

City of White Deer Ordinances

*All City Ordinances Are Subject To Renewal and Review At Any Time
Some Ordinances Listed In This Document Are Currently Being Revised
To Receive Current Information On City Ordinances You Need to Contact The City of
White Deer.*

[CONTACT US HERE](#)

**CODE OF ORDINANCES
City of
White Deer, Texas
August 13, 2007**

Table of Contents

Adoption Ordinance	Page
<u>Chapter 1. Code of Ordinances</u>	
Article 1. VACS Title 28	1
Article 2. Election of Mayor and Alderman	1
Article 3. Meetings of the Council	1
Article 4. Rules of the Council	2
Article 5. City Administrator	2
Article 6. City Secretary	4
Article 7. Municipal Court	5
Article 8. Social Security	8
<u>Chapter 2. General and Miscellaneous Provisions</u>	
Article 1. Definitions	9
Article 2. Separability	9
Article 3. Ordinances Validated	
Article 4. Liability of City	10
<u>Chapter 3. Building, Plumbing and Electrical Installations.</u>	
Article 1. Fire Limits; Construction Therein	11
<u>Chapter 4. Business Occupations</u>	
Article 1. Solicitors	15
<u>Chapter 5. City Finance and Business</u>	
Article 1. Ad Valorem Taxes	16
<u>Chapter 6. Civil Defense and Disaster Relief</u>	
Article 1. Municipal Civil Defense and Disaster Relief Committee	19
<u>Chapter 7. Fire Prevention</u>	
Article 1. Fire Marshal	24
Article 2. Fireworks	27
Article 3. Arson Reward	27

Chapter 8. Garbage and Other Refuse

Article 1. Garbage and Trash 28

Chapter 9. Animals

Article 1. Animals: Licensing, Registration 29

Chapter 10. Health, Safety and Nuisances

Article 1. Nuisances Generally 40

Article 2. Weeds and Grass 40

Article 3. Regulation of Junk Vehicles 41

Article 4. Unsafe Buildings 45

Chapter 11. Offenses

Article 1. Fighting, Disturbing the Peace, etc. 57

Article 2. Guns and Firearms 57

Article 3. Curfew 57

Chapter 12. Parks and Recreation

Article 1. Reserved for Future Use 60

Chapter 13. Planning and Zoning

Article 1. Planning and Zoning Commission 61

Article 2. Planning and Zoning Definitions 63

Article 3. Zoning Districts; Regulations, Requirements 69

Article 4. Administrative Provisions 84

Chapter 14. Public Utilities

Article 1. Water System 97

Article 2. Sanitary Sewers 99

Article 3. Gas System 99

Article 4. Water and Gas Deposits 100

Article 5. Rentals for use of Streets, etc. by Utility Companies 101

Chapter 15. Street, Sidewalks and Other Public Areas

Article 1. Excavation; Right of Ways	104
Article 2. Regulating Parking	105

Chapter 16. Traffic

Article 1. Special Speed Limit Ordinances	108
Article 2. Special Ordinances Relating to Traffic- Control Signs, etc.	108
Article 3. Administration; Traffic control devices; Stopping, Standing, Parking	108

Chapter 17. Drought Contingency Plan

Article 1. Drought Contingency Ordinance	115
--	-----

Chapter 18. Flood Damage Prevention Ordinance

Article 1. Statutory Authorization, Findings of Fact, Purpose and Methods	126
Article 2. Definitions	127
Article 3. General Provisions	132
Article 4. Administration	133
Article 5. Provisions for Flood Hazard Reduction	136

Appendix A. Official Fee Schedule a

Chapter 1

Administration: Officers and Employees

Note: For state law relating to city officers and their election, see particularly VACS arts. 977 et seq.
For state law relating to powers and duties of officers and employees, see particularly VACS arts. 993 et seq.
For state law relating to the Council, see particularly VACS arts. 1007 et seq. The above provisions of state law may be found in part I of this Code.

Article 1. VACS Title 28. Adopted

Section 1-1. City adopts title 28, VACS.

The City of White Deer, Texas, hereby adopts Title 28, Cities, Towns and Villages, found in Volume 2A, V.A.C.S., and accepts all rights, powers, privileges, immunities, and franchises therein conferred. (Ordinance of 5-12-69, § 1.)

Article 2. Election of Mayor and Aldermen

Note: For state law relating to election and terms of Mayor and Aldermen, see VACS arts. 977 et seq. See also the Texas Election Code.

Section 1-11. Election of Mayor and Aldermen.

It shall be lawful for the Council of the City to call an election to be held on Saturday, April 15th, 1922, for the purpose of electing a Mayor and two Aldermen for a term of one year and three Aldermen for a term of two years; and thereafter an election shall be held in the City in accordance with the election laws of the State of Texas of each year for the purpose of electing three new members of the Council or two new members of the Council and a Mayor alternately as their term expires. (Ordinance of 5-1-22, § 1. and amended)

Article 3. Meetings of Council

Note: As regards meetings of the Council, see VACS Article 1008 (which may be found in part I of this Code).
For state law requiring Council meetings to be open to the public, etc., see VACS Article 6252-17.

Section 1-21. Time and place of meetings.

The City Council of the City of White Deer, Texas, shall hold a regular meeting on a date and time as established by the City Council in the City Hall or another location that is available to the public.

Article 4. Rules of the Council

Section 1-31. Order of business; Mayor to state questions, etc.

(a) The City Council in regular session assembled shall proceed in business in the following order unless the Council determines otherwise:

- (1) The Secretary shall call the roll of Mayor and Aldermen and shall note upon the minutes those present.
- (2) Reading and correction of the minutes of the last preceding meeting; they shall be signed by the Mayor or President pro Tem and be attested by the Secretary.
- (3) Reception of reports from Committees and City Officers.
- (4) Receiving, reading, and referring to appropriate committees of petitions, memorials, and communications addressed to the Council.
- (5) Consideration of claims and accounts against the City.
- (6) Appointment of standing committees.
- (7) Unfinished business.
- (8) New business.
- (9) Consideration of Codes

Section 1-32. Recognition by Chair; etc.

Any member desiring to speak or introduce any motion shall be required to be recognized by the Chair. Roberts Rules of Order shall be utilized to maintain decorum and order. No speaker shall be interrupted except upon point of order or to answer questions. No member shall speak twice on the same subject without consent of the Council, until all other members desiring to speak have been heard. (Ordinance of 5-23-21, § 3. and amended)

Article 5. City Administrator

Section 1-41. May appoint City Administrator.

The City Council of the City may appoint a City Administrator for the City of White Deer, who, when appointed and serving, shall be the administrative head of the municipal government under the direction and supervision of the City Council. (Ordinance of 2-10-64, § 1.)

Section 1-42. Reserved for future use.

Section 1-43. Term of office.

The City Administrator shall be appointed for an indefinite period and shall be subject to discharge at the will of the City Council of the City. (Ordinance of 2-10-64, § 3.)

Section 1-44. Absence or disability of City Administrator.

During the absence or disability of the City Administrator, the City Council may designate some properly qualified person to perform the duties.

Section 1-45. Powers and duties of the City Administrator.

(a) The powers and duties of the City Administrator shall be:

- (1) To devote all of his working time and attention to the affairs of the City, and be responsible to the City Council for the efficient administration of its affairs.
- (2) To see that all laws and codes are enforced.
- (3) To be responsible for hiring and/or discharging all temporary employees.
- (4) To exercise supervision and control over all departments created by the City Council or that may hereafter