescribe such additional rules of practice and procedure as are not inconsistent with state law.

(1978 Code, ch. 7, sec. 4.G)

§ 7.01.004. Cash bail.

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

(b) The judge of the municipal court so accepting any cash bail shall fix the same at any amount not less than five dollars (\$5.00) which, in his judgment, shall be deemed to be sufficient to compel the appearance of such person on the date fixed, provided that no cash bail shall be accepted unless voluntarily offered by the person charged.

(c) When a cash bail is tendered and accepted, the judge of the municipal court accepting the same shall issue a special cash bail receipt therefor to the person tendering such cash bail, a copy of which is to remain in the cash bail receipt book. When a cash bail is returned to the person who deposited it, a receipt shall be taken therefor.

- (d) The same procedure shall apply whether or not the person who has deposited money is present and orders such bail to be applied on the payment of any fine and costs assessed against him. When such person fails to make his appearance and a guilty plea is entered for him, the judge shall apply as much of the cash bail as may be necessary for the satisfaction of such fine and cost, and the balance shall be returned to the defendant. In the event such cash bail is forfeited, then the entire sum shall be paid to the proper officer of the city.

(1978 Code, ch. 7, sec. 4.H)

**ARTICLE 7.02
JUDGE**

§ 7.02.001. Office created; powers and duties; compensation.

There is hereby created the office of judge of the municipal court, who shall have all the powers and authority as granted by and shall perform all the duties as required by state law. The amount of compensation to the judge shall be set from time to time by the city council.

(1978 Code, ch. 7, sec. 4.B)

§ 7.02.002. Oath.

The judge of the municipal court, prior to taking office, shall take the oath of office required by the state constitution and the state laws. This is the oath required by the state law for the mayors of cities.

(1978 Code, ch. 7, sec. 4.C)

ARTICLE 7.03
FINES, COSTS AND SPECIAL EXPENSES

§ 7.03.001. Technology fund.

(a) Established.

- (1) There is hereby created and established a municipal court technology fund, herein known as the “fund,” pursuant to article 102.0172 of the Code of Criminal Procedure.
- (2) The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.

(b) Amount of fee; assessment and collection.

- (1) The fee shall be in the amount of four dollars.
- (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) Judgment, sentence, or both are imposed on the person;
 - (B) The person is placed on deferred disposition; or
 - (C) The court defers final disposition or imposition of the judgment and sentence.
- (3) The fee shall be collected on conviction for an offense committed on or after January 5, 2009.
- (4) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer or city general fund, who shall deposit the fee into the municipal court technology fund.

(c) Designated use; administration.

- (1) The fund shall be used only for the purpose of financing the purchase of or to maintain technology enhancements for the municipal court of the city. “Technology enhancements” shall include any and all items described in article 102.0172 of the Code of Criminal Procedure. The fee may only be assessed and collected on offenses occurring on or after September 1, 1999. The fee may not be assessed or collected retroactively if the fund is established at a later date than September 1, 1999.
- (2) The fund shall be administered by or under the direction of the city councilmembers.
(Ordinance 241 adopted 1/5/09)

§ 7.03.002. Building security fund.

- (a) Established. There is hereby created and established a municipal court building security fund (the “fund”) pursuant to article 102.017 of the Code of Criminal Procedure.
- (b) Amount of fee. The municipal court of the city is hereby authorized and required to assess a municipal court building security fee (the “fee”) in the amount of \$3.00 against all defendants convicted of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a separate assessment of the fee.

- (c) Assessment of fee. A person is considered to have been convicted in a case if:
- (1) Judgment, sentence, or both are imposed on the person;
 - (2) The person is placed on deferred disposition; or
 - (3) The court defers final disposition or imposition of the judgment and sentence.
- (d) Effective date. The fee shall be collected on convictions for offenses committed on or after this section is adopted.
- (e) Disposition of fee. The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the city. All fees so collected and paid over to the treasury of the city shall be segregated in the fund.
- (f) Designated use. The fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the municipal court of the city. "Security devices and/or services" shall include any and all items described in article 102.017(d-1) of the Code of Criminal Procedure.
- (g) Administration. The fund shall be administered by or under the direction of the city council. The fee may only be assessed and collected on offenses occurring on or after August 28, 1995. The fee may not be assessed or collected retroactively if the fund is established at a later date than August 28, 1995.
- (Ordinance 249 adopted 6/12/10)

FROST CODE

OFFENSES AND NUISANCES

Chapter 8

OFFENSES AND NUISANCES

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ARTICLE 8.01
GENERAL PROVISIONS

§ 8.01.001. Misdemeanors under state law.

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

(1978 Code, ch. 6, sec. 6)

§ 8.01.002. Theft of city services.

It shall be unlawful for any person to intentionally avoid payment for any service or use of any property or facility of the city, whether real or personal, that he knows is provided or used only with compensation and he intentionally or knowingly secures performance of the service or uses the property or facility which he is not entitled to either by deception, threat, false token, impersonation, or fraud. Such services, property, or facilities shall include, but not be necessarily limited to: utilities, ballfields, swimming pools, parks and other recreational facilities, trash collection services, or any other service or property owned, operated or provided by the city. It shall also be unlawful to have or exercise control over the disposition of city services, property or facilities of another to which he is not entitled unless authorized by the city and that person. For these purposes, intent to avoid paying is presumed if the actor absconded without paying for the services or knowingly uses or is in possession of such property or facility which he is not authorized to use or receive.

(Ordinance 265, sec. B, adopted 9/10/12)

§ 8.01.003. Disturbing the peace.

- (a) Whoever shall go into or near any public place or into or near any private house and shall use loud or vociferous or obscene, vulgar, or indecent language or swear or curse, or yell or shriek, or expose his person, or rudely display any pistol or other deadly weapon, in any manner calculated to disturb the inhabitants of such place or house, shall be in violation of this section.
- (b) Any person who shall in the presence or hearing of another curse or abuse such person, or use any violently abusive language to such person concerning him or any of his female relatives, under circumstances reasonably calculated to provoke a breach of the peace, shall be in violation of this section.

(1978 Code, ch. 6, sec. 5)

§ 8.01.004. Unreasonable noise.

Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and, as such, is liable to be abated, is hereby prohibited, and the person guilty of causing, permitting, or suffering them or any of them upon any premises or upon any building occupied or controlled by him or in any street, alley, sidewalk, or gutter immediately adjacent to such premises shall, upon conviction, be fined as provided in this code. Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and, as such, is liable to be abated, is hereby prohibited, and the person guilty of causing, permitting, or suffering same upon any premises or in or on any building occupied or controlled by him or in any street, alley, sidewalk, or

gutter immediately adjacent to such premises shall, upon conviction, be fined as provided in this code. (1978 Code, ch. 6, sec. 7)

§ 8.01.005. Posting or distributing bills or advertising matter.

- (a) Posting on private property. No person shall hereafter paint, print or post or in any way affix any picture, bill or advertising matter of any kind upon any post, tree, billboard or signboard, or upon any building or erection or structure of any kind, within the city, without the consent of the owner or the person in control thereof.
- (b) Posting on public building or other public property. No person in the city shall paint, print or post any picture, bill or advertising matter of any kind upon any curb, sidewalk or other public improvement in any public streets or grounds or upon any bridge or part of same or public building, structure or erection of any kind belonging to the city, unless express consent therefor shall have been first granted by the city council.
- (c) Distributing bills or advertising matter. No person shall give or hand to any person or persons passing through or upon the streets or sidewalks or loosely scatter or throw any bills of paper or other advertising matter or loose material on the surface of any of the public streets or thoroughfares, or on the public grounds of the city, or within the yards of private residences.
- (d) Creating unsightly appearance. No person carrying on the business of bill poster shall post or in any manner affix bills or other forms of advertisements in such manner as to create a nuisance, or a slovenly or unsightly appearance, at any place within the city, but all such posting or affixing of bills or other advertisements of any kind whatsoever shall be done in a neat and tidy manner, and all refuse and waste of every kind whatsoever shall be carefully removed by such bill poster at once.
- (e) Defacing bulletin board or other structure used for displaying advertising. No person shall willfully deface, injure, remove, or destroy any building, ornament, bulletin board, sign, show frame, platform or other erection used for the purpose of displaying posters and advertisements which are not his own.

(1978 Code, ch. 4, sec. 6)

ARTICLE 8.02
INJURING OR OBSTRUCTING PUBLIC PROPERTY*

§ 8.02.001. Permission required for excavations.

No person shall excavate any hole, ditch, or drain in any street, alley, public thoroughfare, or public ground within the city without first having obtained the permission of the city council or of the utility superintendent.

(1978 Code, ch. 3, sec. 9.A; Ordinance adopting Code)

§ 8.02.002. Removing sod, stone, earth, sand or gravel.

No person shall, without first having obtained the permission of the city council, dig, remove, or carry away, or cause the same to be done, from any street, alley, or public place in this city, any sod, stone, earth, sand or gravel.

(1978 Code, ch. 3, sec. 9.B)

§ 8.02.003. Guarding of excavations.

It shall be unlawful for any person having charge of any public or private improvement or building in the city to leave any hole, ditch, or excavation of any kind in the surface of the earth in or adjoining any public square, street, alley, sidewalk, or other public place, without guarding or covering same in such manner as to protect persons and animals from injury.

(1978 Code, ch. 3, sec. 9.C)

§ 8.02.004. Injuring public improvement.

No person shall willfully injure or destroy, or assist in injuring or destroying, any bridge, bridge appurtenance, sign board, culvert, causeway, gutter, or other public improvement in this city.

(1978 Code, ch. 3, sec. 9.D)

§ 8.02.005. Protection of street from damage by traction engines.

No person shall drive, carry over, or transport upon or across any paved street or sidewalk or public grounds in the city any traction engine of any kind or description without first having placed in position timbers of sufficient thickness to protect the street or sidewalk from damage.

(1978 Code, ch. 3, sec. 9.E)

§ 8.02.006. Obstructing street or alley.

No person shall unnecessarily obstruct any street, alley or other public thoroughfare in this city with wagons, carts, delivery trucks, motor vehicles, or vehicles of any kind, or with boxes, lumber, timber, firewood, posts, awnings, signs, merchandise, or other substances in any manner whatsoever, so as to prevent free passage thereon.

(1978 Code, ch. 3, sec. 9.F)

§ 8.02.007. Placing building materials on street or alley.

Section 8.02.006 shall not be construed to prohibit any person who may be engaged in building, removing or improving any building or other improvements from occupying with lumber, stone, brick or other material that portion of any street or alley which is adjacent to such improvement or building;

provided, however, that such material shall not occupy a space larger than one-third of the street or alley adjacent to such improvement or building, nor a space larger than thirty-three and one-third feet in width on the street from the outside of the sidewalk and parallel with same in front of said building or improvement on the street, nor shall such material be placed on such space more than ten days before construction of such building or improvement begins; nor shall the owner of such building or improvement allow any surplus lumber, stone, brick, or other rubbish to remain in said street or alley more than five days after the completion of such building or improvement.

(1978 Code, ch. 3, sec. 9.G)

§ 8.02.008. Obstructing sidewalk; structures on sidewalk.

No person shall erect, or cause to be erected, any awning or post on any sidewalk in this city at a point less than the width of the sidewalk from the inside thereof; nor shall any person suspend any awning, sign, sample, or other article at a height less than eight feet above the sidewalk.

Nor shall any person throw, place, or deposit any article whatsoever upon any sidewalk in such manner as to obstruct free passage upon same; provided, however, that nothing in this section shall be construed to prevent merchants and dealers from placing packages of goods, wares or merchandise which they may be receiving or shipping on any sidewalk, if the same do not occupy more than one-half the width thereof, and do not remain thereon more than six hours; nor shall anything in this section prevent merchants, dealers, or auctioneers from occupying a space on the sidewalk adjoining their place of business, two feet or less in width (measured from the inside of the sidewalk), and the length of the property long, with signs, samples, or other articles; nor shall anything in this section prevent any building craftsmen or builders from occupying with materials or temporary constructions a space not larger than one-half the width of the sidewalk adjoining any improvement or building they may be erecting or in any way working upon, nor shall such persons be prevented from crossing or passing over any sidewalk with material used in the construction of said improvement or building. Provided further that all scaffolding erected over or on said sidewalk shall be constructed in a good, workmanlike, substantial manner so as to prevent injury to persons passing thereunder or working thereon; and provided further that, if any obstructions mentioned in this section are now existent and are not removed within ten days after notice to do so is given by the chief of police, the offender will be subject to penalization hereunder, and upon conviction will be fined in accordance with the penalty herein provided, and each day that such obstruction remains after the expiration of such notice shall constitute a separate and distinct offense, and such obstruction shall be removed by the city at the expense of the person so convicted.

(1978 Code, ch. 3, sec. 9.H; Ordinance adopting Code)

§ 8.02.009. Structures on street.

No person shall erect upon any street of this city any tent, shed, advertising board or structure of any kind whatsoever.

(1978 Code, ch. 3, sec. 9.I)

§ 8.02.010. Injuring or removing public property or appurtenances.

No person shall take, remove, injure, or destroy any public property or appurtenances thereto within the corporate limits of the city.

(1978 Code, ch. 3, sec. 9.J)

**ARTICLE 8.03
MINORS**

**DIVISION 1
Generally**

§ 8.03.001. through § 8.03.030. (Reserved)

DIVISION 2

Curfew**§ 8.03.031. Hours established.**

It is a curfew violation for a child under seventeen (17) years of age to be in a street or other public place in the city between the hours of 12:00 a.m. and 5:00 a.m. without a parent or guardian.
(Ordinance 305 adopted 1/7/19)

§ 8.03.032. Exceptions.

- (a) This division does not apply to a child who is:
- (1) Accompanied by his parent, guardian, or custodian;
 - (2) Accompanied by an adult specified by his parent, guardian, or custodian; or
 - (3) Participating in, going to, or returning from:
 - (A) Lawful employment;
 - (B) A school sanctioned activity;
 - (C) A religious or civic event chaperoned by adults; or
 - (D) An emergency.
- (b) Married teens are exempt from the curfew.

§ 8.03.033. Enforcement; authority of police.

- (a) Any peace officer may stop and question any child under 17 years of age suspected of violating the provisions of this division and may take the minor into custody when found violating provisions of this division. The officer shall ascertain the name of the minor's parent, guardian, or person having legal custody of the child under 17 years of age.
- (b) The parent, guardian, or person having legal custody shall be notified by the officer.
- (c) The investigating or apprehending officer, if satisfied a violation has occurred, shall cause a citation to be issued for the parent, guardian, or person in custody of the minor to appear in the city municipal court to answer the charge of violation of this division.
(Ordinance 166, sec. I, adopted 7/1/96)

§ 8.03.034. Penalty.

Any parent, guardian, or person having the legal custody of a minor who violates any provision of this division shall be punished by a fine by a fine in accordance with the general penalty provided in section 1.01.009. Each day any violation of this division shall occur shall constitute a separate offense.
(Ordinance 166, sec. IV, adopted 7/1/96 ; Ordinance adopting Code)

ARTICLE 8.04
FIREWORKS AND FIREARMS

§ 8.04.001. Definition.

The term “fireworks” as used in this article shall mean all rockets, Roman candles, bombs, balloons, wheels and other substances and devices for pyrotechnic display; all firecrackers, blank cartridges, torpedoes, and concussion canes, pistols and other devices for the explosion of caps or cartridges; or any substance designed or intended to produce a visible or audible pyrotechnic effect by combustion, explosion, deflagration or detonation, except sparklers, black snakes, colored fires or flares and non-explosive novelties.

(1978 Code, ch. 5, sec. 3.A)

§ 8.04.002. Discharge of fireworks prohibited.

It shall be unlawful for any person, firm or corporation to use, fire, set off, discharge, set in motion or ignite within the city limits any fireworks described in section 8.04.001 hereof.

(1978 Code, ch. 5, sec. 3.B)

§ 8.04.003. Permit for public fireworks displays.

Special permission may be granted to persons, firms, or corporations for the purchase of fireworks and their use at a public gathering outside the fire limits provided an application is filed with the mayor or city council setting forth the name of the applicant and the time and the place of the exhibition. The mayor or the city council, on being satisfied that the applicant will use the fireworks at a public exhibition, and being satisfied that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, may issue a permit which shall permit the use of fireworks at the time and place set out in the application.

(1978 Code, ch. 5, sec. 3.C)

§ 8.04.004. Discharge of firearms or firecrackers prohibited in certain places.

Any person who discharges any gun, pistol or firearm of any kind or discharges any firecracker or torpedo on or across any public square or street in this city or within one hundred (100) yards of any business house or residence in this city shall be guilty of a violation of this code. A “firecracker” is any combustible package.

(1978 Code, ch. 5, sec. 3.D)

ARTICLE 8.05
ILLEGAL SMOKING MATERIAL AND PARAPHERNALIA

§ 8.05.001. Definitions.

Illegal smoking material. Any substance, however marketed, which can reasonably be converted for smoking purposes, whether it is presented as incense, tobacco, herbs, spices or any blend thereof, if it includes any of the following chemicals or a comparable chemical:

- (1) Salvia divinorum or salvinorin A: All parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;
- (2) 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol (also known as CP47, 497) and homologues;
- (3) (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol (also own as HU-211 or Dexanabinol);
- (4) 1-pentyl-3-(1-naphthoyl) indole (also known as JWH-018);
- (5) 1-butyl-3-(1-naphthoyl) indole (also known as JWH-073); or
- (6) 1-pentyl-3-(4-methoxynaphthoyl) indole (also known as JWH-081).

Products containing some or all of the above substances are currently being marketed under the following commercial names: “K-2,” “K-2 Summit,” “K-2 Sex,” “Genie,” “DaScents,” “Zohai,” “Sage,” “Spice,” “KO Knock-Out 2,” “Spice Gold,” “Spice Diamond,” “Yucatan Fire,” “Solar Flare,” “Pep Spice,” “Fire n’ Ice,” “Blaze,” “Red x Dawn” and “Salvia Divinorum.” Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this article, regardless of whether it is marketed under alternative names.

Illegal smoking material paraphernalia. Any paraphernalia, equipment or utensil that is used or intended to be used in ingesting or inhaling illegal smoking materials, and may include, but is not limited to:

- (1) A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;
- (2) A water pipe;
- (3) A carburetion tube or device;
- (4) A smoking or carburetion mask;
- (5) A chamber pipe;
- (6) A carburetor pipe;
- (7) An electric pipe;
- (8) An air-driven pipe;

- (9) A chillum;
- (10) A bong; or
- (11) An ice pipe or chiller.

Person. An individual, group of two or more individuals, proprietorship, corporation, partnership, wholesaler, association or other legal entity, or any licensed or unlicensed business.

(Ordinance 253, sec. 2 (43-1), adopted 12/6/10)

§ 8.05.002. Penalty.

- (a) Any person who violates any provision of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00.
- (b) Every act in violation of this article shall constitute a separate offense.
- (c) Unless otherwise specifically set forth herein, an allegation and/or evidence of culpable mental state is not required for the proof of an offense of this article.
- (d) The penal provisions imposed under this article shall not preclude the city from filing suit to enjoy the violation of this article. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

(Ordinance 253, sec. 2 (43-7), adopted 12/6/10)

§ 8.05.003. Purpose.

The purpose of this article is to prohibit the purchase, sale, offer for sale, delivery, or gift of illegal smoking materials as defined herein within the city limits, and to prohibit the possession or use of illegal smoking materials and illegal smoking material paraphernalia within the city limits. Any form of delivery, including, without limitation, a simple gift, constitutes a violation of this article.

(Ordinance 253, sec. 2 (43-2), adopted 12/6/10)

§ 8.05.004. Purchase, sale, delivery, offer or gift of illegal smoking material.

It shall be unlawful for any person to purchase, sell, offer for sale, deliver or give any illegal smoking material to any person.

(Ordinance 253, sec. 2 (43-3), adopted 12/6/10)

§ 8.05.005. Possession or use of illegal smoking material.

It shall be unlawful for any person to have in their possession or to use, inject, ingest, inhale, or otherwise introduce into the human body illegal smoking materials within the corporate limits of the city.

(Ordinance 253, sec. 2 (43-4), adopted 12/6/10)

§ 8.05.006. Possession or use of paraphernalia.

It shall be unlawful for any person to have in their possession any illegal smoking material paraphernalia with the intent to use it to ingest, inhale or otherwise consume or introduce into the human body illegal smoking material. It is a violation of this article if a person is found in possession of illegal smoking material paraphernalia and appropriate forensic testing is done on the paraphernalia showing traces of illegal smoking material present on the paraphernalia.

(Ordinance 253, sec. 2 (43-5), adopted 12/6/10)

§ 8.05.007. Defenses.

- (a) It shall be an affirmative defense to prosecution for a violation of this article if the use of the illegal smoking material is at the direction of or under a prescription issued by a licensed physician or dentist authorized to prescribe controlled substances within the state.
- (b) It shall be an affirmative defense to prosecution under the terms of this article if an individual charged with a violation can provide proper and complete historic documentation that the use of such materials is a portion of a religious undertaking or activity of a religious denomination in which they have longstanding historic membership supported by documentation from clergy or a spiritual leader recognized by the state.

(Ordinance 253, sec. 2 (43-6), adopted 12/6/10)

ARTICLE 8.06
JUNKED VEHICLES

§ 8.06.001. Definitions.

Whenever the following terms are used in this article, they shall have the meaning respectively ascribed to them as follows:

Junked vehicle. A vehicle that:

- (1) Is self-propelled; and
- (2) Is:
 - (A) Wrecked, dismantled or partially dismantled, or discarded; or
 - (B) Inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.

For purposes of this article, “junked vehicle” includes a motor vehicle, aircraft, or watercraft. This article applies only to:

- (1) A motor vehicle that displays an expired license plate or does not display a license plate;
- (2) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. part 47; or
- (3) A watercraft that:
 - (A) Does not have lawfully on board an unexpired certificate of number; and
 - (B) Is not a watercraft described by section 31.055, Parks and Wildlife Code.

Police department. The police department of the city.
(Ordinance adopting Code; Ordinance 200, sec. 200.001, adopted 1/7/02)

§ 8.06.002. Declaration of nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;

- (3) Invites a vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities;
and
- (7) Is a public nuisance.
(Ordinance 200, sec. 200.002, adopted 1/7/02)

§ 8.06.003. Violations; penalty.

- (a) A person commits an offense if the person maintains a public nuisance described by section 8.06.002.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the nuisance on conviction.
(Ordinance 200, sec. 200.003, adopted 1/7/02)

§ 8.06.004. Abatement or removal order.

- (a) Whenever a public nuisance exists on private property, the chief of the city police department, or other employee of the city designated by the chief, shall give notice of not less than ten (10) days, stating the nature of the public nuisance on private property, that it must be removed or abated within ten (10) days, and that a request for a hearing must be made before expiration of the ten (10) day period. The notice must be mailed, by certified mail with a five (5) day return receipt requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and the owner or occupant of the private premises on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.
- (b) Whenever a public nuisance exists on public property, the chief of police, or other employee of the city designated by the chief, shall give notice of not less than ten (10) days, stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within ten (10) days, and that a request for a hearing must be made before expiration of the ten (10) day period. The notice must be mailed, by certified mail with a five (5) day return receipt requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.
- (c) It shall be unlawful to reconstruct a junked vehicle or to make it operable after it has been

removed as a public nuisance.

- (d) Prior to the removal of a vehicle or vehicle part as public nuisance, a public hearing shall be held before the municipal court, if a hearing is requested by the owner or occupant of the public or private premises, or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within ten (10) days after service of notice to abate the nuisance. Upon finding that the vehicle or vehicle part constitutes a public nuisance, the municipal judge may issue an order requiring the removal of such vehicle or vehicle part and shall include therein a description of the vehicle and its correct identification number and license number if the information is available at the site of the nuisance.
- (e) If a request for hearing is not timely made by any party entitled to notice under subsections (a) and (b) of this section, and the nuisance is not abated within the ten-day notice, the municipal judge, upon receiving an affidavit from one charged with enforcement of this article that such nuisance exists after the voluntary compliance period, may issue an order authorizing the police department or any other enforcement officer to take possession of such junked vehicle or vehicle part and remove it from the premises.
- (f) Notice shall be given to the state department of transportation not later than the fifth (5th) day after the date of removal. The notice must identify the vehicle or vehicle part.
- (g) The procedures of this article shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed operable or inoperable antique or special interest vehicle stored by a collector on the collector's property, if in each instance the vehicle or vehicle part and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.
- (h) The procedures of this article must be administered by regularly salaried, full-time employees of the city, except that the removal of a vehicle or vehicle part from property may be by any duly authorized person.
- (i) If the registered owner of the vehicle so desires, it shall be permissible for such owner to assign any unencumbered title to a wrecker service designated by the city. Such vehicle shall then be removed from the property at no cost to said registered owner and shall at all times thereafter be the property of the wrecker service so removing the vehicle. A copy of said assignment shall be provided to the chief of police.

(Ordinance 200, sec. 200.004, adopted 1/7/02)

§ 8.06.005. Removal with permission of owner or occupant.

If, within ten (10) days after receipt of notice from the chief of police or his designee to abate the nuisance as herein provided, the owner or occupant of the premises should give his written permission for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with provisions of section 8.06.004 of this article.

(Ordinance 200, sec. 200.005, adopted 1/7/02)

§ 8.06.006. Disposal.

A junked vehicle or vehicle part may be disposed of by removal to a scrap yard, demolisher or any suitable site operated by the city for processing as scrap or salvage.

(Ordinance 200, sec. 200.006, adopted 1/7/02)

OFFENSES AND NUISANCES

FROST CODE

Chapter 9

PERSONNEL

**ARTICLE 9.01
GENERAL PROVISIONS**

- § 9.01.001. Texas Municipal Retirement System.
- § 9.01.002. Health benefits coverage agreement.
- § 9.01.003. Job descriptions.
- § 9.01.004. Employee leave time for funerals.

**ARTICLE 9.02
OFFICERS AND EMPLOYEES**

- § 9.02.001. City secretary.
- § 9.02.002. Building official and other inspectors.
- § 9.02.003. Superintendent of utilities.

**ARTICLE 9.03
POLICE**

**DIVISION 1
Generally**

- § 9.03.001. through § 9.03.030. (Reserved)

**DIVISION 2
Police Department**

- § 9.03.031. Chief of police.
- § 9.03.032. Arrest without warrant.
- § 9.03.033. Refusal to aid police officer; interference with arrest.
- § 9.03.034. Impersonating police officer.
- § 9.03.035. Uniforms and badges.
- § 9.03.036. Interjurisdictional assignment of law enforcement personnel.

ARTICLE 9.01
GENERAL PROVISIONS

§ 9.01.001. Texas Municipal Retirement System.

The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city, are not included in this chapter, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary.

(Ordinance adopting Code)

§ 9.01.002. Health benefits coverage agreement.

(a) Findings.

- (1) The city desires to provide health benefits coverage to its officers and employees.
- (2) Texas Municipal League Group Benefits Risk Pool is a health risk pool established pursuant to Texas Local Government Code chapter 172, Texas Government Code chapter 791, and the Texas Trust Code to provide health benefits coverage for officers and employees of Texas political subdivisions under an interlocal agreement.
- (3) The city desires to provide health benefits coverage to its officers and employees through the Texas Municipal League Group Benefits Risk Pool and to enter into an interlocal agreement for that purpose.
- (4) The city desires to select a plan of benefits for its officers and employees to be provided by the Texas Municipal League Group Benefits Risk Pool.
- (5) Executing the Texas Municipal League Group Benefits Risk Pool interlocal agreement is in the best interest of the city, its officers and employees, and the public generally.

(b) Agreement authorized. The city hereby elects to join the Texas Municipal League Group Benefits Risk Pool by executing the pool's interlocal agreement.

(c) Benefit plans. The city hereby adopts the following benefit plans to be provided to its officers and employees through the Texas Municipal League Group Benefits Risk Pool: Plan P86-30-10-M. The benefit plan herein adopted is attached to Ordinance 178 as exhibit A and incorporated herein for all purposes.

(Ordinance 178 adopted 4/20/98)

§ 9.01.003. Job descriptions.

The specific ordinances providing job descriptions of various city employees, as adopted by the city, are not included in this chapter, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary.

(Ordinance adopting Code)

§ 9.01.004. Employee leave time for funerals.

A full-time employee may be granted up to three consecutive workdays, with pay, annually, to attend the funeral of a member of their immediate family. The employee must make arrangements with their supervisor to be granted funeral leave. Funeral leave is an absence, with pay, to attend the funeral of a

member of the employee's immediate family. Immediate family includes spouse, child, brother, sister, parents, grandparents, grandchild, and parent-in-laws.
(Ordinance 236 adopted 7/7/08)

ARTICLE 9.02
OFFICERS AND EMPLOYEES

§ 9.02.001. City secretary.

- (a) Creation of office. The office of city secretary is hereby established.
- (b) Powers and duties. This office shall have all the powers and perform all the duties prescribed to it by law. These duties shall include the following:
- (1) The city secretary shall attend every meeting of the city council and shall keep accurate minutes of the proceedings of said council in a book provided for that purpose.
 - (2) The city secretary shall engross and enroll all motions and resolutions of the city council and ordinances of the city.
 - (3) The city secretary shall attest all commissions and licenses issued by the city.
 - (4) The city secretary shall preserve and keep in order all books, papers, documents, and records of the city, and keep a record of such books, papers, documents, and records.
 - (5) The city secretary shall have custody of the all laws and ordinances of the city.
 - (6) The city secretary shall have custody of the seal of the city and shall affix the same to obligations of the city only by order of the city council.
 - (7) The city secretary shall perform such services and comply with such regulations as may be prescribed by any ordinance or resolution.
 - (8) The city secretary, in order to comply with the open meeting law, shall post in a place readily accessible to the public and seventy-two (72) hours preceding such meetings, notices of the meetings of the city council.
 - (9) The city secretary shall perform all other necessary duties that pertain to such office and all other duties as required by the mayor and city council. The duties shall include, but not be limited to: banking; building permits; cash receipts; city elections administrator; cleaning of city hall; court clerk; financial reports; human resources contact; mail; payroll; publicity; receptionist, both counter and phone; utility billing.
- (c) Appointment and tenure. The city secretary shall be employed by a majority vote of the city council with no stated term of office, and shall only be removed from office by a majority vote of the city council.
- (1978 Code, ch. 7, sec. 2; Ordinance adopting Code; 1978 Code, ch. 7, sec. 2)

§ 9.02.002. Building official and other inspectors.

The position of building official is hereby created. The building official shall be responsible for enforcing the provisions of chapter 3 (building regulations) of the city code and such other provisions of the Code of Ordinances for which he has been given specific authority. The building official may, upon approval of the city council, appoint such other inspectors as may be necessary to carry out the building regulations and construction codes of the city. Such appointments may be temporary and applicable to only one inspection or permit when it is deemed in the best interest of the city to obtain inspectors with special qualifications. The inspectors authorized to be appointed under the provisions

of this section include a plumbing inspector, gas inspector, mechanical official and electrical inspector. The salary of the building official shall be determined by the city council. The building official shall be appointed by the city council and may be removed at any time by a majority vote of the city council. (1978 Code, ch. 7, sec. 5)

§ 9.02.003. Superintendent of utilities.

The position of superintendent of utilities is hereby created. The superintendent of utilities shall be responsible for maintaining and operating the city water and sewer system, enforcing the regulations contained in chapter 13 of the city code and such other provisions of the Code of Ordinances for which he has been given specific authority, and carrying out such other duties as may be assigned by the city council. The salary of the utility superintendent shall be determined by the city council. The utility superintendent shall be appointed by the city council and may be removed at any time by a majority vote of the city council. (1978 Code, ch. 7, sec. 6)

ARTICLE 9.03
POLICE

DIVISION 1
Generally

§ 9.03.001. through § 9.03.030. (Reserved)

DIVISION 2
Police Department

§ 9.03.031. Chief of police.

There is hereby created, as one of the official positions of the city, the office of chief of police, who shall be a police officer of the city. Said chief of police shall be appointed by the mayor and confirmed by a majority vote of the city council for an indefinite term, and said official as appointed may be removed by the mayor or by majority vote of said council. The city council shall also have the power and authority to set the compensation to be received by such chief of police and he shall receive salary or fees of office, or both, to be fixed by the city council at the time of his appointment. Said chief of police shall have all powers as provided for by the general laws of the state or by ordinances of this city not in conflict with the constitution and laws of the state. Said chief of police, with the consent of the city council, shall have the power to appoint police officers. The chief of police shall take the regular oath of office as provided for officials and shall give such bond for the faithful performance of his duties as the city council may require.

(1978 Code, ch. 7, sec. 1.A; Ordinance adopting Code)

§ 9.03.032. Arrest without warrant.

Arrest without a warrant may be made by the chief of police or any other police officer of the city when offenses against the law, sections of this code, or other ordinances are committed in their presence, or where persons are found in suspicious places and under circumstances which reasonably show that such person has been guilty of some felony or breach of the peace, or has threatened to or is about to commit some offense against the law.

(1978 Code, ch. 7, sec. 1. B; Ordinance adopting Code)

§ 9.03.033. Refusal to aid police officer; interference with arrest.

- (a) If any person, being called on by the chief of police or any other peace officer, shall refuse or fail to aid such officer in any manner in which, by law, such person may be rightfully called on to aid or assist in the execution of a duty incumbent upon such officer, such person shall be guilty of a misdemeanor.
- (b) If any person at the scene of an arrest being made by a police or any other peace officer shall interfere in any manner with such arrest, either by action or by words, he shall be guilty of a misdemeanor.

(1978 Code, ch. 7, sec. 1.C)

§ 9.03.034. Impersonating police officer.

It shall be a misdemeanor for any person to wear the uniform or badge of a police officer, or to carry or display a police officer's identification card, or to otherwise represent himself to be connected with the police force, unless he is, in fact, a member thereof in good standing.

(1978 Code, ch. 7, sec. 1.D)

§ 9.03.035. Uniforms and badges.

The city council shall prescribe the uniforms and badges of the members of the police department, and shall direct the manner in which the same shall be worn. The chief of police shall also have the authority to prescribe the neatness and appearance of police officers under his command.

(1978 Code, ch. 7, sec. 1.E; Ordinance adopting Code)

§ 9.03.036. Interjurisdictional assignment of law enforcement personnel.

- (a) Authorized. Pursuant of the provisions of V.T.C.A., Local Government Code, section 362.001 et seq., the chief of police is authorized to assign the regular employed law enforcement personnel of the department to assist any other municipality or county in this state upon request by such proper authority when a state or civil emergency in such other municipality or county has been declared by proper authority, and when, in the opinion of such proper authority, a need exists in such other county or municipality for additional law enforcement officers to protect the health, life, and property of such other county or municipality, its inhabitants and visitors thereto, by reason of riot, unlawful assembly characterized by the use of force and violence, or threats thereof by three (3) or more persons acting together or without lawful authority, or during a time of natural disaster or man-made calamity.
- (b) Status of officers of other jurisdiction assigned to city. Whenever any law enforcement officer of any other municipality or county is assigned to this city under authority of an order adopted by the governing body of such municipality or county to assist under circumstances as described above which may exist in this city, such officer shall be a peace officer of the city and shall be under the command of the chief of police while so assigned, and he shall have all the powers of a regular law enforcement officer of this city as fully as though he were within the municipality or county where regularly employed, and his respective qualifications for office where regularly employed shall constitute his qualifications for office in this city, and no other oath, bond, or compensation shall be required.
- (c) Compensation of city officers rendering assistance outside city. When any law enforcement officer of this city is ordered by the proper authority to perform peace officer duties outside the territorial limits of the city, such officer shall be entitled to the same wages, salary, pension, and all other compensation and all other rights for such service, including injury or death benefits, the same as if the service had been rendered within the city limits, and such person shall also be paid for any reasonable expenses of travel, food, or lodging, as well as for damage to equipment and clothing, and medical expenses, which he may incur while on duty outside such limits or while traveling to or from such assignment.
- (d) Reimbursement of expenses when officers are assigned to city. When any law enforcement officer is assigned to this city from another city or county under the circumstances described above, and at the request of the proper authorities of the city, the city will, upon proper request, reimburse the city or county furnishing the services of such law enforcement officer for his actual expenses of travel, food, lodging, and for such cost or damage to equipment and clothing resulting from the service of such law enforcement officer to the city and for which the city or county where he is regularly employed has paid.

(1978 Code, ch. 7, sec. 1.F; Ordinance adopting Code)

FROST CODE

SUBDIVISION REGULATION

Chapter 10

SUBDIVISION REGULATION

**ARTICLE 10.01
GENERAL PROVISIONS (RESERVED)**

**ARTICLE 10.02
SUBDIVISION CONTROLS**

- § 10.02.001. Establishment of controls.
- § 10.02.002. Scope.
- § 10.02.003. Definitions.
- § 10.02.004. Rules and regulations.
- § 10.02.005. Appeals.
- § 10.02.006. Variances.

- § 10.02.007. Dedication and maintenance of streets.
- § 10.02.008. Utility connections and services.
- § 10.02.009. Enforcement.
- § 10.02.010. Approval of subdivision required.
- § 10.02.011. Notice of intent.
- § 10.02.012. Preliminary plan.
- § 10.02.013. Final plat.
- § 10.02.014. Design standards and specifications.

ARTICLE 10.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 10.02
SUBDIVISION CONTROLS¹

§ 10.02.001. Establishment of controls.

- (a) These regulations shall be known and may be cited as the “subdivision controls” of the city.
- (b) The purpose of these controls is to provide for the orderly, safe and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community.
- (c) These regulations are adopted under the authority granted by the laws of the state and particularly as contained in V.T.C.A., Local Government Code, chapter 212, Municipal Regulation of Subdivisions and Property Development, and V.T.C.A., Local Government Code, chapter 43, the Municipal Annexation Act.
- (d) No person shall create a subdivision of land within the corporate limits of the city or within the extraterritorial jurisdiction thereof without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations set forth herein.
- (e) The city shall have extraterritorial jurisdiction concerning land not within the corporate limits as cited by the Municipal Annexation Act.

(1978 Code, ch. 8, sec. 1)

§ 10.02.002. Scope.

In order to implement the purpose of these regulations it shall be the intent of the subdivision controls:

- (1) To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to ensure against the dangers of fires, floods, erosion, or other such menaces;
- (2) To provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste;
- (3) To provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation;
- (4) To furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved.

(1978 Code, ch. 8, sec. 2)

§ 10.02.003. Definitions.

Words and terms not expressly defined herein are to be construed according to their customary usage in the practice of municipal planning and engineering.

Final plat. A map or drawing prepared according to the provisions of this article, and containing all

1. Editor's Note—This Article Consists Of The Subdivision Regulations Published As Chapter 8 In The 1978 Code Of Ordinances, Which Were Adopted By The Ordinance Adopting The 1978 Code.

engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

Preliminary plan. A map or drawing on which is shown the subdivider's proposed arrangement of streets, lots, easements, and other public spaces in the subdivision which he intends to submit in form for recording.

Subdivider. An individual, firm, association, syndicate, copartnership, or corporation dividing or proposing to divide land so as to effect a subdivision of land hereunder for himself, or for itself, or for another.

Subdivision. The division of any lot, tract or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision but does not include the division of land for agricultural purposes into parcels or tracts of five acres or more and not involving any new street, alley or easement of access. When appropriate to the context, the term "subdivision" shall relate to the process of subdividing or to the land subdivided.

(1978 Code, ch. 8, sec. 3)

§ 10.02.004. Rules and regulations.

The city council shall adopt regulations governing the submittal and review of plats and subdivisions and rules of procedure to govern its actions. Such rules and regulations shall be consistent with the provisions of this article and shall become effective upon being filed with the city secretary.

(1978 Code, ch. 8, sec. 4)

§ 10.02.005. Appeals.

Any subdivider aggrieved by a finding or action of the city council shall appeal to a court of competent jurisdiction within thirty (30) days from the date of such finding or action, and not thereafter.

(1978 Code, ch. 8, sec. 5)

§ 10.02.006. Variances.

Where literal compliance with a provision of these regulations creates an unnecessary hardship in the subdividing of a tract of land, the city council shall have the authority to grant a modification in the application of such provision. In no case, however, shall the city council grant such modification unless it finds that all of the following conditions are satisfied:

- (1) That literal enforcement of a provision would render subdivision of the tract of land impractical; and
- (2) That literal enforcement of a provision will result in the confiscation of property; and
- (3) That granting of a modification will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these subdivision controls.

(1978 Code, ch. 8, sec. 6)

§ 10.02.007. Dedication and maintenance of streets.

Disapproval of a plat by the city council shall be deemed a refusal by the city to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city have actually appropriated the same

by entry, use, or improvement.
(1978 Code, ch. 8, sec. 7)

§ 10.02.008. Utility connections and services.

Unless and until a plat of subdivision has been approved, and the subdivider has constructed or has arranged for the construction of the streets, curbs, gutters, paving, utilities and drainage facilities therein, in the manner provided herein, it shall be unlawful for any official of the city to serve or connect any public utilities owned, controlled or distributed by the city to any land, or any part thereof, covered by a plat, or to the owners or purchasers of the land, or any part thereof.
(1978 Code, ch. 8, sec. 8)

§ 10.02.009. Enforcement.

In addition to any other remedy provided by law, the city and its officers shall have the right to enjoin any violation of these controls by injunction issued by a court of competent jurisdiction.
(1978 Code, ch. 8, sec. 9)

§ 10.02.010. Approval of subdivision required.

- (a) Preliminary plan. Until a preliminary plan of a subdivision shall have been approved in accordance with these controls, no person shall subdivide or shall submit a final plat thereof, or shall file a record of survey, or a map or plat for record, or proceed with any grading, construction or other work on the same. The city council shall approve or disapprove any preliminary plan within thirty (30) days from the date of the meeting at which it is filed with the city council.
- (b) Final plat. A final plat of a subdivision which conforms to these regulations and to all conditions affixed to the city council's approval of the preliminary plan shall be approved by the city council for recording in the county plat records. Any plat which does not conform to these regulations shall be disapproved within thirty (30) days of the meeting at which it is filed.
(1978 Code, ch. 8, sec. 10)

§ 10.02.011. Notice of intent.

Prior to the filing of a preliminary plan with the city council, the subdivider shall deposit with the city secretary an application and notice of his intent to subdivide. The application shall be accompanied by the requisite number of prints and supporting material and shall provide necessary information to describe the land, its location and its relationship to the city plan, if a city plan has been adopted by the city council. Upon receipt of a notice of intent to subdivide, the city secretary shall immediately advise the city council that the proposed preliminary plan will be filed at the next regular city council meeting not less than fourteen (14) days from the date of deposit of said notice with the city secretary.
(1978 Code, ch. 8, sec. 11)

§ 10.02.012. Preliminary plan.

- (a) General development plan.
- (1) When a subdivision is a portion of a larger tract later to be subdivided in its entirety, a general development plan of the entire subdivision shall be submitted with the preliminary plan of the portion first to be subdivided. The general development plan shall show the

schematic layout of the entire tract and its relationship to adjacent property within the neighborhood unit. When appropriate, more than one tract may be included or may be required to be included in the general development plan. It shall delineate the proposed characteristics of the area in terms of major categories of land use; dwelling units and population densities; thoroughfares and collector streets; drainageways, utility approach mains and transmission lines; locations of sites for parks, schools and other public uses; and such other information as the city council finds to be necessary for making a decision on the approval of the preliminary plan.

- (2) A general development plan shall be considered to be a detailed guide for development of the affected area and shall become operative upon adoption by the city council; providing, however, no general development plan shall be approved other than in conformity with the city plan at such time as said city plan may be adopted or revised by the city council. Every general development plan adopted by the city council shall be so certified by the mayor and a copy thereof shall be placed on file with the city secretary as part of the public record. A general development plan shall continue in force until amended or rescinded by the city council and shall be the official guide to the owners of all property within its area of coverage. Where multiple ownerships preclude the preparation of a general development plan by a single owner, the city council shall prepare such plan. No preliminary plan shall be approved within an area for which a general development plan has been adopted except in conformity with such adopted plan.
- (b) Fee required and utilities plan. Where the lots to be created by the proposed subdivision are not presently served by utilities, the preliminary plan shall be accompanied by schematic plans for utilities. The preliminary plan shall be accompanied by the filing and examining fee prescribed by the city council.
- (c) Effect of approval. When a preliminary plan is found to conform to these regulations, or may be made to conform by making certain changes directed by the city council, a copy of the preliminary plan with such changes if any made thereon, and the approval thereof by the city council, shall be transmitted to the subdivider. Approval of the preliminary plan as such shall not constitute final acceptance or approval of the subdivision.
- (d) Expiration of approval. When a preliminary plan has been approved by the city council, the final plat for all or a part of the area shall be submitted within six months thereafter; otherwise the approval shall terminate and shall be void, unless prior to the expiration of said approval the time for filing of the final plat is extended by the city council at the written request of the subdivider.
- (e) Effect of disapproval. When the city council finds that the preliminary plan does not conform to these regulations, and that changes to make it conform are not acceptable to the subdivider, the city council shall return a copy of the plan with a report of such findings to the subdivider. The subdivider at any time thereafter may submit a new design for approval following the same procedure as required for the original application. No resubmittal, and no new fee, shall be required when disapproval is for the purpose of further study or hearing by the city on related matters such as zoning, flood control, utility service, or coordination with other governmental jurisdictions.

(1978 Code, ch. 8, sec. 12)

§ 10.02.013. Final plat.

(a) Preparation and submittal.

- (1) When a preliminary plan has been approved by the city council the subdivider may prepare his final plat, or portion thereof, in a form for approval by the city council. The final plat in the number required by the city council shall be deposited with the city secretary, who shall cause the same to be checked and verified as to its conformance with the approved preliminary plan. If the final plat is incomplete or does not conform, or if necessary fiscal agreements have not been submitted for city approval, the final plat shall not be processed until the deficiencies are corrected.
- (2) The city secretary shall prepare a report on the final plat and shall file the plat, with his report, for approval at the next regular meeting of the city council.

(b) Fee and certificates required. The final plat shall be accompanied by the filing fee prescribed by the city council and by certificates from the city, school district and county tax collectors showing that all city, school district and county taxes on the land being subdivided have been paid to the current year.

(c) Approval and recording. Approval of a final plat shall be void unless necessary fiscal agreements have been approved by the city. Within fourteen (14) days of final plat approval and signing of all necessary fiscal agreements by the subdivider and the city, the final plat shall be recorded in the maps and plats records of the county by the city secretary. The city secretary shall cause prints of the record plat to be provided for the affected city officers as they may require. The final plat shall not be returned or released to the subdivider until recorded as provided above.

(1978 Code, ch. 8, sec. 13)

§ 10.02.014. Design standards and specifications.

All public facilities installed by the subdivider shall conform to the city design standards and specifications approved by the city council.

(1978 Code, ch. 8, sec. 14)

FROST CODE

TAXATION

Chapter 11

TAXATION

**ARTICLE 11.01
GENERAL PROVISIONS (RESERVED)**

§ 11.02.004.

Freeport goods.

§ 11.02.005.

Goods in transit.

**ARTICLE 11.02
PROPERTY TAX**

§ 11.02.001. Participation in appraisal district.

§ 11.02.002. Due date.

§ 11.02.003. Discounts.

**ARTICLE 11.03
SALES AND USE TAX**

§ 11.03.001. Adopted.

§ 11.03.002. Sale of gas and electricity for residential use.

ARTICLE 11.01
GENERAL PROVISIONS (RESERVED)

**ARTICLE 11.02
PROPERTY TAX****§ 11.02.001. Participation in appraisal district.**

The city hereby establishes participation in the Navarro County Appraisal District. The appraisal district shall be authorized to perform all appraisal and assessment functions required under the state Property Tax Code.

(1978 Code, ch. 1, sec. 8.B; Ordinance adopting Code)

§ 11.02.002. Due date.

The property taxes levied by the city each year shall become due on the first day of October of each year for which the levy is made and shall become delinquent on the following first day of February. Penalties and interest for delinquent taxes shall incur in accordance with section 33.01 of the state Property Tax Code.

(1978 Code, ch. 1, sec. 8.C)

§ 11.02.003. Discounts.

A person is entitled to a discount from the amount of current city property tax due if he pays the tax before January. The amount of discount shall be as follows:

- (1) Three percent (3%) if paid in October.
- (2) Two percent (2%) if paid in November.
- (3) One percent (1%) if paid in December.

(1978 Code, ch. 1, sec. 8.D)

§ 11.02.004. Freeport goods.

All of that property described in the Texas Constitution, article VIII, section 1-j, shall be fully taxable in the city beginning January 1, 1990.

(Ordinance 134 adopted 12/4/89)

§ 11.02.005. Goods in transit.

The goods-in-transit, as defined in Texas Tax Code section 11.253(a)(2), as amended by House Bill 621, enacted by the 80th Texas Legislature in regular session, shall remain subject to taxation by the city.

(Ordinance 232 adopted 11/5/07)

**ARTICLE 11.03
SALES AND USE TAX**

§ 11.03.001. Adopted.

A local sales tax of one percent (1%) has been duly adopted by the voters of the city and the provisions of the Local Sales and Use Tax Act are applicable within the city.
(1978 Code, ch. 1, sec. 7.A)

§ 11.03.002. Sale of gas and electricity for residential use.

The city, by majority vote of its governing body, hereby votes to retain the taxes authorized by the Local Sales and Use Tax Act (V.T.C.A., Tax Code, chapter 321) on the receipts from the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption of, gas and electricity for residential use, as authorized by section 6 of House Bill No. 1, Acts 1978, 65th Legislature, Second Called Session.
(1978 Code, ch. 1, sec. 7.B)

TAXATION

FROST CODE

Chapter 12

TRAFFIC AND VEHICLES

**ARTICLE 12.01
GENERAL PROVISIONS**

- § 12.01.001. **Uniform Act Regulating Traffic adopted.**
- § 12.01.002. **Exemptions for authorized emergency vehicles.**
- § 12.01.003. **Riding roller skates or bicycle on sidewalk.**
- § 12.01.004. **Towing of vehicles when operator has no proof of financial responsibility.**

**ARTICLE 12.02
TRAFFIC-CONTROL DEVICES**

- § 12.02.001. **Conformance with state manual.**
- § 12.02.002. **Unauthorized devices.**
- § 12.02.003. **Altering, injuring or removing.**
- § 12.02.004. **Installation.**
- § 12.02.005. **Evidence of validity.**
- § 12.02.006. **Obedience.**
- § 12.02.007. **Ordinances on file.**

**ARTICLE 12.03
OPERATION OF VEHICLES**

**DIVISION 1
Generally**

- § 12.03.001. **through § 12.03.030. (Reserved)**

**DIVISION 2
Speed Limits**

- § 12.03.031. **Maximum speed generally.**
- § 12.03.032. **Establishment of speed limits; posting of signs.**
- § 12.03.033. **Driving at slow speed.**
- § 12.03.034. **Speed limits on specific streets.**

**ARTICLE 12.04
PARKING**

- § 12.04.001. **Impeding flow of traffic.**
- § 12.04.002. **Designated.**

ARTICLE 12.01
GENERAL PROVISIONS

§ 12.01.001. Uniform Act Regulating Traffic adopted.

For the purpose of regulating traffic on the streets and other thoroughfares of the city, there is hereby adopted the state Uniform Act Regulating Traffic on Highways, codified as article 6701d, Vernon's Annotated Civil Statutes, which act, together with the provisions contained in this chapter, shall be controlling in the regulation of traffic in the city. A violation of said act shall constitute and be punishable as a violation of this Code of Ordinances.

Editor's note—Since adoption of this provision, the regulations contained in the Uniform Act Regulating Traffic on Highways (V.T.C.S., article 6701d) have been recodified and are now located in V.T.C.A., Transportation Code.
(1978 Code, ch. 9, sec. 1)

§ 12.01.002. Exemptions for authorized emergency vehicles.

- (a) The driver of an authorized emergency vehicle, as the term "authorized emergency vehicle" is defined by state law, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this chapter or any ordinance of the city;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the prima facie speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(1978 Code, ch. 9, sec. 3)

§ 12.01.003. Riding roller skates or bicycle on sidewalk.

No person shall skate by means of roller skates or ride or propel a bicycle upon any sidewalk within the downtown area of the city.

(1978 Code, ch. 9, sec. 5; Ordinance adopting Code)

§ 12.01.004. Towing of vehicles when operator has no proof of financial responsibility.

The city police department is hereby authorized, at his discretion, to adopt a policy for towing motor vehicles when the operator of the vehicle either fails to maintain or cannot present proof of financial responsibility required by the state.

(Ordinance 246 adopted 12/7/09)

ARTICLE 12.02
TRAFFIC-CONTROL DEVICES

§ 12.02.001. Conformance with state manual.

All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the manual and specifications adopted by the state transportation commission as provided in V.T.C.A., Transportation Code, section 544.001. All signs, signals and markings erected or used by the city must conform to the manual and specifications adopted under V.T.C.A., Transportation Code, section 544.001. All existing traffic control devices and those erected in the future by the city being consistent with the manual and specifications, state law and this section shall be official traffic-control devices.
(Ordinance adopting Code)

§ 12.02.002. Unauthorized devices.

- (a) No person shall place, maintain, or display upon or in view of any highway, street or alley any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway, street or alley any traffic sign or signal bearing thereon any commercial advertising.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets, or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the mayor is hereby empowered to remove the same or cause it to be moved without notice.

(1978 Code, ch. 9, sec. 2.B)

§ 12.02.003. Altering, injuring or removing.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, sign or signal or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.

(1978 Code, ch. 9, sec. 2.C)

§ 12.02.004. Installation.

- (a) The city council shall by ordinance direct the location of all traffic-control signs, signals, and markings. The mayor shall have the duty of erecting or installing, upon, over, along, or beside any highway, street or alley, signs, signals, and markings, or causing the same to be erected, installed or placed, in accordance with this chapter and consistent with the Manual on Uniform Traffic Control Devices. Said traffic-control devices shall be installed immediately, or as soon as such specific device, sign or signal can be procured.
- (b) Whenever the mayor has erected and installed any official traffic-control device, signal or sign at any location in the city, or has caused the same to be done under his direction, in obedience to

this chapter and the Manual on Uniform Traffic Control Devices, the mayor shall thereafter file a report with the city secretary in writing and signed officially by the mayor, stating the type of traffic-control device, sign or signal, and when and where the same was erected and installed. The city secretary shall file and maintain such report of the mayor among official papers of the office of the city secretary.

(1978 Code, ch. 9, sec. 2.D)

§ 12.02.005. Evidence of validity.

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

(1978 Code, ch. 9, sec. 2.E)

§ 12.02.006. Obedience.

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

(1978 Code, ch. 9, sec. 2.F)

§ 12.02.007. Ordinances on file.

Ordinances ordering the placement of traffic-control signs, signals and devices at designated locations are not included in this code, but such ordinances are on file in the city secretary's office. Ordinances ordering the placement of traffic-control signs, signals and devices at designated locations are specifically saved from repeal upon adoption of the Code of Ordinances.

(Ordinance adopting Code)

**ARTICLE 12.03
OPERATION OF VEHICLES**

**DIVISION 1
Generally**

§ 12.03.001. through § 12.03.030. (Reserved)

DIVISION 2
Speed Limits

§ 12.03.031. Maximum speed generally.

No person shall drive a vehicle on any street in the city limits at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements, and it shall be the duty of all persons to use due care. No person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the city on any street at a greater speed than thirty (30) miles per hour, unless signs are erected designating another speed limit, or in any alley at a greater speed than fifteen (15) miles per hour.

(1978 Code, ch. 9, sec. 4.A(1))

§ 12.03.032. Establishment of speed limits; posting of signs.

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

(1978 Code, ch. 9, sec. 4.A(2))

§ 12.03.033. Driving at slow speed.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law, or at the direction of a police officer. Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.

(1978 Code, ch. 9, sec. 4.A(3))

§ 12.03.034. Speed limits on specific streets.

Ordinances establishing special speed limits for specific streets are not included in this code, but such ordinances are on file in the city secretary's office. Ordinances establishing special speed limits are specifically saved from repeal upon adoption of the Code of Ordinances.

(Ordinance adopting Code)

**ARTICLE 12.04
PARKING**

§ 12.04.001. Impeding flow of traffic.

- (a) Prohibited. It shall be unlawful to park any automobile, truck, motorcycle, or other vehicle on the surface of any street within the corporate limits of the city in such a manner as to impede the smooth flow of traffic on such street.
- (b) Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of a class C misdemeanor and upon conviction thereof shall be fined not less than \$1.00 or more than \$200.00. It shall not be necessary for the complaint to allege or proof to be made that the act was knowingly done or with any other culpable mental state, nor shall it be necessary for the complaint to negate any exception contained in this section.

(Ordinance 214 adopted 4/4/05)

§ 12.04.002. Designated.

Ordinances designating streets, parts of streets or other areas as no-parking or restricted parking areas are on file in the city secretary's office. Such ordinances are specifically saved from repeal upon adoption of the Code of Ordinances.

(Ordinance adopting Code)

FROST CODE

UTILITIES

Chapter 13

UTILITIES

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ARTICLE 13.07

DROUGHT CONTINGENCY PLAN

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ARTICLE 13.01
GENERAL PROVISIONS

§ 13.01.001. Jurisdiction over electric utility.

The governing body of this municipality does hereby elect to have the public utility commission of the state exercise exclusive original jurisdiction over electric utility rates, operations, and services within the existing and future incorporated limits of this municipality.

(Ordinance 139 adopted 4/6/92)

ARTICLE 13.02
GENERAL SERVICE POLICIES

§ 13.02.001. Mandatory use of city services.

- (a) Use required. It shall be unlawful for a residence or premises to be inhabited that is not connected to city services, including water, sewage disposal, and regular garbage pickup.
 - (b) Water connections.
 - (1) Every residential and business establishment within the city limits shall forthwith be connected to a city water main with a city meter and maintained so that such main shall be the only connection used by such establishment. Such connection shall be in accordance with the provisions of this code. This mandatory water connection shall not be applicable to storage buildings or similar structures which have no toilet facilities.
 - (2) It shall be unlawful for any person occupying or inhabiting a building not to subscribe to this service.
 - (c) Sewer connections.
 - (1) Every building used for human habitation or occupancy shall be connected to the city sewage main by the owner of the premises in the most direct manner possible and with a separate connection for each house or building.
 - (2) It shall be unlawful for any person occupying or inhabiting a building to dispose of any human excreta except in a sanitary water-flushed closet.
 - (d) Garbage, trash and rubbish removal. Any occupied residential unit, whether owner, occupant, tenant, or lessee, in the city shall have garbage, trash, and rubbish removed at least one (1) time per week unless otherwise directed by the city.
 - (e) Failure to comply. Failure to subscribe and connect to city services, as provided in this section, within ten (10) days following receipt of a written notice from the city to make such connection, shall be, unless delay is caused by war, strikes, insurrection or acts of God, a violation and penalized as a city ordinance violation. Each day of violation shall be deemed a separate offense.
- (Ordinance 265, sec. A, adopted 9/10/12)

§ 13.02.002. Deposit.

- (a) Each water consumer shall put up a meter deposit in the amount of \$250.00, which may be applied to the payment of any unpaid bills, and, when so used, the deposits shall be restored to the original amount. Any unused portion of the deposit shall be refunded at any time the account or service is discontinued. Those transferring water service are required to pay the difference in their previous deposit amount and the deposit amount due on the transfer date. The city secretary is hereby authorized to collect the deposit in full before water service is turned on.
- (b) The water deposit fee for residential lease/rental or commercial lease/rental is increased to \$300.00. The water deposit for home owners and commercial owners will remain at \$250.00. Anyone transferring water service to a new location must pay the difference in their previous deposit amount to the current amount. The city secretary is hereby authorized to collect the

deposit in full before water service is turned on.
(1978 Code, ch. 10, sec. 1.G; Ordinance 226 adopted 10/2/06 ; Ordinance 306 adopted 9/23/19)

§ 13.02.003. Deposit for sewer service when no water service is required.

The amount of the sewer deposit is set at \$125.00 when no water services are required. The city secretary is hereby authorized to collect the deposit in full before sewer service is turned on.
(Ordinance 247 adopted 3/1/10)

§ 13.02.004. Consolidated billing; late fee; disconnection of water service for nonpayment.

Bills for water, sewer, trash, trash tax, and police services will be mailed on approximately the 25th day of the month. A \$20.00 late fee shall be added to all bills not paid by the 10th day of the following month, and a past due notice shall be mailed by the 15th day of the month stating that the bill must be paid in full before the 25th day of the month, or water service will be disconnected on the 25th day of the month, and a \$25.00 reconnect fee and the total amount of the delinquent bill must be paid before water service will be turned back on. About the 20th day of the month, a final cut-off notice shall be posted on the door of each customer whose bill has not been paid.
(Ordinance 205 adopted 9/5/02)

**ARTICLE 13.03
WATER SYSTEM****§ 13.03.001. Prohibited acts.**

It shall hereafter be unlawful for any person or persons to do, commit, or assist in committing any of the following things or acts in the city:

- (1) To open or close any fire hydrant or stopcock connected with the waterworks system of the city, or lift or remove the covers of any gate valves or shut-offs thereof, without the permission of the superintendent of the waterworks, except in case of fire, and then under the direction of officers of the fire department;
- (2) To interfere with, destroy, deface, impair, injure or wantonly force open any gate or door or in any way whatsoever destroy, injure, or deface any part of any engine house, reservoir, standpipe, elevated tank, building or buildings, or appurtenances, fences, trees, shrubs, or fixtures or property appertaining to the waterworks system;
- (3) To go upon or ascend the stairway or steps on any elevated water storage tank or standpipe of the waterworks system, except by permission of the waterworks superintendent;
- (4) To place any telegraph, telephone, electric light pole, or any obstruction whatsoever within three feet of any fire hydrant;
- (5) To resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from private connections on premises contrary to the city regulations or ordinances;
- (6) To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, cock, valve, or other apparatus pertaining to the waterworks system, or to turn on or off without authority the water in any street hydrant or other water fixture, or to hitch or tie any animal thereto;
- (7) To make or permit to be made any connections with the main or service pipes of the waterworks system or to turn on or use the water of said system without first obtaining a permit therefor;
- (8) To cover over or conceal from view any water valve box, service or meter box;
- (9) To remove any water meter that has been placed by the city, or to in any manner change, interfere with or tamper with any water meter; providing that the provisions of this section shall not apply to the employees of the city when acting in their official capacity; or
- (10) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule or ordinance governing the waterworks system.

(1978 Code, ch. 10, sec. 1.A)

§ 13.03.002. Duty of city employees to report violations and waste of water.

It shall be the duty of all employees of the city, including officers and members of the police force, to report to the superintendent of the waterworks system, upon blanks furnished for that purpose, any leaks or unnecessary waste of water that may come to their attention, also any violations of this article.

(1978 Code, ch. 10, sec. 1.D)

§ 13.03.003. Installation of connection.

It shall be unlawful for any person, firm, or corporation to make any connection to the mains or pipes of the waterworks system of the city without first making application to the city, stating fully the several and various uses for which water is wanted, giving the name of the owner of the property, and the number of the lot and block. Upon the payment of the tapping fee, the superintendent shall make, or have made, the necessary connections and furnish a cast iron curb stop box and curb cock, the cost of which is included in the tapping fee, and every premises connected with any water main, or being supplied with any water from the city waterworks, shall have a separate service connection, curb stop box and curb cock. If the application is approved by city secretary, a permit will be issued. All fees and charges shall be paid for at amounts and rates fixed by this article or by resolution of the governing body.

(1978 Code, ch. 10, sec. 1.B)

§ 13.03.004. Tapping charge.

(a) The tapping charges for connections with the city water mains and laterals shall be as follows:

5/8" x 3/4"	\$400.00
1"	\$750.00
2"	\$950.00

Any taps over 6 feet from a water main will be charged an additional \$100.00 for every additional 6 feet.

(b) The city secretary is hereby authorized to collect the tapping fees before the service is connected. (1978 Code, ch. 10, sec. 1.K; Ordinance 197 adopted 8/6/01 Ordinance 259 adopted 6/6/11 ; Ordinance 304 adopted 11/5/18)

§ 13.03.005. Notice to discontinue service; shut-off and turn-on charge.

Any person wishing to discontinue the use of water supplied from the waterworks system must give notice thereof to the city; otherwise the charge will be entered until such notice has been given. The charge for shutting off and turning on of such service shall be five dollars (\$5.00), and no allowance will be made in any case for less than thirty days.

(1978 Code, ch. 10, sec. 1.C)

§ 13.03.006. Meters.

All meters shall be set by the employees of the city. If the meter gets out of order and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not.

(1978 Code, ch. 10, sec. 1.E)

§ 13.03.007. Separate connection required for each house; exception.

Each consumer of water, living in a separate house, must have a separate connection and meter for each house. Provided, where a residence is not in reach of a city water main, arrangements may be made, at the option of the city, to secure water from another user of city water, in which case the minimum monthly charge shall be paid by the user through whose meter water is taken and an

additional “minimum” charge shall be made for each additional residence taking water through such meter. Each “minimum” will entitle the user to 2,000 gallons per month. The regular minimum, the additional minimum and all water used over the minimums by such consumers shall be charged to the customer having the meter.

(1978 Code, ch. 10, sec. 1.F)

§ 13.03.008. Mandatory use of system.

Every user and purchaser of water within the city shall purchase water from the city, paying therefor the established rates, connection costs, and other fees or costs associated with such use.

(Ordinance 161 adopted 3/4/96)

§ 13.03.009. Rate schedule.

(a) Base rate and volume rates.

(1) Base rate (includes 0 - 1,000 gallons) \$21.05.

(2) Plus volume rate:

1,001 - 2,000 gallons: \$10.00/thousand gallons

2,001 - 7,000 gallons: \$12.75/thousand gallons

7,001 - 10,000 gallons: \$13.51/thousand gallons 10,001 gallons and above: \$20.69

(b) Payment of minimum monthly charge. The minimum monthly charge shall be paid for each and every separate residence.

(c) Summer rates. Summer rates may be established by resolution of the governing body.

(Ordinance 309 adopted 10/7/19 ; 1978 Code, ch. 10, sec. 1.H)

§ 13.03.010. Rates for consumers outside city limits.

For consumers outside the city limits, the above rates increased 50% shall apply unless other specific arrangements are made by the city council.

(1978 Code, ch. 10, sec. 1.I)

§ 13.03.011. Service agreement regarding improper plumbing practices.

(a) Purpose. The city is responsible for protecting the drinking water supply from contamination or pollution which could result from improper plumbing practices. The purpose of this service agreement is to notify each customer of the plumbing restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the city will begin service. In addition, when service to an existing connection has been suspended or terminated, the water system will not re-establish service unless it has a signed copy of this agreement. The following undesirable plumbing practices are prohibited by state regulations:

(1) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.

- (2) No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure zone backflow prevention device.
 - (3) No connection which allows water to be returned to the public drinking water supply is permitted.
 - (4) No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
 - (5) No solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
- (b) Terms of agreement. The following are the terms of the service agreement between the city (the water system) and the customer as required by “The Rules and Regulations for Public Water Systems,” section 290.46(i), as adopted by the state commission on environmental quality:
- (1) The water system will maintain a copy of this agreement as long as the customer and/or the premises is connected to the water system.
 - (2) The customer shall allow his property to be inspected for possible cross-connections and other undesirable plumbing practices. These inspections shall be conducted by the water system or its designated agent prior to initiating service and periodically thereafter. The inspections shall be conducted during the water system’s normal business hours.
 - (3) The water system shall notify the customer in writing of any cross-connection or other undesirable plumbing practice which has been identified during the initial inspection or the periodic reinspection.
 - (4) The customer shall immediately correct any undesirable plumbing practice on his premises.
 - (5) The customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the water system. Copies of all testing and maintenance records shall be provided to the water system.
- (c) Enforcement. If the customer fails to comply with the terms of the service agreement, the water system shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the customer.
- (Ordinance 144 adopted 8/2/93)

§ 13.03.012. Irrigation water meters.

- (a) A second water meter for irrigation will be installed by the city at the customer’s request upon payment by the customer of \$100.00 plus the cost of materials. The meter remains the property of the city.
- (b) The water line to the second meter will T-off from the main line before the curb stop at the main meter with a curb stop before the second meter. (See the diagram attached to Ordinance 263, which is a part of this section.)
- (c) The customer shall install a service stop on the customer’s side of the meter.

- (d) The customer shall be responsible for installing a backflow preventer and certificate of annual testing to the city.
 - (e) There shall be no tap fee, second deposit, or turn-on or turn-off fees.
 - (f) The customer will be billed at the regular water rates adopted by the council, with no sewer, trash, or police fees for the irrigation meter.
 - (g) The customer shall be responsible for contacting city hall for turn-off during the winter and billing will stop.
 - (h) These policies shall be in place for residential sprinkler systems or customer-installed faucets used for irrigation only.
- (Ordinance 263 adopted 2/6/12)

ARTICLE 13.04
SEWER SYSTEM

§ 13.04.001. Injuring sewer system.

No person, firm or corporation shall injure, break or remove any section of any manhole, lamp hole, flush tank, catchbasin, or any part of the sewer system, or throw or deposit, or cause to be thrown or deposited, in any sewer opening or receptacle connected with the sewer system, any garbage, dead animals, vegetable parings, ashes, cinders, rags or other matter or thing whatever, except the necessary waste closet paper, liquid house waste and mill-slop, etc. Only toilet paper that is suitable for passage through the sanitary sewers will be permitted.

(1978 Code, ch. 10, sec. 2.A)

§ 13.04.002. Obstructing sewer.

No person shall place any bulky substance in a sewer opening, or in the house connections, or in private drains connecting with any public main or lateral sewer, or any substance having a tendency to obstruct the free flowage of said sewer or to damage them in any way.

(1978 Code, ch. 10, sec. 2.B)

§ 13.04.003. Authority to stop harmful discharges.

The superintendent of utilities shall have the power to stop and prevent from discharging into the public sewer any private drain or house connections through which substances are discharged which are liable to injure the sewers or obstruct the flow of the sewage or to interfere with the operation of the sewage treatment plant.

(1978 Code, ch. 10, sec. 2.D)

§ 13.04.004. Discharge of surface water, drain water, or discharges from cisterns or cesspools into sewers.

It shall be unlawful for any person or persons to make or have made any connections with the sanitary sewer system of the city that will permit any surface or drain water from the ground or roofs of houses, or the overflowing of cisterns or cesspools, to enter said sewers directly or indirectly; provided, however, that the drainage of cellars may be connected with said system when made in accordance with the regulations, plans and specifications of the superintendent of utilities and under his direct supervision.

(1978 Code, ch. 10, sec. 2.E)

§ 13.04.005. Tapping charge.

- (a) The sewer tap fee is \$750.00 for a 1" line and \$950.00 for a 2" line.
- (b) Any taps over 6 feet from a sewer main will be charged an additional \$100.00 for every additional 6 feet.
- (c) Any new construction that will requires a lift station will be responsible for 100% of the cost of purchase and installation.

(Ordinance 304 adopted 11/5/18)

§ 13.04.006. Rate schedule.

For the proper payment, maintenance and extension of the sewer system of the city, the following monthly charges are hereby fixed to be paid by all residential and commercial users of said system, the same to be paid monthly as herein provided, to wit:

- (1) Base rate (includes 0 - 2,000 gallons): \$21.00.
- (2) 2,001 gallons and above: Base + \$2.75 per 1,000 gallons.
(1978 Code, ch. 10, sec. 2.B; Ordinance 310 adopted 10/7/19)

**ARTICLE 13.05
SOLID WASTE****§ 13.05.001. Containers required.**

Each owner, agent, occupant, tenant and lessee of any house, building, apartment, house trailer, mobile home, modular home or other structure in the city where persons reside, board, lodge or carry on any business or other activity shall cause to be provided for each such house, building, apartment, mobile home, house trailer, modular home, or other structure a garbage container of the type described in section 13.05.002.

(1978 Code, ch. 6, sec. 8.E)

§ 13.05.002. Standards for containers; placement of containers.

(a) All garbage containers shall be watertight receptacles of a solid and durable grade metal or other suitable material not to exceed thirty (30) gallons in capacity. Containers shall be provided with lifting handles on the outside and a close-fitting cover equipped with a handle. Securely tied plastic bags may be used for lightweight materials which will not puncture or penetrate the bags. Defective containers shall be confiscated by the city. Containers shall be placed in front of the residence as near to the street as possible, on the appropriate days designated for collection.

(b) No type of trash holder or trash bin may be placed permanently in front of residences. Any and all trash holders or trash bins already located in front of residences must be removed within thirty days of the adoption of this subsection. Trash can containers shall be placed in front of the residence as near to the street as possible on the evening before or before 7:00 a.m. on the designated trash collection day.

(1978 Code, ch. 6, sec. 8.B; Ordinance 264 adopted 4/2/12)

§ 13.05.003. Brush and other heavy or bulky material.

The removal of large accumulations of brush and other heavy or bulky material shall not be included as a part of the regular service. These heavy accumulations must be removed and disposed of by the owner at his expense. When large accumulations of material are removed by the city, an additional fee will be charged for this extra service.

(1978 Code, ch. 6, sec. 8.C)

§ 13.05.004. Unlawful disposal.

It shall be unlawful to dispose of garbage, refuse, trash, or rubbish in any place within the city other than at a disposal site approved by the city council.

(1978 Code, ch. 6, sec. 8.D)

§ 13.05.005. Fees.

Customer pays city:

- (1) Residences: \$14.70.
- (2) Extra poly cart: \$6.30.
- (3) 2-yard dumpster: \$87.15.

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- (4) 3-yard dumpster: \$99.75.
- (5) 4-yard dumpster: \$111.30.
- (6) 6-yard dumpster: \$137.55.
- (7) 8-yard dumpster: \$162.75.
- (8) Locks: \$7.61.
(Ordinance 308 adopted 10/7/19)

§ 13.05.006. Payment of charges.

The charges to be fixed under the terms and provisions of this article shall be a charge against the owner, occupant or lessee of the premises, and the amount so fixed shall be collected through the water department, monthly, as water charges are collected. Water service will be discontinued for failure to pay the charges herein established in the manner as it is discontinued for failure to pay water or sewer charges, and the failure to pay the charges herein established shall subject the customer to the same penalty as prescribed for failure to pay water and sewer charges. Any person making application for water service shall be deemed to have applied for garbage service.

(1978 Code, ch. 6, sec. 8.F)

ARTICLE 13.06
INDUSTRIAL WASTE

§ 13.06.001. Definitions.

Approving authority. The mayor or his duly authorized representative.

BOD (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 five (5) days at a temperature of twenty (20) degrees centigrade.

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

City. The City of Frost, Texas, or any authorized person acting in its behalf.

COD (chemical oxygen demand). A measure of the 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 mixes with other discharges in the public sewer.

Control point. A 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, trade, or business or 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 sewer system.

Milligrams per liter (mg/l). Means 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 250 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. Includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

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

Public sewer. A 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 stormwater, 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 fifteen (15) minutes more than five (5) times the average twenty-four (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 Environment 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.

Stormwater. Rainfall or any other forms of precipitation.

Superintendent. The water and wastewater superintendent of the city or his duly authorized deputy, agent, or representative.

Suspended solids. 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:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the state commission on environmental quality; and
- (7) Color not exceeding fifty (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. Includes all facilities for collection, pumping, treating, and disposing 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 continuously or intermittently.

(1978 Code, ch. 10, sec. 3.A)

§ 13.06.002. Prohibited discharges.

(a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

- (1) Injure or interfere with wastewater treatment processes or facilities;
- (2) Constitute a hazard to humans or animals; or
- (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) All discharges shall conform to requirements of this article.

(1978 Code, ch. 10, sec. 3.B)

§ 13.06.003. 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 flammable or explosive liquid, solid or gas; or
- (5) Substances causing an excessive chemical oxygen demand (COD).

(b) No waste or wastewater discharged to public waters 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 one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees centigrade);
- (3) Objectionable or toxic substances exerting an excessive chlorine requirement to such degree that any such material received in the composite wastewater at the 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 section 13.06.002(a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.

- (d) All waste, wastewater, or other substances 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.

(1978 Code, ch. 10, sec. 3.C)

§ 13.06.004. Heavy metals and toxic materials.

- (a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.
- (b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with Standard Methods, are:

Arsenic	0.05 mg/l
Barium	5.00 mg/l
Boron	1.00 mg/l
Cadmium	0.02 mg/l
Chromium (total)	5.00 mg/l
Copper	1.00 mg/l
Lead	0.10 mg/l
Manganese	1.00 mg/l
Mercury	0.005 mg/l
Nickel	1.00 mg/l
Selenium	0.02 mg/l
Silver	0.10 mg/l
Zinc	5.00 mg/l

(Note: In determining the concentration parameters, current state, federal, and other appropriate agency rules, regulations, and orders should be consulted.)

- (c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.
- (d) Prohibited heavy metals and toxic materials include but are not limited to:
 - (1) Antimony;
 - (2) Beryllium;
 - (3) Bismuth;
 - (4) Cobalt;

- (5) Molybdenum;
- (6) Uranyl ion;
- (7) Rhenium;
- (8) Strontium;
- (9) Tellurium;
- (10) Herbicides;
- (11) Fungicides; and
- (12) Pesticides.

(1978 Code, ch. 10, sec. 3.D)

§ 13.06.005. Garbage.

- (a) No person may discharge garbage 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 one-half (1/2) inch in any dimension are prohibited.
- (b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater.

(1978 Code, ch. 10, sec. 3.E)

§ 13.06.006. Stormwater and other unpolluted drainage.

- (a) No person may discharge to public sanitary sewers:
 - (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
 - (2) Unpolluted cooling water;
 - (3) Unpolluted industrial process waters; or
 - (4) Other unpolluted drainage.
- (b) In compliance with the Texas Water Quality Act and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(1978 Code, ch. 10, sec. 3.F)

§ 13.06.007. Temperature.

No person may discharge liquid or vapor having a temperature higher than one hundred fifty (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 ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred ten (110) degrees Fahrenheit.

(1978 Code, ch. 10, sec. 3.G)

§ 13.06.008. Radioactive wastes.

- (a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.
- (b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.
(1978 Code, ch. 10, sec. 3.H)

§ 13.06.009. Impairment of facilities.

- (a) No person may discharge into public sewers any substance capable of causing:
 - (1) Obstruction to the flow in sewers;
 - (2) Interference with the operation of treatment processes or facilities; or
 - (3) Excessive loading of treatment facilities.
- (b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:
 - (1) Inert suspended solids greater than 250 mg/l, including but not limited to:
 - (A) Fuller's earth;
 - (B) Lime slurries; and
 - (C) Lime residues;
 - (2) Dissolved solids greater than 500 mg/l, including but not limited to:
 - (A) Sodium chloride; and
 - (B) Sodium sulfate;
 - (3) Excessive discoloration, including but not limited to:
 - (A) Dye wastes; and
 - (B) Vegetable tanning solutions; or
 - (4) BOD, COD, or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
 - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease-handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:

- (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) 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.
- (e) The approving authority shall regulate the flow and concentration of slugs when they may:
- (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including but not limited to:
- (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;
 - (13) Wood;
 - (14) Unground garbage;
 - (15) Whole blood;
 - (16) Paunch manure;
 - (17) Hair and fleshings;
 - (18) Entrails;
 - (19) Paper products, either whole or ground by garbage grinders;
 - (20) Slops;

- (21) Chemical residues;
 - (22) Paint residues; or
 - (23) Bulk solids.
- (1978 Code, ch. 10, sec. 3.I)

§ 13.06.010. Compliance with existing authority.

- (a) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:
 - (1) Wastewater;
 - (2) Industrial waste;
 - (3) Polluted liquids.
 - (b) Unless authorized by the state commission on environmental quality, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property into or adjacent to any:
 - (1) Natural outlet;
 - (2) Watercourse;
 - (3) Storm sewer;
 - (4) Other area within the jurisdiction of the city.
 - (c) 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.
- (1978 Code, ch. 10, sec. 3.J)

§ 13.06.011. Approving authority requirements.

- (a) If discharges or proposed discharges to public sewers may (i) deleteriously affect wastewater facilities, processes, equipment, or receiving waters, (ii) create a hazard to life or health, or (iii) create a public nuisance, the approving authority shall require:
 - (1) Pretreatment to an acceptable condition for discharge to the public sewers;
 - (2) Control over the quantities and rates of discharge; and
 - (3) Payment to cover the cost of handling and treating the wastes.
- (b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.
- (c) The approving authority shall reject wastes when:
 - (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and

(2) The discharger does not meet the requirements of subsection (a) of this section.
(1978 Code, ch. 10, sec. 3.K)

§ 13.06.012. Approving authority review and approval of equipment and processes.

- (a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.
- (b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (c) 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.
(1978 Code, ch. 10, sec. 3.L)

§ 13.06.013. Requirements for traps.

- (a) Discharges requiring a trap include:
 - (1) Oil;
 - (2) Sand;
 - (3) Flammable wastes; and
 - (4) Other harmful ingredients.
- (b) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:
 - (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
 - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - (3) Maintain the trap in effective operating condition.
(1978 Code, ch. 10, sec. 3.M)

§ 13.06.014. Requirements for building sewers; sampling equipment.

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

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
- (3) Maintain the equipment and facilities.
(1978 Code, ch. 10, sec. 3.N)

§ 13.06.015. Sampling and testing methods.

- (a) 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 analyses involved will determine whether a twenty-four (24) hour composite sample from all outfalls of the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, a 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH.)
 - (b) Examination and analyses of the characteristics of waters and wastes required by this article 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.
 - (c) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.
 - (d) The city may select an independent firm or laboratory to determine flow, BOD, and suspended solids.
 - (e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.
- (1978 Code, ch. 10, sec. 3.O)

§ 13.06.016. Payment and agreement required.

- (a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- (b) When discharges of industrial waste are approved by the approving authority, the city, or its authorized representative, shall enter into an agreement or arrangement providing:
 - (1) Terms of acceptance by the city; and
 - (2) Payment by the person making the discharge.

(1978 Code, ch. 10, sec. 3.P)

§ 13.06.017. Surcharge for excessive strength waste; compensation for cost of sampling and analysis.

- (a) Any person discharging other than normal sewage or industrial waste shall pay a monthly surcharge to the city, which charge shall be in addition to monthly sewer service charges. Computations of surcharges shall be based on the following formula:

$$C = D \times [(B^A - B^N) + (S^A - S^N)] \times F \times V$$

Where:

C	=	Surcharge to user in dollars to be added to monthly billing for water and sewer services
D	=	Unit cost of treatment @ \$0.092
B ^A	=	BOD of the discharge
B ^N	=	“Normal” BOD (225 mg/l)
S ^A	=	Total suspended solids of the discharge
S ^N	=	"Normal" total suspended solids (225 mg/l)
F	=	Factor converting mg/l to pounds/gallon (8.345)
V	=	Monthly volume in million gallons

- (b) A person determined to be discharging waste in violation of sections 13.06.002 through 13.06.009, other than excessive BOD or suspended solids, shall compensate the city for the cost of sampling and laboratory service expense required for monitoring the discharges until such time as the discharged waste is in compliance with sections 13.06.002 through 13.06.009. The approving authority shall determine the number of samples and the frequency of sampling necessary to maintain surveillance of the discharges.
- (c) A person discharging concentrations of BOD and suspended solids in excess of normal domestic wastewater concentrations shall compensate the city for the cost of sample collections and laboratory service necessary when an industrial waste surcharge rate is established each year.
(1978 Code, ch. 10, sec. 3.Q)

§ 13.06.018. Savings clause.

A person discharging industrial wastes into public sewers prior to the effective date of this article may continue without penalty so long as he:

- (1) Does not increase the quantity or quality of discharge without permission of the approving authority;
- (2) Has discharged the industrial waste at least twelve (12) months prior to the effective date of this article; and
- (3) Applies for and is granted a permit no later than one hundred fifty (150) days after the effective date of this article.

(1978 Code, ch. 10, sec. 3.R)

§ 13.06.019. Conditions of permits.

- (a) The city may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:
 - (1) Submits an application within one hundred twenty (120) days after the effective date of this article on forms supplied by the approving authority;
 - (2) Secures approval of the approving authority of plans and specifications for pretreatment facilities when required; and
 - (3) Has complied with all requirements for agreements or arrangements, including, but not limited to, provisions for:
 - (A) Payment of charges;
 - (B) Installation and operation of pretreatment facilities; and
 - (C) Sampling and analysis to determine quantity and strength; and
 - (4) Provides a sampling point subject to the provisions of this article and approval of the approving authority.
- (b) A person applying for a new discharge shall:
 - (1) Meet all conditions of subsection (a) of this section; and
 - (2) Secure a permit prior to discharging any waste.

(1978 Code, ch. 10, sec. 3.S)

§ 13.06.020. Power to enter property.

- (a) The superintendent 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 article.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- (c) Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.
- (d) The superintendent 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:
 - (1) Inspection, observation, measurement, sampling, or repair;
 - (2) Maintenance of any portion of the sewer system lying within the easements; and
 - (3) 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.

- (e) 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.

(1978 Code, ch. 10, sec. 3.T)

§ 13.06.021. Authority to disconnect service.

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

- (1) Acids or chemicals damaging to the sewer lines or treatment process are released to the sewer causing rapid 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 industrial customer:
 - (A) Discharges industrial 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 sewer services when due; or
 - (D) Repeats a discharge of prohibited wastes to public sewers.

- (b) If service is discontinued pursuant to subsection (a)(2) of this section, the city shall:

- (1) Disconnect the customer;
- (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 industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(1978 Code, ch. 10, sec. 3.U)

§ 13.06.022. Notice of violation.

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

(1978 Code, ch. 10, sec. 3.V)

§ 13.06.023. Continuing prohibited discharge.

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

(1978 Code, ch. 10, sec. 3.W)

§ 13.06.024. Penalty.

- (a) A person who continues prohibited discharges is guilty of a misdemeanor, and upon conviction is punishable by a fine in accordance with the general penalty provided in section 1.01.009 for each act of violation and for each day of violation.
- (b) In addition to proceeding under authority of subsection (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.

(1978 Code, ch. 10, sec. 3.X; Ordinance adopting Code)

§ 13.06.025. Failure to pay charges.

In addition to sanctions provided for by this article, 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.

(1978 Code, ch. 10, sec. 3.Y)

ARTICLE 13.07
DROUGHT CONTINGENCY PLAN

§ 13.07.001. Declaration of policy, purpose and intent.

- (a) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.
- (b) Water uses regulated or prohibited under this drought contingency plan are considered to be non-essential, and continuation of such uses during times of water shortage or other emergency water supply condition is deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section 13.07.011 of this plan.
- (Ordinance 193, ex. A, sec. I, adopted 9/5/00)

§ 13.07.002. Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of a public hearing conducted on August 24, 2000.

(Ordinance 193, ex. A, sec. II, adopted 9/5/00)

§ 13.07.003. Public education.

The city will periodically provide the public with information about the plan, including information about the conditions under which each stage of the plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a press release or utility bill inserts.

(Ordinance 193, ex. A, sec. III, adopted 9/5/00)

§ 13.07.004. Coordination with regional water planning groups.

The service area of the city is located within the Heart of Texas regional water planning area and the city has provided a copy of this plan to the state water development board.

(Ordinance 193, ex. A, sec. IV, adopted 9/5/00)

§ 13.07.005. Authority to implement plan.

The mayor of the city, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Ordinance 193, ex. A, sec. V, adopted 9/5/00)

§ 13.07.006. Applicability.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms “person” and “customer” as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ordinance 193, sec. VI, adopted 9/5/00)

§ 13.07.007. Definitions.

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use. Water use which is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer. Any person, company, or organization using water supplied by the city.

Domestic water use. Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, or sanitation, or for cleaning a residence, business, industry, or institution.

Even-numbered address. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8, and locations without addresses.

Industrial water use. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use. Water uses that are not essential nor required for the protection of public health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd-numbered address. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ordinance 193, ex. A, sec. VII, adopted 9/5/00)

§ 13.07.008. Triggering criteria for initiation and termination of drought response stages.

The mayor, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the plan. Public notification of the initiation or termination of drought response stages shall be by means of direct mail to each customer. The triggering criteria described below are based on notification from the city's water supplier (City of Corsicana).

(1) Stage 1 - Mild water shortage conditions.

- (A) Requirements for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined in section 13.07.007 (definitions) when, pursuant to requirements specified in the city wholesale water purchase contract with the City of Corsicana, notification is received requesting initiation of Stage 1 of the drought contingency plan.
- (B) Requirements for termination. Stage 1 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) consecutive day.

(2) Stage 2 - Moderate water shortage conditions.

- (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in section 13.07.007 of this plan when notified by the City of Corsicana.
- (B) Requirements for termination. Stage 2 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) consecutive day. Upon termination of Stage 2, Stage 1 becomes operative.

(3) Stage 3 - Severe water shortage conditions.

- (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this plan when notified by the City of Corsicana.
- (B) Requirements for termination. Stage 3 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) consecutive day. Upon termination of Stage 3, Stage 2 becomes operative.

(4) Stage 4 - Critical water shortage conditions.

- (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this plan when notified by the City of Corsicana.
- (B) Requirements for termination. Stage 4 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) consecutive day. Upon termination of Stage 4, Stage 3 becomes operative.

(5) Stage 5 - Emergency water shortage conditions.

- (A) Requirements for initiation. Customers shall be required to comply with the requirements and restrictions for Stage 5 of this plan when the mayor, or his/her designee, determines that a water supply emergency exists based on:
- (i) Major water line breaks or pump or system failures occur which cause unprecedented loss of capability to provide water service; or
 - (ii) Natural or man-made contamination of the water supply source(s).
- (B) Requirements for termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) consecutive day.

(6) Water rationing.

- (A) Requirements for initiation. Customers shall be required to comply with the water allocation plan prescribed in section 13.07.010 of this plan and comply with the requirements and restrictions for Stage 5 of this plan when the city receives notice from the City of Corsicana.
- (B) Requirements for termination. Water rationing may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of one (1) consecutive day.
- (Ordinance 193, ex. A, sec. VIII, adopted 9/5/00)

§ 13.07.009. Water use restrictions during drought response stages.

The mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 13.07.008 of the plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

(1) Stage 1- Mild water shortage conditions.

- (A) Goal. Achieve a voluntary 10 percent reduction in daily water use.
- (B) Supply management measures. Supply management measures to be implemented directly by the city:
- (i) Discontinued flushing of water mains.
- (C) Voluntary water use restrictions.
- (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
 - (ii) All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.

- (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (2) Stage 2 - Moderate water shortage conditions.
- (A) Goal. Achieve a voluntary 20 percent reduction in daily water use.
 - (B) Supply management measures. Supply management measures to be implemented directly by the city:
 - (i) Reduced or discontinued irrigation of public landscaped areas.
 - (C) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - (i) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or a watering can of five (5) gallons or less, or a drip irrigation system.
 - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
 - (iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (v) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
 - (vi) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these

regulations.

(vii) All restaurants are prohibited from serving water to their patrons except when requested.

(viii) The following uses of water are defined as non-essential and are prohibited:

- a. Wash-down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- c. Use of water for dust control;
- d. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
- e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3 - Severe water shortage conditions.

(A) Goal. Achieve a voluntary 30 percent reduction in daily water use.

(B) Supply management measures. Supply management measures to be implemented directly by the city:

(i) Stop furnishing water for agricultural purposes.

(C) Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

(i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler systems only. The use of hose-end sprinklers is prohibited at all times.

(ii) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.

(iii) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(4) Stage 4 - Critical water shortage conditions.

(A) Goal. Achieve a voluntary 40 percent reduction in daily water use.

(B) Supply management measures. Supply management measures to be implemented directly by the city:

(i) Stop lawn irrigation of private residents.

(C) Water use restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (i) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
 - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
 - (iii) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - (iv) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - (v) No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.
- (5) Stage 5 - Emergency water shortage conditions.
- (A) Goal. Achieve a voluntary 50+ percent reduction in daily water use.
 - (B) Supply management measures. Supply management measures to be implemented directly by the city:
 - (i) Use of an alternative supply source(s).
 - (C) Water use restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:
 - (i) Irrigation of landscaped areas is absolutely prohibited.
 - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (Ordinance 193, ex. A, sec. IX, adopted 9/5/00)

§ 13.07.010. Water rationing.

In the event that water shortage conditions threaten public health, safety, and welfare, the mayor is hereby authorized to ration water according to the following water allocation plan:

- (1) Single-family residential customers.
 - (A) The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

(B) “Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the city of a greater number of persons per household on a form prescribed by the mayor. The mayor shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the city offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the mayor. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the city on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the city in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the mayor shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the city of a reduction in the number of persons in a household shall be fined not less than \$25.00. Residential water customers shall pay the following surcharges:

- (i) \$2.00 for the first 1,000 gallons over allocation.
- (ii) \$2.00 for the second 1,000 gallons over allocation.
- (iii) \$2.00 for the third 1,000 gallons over allocation.
- (iv) \$2.00 for each additional 1,000 gallons over allocation.

 Surcharges shall be cumulative.

(Ordinance 193, ex. A, sec. X, adopted 9/5/00)

§ 13.07.011. Enforcement; penalty.

- (a) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by mayor, or his/her designee, in accordance with provisions of this plan.

- (b) Any person who violates this plan is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25.00 and not more than \$200.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$25.00, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the mayor that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the city, police officer, or other city employee designated by the mayor may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, and the offense charged, and shall direct him/her to appear in the city municipal court on the date shown on the citation, for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the city municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the city municipal court before all other cases.

(Ordinance 193, ex. A, sec. XI, adopted 9/5/00)

§ 13.07.012. Variances.

- (a) The mayor, or his/her designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
- (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within 5 days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor, or his/her designee, and shall include the following:
- (1) Name and address of the petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
 - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this article.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
 - (8) Other pertinent information.
- (c) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the mayor or his/her designee:
- (1) Variances granted shall include a timetable for compliance.
 - (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.
- (Ordinance 193, ex. A, sec. XII, adopted 9/5/00)

UTILITIES

FROST CODE

Chapter 14

ZONING

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ARTICLE 14.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 14.02
ZONING ORDINANCE²

§ 14.02.001. Authority.

This article is prepared under the authority of chapter 211, Texas Local Government Code, of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

(Ordinance 300, sec. 1, adopted 8/6/18)

§ 14.02.002. Purpose.

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ordinance 300, sec. 2, adopted 8/6/18)

§ 14.02.003. Administration, enforcement and fees.

- (a) Administration. The city administrator, or designee, is hereby designated by the city council as the administrative official to supervise the administration and enforcement of this article. If the administrative official finds that any of the provisions of this article are being violated, the official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The city administrator, or designee, shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this article to insure compliance with or to prevent violation of its provisions.
- (b) Violations and penalties. The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this article has been committed or shall exist or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building

2. **Editor's Note—This Article Consists Of The Zoning Ordinance, Ordinance 300 Adopted August 6, 2018, As Amended. Section And Subsection Numbers, Style, Capitalization And Formatting Have Been Changed To Be Consistent With The Remainder Of The Code Of Ordinances, And This Will Be Maintained In Future Amendments To This Article. Changes In The Names Of State Agencies Have Been Incorporated Without Notation. Obviously Misspelled Words Have Been Corrected Without Notation. Except For These Changes, Such Ordinance Is Printed Herein As Enacted And Amended. Any Other Material Added For Purposes Of Clarification Is Enclosed In Brackets.**

or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) or not more than two thousand dollars (\$2,000.00), and each day any violation of [or] noncompliance continues shall constitute a separate and distinct offense.

- (c) Interpretation and appeals. It is the intent of this article that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the zoning board of adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the zoning board of adjustment shall be to the courts as provided by law.
- (d) City council duties. It is further the intent of this article that the duties of the city council in connection with this article shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this article. Under this article, the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this article, as provided by law, and, of establishing a schedule of fees and charges as stated in subsection (e) here below.
- (e) Fees. The city council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for the administration, permits, certificates of occupancy, zoning change requests, zoning board of adjustment appeals and other matters pertaining to this article. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the city council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
- (Ordinance 300, sec. 3, adopted 8/6/18)

§ 14.02.004. Definitions.

For the purpose of this article, certain terms and words are defined and shall have the meanings ascribed in this article unless it is apparent from the context that different meanings are intended.

Accessory building means a subordinate building, the use of which is incidental to that of the main building on the same lot.

Administrative official is the city administrator, or other designated authority charged with the administration and enforcement of this article, or duly authorized representative.

Alley is a public minor way that is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

Apartment is a room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Apartment house is any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three (3) or more apartments or dwelling units, or which is occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

Automobile repair, major is any area used for general repair, rebuilding or reconditioning of engines, motor vehicles, trailers; collision services, including body, frame or fender straightening or repair; paint shop; vehicle steam cleaning.

Automobile repair, minor is any area used for minor repair or replacement of parts, tires, tubes, batteries and minor motor services, such as, grease, oil, spark plug and filter changing of passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity, but not including, any operation named under “Automobile repair, major” or any other similar use thereto.

Automobile sales area is an open area or lot used for the display or sale of automobiles, where no repair work is done.

Automobile service station is any building and/or premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, including the servicing of vehicles designed or calculated to be performed by the customer.

Basement is a building story, the floor line of which is below grade at any entrance or exit, but may have at least one-half (1/2) of its height above the average level of the adjoining grade level.

Block means that property abutting on one side of a street and lying between the nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Boarding-lodging house means a dwelling wherein lodging or meals for three (3) or more persons, not members of the principal family therein, is provided for compensation, but not including a building in which ten (10) or more guest rooms are provided.

Building is any roofed structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.

Building height is the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building line. A line parallel or approximately parallel to the street line, at a specific distance therefrom, marking the minimum distance from the street line that a building may be erected.

Building official. See “Administrative official.”

Car wash is a building, or part [portion thereof], where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

Cemetery is land used, or intended to be used, for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Certificate of occupancy is an official certificate issued by the building inspector which indicates conformance with, or approved conditional waiver from, the zoning regulations and authorized legal use of the premises for which it is issued.

City is the City of Frost, Navarro County, Texas.

Clinic is a public or private, profit or nonprofit facility for the reception and treatment of outpatient persons, physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service.

Club is a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Club, private (class I) is an establishment or enterprise wherein activities are carried on by, or for a group or association, of dues-paying members organized for some common purpose.

Club, private (class II) is a club, as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission.

Community center, public means any building and grounds owned and operated by the governmental body for the social, recreational, health and welfare of the community served.

Conditional use means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located, and for which a permit is granted.

Convalescent (rest) home is a home designed for the care of patients after they leave the hospital, but before they are released from observation and treatment.

Convenience store. See “Neighborhood convenience center.”

Display sign is a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.

District means a portion of the territory of the city, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this article. The term “R District” shall mean any AG, MH, R-1, R-2, or R-3 District; the term “I District” shall mean any I-1 or I-2 District; and the term “C District” shall mean any C-1 or C-2 District.

Dwelling group means a group or row of dwellings, each containing one (1) or more dwelling units, and all occupying one (1) lot or site, as defined herein, and having a court in common; including a bungalow court or apartment court, but not including an automobile court or automobile camp.

Dwelling unit means a room, or a group of rooms, including cooking accommodations, occupied by one (1) family, and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one time.

Dwelling unit, multiple means a building containing three (3) or more dwelling units.

Dwelling unit, single-family, attached means a dwelling which is joined to another dwelling at one (1) or more sides by a party wall or abutting separate walls, and is designed for occupancy by one (1) family, and is on a separate lot delineated by front, rear and side lot lines.

Dwelling unit, single-family, detached means a building containing one (1) dwelling unit, and located on a lot or separate building tract, and having no physical connection to a building on any other lot.

Dwelling unit, two-family means a building containing two (2) dwelling units.

Essential services means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streetlights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word “building” does not include “structures” for essential services.

Family means one (1) or more persons, related by blood, marriage or adoption, occupying a dwelling

unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boarding house, club, dormitory, [or] fraternity or sorority house.

Floodplain is the relatively flat, low lands adjoining the channel of a river, stream or watercourse that has been, or may be, covered by floodwater. Any land covered by the water of a one hundred (100) year frequency storm is considered in the floodplain and must comply with the Corps of Engineers requirements.

Frontage is all the property abutting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts. Where a lot abuts more than one (1) street, the planning and zoning commission shall determine the frontage for purposes of this article.

Garage, private means an accessory building, or portion of a main building on the same lot, and used for the storage only of private passenger motor vehicles, not more than two (2) of which are owned by others than the occupants of the main building.

Garage, public means a building or portion of a building, except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

Garage, repair means a building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

Gross floor area means the living area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.

Home occupation means any occupation, customarily conducted for gain or support, entirely within a dwelling, by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises, and does not change the character thereof.

Hotel means a building, or portion thereof, in which ten (10) or more guest rooms are provided for occupancy for compensation by transient guests.

Industry is the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

Junkyard or salvage yard means any area used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

kennel. An establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

Land use plan is the long-range plan for the desirable use of land in the city, as officially adopted, and as amended from time to time, by the city council; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes, such as, streets, parks, schools and public buildings.

Loading space is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot means the entire parcel of platted land occupied, or to be occupied, by a main building and its

accessory buildings, or by a group, such as, a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this article and other applicable law.

Lot, corner means a lot abutting on two (2) intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).

Lot, interior means a lot other than a corner lot.

Lot, through means a lot having its front and rear lines on different streets, or having its front or rear line on a street and the other line on a river, lake, creek or other permanent body of water.

Lot coverage. The total area of a lot occupied by the base (first story of [or] floor) of buildings located on the lot.

Lot depth means the average depth from the front line of the lot to the rear line of the lot.

Lot lines means the property lines bounding the lot as defined herein.

Lot of record is a lot that is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Navarro County, or a parcel of land, the deed for which was recorded in the office of the county clerk, Navarro County, prior to January 1, 1986.

Lot width means the width measured at a distance back from the front line equal to the minimum depth required for a front yard.

Manufactured home, HUD-code means 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 one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. References in this article to “mobile home(s)” shall be taken to be references to HUD-code manufactured home(s). Mobile homes, as defined in the Manufactured Housing Standards Act, article 5221f, section 3(a), V.T.C.S., shall not be used as dwelling units within the corporate limits of the city.

Mobile home. See “Manufactured home, HUD-code.”

Mobile home park or subdivision means a parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental or sale of lots to persons with HUD-code manufactured homes (mobile home).

Mobile home lot means that part of a parcel of land (mobile home site) in a mobile home park that has been reserved for the placement of one (1) HUD-code manufactured home (mobile home).

Modular home means a dwelling that is constructed in one or more modules, at a location other than the homesite, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular components or modules are transported to the homesite and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems.

Motel means a building, or a group of two (2) or more buildings, containing guest rooms or apartments, with automobile storage space provided in connection therewith, and used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor lodges, motor courts, motels, and similarly designated groups.

Neighborhood convenience center means centers that carry convenience goods, such as, groceries, drugs, hardware, and some variety items, and also includes some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called “spot necessity” items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Nonconforming use means use of a building or land, which existed previously, that does not conform to the present regulations as to use for the district in which it is situated.

Nursing home is a structure or building where ill or elderly people are provided with lodging and meals, with or without nursing care.

Open space is that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50 percent of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot, and is maintained and utilized in the same manner and to the same degree as all other open space areas, as designated on the site plan as filed with the building permit application.

Parking area, private means a permanently surfaced, open area for the same uses as a private garage.

Parking area, public means a permanently surfaced, open area, other than a street, or other public way, used for parking of automobiles, and available to the public for a fee, free, or as an accommodation for clients or customers.

Parking space means a permanently surfaced area not less than one hundred eighty (180) square feet (measured approximately nine (9) feet by twenty (20) feet), either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one (1) vehicle.

Planned development shall mean land under unified control, planned and developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and buildings; for principal and accessory structures and uses substantially related to the character of the district; according to comprehensive and detailed plans which include not only streets, utilities, and lots or buildings sites, but also site plans, floor plans, and elevations of all buildings, as intended, to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense. Planned development is both a concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the district and areas without the district.

Private garage is an accessory building, housing vehicles owned and used by the occupant of the main building.

Recreational vehicle is a vehicular, portable structure designed to be transported over the highways, and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight (8) feet in width.

Rooming house is a dwelling occupied by a resident family or resident occupant, and three (3) or more rent-paying persons.

Satellite dishes means a device used to receive any satellite signal.

School means an institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools.

School, business or trade means a business organized to operate for a profit and offering instruction and training in a service or art, such as, a secretarial school, barber college, beauty school or commercial art school.

Screening element (device) or suitably screened, as herein referred, shall mean any of the following:

- (1) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or
- (2) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition.
- (3) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Shopping center is an area consisting of one (1) acre or more, arranged according to a site plan, to be submitted to and to be approved by the planning and zoning commission and the city council on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various buildings, parking area, streets and type of zoning desired. The installation of all utilities, drainage structure, paving of streets, parking area, alley, and installation of sidewalks shall be in accordance with the city specifications for each type of improvement.

Story means that portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven (7) feet.

Story, half means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street means a public or private thoroughfare that affords the principal means of access to abutting property.

Structural alteration means any change, addition, or modification in construction in the supporting members of a building, such as, exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Towers - radio, television or microwave means structures supporting commercial antennae for transmitting or receiving any of the radio spectrum (includes structures used for satellite dishes).

Townhouse or row house means three (3) or more dwelling units attached by common vertical walls.

Trailer (including automobile trailer and trailer coach) is any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer park means any lot or part thereof, or any parcel of land, which is used or offered as a location for one (1) or more trailers.

Use means the purpose for which land, or a building or structure thereon, is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

Use, accessory means a subordinate use on the same lot, with the principal use and incidental and accessory thereto.

Used car lot is a lot or tract of land used for the sale, or display for sale, of two (2) or more previously owned motor vehicles, including, but not limited to, passenger automobiles, motorcycles, trucks, dune buggies and other types of motor vehicles designed for use upon the public roads or for pleasure off public roads, but not including farm implements, mobile homes, campers and recreational vehicles, or construction equipment, such as, cranes, bulldozers and related equipment and trucks over one ton capacity.

Vehicle service center means a center for the repair and maintenance of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.

Yard means an open space, other than a court, on the same lot with a building.

Yard, front means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, rear means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, side means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.

Zoning map means the official zoning map of the city, together with all amendments subsequently adopted.

(Ordinance 300, sec. 4, adopted 8/6/18)

§ 14.02.005. General provisions.

- (a) Establishment of districts. For the purpose of this article, the city is hereby divided into nine (9) districts, as follows:

AG	Agricultural District
R-1	Single-Family Residential
R-2	Duplex
R-3	Multiple-Family Residential
C-1	Commercial District - Office, Light Retail, and Neighborhood Services
C-2	General Commercial
I-1	Light Industrial
MH	Manufactured Home
MHP	Manufactured Home Subdivision

- (b) Official zoning map. The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this article.
- (c) Map certified. The official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: “This is to certify that this is the official zoning map adopted as part of Ordinance No. _____ of the City of Frost, Texas.”
- (d) Location of map. The official zoning map shall be in the custody of, and shall remain on file in the office of, the city administrator.
- (e) Public inspection of map. The official zoning map, or a copy, shall be available for public inspection for all matters that are of public record.
- (f) Amendment of official zoning map. When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.
- (g) Official zoning map replacement. The city council may, by ordinance, adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: “This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the Zoning Ordinance of the City of Frost, Texas.”
- (h) Interpretation.
 - (1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the center line of such road or street shall be construed to be the district boundary line.
 - (2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.
 - (3) Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines or section lines, or quarter section lines, or quarter-quarter section lines.
 - (4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the board of adjustment shall interpret the district boundaries.
- (i) Rules for words and phrases. For the purposes of this article, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory, not directory; the word “may” is permissive; the word “person” includes a firm, association, organization,

partnership, trust, foundation, company, or corporation, as well as, an individual; the word “used” includes designed and intended or arranged to be used; the word “building” includes the word “structure”; the word “lot” includes “building lot” or parcel. Wherever this article imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this article shall govern.

- (j) Compliance with regulations. The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.
- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
 - (2) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified herein for the district in which it is located.
 - (3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this article.
 - (4) No part of a yard, other open space, off-street parking or loading space, required about or in connection with any building for the purpose of complying with this section, shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.
- (k) Structures to have access. Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (l) Visibility at intersections. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner (as with traffic visibility across materially) to interfere [with] the corner. This visibility area shall be a triangle measured twenty-five feet (25') from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two feet (2') in height and vegetation should not droop to less than ten feet (10') from the ground.
- (m) Fences, walls, and hedges. Please refer to the city’s fence ordinance for specific restrictions [article 3.08 of the Code of Ordinances].
- (n) Height and area exceptions. The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:
- (1) Churches, schools, and other public and quasi-public buildings may be erected to a height not exceeding sixty feet (60') or five (5) stories, provided the front, side, and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot (1') for each foot of additional height above the height otherwise established for the district in which such building or structure is to be located.
 - (2) Chimneys, cooling towers, church steeples or spires, tanks, water towers, television

antennas, microwave radio relay or broadcasting towers, masts or aerials, and necessary mechanical appurtenances, are hereby excepted from the height regulations of this section.

- (3) When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located, and was of record, as such, at the time of the passage of this ordinance, such lot may be occupied by one (1) family subject to the setback, rear yard, and side yard regulations for the district in which it is located.
- (o) Home occupations. The purpose of the home occupation provision is to permit the conduct of home occupations that are compatible with the neighborhoods in which they are located. Home occupations are a permitted accessory use in all residential districts, and are subject to the requirements of the district in which the use is located, in addition to the following:
 - (1) Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation.
 - (2) The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
 - (3) No more than twenty-five percent (25%) of the area of one (1) story of the principal building shall be devoted to the home occupation.
 - (4) There shall be no exterior alterations which change the character thereof as a dwelling, other than those signs permitted in the district.
 - (5) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (6) No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average residential use in the district.
 - (7) The home occupation shall not create any increase in vehicular flow or parking by more than two (2) additional vehicles at a time and shall not create greater pedestrian traffic than normal for the district.
 - (8) No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the main building.
 - (9) Examples of home occupations. The following are examples of uses that can often be conducted within the limits of this section. Uses listed in this paragraph do not automatically qualify as a home occupation, nor does this listing limit the uses that may qualify as home occupations: handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring (music lessons included), millinery, attorney, and realtor.
 - (10) Prohibited uses. The following uses have a tendency to violate the provisions for home occupations, and thereby, impair the character of residential areas. Therefore, the uses specified shall not be permitted as accessory uses in residential districts: commercial auto repairs, painting of vehicles or boats, private schools, and child day-care center of more than ten (10) children.
 - (11) Interpretation of home occupations. The board of adjustment shall interpret the provisions

of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial zones of this article.

(Ordinance 300, sec. 5, adopted 8/6/18)

§ 14.02.006. Conditional uses.

(a) After public hearing and proper notice, and after recommendation by the planning and zoning commission, the city council may authorize the issuance of conditional use permits when the council finds all of the following conditions present:

- (1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;
- (2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;
- (3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and
- (6) That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

(b) Prior to the granting of any conditional use, the city council may stipulate such conditions, restrictions, and duration upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in subsections (a)(1) through (6) of this section. In all cases in which conditional uses are granted, the council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a right to the use and the conditional use may be canceled at the city council's sole discretion. No application for a conditional use that has been denied wholly or in part by the city council shall be resubmitted for a period of six (6) months from the date of said denial.

(Ordinance 300, sec. 6, adopted 8/6/18)

§ 14.02.007. Annexed territory.

(a) Annexed territory to be zoned AG. All territory, hereafter annexed to the city, shall be temporarily classified as AG Agricultural District until permanent zoning is established by the city council, except as provided in subsection (c) of this section. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

- (b) Regulations for temporary AG districts. In an area temporarily classified as AG:
- (1) No person shall erect, construct or add to any building or structure, or cause same to be done in any newly annexed territory, without first applying for and obtaining a building permit or certificate of occupancy from the city, as required herein.
 - (2) No permit for the construction of a building or use of land shall be issued other than a permit that will allow construction of a building permitted in AG District(s), unless and until, such territory has been classified in a zoning district other than an Agricultural District.
 - (3) An application for a permit for any use, other than that specified above, shall be made to the administrative official and referred to the planning and zoning commission for consideration and recommendation to the city council. The planning and zoning commission, in making its recommendation, shall take into consideration the appropriate land use for the area and the overall plans for the city. The city council, after receiving and reviewing the recommendations of the planning and zoning commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy, or may disapprove the application as their findings may indicate appropriate in the public interest.
- (c) Concurrent rezoning and annexation. The city may consider application(s) for permanent zoning of a newly annexed area at the same time as the area is being considered for annexation.
(Ordinance 300, sec. 7, adopted 8/6/18)

§ 14.02.008. Classification of new and unlisted uses.

It is recognized that new types of land use will develop, and forms of land use, not anticipated, may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The zoning administrative official shall refer the question of any new or unlisted use to the planning and zoning commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as, water and sanitary sewer.
- (2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and, after public hearing, determine the zoning district or districts within which such use should be permitted. The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council may approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use, as is determined appropriate after giving consideration to the facts and recommendations.
(Ordinance 300, sec. 8, adopted 8/6/18)

§ 14.02.009. AG Agricultural District.

- (a) Purpose. The AG District is intended to be used primarily in areas where agricultural uses should be retained, where scattered non-farm growth should be prevented, and as a temporary

classification for newly annexed lands.

- (b) Uses permitted. The following uses shall be permitted:
- (1) Any customary agricultural use, building, or structure, including nurseries, greenhouses, orchards, truck farms and animal farms.
 - (2) Single-family detached residential dwellings.
 - (3) Churches and parish houses; cemeteries and crematories for the human dead; school(s) and colleges, including dormitories; public buildings and structures of the recreational, cultural, administrative and public service type; parks, playgrounds, and neighborhood recreational centers.
 - (4) Private noncommercial recreation areas, including country clubs, riding stables, swim clubs, and similar uses.
 - (5) Dairies and related establishments for processing milk products, not including retailing.
 - (6) Public utilities and railroad right-of-way and tracks, not including terminals, railroad yards, reservoirs, water towers[,], pumping plants, or storage yards.
- (c) Conditional uses. The following uses shall be permitted only if expressly authorized by the city council:
- (1) Hospitals for human care and veterinary hospitals of any kind, provided that the hospital grounds shall be distant at least two hundred (200) feet from any residential district.
 - (2) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district, provided there is no yard or garage for service or storage, and provided further that the premises upon which the utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood, and not objectionable as to noise, odor, vibration or other disturbances.
 - (3) Radio and television transmitter tower.
 - (4) Satellite dishes.
- (d) Accessory uses. Accessory uses, buildings, or structures customarily incidental to any aforesaid permitted or conditionally permitted uses, including the following:
- (1) Temporary fruit stands on any premises used for agricultural purposes.
 - (2) Parking facilities. Garages, carports, or other parking spaces for the exclusive use of residents of the premises in accordance with section 14.02.021.
 - (3) Swimming pools.
- (e) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (Ordinance 300, sec. 9, adopted 8/6/18)

§ 14.02.010. R-1 Single-Family Residential.

- (a) Purpose. This district is the predominant single-family housing district in the city. Unless otherwise specified or requested, all residentially suited areas presently undeveloped, should be zoned in this district. Development in the R-1 District is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.
- (b) Uses permitted. The following uses shall be permitted:
- (1) One-family dwellings, detached and constructed on-site. Manufactured homes are prohibited from occupying sites in the R-1 District.
 - (2) Modular homes.
 - (3) Parks and playgrounds.
 - (4) Athletic fields and playfields, noncommercial, including stadiums.
- (c) Conditional uses. The following conditional uses may be allowed in the R-1 District, subject to the provisions of section 14.02.006, and the distances specified in this subsection shall prevail, unless they are modified by the board of adjustment in accordance with the provisions of section 14.02.006.
- (1) Public utility and public services.
 - (2) Colleges and universities, provided that the zoning lot shall not be less than forty (40) acres.
 - (3) Churches, parish houses, convents.
 - (4) Public and private schools.
- (d) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (e) Automobile parking space regulations. For parking space requirements, see section 14.02.021. (Ordinance 300, sec. 10, adopted 8/6/18)

§ 14.02.011. R-2 Duplex.

- (a) Purpose. Development in the R-2 District is limited primarily to two-family dwellings and certain community and recreational facilities to serve residents of the district.
- (b) Uses permitted. The following uses shall be permitted:
- (1) Two-family dwellings, detached and constructed on-site. Manufactured homes are prohibited from occupying sites in the R-2 District.
 - (2) Single-family dwellings, detached and constructed on-site.
 - (3) Parks and playgrounds.
 - (4) Athletic fields and playfields, noncommercial, including stadiums.

- (c) Conditional uses. The following conditional uses may be allowed in the R-2 District, subject to the provisions of section 14.02.006, and the distances specified in this subsection shall prevail, unless they are modified by the board of adjustment in accordance with the provisions of section 14.02.006.
- (1) Public utility and public services.
 - (2) Colleges and universities, provided that the zoning lot shall not be less than forty (40) acres.
 - (3) Churches, parish houses, convents.
 - (4) Public and private schools.
- (d) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (e) Automobile parking space regulation. For parking space requirements, see section 14.02.021. (Ordinance 300, sec. 11, adopted 8/6/18)

§ 14.02.012. R-3 Multiple-Family Residential.

- (a) Purpose. The R-3 District is established to meet the needs for medium to high density residential areas, where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.
- (b) Uses permitted. The following uses shall be permitted:
- (1) Multiple-family dwellings and clustered multiple-family dwellings, which clustered multiple-family dwellings have a site plan approved by the planning and zoning commission for the particular project in which they are proposed;
 - (2) Churches, parish houses, convents;
 - (3) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes;
 - (4) Parks and playgrounds;
 - (5) Accessory uses, including, but not limited, to the following:
 - (A) Athletic fields and playfields, noncommercial, including stadiums and grandstands;
 - (B) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction;
 - (6) Existing one- and two-family dwelling units used as such on the effective date of this article;
 - (7) Day-care centers; and
 - (8) All structures pertinent to this section must be constructed on-site.

- (c) Conditional uses. The following conditional uses may be allowed in the R- [R-3] District subject to the provisions of section 14.02.006:
- (1) Any uses allowed as a conditional use in the R-1 District unless permitted above.
 - (2) Offices for professional uses, such as (without limitation due to enumeration), building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.
- (d) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (e) Automobile parking space regulations. For parking space regulations, see section 14.02.021. (Ordinance 300, sec. 12, adopted 8/6/18)

§ 14.02.013. C-1 Commercial District - Office, Light Retail and Neighborhood Services.

- (a) Purpose. The Commercial District is intended for office facilities, neighborhood shopping facilities, and retail and commercial facilities of a service character. The C-1 District is established to accommodate the daily and frequent needs of the community.
- (b) Uses permitted.
- (1) Permitted uses. No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.
 - (A) Neighborhood retail sales and service, discount, variety, or department store of not greater than twenty thousand (20,000) square feet floor space.
 - (B) Food store with floor space not greater than twenty thousand (20,000) square feet.
 - (C) Gasoline service station (no garage or automobile repair facilities).
 - (D) Professional offices, such as, dentists, attorneys, insurance, real estate, architects, engineers, accountants and other similar uses.
 - (2) Permitted specific uses.
 - (A) Broadcasting facilities, radios, television, or microwave tower.
 - (B) Gasoline service station with associated minor automobile repair facility with floor space not greater than two thousand five hundred (2,500) square feet.
 - (C) New and existing refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

- (3) Additional regulations.
- (A) The business shall be conducted wholly within an enclosed building;
 - (B) Required yards shall not be used for overnight display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or waste material unless fenced with non-transparent screening not less than six (6) feet nor more than eight (8) feet in height;
 - (C) All merchandise shall be sold at retail on the premises; and
 - (D) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - (E) In the C-1 District, whenever a C-1 use abuts a R-1, or R-2 district, a wall or fence of not less than six (6) feet nor more than (8) feet in height is required. Natural screening may be substituted for a wall or fence upon approval of the planning and zoning commission and city council.
- (c) Conditional uses. The following conditional uses may be allowed in the C-1 District subject to the provisions of section 14.02.006.
- (1) Hotels and motels, provided that the zoning lot shall be not less than two (2) acres.
 - (2) Dwelling units, restricted to a total gross floor area of five thousand (5,000) square feet above the ground floor of a commercial building.
 - (3) Single-family residential dwelling units, including modular homes.
- (d) Area, yard, height and lot coverage requirements.
- (1) Height. Structures shall not exceed 45 feet in height.
 - (2) Lot size. No minimum lot width and depth are required except when a nonresidential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements.
 - (3) Location on lot. None required except when a nonresidential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements.
 - (4) Minimum building size. None required except when a nonresidential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements.
 - (5) The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (e) Automobile parking space regulations. For parking space regulations, see section 14.02.021.
(Ordinance 300, sec. 13, adopted 8/6/18)

§ 14.02.014. C-2 General Commercial.

- (a) Purpose. The C-2 District is established to accommodate those uses that are of city-wide and regional significance.
- (b) Generally.
- (1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.
 - (2) No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building, except for incidental display of sale or [sale or display of] seasonal retail items and such incidental display shall be permitted.
 - (3) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half (1-1/2) ton capacity when located within one hundred fifty feet (150') of a residence district boundary line.
- (c) Uses permitted. The following uses shall be permitted:
- (1) Dwelling units on the second floor of a ground floor business use, as long as all requirements have been met in accordance with applicable city ordinances, state and federal laws and regulations;
 - (2) Dwelling units on the ground floor of a business use, as long as the units conform to section 14.02.019, "Schedule of district regulations," for R-2 minimum building sizes and the density does not exceed four (4) units per single structure;
 - (3) Neighborhood retail sales and service;
 - (4) Business offices;
 - (5) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
 - (6) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
 - (7) Bakeries, cafes, confectioneries, ice cream shops, and restaurants that prepare foodstuffs for on-site retail sale only;
 - (8) Automobile parking lots and structures;
 - (9) Other neighborhood retail sales or service uses, which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property;
 - (10) Churches;
 - (11) Public utility and public service uses;

- (12) Printer;
- (13) Antique shops;
- (14) Art galleries and museums;
- (15) Banks and financial institutions;
- (16) Department stores;
- (17) Dry goods stores;
- (18) Florist shops and conservatories;
- (19) Furniture stores;
- (20) Household appliance stores, including radio and television sales and services;
- (21) Loan offices;
- (22) Musical instruments sales and repair; office supply stores; optical sales;
- (23) Physical culture and health services and reducing salons;
- (24) Sporting goods stores;
- (25) Theaters, indoors;
- (26) Travel bureaus and transportation ticket offices;
- (27) Schools, trade;
- (28) Repair and storage garages;
- (29) Theaters, lodges, assembly halls, auditoriums;
- (30) Tire repair shops;
- (31) Auto body operations;
- (32) Automobile accessory stores;
- (33) Automobile service stations, including the incidental storage of rental trucks and trailers, except that trucks and trailers for storage or rental may not be parked within the public right-of-way;
- (34) Business machine sales and service establishments;
- (35) Clothing and costume rental stores;
- (36) Employment agencies;
- (37) Phonograph, record, sound equipment and sheet music stores;
- (38) Schools for music, dance, business or trade;
- (39) Vehicle service centers;

- (40) Cleaning and dyeing facilities;
- (41) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
- (42) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
 - (A) Any use permitted only in an I-1 District;
 - (B) Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
 - (C) Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (d) Conditional uses. The following conditional uses may be allowed in the C-2 District subject to the provisions of section 14.02.006.
 - (1) Hotels and motels, provided that the zoning lot shall be not less than two (2) acres;
 - (2) Dwelling units, restricted to a total gross floor area of five thousand (5,000) square feet above the ground floor of a commercial building;
 - (3) Single-family residential dwelling units, including modular homes.
- (e) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (f) Automobile parking space regulations. For parking space regulations, see section 14.02.021. (Ordinance 300, sec. 14, adopted 8/6/18)

§ 14.02.015. I-1 Light Industrial.

- (a) Purpose. The I-1 District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses that might impede the development and use of such lands for industrial purpose.
- (b) Generally. Uses permitted in the I-1 district are subject to the following conditions:
 - (1) All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings, unless otherwise indicated in this section;
 - (2) All storage within one hundred feet (100') of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening, not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screening.

(c) Uses permitted. Uses permitted in the I-1 District shall be as follows:

- (1) Advertising products, such as signs and billboards;
- (2) Ambulance, bus, train, and taxi stations, truck yards;
- (3) Dairy and other food products, but not including fish and meat products, sauerkraut, vinegar, yeast, alcohol or alcoholic beverages;
- (4) Building materials yard, contractor's yard, lumberyard;
- (5) Ceramic products, such as pottery, figurines, and small glazed tiles;
- (6) Cleaning and dyeing plants;
- (7) Electrical appliances, such as lighting fixtures, irons, fans, and toasters;
- (8) Electrical equipment assembly, such as home radio and television receivers and home-movie equipment, but not including electrical machinery;
- (9) Electrical supplies, manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry-cell batteries;
- (10) Electronic instruments;
- (11) Furniture refinishing using a manufacturing or chemical dipping process;
- (12) Insecticide and pesticide, packaging only;
- (13) Machine shops and fabrication of metal not more than ten (10) gauge in thickness;
- (14) Medical, dental, and optical supplies;
- (15) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, and heat treatment;
- (16) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;
- (17) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers;
- (18) Photo finishing associated with a manufacturing process;
- (19) Repair of farm, household, office machinery or equipment;
- (20) Scientific and precision instruments;
- (21) Sheet metal shops;
- (22) Existing commercial and residential uses in use as such on the effective date of this article;
- (23) Public utility and public service uses;
- (24) Radar installations and towers;
- (25) Stadiums, auditoriums, and arenas, open or enclosed;

- (26) Storage and warehousing establishments;
 - (27) Trailer sales and rental, for use with private passenger motor vehicles;
 - (28) Wholesaling establishments;
 - (29) Accessory uses, including but not limited to the following:
 - (A) Temporary buildings for construction purposes for a period not to exceed the duration of such construction;
 - (30) Other wholesale, manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property;
 - (31) Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.
- (d) Conditional uses. The following conditional uses may be allowed in the I-1 District subject to the provisions of section 14.02.006:
- (1) Amusement establishments, livestock exhibition halls, including fairgrounds, permanent carnivals, kiddy parks, and other similar outdoor amusement facilities;
 - (2) Asphalt and concrete batching or ready-mix plants;
 - (3) Concrete products casting;
 - (4) Dwelling units may be permitted only as an accessory use and only for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them;
 - (5) Gasoline and oil storage, wholesale, provided all applicable safety regulations are complied with, and provided, however, that the location is approved by the board of adjustment;
 - (6) Motor freight terminals;
 - (7) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;
 - (8) Restaurant;
 - (9) Theaters, automobile drive-in; or
 - (10) Automobile and motorized vehicle and equipment display, sales, and service.
 - (11) Existing commercial and residential uses used as such on the effective date of this article.
- (e) Density, area, yard, height, and lot coverage requirements. The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section

14.02.020, "Supplementary district regulations."

- (f) Automobile parking space regulations. For parking space regulations, see section 14.02.021.
(Ordinance 300, sec. 15, adopted 8/6/18)

§ 14.02.016. MH Manufactured Housing.

- (a) Purpose. The MH District is established to allow for manufactured housing on individual lots and not located in a manufactured home subdivision. Development in the MH District is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.
- (b) Uses permitted. The following uses shall be permitted:
- (1) Single-family dwellings, detached and constructed on-site;
 - (2) HUD-code manufactured home;
 - (3) Modular homes;
 - (4) Parks and playgrounds;
 - (5) Athletic fields and playfields, noncommercial, including stadiums and grandstands.
- (c) Conditional uses. Permitted conditional uses shall be any use allowed as a conditional use in the R-1 District, subject to the provisions of section 14.02.006.
- (d) Area, yard, height, and lot coverage requirements. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 14.02.019, "Schedule of district regulations," and other applicable provisions of section 14.02.020, "Supplementary district regulations."
- (e) Automobile parking space regulations. For automobile parking requirements, see section 14.02.021.
(Ordinance 300, sec. 16, adopted 8/6/18)

§ 14.02.017. MHP Manufactured Home Subdivision.

- (a) Purpose and scope.
- (1) The Manufactured Home Subdivision (MHP) District is designed to provide areas for the location of HUD-code manufactured homes in an attractive, low density setting and ensure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use.
 - (2) The Manufactured Home Subdivision (MHP) District is a detached residential district establishing standards for the development of HUD-code manufactured home subdivisions, MH parks and MH rental communities. A HUD-code manufactured home subdivision shall be defined as individually platted lots available for sale, lease or rental for the placement of manufactured home units which may either be privately owned, leased or rented. There is no distinction between a manufactured home subdivision, manufactured home park or manufactured home rental community in that the minimum dwelling unit size, lot size, layout of streets, utilities, and other infrastructure requirements are the same regardless of

ownership of the individual lots and dwelling units.

All MHP subdivisions with twenty-five (25) or more lots shall provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH District shall have, or shall make provision for, City of Frost water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Principal permitted uses.

- (1) HUD-code manufactured home (Code of Federal Regulations at 24 CFR 3280); and
- (2) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature.
- (3) Any principal building or any swimming pool shall be located not less than one hundred (100) feet from any property line of any other residential district.
- (4) Mobile homes (built prior to June 15, 1976) as defined in the Manufactured Housing Standards Act, article 5221f, section 3(a), V.T.C.S., are prohibited within the city limits and shall not be used as a dwelling unit in any zoning district.
- (5) Permitted conditional uses shall be any use allowed as a conditional use in the R-1 District, subject to the provisions of section 14.02.006.

(c) Area regulations.

- (1) Orientation of the dwelling unit. Manufactured homes may be either oriented perpendicular or parallel to the abutting street; however, the two types may not be mixed together in the same subdivision.
- (2) Size of yards (for each lot within a manufactured home subdivision):
 - (A) Minimum front yard: Twenty feet (20') from a dedicated street or from any private street or drive.
 - (B) Minimum side yard: Ten percent (10%) of the lot width with a minimum of twelve (12') feet between units; twenty feet (20') from zoning district boundary line; fifteen feet (15') for a corner lot on a residential or collector street, and twenty feet (20') for a corner lot on an arterial street.
 - (C) Minimum rear yard: Twenty feet (20').
 - (D) If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from any property or street right-of-way line.
- (3) Size of lots (for each lot within a manufactured home subdivision):
 - (A) Minimum lot area: Six thousand (6,000) square feet per lot.
 - (B) Minimum lot width: Sixty feet (60') - perpendicular orientation. One hundred feet

- (100') - parallel orientation.
- (C) Minimum lot depth: One hundred feet (100') - perpendicular orientation. Sixty feet (60') - parallel orientation.
- (4) Minimum floor area per dwelling unit. Twelve hundred (1,200) square feet.
- (5) Maximum lot coverage. Fifty percent (50%) for main building/unit plus any accessory buildings.
- (6) Parking regulations. Two (2) spaces per unit, one of which must be covered or enclosed, located on the same lot as the unit served.
- (7) Area for manufactured home subdivision. Minimum subdivision area shall be five (5) acres; maximum subdivision area shall not exceed fifty (50) acres.
- (8) Maximum height limit.
- (A) One (1) story, not to exceed eighteen feet (18') for the main manufactured home.
- (B) One (1) story, for other accessory buildings, including detached garages and carports, gazebos, mail kiosks, etc., not to exceed eighteen feet (18').
- (9) Minimum exterior construction standards. None (manufactured homes only - all other structures shall conform to section 14.02.027 [sic]).
- (10) Maximum impervious surface coverage. Sixty percent (60%).
- (11) Development standards.
- (A) All units shall be at least twenty feet (20') wide (e.g., "double-wide"). As of the effective date of this article all single-wide units shall be deemed nonconforming and shall not be brought into the city to occupy an existing vacant lot or to occupy a newly platted lot.
- (B) A pitched roof having a minimum of 4:12 is required with a minimum six-inch (6") overhang.
- (C) Manufactured housing design and construction will comply with manufactured housing construction and safety standards published by the Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (Vernon's Annotated Civil Statutes article 5221f, as amended) and all manufactured housing will be subject to inspection by the building official, or his designee.
- (D) All manufactured housing within the city shall be anchored on a permanent concrete foundation in accordance with federal guidelines as stated in the "Permanent Foundation Guide for Manufactured Housing" (HUD 7584). Any additions to the original structure, such as rooms, storage, or garages shall be constructed on a solid concrete slab.
- (E) Covered porches, patios and decks shall be constructed on-site, and shall not be located closer than five feet (5') from any property line.
- (F) Axles and tongues shall be removed, such that the manufactured housing unit becomes

permanently placed upon the site.

(G) Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structure.

(d) Supplemental requirements for MHP subdivisions.

- (1) Tenant parking. Each parking space shall be an approved all-weather surface, in accordance with city standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (see section 14.02.025 [14.02.021], Off-Street Parking and Loading Requirements).
- (2) Access.
 - (A) Each manufactured home subdivision shall have direct access from an improved public street in accordance with the subdivision ordinance.
 - (B) Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with city standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.
 - (C) All MHP subdivisions with private streets and/or sidewalks shall have a mandatory property owners' association which shall have in its bylaws provisions for the maintenance of all private access infrastructure including streets, sidewalks and common parking lots within the subdivision.
 - (D) Each emergency access/fire lane easement shall have a clear unobstructed width as specified in the adopted International Fire Code, shall connect to a dedicated public street, and shall meet the minimum required turning area and radii to permit free movement of emergency vehicles.
 - (E) Dead-end streets are not allowed without an approved turn-around in accordance with appendix D of the adopted fire code. Fire lane easements shall be maintained by the manufactured home subdivision.
 - (F) Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets (see subdivision ordinance).
- (3) Maintenance requirements for common areas. A property owners' association shall be required for continued maintenance of common land, clubhouses, private streets, sidewalks, common parking lots or spaces, open space and/or other facilities. In the event of failure to maintain said common areas, the city may by ordinance, provide for maintenance at the expense of the property owners, and provide for a lien against the property of the members, as in the case of individual homeowners. The power of the city to file a lien shall be recited in the bylaws of the association.
- (4) Walkways. Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets public or private.
- (5) Street names and signs. Within each manufactured home subdivision, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Private street signs shall be of a color and size contrasting with those on public streets and roadways so

that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the city administrator (or designee) along with the subdivision plat application, reviewed by the appropriate city staff with respect to street naming procedures set forth within the subdivision ordinance and/or the city's ordinances, and approved by the planning and zoning commission and the city council on the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without city approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the developer and approved by the city.

- (6) Other signs. Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the city.
- (7) Intersections. Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.
- (8) Street lighting. Street lighting along public and private streets within the manufactured home subdivision shall be provided in accordance with the subdivision regulations, and shall be maintained by the property owners' association of the manufactured home park if along private streets.
- (9) Electric and telephone service. All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the subdivision.
- (10) Drainage and soil protection. The ground surface in all parts of the subdivision shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home lot shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home subdivision shall be protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust or paved and/or covered with erosion-resistant but porous materials, such as, decomposed crushed granite, stone, brick paving, or other similar solid material.
- (11) Firefighting. Approaches to all manufactured homes shall be kept clear for firefighting.
- (12) The owner or agent of a manufactured home subdivision shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall install standard city fire hydrants located at three hundred feet (300') intervals along all internal streets public or private.
- (13) The owner or agent of a manufactured home subdivision shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.
- (14) Refuse facilities. If refuse services are not provided to individual lots then every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a common refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in

accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with section 14.02.023 [sic] of this article.

- (15) Anchorage of manufactured homes. To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the building code and state law.
- (16) Skirting.
- (A) All manufactured home units shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
- (B) All required skirting shall be masonry (or an approved substitute of equal durability) resistant to impact damage by weed trimmers or lawnmowers and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.
- (e) Special requirements.
- (1) Open storage is prohibited.
- (2) Usable open space requirements. Except as provided below, any manufactured home development shall provide usable open space that equals or exceeds ten percent (10%) of the total land area within the development. Usable open space areas shall be in conformance with section 14.02.019.
- (3) One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units. The playground equipment shall be of heavy-duty construction, such as is normally used in public parks or on public school playgrounds.
- (f) Manufactured home subdivision plan required. Site plan submission and approval shall be required for any manufactured home subdivision in the MHP District. Such site plan approval shall not require a public hearing as required unless the site plan submittal is part of a zoning change request to establish an MHP District zoning classification. Application for the establishment of a manufactured home subdivision shall be filed with the city secretary, or designee, and must be accompanied by a plat, drawn to scale and certified by a registered public surveyor, civil engineer, landscape architect or architect. Fifteen (15) blue and black line copies of the plat shall be submitted to the city secretary at least fourteen (14) days prior to the planning and zoning commission meeting at which the plat is to be considered. The plat shall be drawn on a 24" x 36" sheet at a scale of 1" = 100' unless a larger scale is authorized by the city. A scale of 1" = 200' is the smallest scale to be permitted. The planning and zoning commission shall review the plat for the manufactured home park and submit a recommendation to the city council. The plat shall contain the following information:
- (1) Accurate dimensions of the proposed manufactured home subdivision;
- (2) All roads and approaches and the method of ingress and egress from public streets;
- (3) Complete electric service installation, wire service outlets and lighting facilities all underground;

- (4) Complete location of any natural gas facilities to serve the subdivision;
 - (5) Complete layout of unit parking spaces and number of square feet therein, together with the dimensions;
 - (6) Location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leaching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with the mobile home subdivision;
 - (7) Name and address of the owner and engineer, surveyor of [or] land planner;
 - (8) Proposed name of the park;
 - (9) A north point, scale of plat, and date of preparation;
 - (10) Contours at intervals of five (5) vertical feet; and
 - (11) Drainage plans for park.
- (g) Enlargement.
- (1) Any enlargement or extension of any existing manufactured home subdivision shall require application for a building permit as if it were a new establishment.
 - (2) Enlargement - existing facilities to comply. No enlargement or extensions to any manufactured home park shall be permitted unless the existing facility is made to conform with all the requirements for new construction for such an establishment.
- (h) Additional requirements. In addition to the foregoing, the city council may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such manufactured home subdivision as it may deem necessary for the protection of adjacent properties and public interest.
- (Ordinance 300, sec. 17, adopted 8/6/18)

§ 14.02.018. PD Planned Development District.

- (a) Purpose and scope. The PD Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts. Planned development zoning shall require the submission and approval of a development site plan. The city council after public hearing and proper notice to all parties affected, and after recommendation from the planning and zoning commission, may require the creation of Planned Development Districts when any of the following developments are being considered:
- (1) Large shopping center;
 - (2) Housing development on tracts of five (5) acres or more;
 - (3) Industrial parks or districts on tracts of ten (10) acres or more;
 - (4) Medical center or hospital;
 - (5) Civic center and/or community center;

- (6) Office, motel or hotel center on tracts of two (2) acres or more;
 - (7) Recreation center;
 - (8) Research park or scientific research center; or
 - (9) A combination of uses that are not customarily allowed in any one of the districts established in this article.
- (b) Application procedures. Application for a PD District shall be made in the same manner as an application for any amendment to the zoning ordinance and shall include the following additional information:
- (1) Proposed uses. An application for a PD District shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the reference district, including those permitted through the cumulative provision of the zoning ordinance.
 - (2) Development requirements.
 - (A) An application for a PD District shall include a list of development requirements, which may be incorporated into the PD ordinance. Development requirements may include, but not be limited to, density, lot size, unit sizes, setbacks, building heights, lot coverage, parking ratios, screening and other requirements the council may deem appropriate.
 - (B) Standards set forth in specific zoning districts will be used as guidelines for planned developments. Modifications of standards may be considered if the modification substantially meets the intent of this article and improves the overall development design, or if a unique project design is proposed which cannot readily be accommodated through other districts. Pecuniary reasons shall not be the sole reason for modifying standards.
 - (3) Concept plan. An application for a PD District shall include a concept plan showing the relationship to existing natural features and adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific development details.
- (c) Development site plan. Approval of a development site plan shall be a prerequisite to the issuance of building permits for any property in a PD District. The approval of a development site plan may also serve as preliminary plat approval, provided that all requirements of the subdivision ordinance and its subsequent amendments are satisfied.
- (1) Compliance with approvals. The development site plan must comply with all provisions of the PD ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If, in the judgment of the planning and zoning commission, a development site plan does not comply with the provisions of the PD ordinance and the concept plan incorporated therein, the planning and zoning commission may reject such plan, in which case a new site plan may be submitted or application must be made to amend the PD ordinance, including all requirements for notices and public hearings. If a PD ordinance does not specify development standards or has not

incorporated a concept plan, the development plan approval shall specify such standards. Development requirements on such development plans may be revised under the same review, notice and approval procedures as applied to the original approval of the plan and application to amend the PD ordinance shall not be required.

- (2) Review process. The development plan review process shall include review by the planning and zoning commission, referral by the planning and zoning commission to the city council with a recommendation, and review and final approval of the development plan by the city council.
- (3) Modifications. The planning and zoning commission may recommend, and the council may require, such modifications of a development site plan that will ensure the proposed project will be in harmony with the existing and anticipated development of surrounding areas.
- (4) Requirements.
 - (A) General information. Twenty (20) copies of development site plan; vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, scale (not less than 1" = 100').
 - (B) Site/adjacent property information. Site, indicating boundaries and project phase lines, if any; public or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties, with zoning and existing uses identified.
 - (C) Building layout. Existing and proposed structures, showing approximate outline of perimeter walls and including distances to property lines and other structures; front, side and rear building setback lines; proposed category of use or uses of structures; elevation views or renderings indicating architectural design, building materials proposed and window orientations (one copy required); number of stories, in height and feet; gross floor area; location of entrances and exits.
 - (D) Circulation and parking. Location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches; street drives and alleys which are adjacent to or dead-end into the site, including the location, of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation; location, width and curve radii for required fire lanes.
 - (E) Drainage/utilities/services. Existing and proposed topography, reflecting proposed handling of on-site surface drainage; limits of the 100-year floodplain and floodway as shown on current FIA mapping, including location and acreage; proposed improvements and method of maintenance for any drainage channels; existing and proposed water and sanitary sewer layout; existing and proposed fire hydrant locations; proposed locations for solid waste container pads.
 - (F) Screening/open space/recreational facilities. Location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; location and size (if applicable) of proposed recreation facilities (swimming pools, tennis courts, etc.); location of open play areas and playgrounds with play equipment; landscape plan.

- (G) Living units. Table showing type of units by size, number of bedrooms, and number of each type; floor plans for all units.
- (d) Administrative action. Upon approval of a development site plan by the city council and approval of the preliminary plat, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, the planning and zoning commission may authorize minor changes when such changes will not cause any of the following circumstances to occur:
- (1) A change in the character of the development;
 - (2) An increase in the ratio of the gross floor area in structures to the area of any lot;
 - (3) An increase in the intensity of use;
 - (4) A reduction in the originally approved separations between buildings;
 - (5) An increase in the problems of circulation, safety, and utilities;
 - (6) An increase in the external effects on adjacent property;
 - (7) A reduction in the originally approved setbacks from property lines;
 - (8) An increase in ground coverage by structures;
 - (9) Reduction in the ratio of off-street parking and loading space to the gross floor area in structures; and
 - (10) Change in the locations, lighting or orientation of originally approved signs.
- (e) Standards for townhouse developments. Development of townhouse projects shall be considered within the scope of the PD Planned Development zoning classification, thereby providing flexibility in planning and design, and allowing the application of innovative and creative development concepts. The following standards are set forth as guidelines for the preparation of a development plan as required by section 14.02.018(b). Consistent with the intent of the Planned Development District, these standards may be modified as may serve the best interests of the community upon approval of the development plan.
- (1) Townhouse lots. The following minimum requirements should apply to each townhouse lot:
 - (A) Area of lot: Three thousand (3,000) square feet;
 - (B) Depth of lot: One hundred (100) feet, except where the lot backs to a freeway, expressway, or thoroughfare in which case the minimum depth of lot shall be one hundred ten (110) feet;
 - (C) Width of lot: Twenty-six (26) feet;
 - (D) Front yard setback: Twenty (20) feet; and
 - (E) Exterior side yard: Where a side lot line abuts a street, the width of the side yard shall be fifteen (15) feet.

Access to townhouse lots shall be adequate to provide fire protection and sanitation

service.

- (2) Spacing between buildings. Dwelling units should be in groups of not less than three (3) townhouse units nor more than seven (7) townhouse units; in no event should more than one-fourth (1/4) of the total building groups contain seven (7) townhouses. The total length of any one group of units should not exceed an overall length of two hundred twenty-five (225) feet. There shall be a minimum space of thirty-six (36) feet between building groups and fifteen (15) feet between the end of a building and a street, private drive, or alley.
- (3) Open space. No less than forty (40) percent of the total gross land area should be open space that shall not be used as an area of principal construction, nor for automobile driveways or parking facilities. Such open space should be used exclusively for the purpose of installation of recreational facilities and green or landscaped areas. Floodplains, or any standing surface water, other than swimming pools, may be considered open space if specifically approved by council.
- (4) Density. The average density of townhouse units should not exceed eight (8) units per acre. The density is to be computed by taking the gross land area of each townhouse tract and dividing the total number of dwelling units within the tract.
- (5) Living area in each townhouse unit. The minimum living area for a one-bedroom townhouse unit shall be eight hundred fifty (850) square feet; two (2) or more bedroom units shall have a minimum of twelve hundred (1,200) square feet living area, exclusive of garages, breezeways, patios, and porches.
- (6) Exterior fire resistant construction. All main buildings shall be of exterior fire resistant construction having exterior walls constructed of brick, stone, concrete block, or other masonry, or materials of equal characteristics, or as approved in the review of the development plan.
- (7) Firewalls. Within each townhouse complex, a four (4) hour, fire-rated firewall shall be placed every forty-five hundred (4,500) square feet. All such firewalls shall be continuous and unbroken from the foundation slab to the underside of the roof deck and conform to the other requirements for firewalls as outlined in the building code for the city. All other townhouse unit separation walls shall be of a two (2) hour rating.
- (8) Utilities. All utilities shall be placed underground, except installations above ground shall be permitted when approved by the city council under the following circumstances:
 - (A) Above-ground installations of transformers;
 - (B) Where utility lines cross a major drainage channel or depression of such depth as to make underground installation impractical; and
 - (C) At the point where the utility enters the development.
- (9) Parking regulations. Two and one-half (2-1/2) parking spaces shall be provided off the street for each townhouse unit. Each townhouse should provide a carport or garage and shall have a capacity for two (2) motor vehicles (pickup and vans not exceeding three-fourths (3/4) ton capacity). The additional one-half (1/2) parking space per unit shall be placed in groups scattered through the development to accommodate the guests of the homeowners. No more than fifty (50) percent of the additional off-street parking spaces shall be located on private or public streets or alleys.

- (10) Recreational facilities. Recreational and community facilities, including community buildings, swimming pools, and playground areas, shall be considered in the review of the development plan.
 - (11) Recreational vehicles and equipment. Adequate storage areas for the storage of recreational vehicles and equipment shall be considered in the review of the development plan.
 - (12) Screening. Screening shall be provided according to the following requirements:
 - (A) In the event that a townhouse development backs up or sides upon a R-1, R-2, R-3, or C District, a solid masonry screening fence of not less than six (6) feet nor more than eight feet (8') shall be erected and maintained along the property line separating the two districts;
 - (B) A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the townhouse development; and
 - (C) No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street, or drive intersections.
 - (13) Construction requirements. All streets, parking areas, access drives, sidewalks, and drainage structures constructed on private or public property shall be approved by the city and constructed in accordance with the city's specifications and requirements.
 - (14) Homeowners' association. Before approval of any plat containing any common area, it shall be necessary to assure the city that provisions have been made for adequate upkeep and maintenance of such area and facilities. Any such homeowners' or maintenance association, so established to maintain and manage all such common area, shall be approved by the city council prior to the issuance of any building permits. In the event of failure to maintain said common area, the city may, by ordinance, provide for maintenance at the expense of the property owners, and provide for a lien against the property of the members, as in the case of individual homeowners. The power of the city to file a lien shall be recited in the bylaws of the association.
- (Ordinance 300, sec. 18, adopted 8/6/18)

§ 14.02.019. Schedule of district regulations.

	R-1	R-2	R-3	MH	C-1	C-2	I-1	AG
Maximum height (ft.)	36 2.5 stories	36 2.5 stories	45 3 stories	18 1 story	35 2 stories	35 2 stories	45 3 stories	45 3 stories
Minimum side yard interior (ft.)	8	8	15	8	A	A	A	25
Minimum side yard corner lot street side (ft.)	15	15	15	15	15	15	15	25

	R-1	R-2	R-3	MH	C-1	C-2	I-1	AG
Minimum rear yard (ft.)	25	25	15	20	A	A	A	50
Minimum front yard (ft.)	25	25	NA	25	25	25	25	60
Minimum lot area (sq. ft.)	8,000	B	B	7,800	10,000	10,000	10,000	2 acres
Minimum building size (sq. ft.)	1,200	C	C	900	NA	NA	NA	1,000
Minimum lot width (ft.)	65	65	100	65	100	100	100	200
Minimum lot depth (ft.)	120	120	100	120	100	100	100	250
Maximum impervious cover	60%	60%	75%	60%	80%	80%	90%	30%

A - None required except where a nonresidential use abuts a residential lot the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this article.

B - Lot area shall be not less than seven thousand five (7,500) square feet for each dwelling or dwelling group have [having] three (3) dwelling units and not less than one thousand (1,000) square feet of lot area.[,] in addition, for each additional dwelling unit over three (3) in number. A maximum of sixteen (16) units may be constructed per acre.

C - Minimum building size shall be for one-bedroom unit - 650 square feet; two-bedroom - 780 square feet; three-bedroom - 930 square feet.

The schedule of district regulations notwithstanding, the exterior of additions and/or modifications to existing non-masonry single-family residential structures and accessory buildings to such structures may consist of materials consistent with the exterior of the existing structure.

(Ordinance 300, sec. 19, adopted 8/6/18)

§ 14.02.020. Supplementary district regulations.

- (a) Screening elements and fences. In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property, to conserve and protect the value of adjacent land and buildings, to protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain

livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The term “screening element” as used herein is defined in section 14.02.004.

- (1) Traffic visibility at intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet (25') from the point of the intersection.
- (2) Traffic visibility at interior lots. On an interior lot in any district, nothing shall be erected placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.
- (3) Residential districts - general.
 - (A) Screening elements and fences shall be restricted to a maximum height of six feet (6'), measured from the adjacent grade line, except as otherwise allowed.
 - (B) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet (6') nor more than eight feet (8'), of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than three and one-half feet (3-1/2') in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.
- (4) Nonresidential districts - general.
 - (A) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet (6') nor more than eight feet (8').
 - (B) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet (3-1/2').
 - (C) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') nor more than eight feet (8') in height.
 - (D) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less

than six feet (6') nor more than eight feet (8') in height.

- (E) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.
 - (F) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefor.
 - (G) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.
- (5) Barbed wire fences.
- (A) Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.
 - (B) Barbed wire strands may be placed on top of permitted fences and screening elements in an industrial or general commercial district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than eight feet (8') nor the bottom strand lower than six feet (6') from the adjacent grade line.
- (b) Accessory buildings. The following regulations shall govern the location, size, and use of any accessory buildings:
- (1) No accessory building shall be erected in any required yard area as stipulated in this article, except as allowed in the following paragraphs.
 - (2) No accessory building shall be erected within ten feet (10') of any other building, except detached residential garages may be located within five feet (5') of the main dwelling, and except as the provisions of subsection (5) below are met.
 - (3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.
 - (4) No detached residential garage or carport shall be erected or placed within eight feet (8') from any side lot line.
 - (5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building, but shall not encroach in any required front yard, and may not occupy more than thirty percent (30%) of the rear yard.
 - (6) No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, as provided in the applicable zoning district.
 - (7) No accessory building shall be higher than the main building and in no case be in excess of eighteen feet (18') in height.
 - (8) No accessory building shall be erected or placed within three feet (3') of any side or rear lot line and shall not encroach upon any easement.

(c) Projections of buildings, structures, and appurtenances into required yards.

- (1) Open or lattice-enclosed fire escapes may project into a required yard not to exceed five feet (5'). The ordinary projections of chimney's pilasters shall be permitted by the city's building official when placed so as not to obstruct light and ventilation.
- (2) Terraces, balconies, decks, uncovered porches and ornamental features, which do not extend more than four feet (4') from the side wall line and being at least seven feet (7') above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least four feet (4') from any adjacent side lot line. Such features may not project onto a required front or rear yard more than eight feet (8') from the front or rear wall line.
- (3) An unenclosed porch containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed five feet (5').
- (4) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed, except for necessary structural supports, and not less than five feet (5') from any side lot line.
- (5) Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve inches (12"), or as otherwise excepted in subsections (1) through (4) above.

(d) Parking, storage or use of major recreational equipment and vehicles.

- (1) No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building, on a driveway, or in a required side or rear yard, except that such equipment may be parked anywhere on a residential premise not to exceed twenty-four (24) hours during loading or unloading.
- (2) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.
- (3) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

(Ordinance 300, sec. 20, adopted 8/6/18)

§ 14.02.021. Parking space regulations.

- (a) Automobile parking space regulations. Whenever any ordinance, regulation, or plan enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such section; otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

- (1) Except as otherwise provided in the [this] section, off-street parking spaces shall be

provided as follows:

Use of Building or Site	Minimum Number of Parking Spaces Required
Residential	
Single-family	2.0 per dwelling unit
Duplex	2.0 per dwelling unit
Multifamily	
Triplex	2.0 per dwelling unit
Fourplex	2.0 per dwelling unit
Townhome	2.0 per dwelling unit
Apartments	2.0 per dwelling unit
Commercial	
Offices and banks	3.3 per 1,000 sq. ft. gross floor area
Clinics and doctors' offices	8.0 per 1,000 sq. ft. gross floor area
General retail	1.0 per 300 sq. ft. gross floor area
Shopping centers	5.5 per 1,000 sq. ft. gross floor area
Restaurants	0.3 per seat
Hotels, motels	1.00 per unit
Halls for meeting, dancing, social events	5.0 per 1,000 sq. ft. gross floor area
Entertainment	
Bowling alleys Pool halls	5.0 per 1,000 sq. ft. gross floor area
Industrial	0.8 per employee on any one shift
Auditoriums and theaters	1.0 per four seats
Churches (sanctuary)	1.0 per four seats
Churches (additional space)	1.0 per 1,000 square feet
Elementary and junior high schools	1.0 per staff member
Hospitals	1.2 per bed plus 1.0 per three staff members on any one shift
Nursing homes	1.0 per five beds plus 1.0 per two staff members on any one shift
Wholesale storage and jobbing	1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking.

Off-street reservoir parking shall be provided for an automatically operated car wash equal to three (3) times the maximum capacity of the car wash, and for a manually operated car wash equal to six (6) times the maximum capacity of the car wash, for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time. The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

- (2) Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.
- (3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five feet (35') in length, twelve feet (12') in width, and fifteen feet (15') in height.
- (4) For the purpose of this subsection, one parking stall shall be not less than one hundred seventy-five (175) square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then each such stall shall be considered a parking stall as required herein.
- (5) A driveway for access to any single parking space or to a parking lot shall be not less than eleven feet (11') in width nor more than thirty feet (30') in width at the property line along the street and shall be so located as to minimize traffic hazard and congestion.
- (6) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred feet (500') from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand feet (1,000') from such premises, except as otherwise provided in this subsection or other subsections of this article.
- (7) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that, where it is found by the board of adjustments, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the board of adjustments may reduce the total of number of parking stalls to be jointly provided.
- (8) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.
- (9) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination

of dust, dirt, and mud, according to city specifications.

- (10) In a case where existing off-street parking facilities have unused parking capacity, and where such facilities are open to the use of the public free of charge or at reasonable rates, the board of adjustments may reduce the parking space requirements for any use distance not more than eight hundred feet (800') from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.
 - (11) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development, and where the board of adjustments has reasonable assurance that such development will be carried to completion and will, when completed, relieve the parking demand in an area within five hundred feet (500') thereof in some measure or in full measure, the board of adjustments may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of subsection (10) above may be applied by the board.
 - (12) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the board may reduce by an amount not to exceed fifty percent (50%) the space required for parking stalls for such use.
 - (13) In a case where it is clearly shown by the applicant, to the satisfaction of the board, that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the board may reduce such requirement.
- (b) Residential off-street parking.
- (1) Purpose. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the city.
 - (2) Definitions and restrictions. It shall be illegal for any person to park, or to allow to be parked on any property under his control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned MH, R-1, or R-2, under this article unless:
 - (A) Said area is a part of a hard-surfaced driveway or parking area;
 - (B) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;
 - (C) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this article;
 - (D) Said area is part of a side yard which is enclosed by a screening fence at least six feet (6') in height and so constructed that no person can see through into the area surrounded by the fence;

- (E) The term “vehicle” as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term “hard-surfaced” as used herein shall include cement, asphalt, brick and other commonly accepted pavement that may be approved by the building official;
- (F) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than fifteen percent (15%) of any residential front yard, except for front yards with a front footage width of less than seventy feet (70'), in which case the maximum width for a single driveway shall be eleven feet (11');
- (G) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than twenty-seven percent (27%) of any residential front yard, provided that the maximum width of a driveway shall not exceed twenty-four feet (24') in any case and shall not exceed eighteen feet (18') for front yards with a front footage width of less than seventy feet (70');
- (H) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than thirty-three percent (33%) of any residential front yard, provided that the maximum width of a driveway shall not exceed thirty feet (30') in any case, and shall not be permitted for front yards with a front footage width of less than eighty feet (80');
- (I) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or
- (J) Circular driveways used for turnarounds or through traffic shall not utilize more than thirty percent (30%) of any residential front yards or corner side yards with a front footage or [of] less than eighty feet (80').

(Ordinance 300, sec. 21, adopted 8/6/18)

§ 14.02.022. Nonconforming uses.

(a) Intent.

- (1) Within the districts established by this article, or amendments that may later be adopted, there exist lots and uses of lands, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before this article was passed and amended, but which would be prohibited, regulated or restricted under the terms of this article or future amendments. It is the intent of this article to permit these nonconformities to continue until they are removed.
- (2) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- (b) Nonconforming lots of record. In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this article. This provision shall apply even [if] such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by section 14.02.019; however, all other provisions of section 14.02.019 shall apply. Any required variances shall be obtained only through the zoning board of adjustment.
- (1) Conformance when.
- (A) The lawful use of a building or land existing at the date of enactment of this article, although such does not conform to the provisions hereof, may be continued, but if nonconforming use is discontinued for a period of six (6) consecutive calendar months, it shall not thereafter be resumed and any future use of such building or land shall be in conformity with the provisions hereof.
- (B) The use of land, if changed from a nonconforming use, shall be in conformity with the provisions hereof.
- (2) Board approved use conforms. Any use that is permitted in a district only upon action of the board of adjustments shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions of a conditional permit for such use.

(Ordinance 300, sec. 22, adopted 8/6/18)

§ 14.02.023. Planning and zoning commission.

- (a) Duties and powers. In the absence of a planning and zoning commission, the city council shall serve as the commission. The planning and zoning commission is hereby charged with the duty and invested with the authority to:
- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the city.
 - (2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan.
 - (3) Formulate and recommend to the city council, for its adoption, a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
 - (4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in chapter 211, section 211.007 of the Local Government Code of the State of Texas. All powers granted under said section are specifically adopted and made a part hereof.
 - (5) Exercise all the powers of a commission as to approval or disapproval of plans, plats, or replats set out in chapter 212, section 212.006 of the Local Government Code of the State of Texas.
 - (6) Study and recommend the location, extension and planning of public rights-of-way, parks

or other public places, and on the vacating or closing of same.

- (7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures [and] appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art that are, or may become, the property of the city.
- (8) Initiate in the name of the city, for consideration at public hearing, all proposals: (a) for the opening, vacating or closing of public rights-of-way, parks or other public places; or closing of public rights-of-way, parks or other public places; (b) for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the city.
- (9) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- (10) Submit each May, a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and identity of commission officers.

(Ordinance 300, sec. 23, adopted 8/6/18)

§ 14.02.024. Board of adjustment.

- (a) Organization of board of adjustment. There is hereby created a board of adjustment, herein referred to as the board. In the absence of a board of adjustment, the city council shall serve as the board. The board shall be organized, appointed, and function as follows:
 - (1) The board shall consist of five (5) members who are residents of the city, each to be appointed by the city council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. The city council shall designate one (1) member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. The city council may appoint two (2) alternate members of the board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the chairman of the board or city secretary, as the case may be. All cases to be heard by the board will always be heard by a minimum of seventy-five percent (75%) of the number of regular members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.
 - (2) Each position on the board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 5. The terms of the odd-numbered positions (places 1, 3, and 5) shall expire in odd-numbered years and the terms of even-numbered positions (places 2 and 4) shall expire in even-numbered years. Board members may be appointed to successive terms.
 - (3) Each alternate position on the board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 2. The terms of the odd-numbered positions shall expire in odd-numbered years and the terms of even-

numbered positions shall expire in even-numbered years. Board alternate members may be appointed to successive terms.

- (4) Appointments of members and alternate members of the board shall be made at the first regular city council meeting in the month of June of each year. Newly appointed members and alternate members shall be installed at the first regular board meeting after their appointment. If there is a sitting board, they shall continue to serve.
- (b) Operational procedure.
- (1) The board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this article or state law. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
 - (2) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
 - (3) Appeals to the board can be taken by any person aggrieved or by an officer, department, or board of the municipality affected by any decision of the administrative official. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the administrative official by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken.
 - (4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with the officer, that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record on application or notice to the officer from whom the appeal is taken and on whom [sic] due cause shown.
 - (5) No appeal to the board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from a previous ruling of the board on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months period, been changed or acted on by the board or city council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the re-hearing of an appeal by the board prior to the expiration of six (6) months period, but such conditions shall in no wise have any force in law to compel the board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
 - (6) At a public hearing relative to any appeal, any interested party may appear in person, or by agent, or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the board on any appeal. Any special exception or variance granted or authorized by the board, under the provisions of this article, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be,

for a period of ninety (90) days from the date of the favorable action of the board, unless said board shall have, in its action, approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said ninety (90) day period, or such extended period as the board may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

(c) Actions of the board of adjustment.

- (1) In exercising its powers, the board may, in conformity with the provisions of the statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant.
- (2) The concurring vote of seventy-five percent (75%) of the number of regular members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this article or to affect any variance in this article.
- (3) Any person or persons jointly or severally aggrieved by any decision of the board, or any taxpayer, or any officer, department, or board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the board and not thereafter.

(d) Notice of hearing before board of adjustment required. The board shall hold a public hearing on all appeals made to it, and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred feet (200') of the property on which the appeal is made. Measurements shall be taken inclusive of public streets. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States post office. Notice shall also be given by publishing the same in the official publication of the city at least ten (10) days prior to the date set for hearing, which notice shall state the time and place of such hearing.

(e) Jurisdiction of board of adjustment. When, in its judgment, the public convenience and welfare will be substantially served, and the appropriate use of the neighboring property will not be substantially or permanently injured, the board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established, and take action, relative to the continuance and discontinuance of a nonconforming use:

- (1) Consider applications for conditional uses as set forth in section 14.02.006;
- (2) To hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the administrative official in the enforcement of this

article;

- (3) Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in section 14.02.005 apply;
- (4) Initiate, on its motion or cause presented by interested property owners, action to bring about the discontinuance of a nonconforming use;
- (5) Require the discontinuance of a nonconforming use under any plan, whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article;
- (6) Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of section 14.02.019 [14.02.022];
- (7) Permit the enlargement of a nonconforming use in accordance with the provisions of section 14.02.019 [14.02.022];
- (8) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure, and provided that such actions conform to the provisions of section 14.02.019 [14.02.022];
- (9) Require the vacation and demolition of a nonconforming structure that is deemed to be obsolete, dilapidated, or substandard;
- (10) Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of this article would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land, which differs from other parcels of land in the same district by being of such area, shape or slope, that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

(Ordinance 300, sec. 24, adopted 8/6/18)

§ 14.02.025. Amendments.

- (a) General. The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. The planning and zoning commission and its composition and duties are established by the city council.
- (b) Amendment initiation. An amendment to this article may be initiated by:
 - (1) City council on its own motion;
 - (2) Planning and zoning commission; or

- (3) Request by owner or agent of owner of property to be changed.
- (c) Procedure.
- (1) All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the planning and zoning commission agenda.
- (2) The city council may not enact any proposed amendment until the planning and zoning commission makes its final report to the city council. The city council may refer proposed amendments to the planning and zoning commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.
- (d) Public hearing and notice. Prior to making its report to the city council, the planning and zoning commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. No notice of hearings before the planning and zoning commission on proposed changes in zoning regulations need be given except as may be required by state law.
- (e) Commission report. The planning and zoning commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the city council. Such report may recommend for or against such proposed change and may but need not include reasons for such decision. The commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes that may have a direct bearing thereon. If the commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.
- (f) Forwarding final report. Every proposal, receiving a final report by the commission, shall be forwarded to the council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- (g) Withdrawal. Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.
- (h) Council hearing and notice. The city may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the council. Notice of council hearing shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from

the date of publication. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

- (i) Application not to be considered for another six months after denial of request for rezoning. No application for rezoning shall be considered within six (6) months of denial of a request by the city council for the same classification on the same property.
- (j) Protest against change. In case of a protest against such change, signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.
- (k) Council action on application. The proponent of any zone change shall satisfy the city council that either the general welfare of the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the council's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.
- (l) Site plan and supporting documents required; petition for zoning district change or conditional use. When in the opinion of the planning and zoning commission, city council, or zoning board of adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such commission, council, or board to properly review and evaluate all relevant factors thereof, said commission, council, or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon. The petitioner is encouraged to meet with the appropriate commission, council, or board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition. The general type and extent of plans and supporting documents that may be required of the petitioner include, but are not necessarily limited to:
 - (1) Site plan. Meeting all of the requirements of a "preliminary plat," as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require includes:
 - (A) Existing and proposed zoning district;
 - (B) General outline of extensive tree cover areas;
 - (C) Drainage ways and 100-year floodplain limits;
 - (D) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
 - (E) Proposed internal, nonvehicular circulation linkages, such as, pedestrian paths and

hike trails, bike trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

- (F) A tabular summary schedule indicating:
- (i) The gross acreage and percent of each type of zoning category proposed;
 - (ii) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single-family, two-family, multi-family townhouse, etc., including the total gross project acreage;
 - (iii) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street;
 - (iv) The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single-family, two-family, etc.);
 - (v) Proposed maximum lot coverage by building types (i.e., 1/F, 2/F, M/F, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.
- (2) Architectural drawings. Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
- (3) Written documents. In narrative form on 8-1/2" x 11" sheets, including:
- (A) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;
 - (B) Legal description of the total site area proposed for rezoning, development, or conditional use permit;
 - (C) A development schedule indicating the approximate dates(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
 - (D) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
 - (E) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
 - (F) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when

deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;

(G) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

(H) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

(Ordinance 300, sec. 25, adopted 8/6/18)

§ 14.02.026. Repealer.

All ordinances or parts of ordinances not consistent, or conflicting with, the provisions of this article are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this article shall be cumulative of other ordinances regulating and governing the subject matter covered in this article. Any cause of action accruing prior to the passage of this article shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

(Ordinance 300, sec. 26, adopted 8/6/18)

§ 14.02.027. Severability.

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this article are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this article shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this article since the same would have been enacted by the city council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

(Ordinance 300, sec. 27, adopted 8/6/18)

§ 14.02.028. Engrossment and enrollment clause.

The city secretary of the city is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the city council and filing the ordinance in the ordinance records of the city.

(Ordinance 300, sec. 28, adopted 8/6/18)

ZONING

Appendix A

CODE COMPARATIVE TABLE

§ A1.000. Code Comparative Table.

§ A1.000. Code Comparative Table.

This table shows the location or gives the disposition of the chapters, sections and subsections of the 1978 Frost Code of Ordinances within this revised code. The abbreviation “NIC” means the provision is not included in this code, though not necessarily repealed.

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
CHAPTER 1 GENERAL PROVISIONS		
Sec. 1	How code designated and cited	Superseded by Ordinance adopting Code.
Sec. 2	Catchlines of sections	Superseded by Ordinance adopting Code.
Sec. 3	Definitions and rules of construction	Superseded by Ordinance adopting Code.
Sec. 4	Amendments or additions to code	Superseded by Ordinance adopting Code.
Sec. 5	General penalty for violations of code	Superseded by Ordinance adopting Code.
Sec. 6	Severability of parts of code	Superseded by Ordinance adopting Code.
Sec. 7	Sales tax	
	A. Adopted	§ 11.03.001
	B. Retained on gas and electricity	§ 11.03.002
Sec. 8	Ad valorem tax	
	A. Office of tax assessor-collector established	Rpld. by Ordinance adopting Code
	B. Participation in appraisal district	§ 11.02.001
	C. Tax due date	§ 11.02.002
	D. Discounts	§ 11.02.003
Sec. 9	Gross receipts tax	
	A. Report of gross receipts	Rpld. by Ordinance adopting Code

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	B. Examination of books and records	Rpld. by Ordinance adopting Code
	C. Amount; payment	Rpld. by Ordinance adopting Code
	D. Privileges granted	Rpld. by Ordinance adopting Code
	E. Charges additional to taxes	Rpld. by Ordinance adopting Code
	F. Compliance with other laws	Rpld. by Ordinance adopting Code
	G. Franchise not granted	Rpld. by Ordinance adopting Code
	H. Right of city to impose additional requirements	Rpld. by Ordinance adopting Code
	I. Inspection of pipes and fixtures	Rpld. by Ordinance adopting Code
Sec. 10	Fiscal year	§ 1.06.001
Sec. 11	Title 28, R.C.S. of State of Texas adopted	§ 1.02.001
Sec. 12	Elections	§ 1.04.001
Sec. 13	Annual budget	§ 1.06.002
Sec. 14	Audit	§ 1.06.003
Sec. 15	Fishing and boating upon Frost Lake	Rpld. by Ordinance adopting Code.
CHAPTER 2 ANIMAL CONTROL		
Sec. 1	Dogs	Superseded by Ord. 163
Sec. 2	Livestock	
	A. Livestock not to run at large	Amnd. by Ord. 280
	B. Wild animals restricted	Amnd. by Ord. 280
	C. Disposal of dead animals	Amnd. by Ord. 280
	D. Maintenance of stables, pens, houses, yards	Amnd. by Ord. 280
	E. Herding of livestock on streets prohibited	Amnd. by Ord. 280
	F. Fowl not to run at large	Amnd. by Ord. 280
Sec. 3	Cruelty to animals	Amnd. by Ord. 280
	A. Cruelty to animals	Amnd. by Ord. 280
	B. Enclosing or using animal without consent of owner	Amnd. by Ord. 280
CHAPTER 3 BUILDING REGULATIONS		
Sec. 1	Building code adopted	Amnd. by Ord. 289B

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
Sec. 2	Fire district defined and established.	Rpld. by Ordinance adopting Code
Sec. 3	Issuance of development permits within flood hazard area of city	Superseded by Ord. 106
Sec. 4	Southern Standard Housing Code adopted	§ 3.02.351
Sec. 5	Electrical code	
	A. Electrical inspector - Office created	§ 3.02.141
	B. Standards for electric lines	§ 3.02.103
	C. Electrician's license - Required	§ 3.02.102(a)
	D. Electrician's license - Fee; bond	§ 3.02.102(b)
	E. Electrician's license - Privileges granted	§ 3.02.102(c)
	F. Electrician's license - Revocation; forfeiture of bond	§ 3.02.102(d)
	G. Electrician's license - Disposition of funds upon forfeiture of bond	§ 3.02.102(e)
	H. Conduits required	§ 3.02.106
	I. Electrical inspector - Duties	§ 3.02.142
	J. Wires interfering with fire department of use of fire escape	§ 3.02.104
	K. Electrical inspector - Deputies	§ 3.02.143
	L. Electrical inspector - Right of entry	§ 3.02.144
	M. Electrical wiring and apparatus defined	§ 3.02.101
	N. Electrical inspector - Decisions on questions	§ 3.02.145
	O. Electrical signs	§ 3.02.107
	P. Concealed work	§ 3.02.109
	Q. Authority to turn off current or remove wires	§ 3.02.105
	R. Permits required	§ 3.02.108(a)
	S. Application for permit	§ 3.02.108(b)

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	T. Certificate of satisfactory inspection	§ 3.02.110
	U. Electrical inspector - Interference	§ 3.02.146
	V. Liability	§ 3.02.111
	W. Electrical code adopted	Amnd. by Ord. 289B
Sec. 6	Adoption of plumbing code	Amnd. by Ord. 289B
Sec. 7	Adoption of gas code	§ 3.02.251
Sec. 8	Adoption of mechanical code	Amnd. by Ord. 289B
Sec. 9	Public property	
	A. Permission required for excavations	§ 8.02.001
	B. Removing sod, stone, earth, sand or gravel	§ 8.02.002
	C. Guarding of excavations	§ 8.02.003
	D. Injuring public improvement	§ 8.02.004
	E. Protection of street from damage by traction engines	§ 8.02.005
	F. Obstructing street or alley	§ 8.02.006
	G. Placing building materials on street or alley	§ 8.02.007
	H. Obstructing sidewalk; structures on sidewalk	§ 8.02.008
	I. Structures on street	§ 8.02.009
	J. Injuring or removing public property or appurtenances	§ 8.02.010
CHAPTER 4 BUSINESS REGULATIONS		
Sec. 1	Junk dealers	
	A. Definitions	§ 4.04.001
	B. Compliance	§ 4.04.002
	C. Application for license	§ 4.04.041
	D. Fireproof construction of buildings	§ 4.04.003
	E. Fence or other enclosure	§ 4.04.004
	F. Issuance of license	§ 4.04.042

1978 CODE OF ORDINANCES	2015 CODE OF ORDINANCES	
	G. Denial of license	§ 4.04.043
	H. License fee; duration	§ 4.04.044
	I. Fee for additional vehicles	§ 4.04.045
	J. Duplicate license	§ 4.04.046
	K. Posting of license	§ 4.04.047
	L. Business to be operated at designated location; operating without valid license	§ 4.04.048
	M. Hours for receiving goods	§ 4.04.005
	N. Receiving goods from certain persons prohibited	§ 4.04.006
	O. Inspections	§ 4.04.007
	P. Holding period for goods received	§ 4.04.008
	Q. Records generally	§ 4.04.009
	R. Records of motor vehicle parts	Rpld. by Ordinance adopting Code
	S. Holding period for motor vehicles and parts	Rpld. by Ordinance adopting Code
	T. Motor vehicles or parts with identification mark removed	Rpld. by Ordinance adopting Code
	U. Revocation of license	§ 4.04.049
Sec. 2	Public dance halls and public dances	
	A. Definitions	§ 4.07.001
	B. Dance hall license - Required; application; fee	§ 4.07.002(a)
	C. Dance hall license - Standards for issuance	§ 4.07.002(b)
	D. Public dance permit	§ 4.07.003
	E. Transfer of license or permit	§ 4.07.004
	F. Condition of premises; prohibited conduct; appeals	§ 4.07.005
	G. Enforcement	§ 4.07.006
	H. Applicability	§ 4.07.007

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
Sec. 3	Discrimination in the sale, rental, and financing of housing prohibited	
	A. Definitions	Superseded by Ord. 180
	B. Discrimination in the sale or rental of housing	Superseded by Ord. 180
	C. Discrimination in the financing of housing	Superseded by Ord. 180
	D. Discrimination in the provision of brokerage services	Superseded by Ord. 180
	E. Exemptions and exclusions	Superseded by Ord. 180
	F. Fair housing administrator	Superseded by Ord. 180
	G. Complaints	Superseded by Ord. 180
	H. Investigation	Superseded by Ord. 180
	I. Cumulative legal effect	Superseded by Ord. 180
	J. Unlawful intimidation	Superseded by Ord. 180
	K. Cooperation with Secretary of Housing and Urban Development	Superseded by Ord. 180
	L. Education and public information	Superseded by Ord. 180
Sec. 4	Peddlers	
	A. Declaration of nuisance	§ 4.02.001
	B. Exceptions	§ 4.02.002
	C. Application for license	§ 4.02.003
	D. Issuance of license; fees	§ 4.02.004
	E. Refusal to leave premises	§ 4.02.005
	F. License required before going upon private property	§ 4.02.006
	G. Duration of license; cancellation	§ 4.02.007
Sec. 5	Solicitation of money and gifts for charitable purposes	
	A. Misrepresentation prohibited	§ 4.03.002
	B. Permit required for soliciting alms or gifts	§ 4.03.031(a)

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	C. Permit required for benefit dance, rummage sale, or sale of donated property	§ 4.03.031(b)
	D. Application for permit	§ 4.03.032
	E. Granting or denial of permit	§ 4.03.033
	F. Records of permits	§ 4.03.034
	G. Duration of permit	§ 4.03.035
	H. Credentials required; responsibility of permit holder for acts of representatives	§ 4.03.036
	I. Transfer of permit; revocation	§ 4.03.037
	J. Investigation of violations	§ 4.03.038
	K. Applicability	§ 4.03.001
Sec. 6	Posting of bills, signs, and advertisements	§ 8.01.005
CHAPTER 5 FIRE PROTECTION		
Sec. 1	Fire marshal	
	A. Office created, qualifications, removal, salary	§ 5.02.001
	B. Authority	§ 5.02.002
	C. Duties	§ 5.02.003
	D. Investigation testimony	§ 5.02.004
	E. Summon witnesses	§ 5.02.005
	F. Penalty for refusing to testify	§ 5.02.006
	G. Private testimony authorized	§ 5.02.007
	H. Penalty for maintenance of fire traps	§ 5.02.008
	I. Penalty for maintenance of equipment liable to fire	§ 5.02.009
	J. Notice required	§ 5.02.010
Sec. 2	Arson reward	§ 5.01.001
Sec. 3	Fireworks	
	A. Definition	§ 8.04.001
	B. Discharge of fireworks prohibited	§ 8.04.002

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	C. Permit for public fireworks displays	§ 8.04.003
	D. Discharge of firearms or firecrackers prohibited in certain places	§ 8.04.004
Sec. 4	Interference with fire fighting	
	A. Driving over fire hose	§ 5.01.002
	B. Interference with firemen; duty of drivers upon approach of fire apparatus	§ 5.01.003
	C. False fire alarms	Rpld. by Ordinance adopting Code
CHAPTER 6 HEALTH AND SANITATION		
Sec. 1	Health code	§ 6.01.001
Sec. 2	Food products establishments	
	A. Definition	§ 6.04.001
	B. Employees with contagious disease prohibited	§ 6.04.002(a)
	C. Employee health certificate required	§ 6.04.002(b)
Sec. 3	Health nuisances	
	A. Nuisance defined	§ 6.02.001
	B. Other definitions	§ 6.02.002
	C. Specific nuisances	§ 6.02.003
	D. Any other nuisance	§ 6.02.003(29)
	E. City may make improvements and charge to owner	§ 6.02.004
	F. Abatement at city expense	§ 6.02.005
Sec. 4	Public morals	Rpld. by Ordinance adopting Code
Sec. 5	Disturbance of the peace	§ 8.01.003
Sec. 6	Misdemeanors under state laws	§ 8.01.001
Sec. 7	Unreasonable noise - Prohibition	§ 8.01.004
Sec. 8	Garbage and refuse disposal	
	A. Fees	Amnd. by Ord. 148
	B. Standards for containers	§ 13.05.002(a)

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	C. Brush and other heavy or bulky material	§ 13.05.003
	D. Unlawful disposal	§ 13.05.004
	E. Containers required	§ 13.05.001
	F. Payment of charges	§ 13.05.006
Sec. 9	Property shall be kept free from weeds, rubbish and brush	
	A. Notice	§ 6.03.001
	B. Cutting or removal by city	Amnd. by Ord. 287
	C. Lien for city's expenses	§ 6.03.004
CHAPTER 7 PERSONNEL		
Sec. 1	Police department	
	A. City marshal	§ 9.03.031
	B. Arrest without warrant	§ 9.03.032
	C. Refusal to aid an officer	§ 9.03.033
	D. Officer impersonation	§ 9.03.034
	E. Uniforms and badges	§ 9.03.035
	F. Inter-city/county assignment of law enforcement personnel	§ 9.03.036
Sec. 2	City secretary	§ 9.02.001
Sec. 3	Reserved for future use	
Sec. 4	Municipal court	
	A. Creation of municipal court	§ 7.01.001
	B. Appointment of judge	§ 7.02.001
	C. Oath requirement	§ 7.02.002
	D. Mayor - ex officio judge of court	Rpld. by Ordinance adopting Code
	E. Court clerk	§ 7.01.002(a)
	F. Duties of court clerk	§ 7.01.002(b)
	G. Practices and procedures	§ 7.01.003
	H. Cash bail	§ 7.01.004
Sec. 5	Building official	§ 9.02.002
Sec. 6	Superintendent of utilities	§ 9.02.003
Sec. 7	Salaries of mayor and councilmen	§ 1.03.001

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
CHAPTER 8 SUBDIVISIONS		
Sec. 1	Establishment of controls	§ 10.02.001
Sec. 2	Scope	§ 10.02.002
Sec. 3	Definitions	§ 10.02.003
Sec. 4	Rules and regulations	§ 10.02.004
Sec. 5	Appeals	§ 10.02.005
Sec. 6	Variances	§ 10.02.006
Sec. 7	Dedication and maintenance of streets	§ 10.02.007
Sec. 8	Utility connections and services	§ 10.02.008
Sec. 9	Enforcement	§ 10.02.009
Sec. 10	Approval of subdivision required	§ 10.02.010
Sec. 11	Notice of intent	§ 10.02.011
Sec. 12	Preliminary plan	§ 10.02.012
Sec. 13	Final plat	§ 10.02.013
Sec. 14	Design standards and specifications	§ 10.02.014
CHAPTER 9 TRAFFIC CODE		
Sec. 1	Uniform Act adopted	§ 12.01.001
Sec. 2	Traffic control devices	
	A. Conformance with state manual	Rpld. by Ordinance adopting Code
	B. Unauthorized vehicles	§ 12.02.002
	C. Altering, injuring or removing	§ 12.02.003
	D. Installation	§ 12.02.004
	E. Evidence of validity	§ 12.02.005
	F. Obedience	§ 12.02.006
Sec. 3	Emergency vehicles	§ 12.01.002
Sec. 4	Speed limits	
	A. Speed limits generally	
	(1) General speed limits	§ 12.03.031
	(2) Establishment of speed limits; posting of signs	§ 12.03.032
	(3) Driving at slow speed	§ 12.03.033

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	B. Maximum speed limits near schools	NIC
	C. Maximum speed limits on specific streets	NIC
Sec. 5	Sidewalks	§ 12.01.003
CHAPTER 10 UTILITIES		
Sec. 1	Water system regulations, rates, and tapping charges	
	A. Prohibited acts	§ 13.03.001
	B. Installation of connection	§ 13.03.003
	C. Notice to discontinue service; shut-off and turn- on charge	§ 13.03.005
	D. Duty of city employees to report violations and waste of water	§ 13.03.002
	E. Meters	§ 13.03.006
	F. Separate connection required for each house; exception	§ 13.03.007
	G. Deposit	§ 13.02.002
	H. Rate schedule	§ 13.03.009
	I. Rates for consumers outside city limits	§ 13.03.010
	J. Payment of bills; delinquency; disconnection of service	Amnd. by Ord. 205
	K. Tapping charge	§ 13.03.004(a)
Sec. 2	Sewer system regulations, rates, and tapping charges	
	A. Injuring sewer system	§ 13.04.001
	B. Obstructing sewers	§ 13.04.002
	Rate schedule	§ 13.04.006
	C. Billing; disconnection of water service for failure to pay charges	Rpld. by Ordinance adopting Code
	D. Authority to stop harmful discharges	§ 13.04.003
	E. Discharge of surface water, drain water, or discharges from cisterns or cesspools into sewers	§ 13.04.004

CODE COMPARATIVE TABLE

1978 CODE OF ORDINANCES		2015 CODE OF ORDINANCES
	F. Tapping charge	Amnd. by Ord. 304
Sec. 3	Industrial wastes	
	A. Definitions	§ 13.06.001
	B. Prohibited discharges	§ 13.06.002
	C. Chemical discharges	§ 13.06.003
	D. Heavy metals and toxic materials	§ 13.06.004
	E. Garbage	§ 13.06.005
	F. Stormwater and other unpolluted drainage	§ 13.06.006
	G. Temperature	§ 13.06.007
	H. Radioactive wastes	§ 13.06.008
	I. Impairment of facilities	§ 13.06.009
	J. Compliance with existing authority	§ 13.06.010
	K. Approving authority requirements	§ 13.06.011
	L. Approving authority review and approval	§ 13.06.012
	M. Requirements for traps	§ 13.06.013
	N. Requirements for building sewers	§ 13.06.014
	O. Sampling and testing	§ 13.06.015
	P. Payment and agreement required	§ 13.06.016
	Q. Industrial waste surcharge	§ 13.06.017
	R. Savings clause	§ 13.06.018
	S. Conditions of permits	§ 13.06.019
	T. Power to enter property	§ 13.06.020
	U. Authority to disconnect service	§ 13.06.021
	V. Notice	§ 13.06.022
	W. Continuing prohibited discharges	§ 13.06.023
	X. Penalty	§ 13.06.024
	Y. Failure to pay	§ 13.06.025

Appendix B**ORDINANCE DISPOSITION TABLE****§ B1.000. Ordinance Disposition Table.****§ B1.000. Ordinance Disposition Table.**

This table shows the location or gives the disposition of the ordinances within the Frost Code of Ordinances. The abbreviation “NIC” means the ordinance is not included in this code, though not necessarily repealed. In the “Supp. No.” column, the letters “CA” indicate the ordinance was published in the original code as adopted. When an ordinance has been added as part of a code supplement, the supplement number will be added accordingly.

Ord. No.	Date	Description	Disposition	Supp. No.
101	9/5/78	Retains local sales and use tax on gas and electricity for residential use	AIC	
102	5/5/80	Approves rate schedule charged by Texas Power and Light Company	NIC	
103	10/6/80	Fixes gas rates charged by Lone Star Gas Company	NIC	
104	8/3/81	Amends franchise with Lone Star Gas Company	NIC	
105	9/7/81	Approves rate schedule charged by Texas Power and Light Company	NIC	
106	10/5/81	Flood damage prevention	Superseded by Ord. 128	
107	11/2/81	Amends chs. 1, 4, 6 and 10; revises administrative procedures; fees	AIC	

Ord. No.	Date	Description	Disposition	Supp. No.
108	1/4/82	Suspends effective date of proposed revisions of tariff schedule by Texas Power and Light Company	NIC	
109	1/4/82	Grants franchise to Star CATV Investment Corp.	NIC	
110	1/4/82	Adds ch. 4, sec. 7; automotive wrecking and salvage yards		
		Sec. I Adds sec. 7		
		Section 7: Automotive wrecking and salvage yards		
		A. Definitions	§ 4.05.001	
		B. License required	§ 4.05.031	
		C. Application for issuance or refusal of license	§ 4.05.032	
		D. License fees	§ 4.05.033	
		E. Removal of flammable liquids from vehicles	§ 4.05.002	
		F. Fencing, wall requirements	§ 4.05.003(a)	
		G. Construction, maintenance of fence or wall	§ 4.05.003(b)	
		H. Use of wall/door of building as part of fence or wall	§ 4.05.003(c)	
		I. Gates at openings in enclosure	§ 4.05.003(d)	
		J. Use of premises outside enclosure	§ 4.05.004	

Ord. No.	Date	Description	Disposition	Supp. No.
		K. Arrangement of vehicles, parts and materials	§ 4.05.005	
111	1/4/82	Adds ch. 9, sec. 6; junked vehicles	Amnd. by Ord. 159	
112	3/1/82	Suspends effective date of proposed revisions of rate schedule by Texas Power and Light Company	NIC	
113	6/7/82	Approves rate schedule charged by Texas Power and Light Company	NIC	
114	9/6/82	Revises fuel cost factor tariff schedule of Texas Power and Light Company	NIC	
115	12/6/82	Grants franchise to General Telephone Company of the Southwest	NIC	
116	4/4/83	Fixes gas rates charged by Lone Star Gas Company	NIC	
117	9/5/83	Adopts property tax rate, TY 1983	NIC	
118	4/9/84	Approves rate schedules and service regulations for Texas Utilities Electric Company	NIC	
119	7/2/84	Dilapidated and substandard buildings		
		Sec. 1 Purpose of ordinance	§ 3.03.001	
		Sec. 2 Dilapidated and substandard structures defined	§ 3.03.002	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 3 Building official defined	§ 3.03.003	
		Sec. 4 Notice to abate substandard buildings and public hearing therefor	§ 3.03.004	
		Sec. 5 Removal of substandard buildings	§ 3.03.005	
		Sec. 6 Standards which may be followed in repairing, vacating or demolishing	§ 3.03.006	
		substandard buildings		
		Sec. 7 Owner's voluntary request for demolition or clean-up	§ 3.03.007	
		Sec. 8 Disposition of items of personal property in buildings to be demolished	§ 3.03.008	
		Sec. 9 Liability of city under this ordinance	§ 3.03.009	
120	9/3/84	Tax levy, TY 1984	NIC	
121	9/3/85	Tax levy, TY 1985	NIC	
122	3/3/86	Annexation	NIC	
123	5/5/86	Lone Star Gas rates	NIC	
123-A	5/12/86	Adds ch. 7, sec. 1G; police fees	Rpld. by Ord. 276	
124	7/7/86	Abandons city street	NIC	
125	8/18/86	Speed limits on Hwy. 22	NIC	
126	9/2/86	Tax levy, TY 1986	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
127	2/2/87	Amends ch. 6, sec. 10; curfew for minors	Amnd. by Ord. 166	
128	2/2/87	Flood damage prevention	Superseded by Ord. 255	
129	9/1/87	Tax levy, TY 1987	NIC	
130	2/1/88	Speed zones on F.M. 667	NIC	
131	9/6/88	Tax levy, TY 1988	NIC	
132	6/5/89	Approves cable franchise transfer	NIC	
133	9/5/89	Tax levy, TY 1989	NIC	
134	12/4/89	Taxation of property exempt under article VIII, section 1-j, Texas Constitution (freeport goods)	§ 11.02.004	
135	2/5/90	Approves rates with Texas Utilities Electric Company	NIC	
136	9/4/90	Tax levy, TY 1990	NIC	
137	8/5/91	Addressing standards		
		Sec. 1 Established	§ 3.05.001	
		Sec. 2 Street naming and property numbering procedures	§ 3.05.002	
		Sec. 3 Placement of address on house or building	§ 3.05.003	
		Sec. 4 Record	§ 3.05.004	
		Sec. 5 Street signs	§ 3.05.005	
138	9/3/91	Tax levy, TY 1991	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
139	4/6/92	Grants public utility commission original jurisdiction over electric rates, operations and services	§ 13.01.001	
140	4/6/92	TMRS	NIC	
141	6/1/92	Adds ch. 2, sec. 1.H and I; leash law; non-interference clause	AIC	
142	9/8/92	Tax levy, TY 1992	NIC	
142-A	4/5/93	Amends ch. 10, sec. 1.H; monthly water rate	Amnd. by Ord. 190	
143	6/7/93	Amends franchise with Texas Utilities Electric Company	NIC	
144	8/2/93	Amends ch. 10, sec. 1; service inspection agreement	§ 13.03.011	
145	8/2/93	Adds ch. 1, sec. 16; prohibits alcohol consumption in Frost City Park	§ 1.09.031	
146	9/7/93	Tax levy, TY 1993	NIC	
147	9/7/93	Amends ch. 10, secs. 1.G and K, 2.B		
		[2.F]; water deposit; water and sewer tap charges		
		Water deposit	Amnd. by Ord. 184	
		Water tap charge	Amnd. by Ord. 183	
		Sewer tap charge	Amnd. by Ord. 183	
		Collection of fees	Amnd. by Ord. 183	
148	10/4/93	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 158	
149	1/3/94	Emergency management		

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 1 Organization	§ 1.05.001	
		Sec. 2 Emergency management director - Powers and duties	§ 1.05.002	
		Sec. 3 Emergency management plan	§ 1.05.003	
		Sec. 4 Interjurisdictional program	§ 1.05.004	
		Sec. 5 Override	§ 1.05.005	
		Sec. 6 Liability	§ 1.05.006	
		Sec. 7 Commitment of funds	§ 1.05.007	
		Sec. 8 Offenses; penalties	§ 1.05.008	
		Sec. 9 Severability	NIC	
		Sec. 10 Limitations	§ 1.05.009	
150	5/9/94	Amends ch. 10, sec. 2.B; monthly sewer fee	Amnd. by Ord. 165	
151	7/5/94	Municipal maintenance agreement for certain portions of state highways	NIC	
152	8/1/94	Claims against city		
		Sec. 1 Notice requirements	§ 1.02.031	
		Sec. 2 Refusal by council required prior to suit	§ 1.02.032	
		Sec. 3 Service of notices	§ 1.02.033	
		Sec. 4 Waiver of notice requirements	§ 1.02.034	
		Sec. 5 Notice to be sworn	§ 1.02.035	
153	9/6/94	Tax levy, TY 1994	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
154	5/8/95	Designates Town of Frost as City of Frost	§ 1.02.002	
155	7/3/95	Adds ch. 3, sec. 3; sexually oriented businesses		
		Art. I Regulations adopted		
		Section 3: Sexually oriented businesses		
		A. Definitions	§ 4.06.001	
		B. General regulations	§ 4.06.004	
		C. Location of sexually oriented business	§ 4.06.005	
		D. License required	§ 4.06.031	
		E. Standards for issuance of license	§ 4.06.032	
		F. License fee	§ 4.06.033	
		G. Inspections	§ 4.06.034	
		H. Expiration of license; renewal	§ 4.06.035	
		I. Suspension of license	§ 4.06.036	
		J. Revocation of license	§ 4.06.037	
		K. Appeals	§ 4.06.038	
		L. Transfers of license prohibited	§ 4.06.039	
		M. Penalty for violations	§ 4.06.002	
		N. Injunctions	§ 4.06.003	
156	7/3/95	Agreement with Southwest Incorporated for operation of telecommunications business	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
157	9/6/95	Tax levy, TY 1995	NIC	
158	10/2/95	Amends ch. 6, sec. 8A; trash collection fees	Amnd. by Ord. 171	
159	10/2/95	Amends ch. 9, sec. 6; junked vehicles	Amnd. by Ord. 200	
160	10/2/95	Tax levy, TY 1995	NIC	
161	3/4/96	Mandates use of city water	§ 13.03.008	
162	4/1/96	Cancels general election; unopposed candidates	NIC	
163	6/3/96	Adopts Rabies Control Act of 1981; vaccinating, restraining and impounding of dogs	Amnd. by Ord. 280	
164	6/3/96	Amends ch. 6, sec. 8.G; deposit for renting 30-yard roll-off container	Rpld. by Ordinance adopting Code	
165	7/1/96	Amends ch. 10, sec. 2.B; monthly sewer fee	Amnd. by Ord. 190	
166	7/1/96	Curfew for minors		
		Sec. I Amends ch. 6, sec. 10		
		Section 10: Curfew for minors		
		A. Curfew hours established	Amnd. by Ord. 283	
		B. Exceptions	§ 8.03.032	
		C. Authority of police during curfew hours	§ 8.03.033	
		Sec. II Repeal of conflicting ordinances	NIC	
		Sec. III Severability	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. IV Penalty	§ 8.03.034	
167	7/1/96	Prohibits certain types of businesses	§ 4.01.001	
168	8/5/96	TMRS	NIC	
169	9/5/96	Amends Ord. 123; gas rates charged by Lone Star Gas Company	NIC	
170	9/5/96	Tax levy, TY 1996	NIC	
172	10/7/96	Amends cable franchise	NIC	
171	11/4/96	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 184	
173	12/16/96	Abandons specific portion of right-of-way	NIC	
174	6/2/97	Authorizes waterworks system revenue bond issuance, series 1997	NIC	
175	9/4/97	Tax levy, TY 1997	NIC	
176	10/6/97	Adds ch. 6, sec. 11; curfew in city park	§ 1.09.032	
177	4/4/98	Cancels general election; unopposed candidates	NIC	
178	4/20/98	Texas Municipal League Group Benefits Risk Pool benefit plan	§ 9.01.002	
179	4/24/98	Texas Municipal League Group Benefits Risk Pool continuation of coverage	NIC	
180	8/3/98	Fair housing	Superseded by Ordinance. 274	

Ord. No.	Date	Description	Disposition	Supp. No.
181	8/27/98	Adds ch. 6, sec. 11; loitering	Rpld. by Ordinance adopting Code	
182	9/10/98	Tax levy, TY 1998	NIC	
183	3/1/99	Amends ch. 10, sec. 1.K; water and sewer tap fees		
		Water tap	Amnd. by Ord. 197	
		Sewer tap	Amnd. by Ord. 228	
		Collection of fees	Amnd. by Ord. 197	
184	3/22/99	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 199	
184A	7/6/99	Amends ch. 10, sec. 1G; water deposit	Amnd. by Ord. 216	
185	9/7/99	Tax levy, TY 1999	NIC	
186	10/4/99	Amends ch. 3, sec. 1; adopts Southern Standard Building Code, 1997 edition	Amnd. by Ord. 289B	
187	4/3/00	Cancels general election; unopposed candidates	NIC	
188	5/1/00	Amends ch. 10, sec. 1.J; disconnection of water service for failure to pay charges; reconnect fee	Amnd. by Ord. 205	
189	5/1/00	Adds ch. 3, sec. 10		
		Section 10: Standards for moving and placement of manufactured homes, buildings, houses and structures		
		A. Purpose	§ 3.04.001	
		B. Definitions	§ 3.04.002	

Ord. No.	Date	Description	Disposition	Supp. No.
		C. Application for permit	§ 3.04.003	
		D. Investigation of application by building official	§ 3.04.004	
		E. Issuance of permit	§ 3.04.005	
		F. Compliance with codes	§ 3.04.006	
		G. Exterior requirements	§ 3.04.007	
		H. Requirements for installing HUD-code manufactured homes on individual lots	§ 3.04.008	
		I. Time period for full compliance with requirements	§ 3.04.009	
		J. Existing manufactured homes	§ 3.04.010	
		K. Unsafe structures	§ 3.04.011	
		L. Violations and penalties	§ 3.04.012	
190	6/5/00	Amends water and sewer rates	Amnd. by Ord. 208	
191	6/5/00	Requires food preparation establishments to provide proof of grease trap cleaning	§ 6.04.003	
192	9/5/00	Tax levy, TY 2000	NIC	
193	9/5/00	Adopts drought contingency plan		
		Exhibit A Drought contingency plan		
		Sec. I Declaration of policy, purpose and intent	§ 13.07.001	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. II Public involvement	§ 13.07.002	
		Sec. III Public education	§ 13.07.003	
		Sec. IV Coordination with regional water planning groups	§ 13.07.004	
		Sec. V Authorization	§ 13.07.005	
		Sec. VI Application	§ 13.07.006	
		Sec. VII Definitions	§ 13.07.007	
		Sec. VIII Triggering criteria for initiation and termination of drought response stages	§ 13.07.008	
		Sec. IX Drought response stages	§ 13.07.009	
		Sec. X Water rationing	§ 13.07.010	
		Sec. XI Enforcement	§ 13.07.011	
		Sec. XII Variances	§ 13.07.012	
194	11/6/00	Adopts community development plan	§ 1.07.001	
195	4/2/01	Approves TXU Gas Company's general service rates	NIC	
196	5/5/01	Cancels general election; unopposed candidates	NIC	
197	8/6/01	Amends ch. 10, sec. 1.K; water tap fees		
		Water tap fees	Amnd. by Ord. 228	
		Sewer tap fee	Amnd. by Ord. 228	
		Collection of tapping fees	§ 13.03.004	
198	9/6/01	Tax levy, TY 2001	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
199	9/6/01	Amends ch. 6, sec. 8A; trash collection fees	Amnd. by Ord. 211	
200	1/7/02	Amends ch. 9, sec. 6; junked vehicles		
		Sec. 200.001 Definitions	§ 8.06.001	
		Sec. 200.002 Junked vehicles as public nuisance	§ 8.06.002	
		Sec. 200.003 Offense	§ 8.06.003	
		Sec. 200.004 Abatement or removal order; contents; service	§ 8.06.004	
		Sec. 200.005 Removal with permission of owner or occupant	§ 8.06.005	
		Sec. 200.006 Disposal of junked vehicles	§ 8.06.006	
201	4/1/02	Grants franchise to TXU Gas Distribution	NIC	
202	8/5/02	Amends gas franchise with TXU Gas Company	NIC	
203	8/5/02	Amends franchise with Oncor Electric Delivery Company	NIC	
204	9/5/02	Tax levy, TY 2002	NIC	
205	9/5/02	Amends ch. 10, sec. 1.J; utilities late fee; disconnection; reconnection; notice	§ 13.02.004	
206	2/3/03	Disapproves proposed central appraisal district 2004 budget	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
207	9/4/03	Tax levy, TY 2003	NIC	
208	9/4/03	Amends water and sewer rates	Amnd. by Ord. 210	
209	9/8/03	Dismisses TXU Gas Company's request for rate increase	NIC	
210	7/8/04	Amends water and sewer rates		
		Water rates	Amnd. by Ord. 220A	
		Sewer rates	Amnd. by Ords. 228 and 260	
211	7/8/04	Amends ch. 6, sec. 8.A; trash collection fees	Amended by Ord. 218	
212	9/9/04	Tax levy, TY 2004	NIC	
213	12/6/04	Amends ch. 3, sec. 10.H.5 and I.1; standards for manufactured homes		
		Sec. 10.H.5	§ 3.04.008(e)	
		Sec. 10.I.1	§ 3.04.009	
214	4/4/05	Parking on streets in manner impeding traffic	§ 12.04.001	
215	5/2/05	Denies Atmos GRIP request	NIC	
216	6/6/05	Amends ch. 10, sec. 1G; water deposit	Amnd. by Ord. 226	
217	9/12/05	Tax levy, TY 2005	NIC	
218	10/3/05	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 224	
219	12/5/05	Denies Atmos GRIP request	NIC	
220	2/6/06	Requires accessible voting system in each polling place	§ 1.04.002	

Ord. No.	Date	Description	Disposition	Supp. No.
220A	6/5/06	Water rates	Amnd. by Ord. 221	
221	7/10/06	Amends water rates; drought surcharge water rate	Amnd. by Ord. 225	
222	7/10/06	Orders dismissal of Atmos GRIP request	NIC	
223	9/11/06	Tax levy, TY 2006	NIC	
224	9/11/06	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 231	
225	10/2/06	Amends water rates; drought surcharge water rate	Amnd. by Ord. 227	
226	10/2/06	Amends ch. 10, sec. 1.G; water deposits	§ 13.02.002	
227	2/5/07	Amends water rates	Amnd. by Ord. 239	
228	4/2/07	Amends ch. 10, sec. 1; water and sewer tap fees; monthly sewer fee		
		Amends 5/8" by 3/4" water tap fee and sewer tap fee	Amnd. by Ord. 233	
		Amends monthly sewer fee	Amnd. by Ord. 251	
229	5/7/07	Stops moderate drought surcharges	NIC	
230	9/10/07	Tax levy, TY 2007	NIC	
231	9/10/07	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 237	
232	11/5/07	Taxation of goods in transit	§ 11.02.005	
233	1/7/08	Amends ch. 10, sec. 1.K; water and sewer tap fees	Amnd. by Ord. 259	
234	2/4/08	Approves settlement agreement with Atmos	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
235	5/5/08	Amends gas franchise with Atmos Energy Corporation	NIC	
236	7/7/08	Establishes full-time employee leave time for funerals	§ 9.01.004	
237	8/4/08	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 271	
238	9/8/08	Tax levy, TY 2008	NIC	
239	9/8/08	Amends water rates	Amnd. by Ord. 245	
240	9/8/08	Approves resolution with Atmos	NIC	
241	1/5/09	Creates municipal court technology fund	§ 7.03.001	
242	3/2/09	Adds ch. 3, sec. 10(E)(2)(g); age requirement for manufactured homes and mobile homes	Rpld. by Ord. 294	
243	8/10/09	Approves resolution with Atmos	NIC	
244	9/9/09	Tax levy, TY 2009	NIC	
245	10/12/09	Amends water rates	Amnd. by Ord. 279	
246	12/7/09	Authorizes police department to adopt policy for towing vehicles when operator has no proof of financial responsibility	§ 12.01.004	
247	3/1/10	Amends ch. 10, sec. 1.G; sewer deposit when water service is not required	§ 13.02.003	
248	6/7/10	Adds ch. 6, sec. 9; price for city mowing	Dltd. by Ord. 287	

Ord. No.	Date	Description	Disposition	Supp. No.
249	6/12/10	Creates municipal court building security fund	§ 7.03.002	
250	9/7/10	Tax levy, TY 2010	NIC	
251	9/7/10	Amends monthly sewer fee	Amnd. by Ord. 260	
252	9/7/10	Approves resolution with Atmos	NIC	
253	12/6/10	Illegal smoking materials and		
		paraphernalia		
		Sec. 1 Findings incorporated	NIC	
		Sec. 2 Adopts provisions		
		Sec. 43-1 Definitions	§ 8.05.001	
		Sec. 43-2 Illegal smoking material and illegal smoking material paraphernalia; purpose	§ 8.05.003	
		Sec. 43-3 Purchase, sale, delivery, offer or gift	§ 8.05.004	
		Sec. 43-4 Possession or use of illegal smoking materials	§ 8.05.005	
		Sec. 43-5 Possession or use of illegal smoking material paraphernalia	§ 8.05.006	
		Sec. 43-6 Affirmative defense to prosecution	§ 8.05.007	
		Sec. 43-7 Penalty	§ 8.05.002	

Ord. No.	Date	Description	Disposition	Supp. No.
255	2/7/11	Flood damage prevention		
		Art. 1 Statutory authorization, findings of fact, purpose and methods	§ 3.06.001	
		Art. 2 Definitions	§ 3.06.002	
		Art. 3 General provisions	§ 3.06.003	
		Art. 4 Administration	§ 3.06.004	
		Art. 5 Provisions for flood hazard reduction		
		Sec. A General standards	§ 3.06.005(a)	
		Sec. B Specific standards	§ 3.06.005(b)	
		Sec. C Standards for subdivision proposals	§ 3.06.005(c)	
		Sec. D Severability	NIC	
		Sec. E Penalties for noncompliance	§ 3.06.006	
		Attachment: Development permit application	NIC	
254	3/7/11	Adds ch. 3, sec. 10.C(6); prohibits travel trailers as recreational vehicles as permanent residence	§ 3.04.003(f)	
R130	5/7/11	Establishes effective date for flood hazard area map	NIC	
256	6/6/11	Authorizes deeding specific land to volunteer fire department	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
257		NUMBER SKIPPED		
258		NUMBER SKIPPED		
259	6/6/11	Amends ch. 10, sec. 1.K; water and sewer tap fees		
		Water tap fees	§ 13.03.004(a)	
		Sewer tap fee [ch. 10, sec. 2.F]	Amnd. by Ord. 304	
260	6/6/11	Amends ch. 10, sec. 2.B; monthly sewer fees	Amnd. by Ord. 310	
261	8/1/11	Approves resolution with Atmos	NIC	
262	9/8/11	Tax levy, TY 2011	NIC	
263	2/6/12	Adds ch. 10, sec. L; irrigation water meter policies	§ 13.03.012	
264	4/2/12	Amends ch. 6, sec. 8.B; prohibits permanent trash bins or holders in front of residences	§ 13.05.002(b)	
265	9/10/12	Adds ch. 6, sec. 12; requires connections to city utilities		
		A. Mandatory subscription required	§ 13.02.001	
		B. Theft of city services	§ 8.01.002	
266	11/1/12	Museum	Amnd. by Ord. 268	
267	1/7/13	Adopts employee job descriptions	NIC (on file)	
268	2/4/13	Amends Ord. 266; museum (Heritage Center)		
		Mission	§ 1.10.001	

Ord. No.	Date	Description	Disposition	Supp. No.
		Location	§ 1.10.002	
		Board of directors	§ 1.10.003	
		Authority to receive donations and conduct educational activities	§ 1.10.004	
		Ownership of assets	§ 1.10.005	
		Dissolution	§ 1.10.006	
269	3/4/13	Closes certain portions of streets	NIC	
270	6/3/13	Approves rate review mechanism for Atmos	NIC	
271	9/9/13	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 277	
272	9/9/13	Tax levy, TY 2013	NIC	
273	10/7/13	Approves negotiated resolution with Atmos	NIC	
274	1/6/14	Fair housing		
		Declaration of policy	§ 1.08.031	
		Definitions	§ 1.08.032	
		Interpretation and effect	§ 1.08.033	
		Discrimination in the sale or rental of housing	§ 1.08.034	
		Discrimination in housing financing	§ 1.08.035	
		Discrimination in providing brokerage services	§ 1.08.036	
		Unlawful intimidation	§ 1.08.037	
		Exemptions and exclusions	§ 1.08.038	
		Violations	§ 1.08.039	

Ord. No.	Date	Description	Disposition	Supp. No.
		Enforcement	§ 1.08.040	
		Investigation and conciliation	§ 1.08.041	
		Penalty	§ 1.08.042	
275	4/7/14	Prohibits riding horses on city streets after new pavement applied	§ 3.07.001	
276	6/2/14	Repeals Ord. 123-A (ch. 7, sec. 1(G)); police fees on utility bills	NIC	
277	10/6/14	Amends ch. 6, sec. 8.A; trash collection fees	Amnd. by Ord. 296	
278	9/8/14	Tax levy, TY 2014	NIC	
279	11/3/14	Amends water rates	Amnd. by Ord. 301	
280	2/2/15	Replaces animal control in its entirety		
		Article 2.01 General Provisions		
		Sec. 2.01.001 Purpose	§ 2.01.001	
		Sec. 2.01.002 Definitions	§ 2.01.002	
		Sec. 2.01.003 Enforcement	§ 2.01.003	
		Sec. 2.01.004 Violations; penalty; failure to claim impounded animal	§ 2.01.004	
		Sec. 2.01.005 Enclosing or using animal	§ 2.01.006	
		without consent of owner		
		Sec. 2.01.006 Kennels	§ 2.01.007	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2.01.007 Keeping wild animal	§ 2.01.008	
		Sec. 2.01.008 Disposal of dead animals	§ 2.01.009	
		Sec. 2.01.009 Contracts for services	§ 2.01.010	
		Sec. 2.01.010 Local rabies control authority	§ 2.02.001	
		Sec. 2.01.011 Vaccination	§ 2.02.002	
		Sec. 2.01.012 Certificate of vaccination	§ 2.02.003	
		Sec. 2.01.013 Proof	§ 2.02.004	
		Sec. 2.01.014 Animals exposed to rabies	§ 2.02.005	
		Sec. 2.01.015 Notice to keeper of animal suspected of having rabies	§ 2.02.006	
		Sec. 2.01.016 Reporting bites to humans from animals	§ 2.02.007	
		Sec. 2.01.017 Quarantine procedures for animals	§ 2.02.008	
		Article 2.02 Dogs		
		Sec. 2.02.001 Restraint; impoundment of unrestrained dogs	§ 2.03.001	
		Sec. 2.02.002 Interference with impoundment	§ 2.03.002	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 2.02.003 Running at large	§ 2.03.003	
		Sec. 2.02.004 Animal nuisance	§ 2.01.014	
		Sec. 2.02.005 Dangerous dogs	§ 2.01.016	
		Sec. 2.02.006 Impoundment	§ 2.03.004	
		Article 2.03 Livestock and Fowl		
		Sec. 2.03.001 Livestock running at large	§ 2.04.001	
		Sec. 2.03.002 Maintenance of stables, pens, houses and yards	§ 2.04.002	
		Sec. 2.03.003 Location of pens	§ 2.04.003	
		Sec. 2.03.004 Herding livestock on street	§ 2.04.004	
		Sec. 2.03.005 Fowl running at large	§ 2.04.005	
		Sec. 2.03.006 Animal noise nuisances	§ 2.01.015	
		Sec. 2.03.007 Number of animals limited	§ 2.01.011	
		Sec. 2.03.008 Restraint and confinement	§ 2.01.012	
		Sec. 2.03.009 Authority to dispose of animal in state of pain or suffering	§ 2.01.013	
		Sec. 2.03.010 Responsibility of fees	§ 2.01.005	

Ord. No.	Date	Description	Disposition	Supp. No.
281	4/6/15	Amends peddlers and itinerant merchant license fees	§ 4.02.004(6), (7)	
282A	7/13/15	Adopts Code of Ordinances	Preamble to Code	
282B	9/14/15	Tax levy	NIC	
283	12/7/15	Amends sec. 8.03.031; juvenile curfew hours	Amnd. by Ord. 305	
284	—/—/—	Approves settlement agreement with Atmos	NIC	
286	8/1/16	Garage sales		
		Sec. 1 Incorporation of preamble	NIC	
		Sec. 2 Definition; general restrictions	§ 4.09.001	
		Sec. 3 Duration and frequency	§ 4.09.002	
		Sec. 4 Signage	§ 4.09.003	
		Sec. 5 Permits	§ 4.09.004	
		Sec. 6 Removal	§ 4.09.005	
		Sec. 7 Penalty	§ 4.09.006	
287	7/11/16	Weeds, rubbish and other objectionable matter; rate for removal by city		
		Amends sec. 6.03.032; cutting or removal by city	§ 6.03.002	
		Deletes sec. 6.03.005; fee for mowing by city	NIC	
288	9/20/16	Tax levy	NIC	
289A	1/9/17	Grants franchise to Atmos Energy for operation of gas system	NIC	

Ord. No.	Date	Description	Disposition	Supp. No.
289B	4/3/17	Adopts construction codes		
		Sec. 1 Findings	NIC	
		Sec. 2 Adoption of International Building Code and amendments	§ 3.02.051	
		Sec. 3 Adoption of International Residential Code for One- and Two-Family Dwellings and amendments	§ 3.02.052	
		Sec. 4 Adoption of International Plumbing Code and amendments	§ 3.02.201	
		Sec. 5 Adoption of International Fire Code and amendments	§ 3.02.381	
		Sec. 6 Adoption of National Electrical Code and amendments	§ 3.02.171	
		Sec. 7 Adoption of International Mechanical Code and amendments	§ 3.02.301	
		Sec. 8 Penalty	§ 3.02.001	
		Sec. 9 Severability	NIC	
		Sec. 10 Enforcement of regulations	§ 3.02.002	
290	5/1/17	Adopts hiring procedure	NIC	
291	6/5/17	Approves settlement agreement with Atmos	NIC	
292	7/3/17	Prohibits burning	§ 5.03.001	

Ord. No.	Date	Description	Disposition	Supp. No.
293	8/7/17	Construction permit fees	§ 3.01.001	
294	8/23/17	Repeals Ord. 242 (sec. 3.04.005(b)(7)), which stated that no manufactured or mobile home may be moved into city that is more than five years old	NIC	
295	9/19/17	Tax levy	NIC	
296	9/17/17	Amends ch. 6, sec. 8.A (sec. 13.05.005); trash collection fees	Amnd. by Ord. 302	
297	11/6/17	Fencing		
		Sec. 1 Fence prohibition	§ 3.08.001	
		Sec. 2 Definitions	§ 3.08.002	
		Sec. 3 Residential uses	§ 3.08.003	
		Sec. 4 Residential subdivision enclosures (including subdivision entry features)	§ 3.08.004	
		Sec. 5 Non residential uses	§ 3.08.005	
		Sec. 6 Office business or industrial park or complex (including entry features)	§ 3.08.006	
		Sec. 7 Miscellaneous uses	§ 3.08.007	
		Sec. 8 Permits required	§ 3.08.008	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 9 Requirements for swimming pools; penalty	§ 3.08.009	
		Sec. 10 Fences around gravel pit ponds;	§ 3.08.010	
		penalty		
298	2/2/18	TMRS	NIC	
299	3/5/18	Approves Atmos rate review mechanism	NIC	
300	8/6/18	Zoning ordinance		
		Sec. 1 Authority	§ 14.02.001	
		Sec. 2 Purpose	§ 14.02.002	
		Sec. 3 Administration, enforcement and fees	§ 14.02.003	
		Sec. 4 Definitions	§ 14.02.004	
		Sec. 5 General provisions	§ 14.02.005	
		Sec. 6 Conditional uses	§ 14.02.006	
		Sec. 7 Annexed territory	§ 14.02.007	
		Sec. 8 Classification of new and unlisted uses	§ 14.02.008	
		Sec. 9 AG Agricultural District	§ 14.02.009	
		Sec. 10 R-1 Single-Family Residential	§ 14.02.010	
		Sec. 11 R-2 Duplex	§ 14.02.011	
		Sec. 12 R-3 Multiple-Family Residential	§ 14.02.012	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 13 C-1 Commercial District - Office, Light Retail and Neighborhood Services	§ 14.02.013	
		Sec. 14 C-2 General Commercial	§ 14.02.014	
		Sec. 15 I-1 Light Industrial	§ 14.02.015	
		Sec. 16 MH Manufactured Housing	§ 14.02.016	
		Sec. 17 MHP Manufactured Home Subdivision	§ 14.02.017	
		Sec. 18 PD Planned Development District	§ 14.02.018	
		Sec. 19 Schedule of district regulations	§ 14.02.019	
		Sec. 20 Supplementary district regulations	§ 14.02.020	
		Sec. 21 Parking space regulations	§ 14.02.021	
		Sec. 22 Nonconforming uses	§ 14.02.022	
		Sec. 23 Planning and zoning commission	§ 14.02.023	
		Sec. 24 Board of adjustment	§ 14.02.024	
		Sec. 25 Amendments	§ 14.02.025	
		Sec. 26 Repealer	§ 14.02.026	
		Sec. 27 Severability	§ 14.02.027	

Ord. No.	Date	Description	Disposition	Supp. No.
		Sec. 28 Engrossment and enrollment clause	§ 14.02.028	
301	9/4/18	Water rates	Amnd. by Ord. 309	
302	9/4/18	Amends ch. 6, sec. 8.A (sec. 13.05.005); trash collection fees	Amnd. by Ord. 308	
303	9/10/18	Tax levy	NIC	
304	11/5/18	Amends ch. 10, sec. 1.K; water and sewer tap fees		
		Water tap fees	§ 13.03.004(a)	
		Sewer tap fees	§ 13.04.005	
305	1/7/19	Amends sec. 8.03.031; juvenile curfew hours	§ 8.03.031	
306	9/23/19	Amends sec. 13.02.002; water deposit fee	§ 13.02.002(b)	
307	9/23/19	Tax levy	NIC	
308	10/7/19	Amends ch. 6, sec. 8.A (sec. 13.05.005); trash collection fees	§ 13.05.005	
309	10/7/19	Water rates	§ 13.03.009(a)	
310	10/7/19	Amends sec. 13.04.006; sewer rates	§ 13.04.006	
312	9/8/20	Tax levy	NIC	
313-A	6/7/21	Amends art. 3.04; no manufactured or mobile home may be moved into city that is more than 10 years old	§ 3.04.005(b)(7)	

Ord. No.	Date	Description	Disposition	Supp. No.
313-B	11/1/2021	Adds sec. 4.08; regulation of lawful sale and consumption of alcoholic beverages		
		Definitions	§ 4.08.001	
		License or permit required	§ 4.08.002	
		Procedures regarding licenses or permits	§ 4.08.003	
		Application fee; initial license or permit fee	§ 4.08.004	
		License or permit renewal; license or permit renewal fee	§ 4.08.005	
		Hours of operation	§ 4.08.006	
		Sale or consumption on premises of municipal buildings and city-owned property prohibited	§ 4.08.007	
		Regulation of the sale of alcoholic beverages near public or private schools, churches, or hospitals	§ 4.08.008	
		Regulation of the sale of alcoholic beverages near day- care centers or child-care facilities	§ 4.08.009	
		Regulations applicable to the sale of alcoholic beverages	§ 4.08.010	
		Failure to supervise a minor	§ 4.08.011	
		Severability	NIC	

ORDINANCE DISPOSITION TABLE

Ord. No.	Date	Description	Disposition	Supp. No.
		General penalty for violations of code	§ 4.08.012	
314	9/20/21	Tax levy	NIC	
316	7/5/22	TMRS	NIC	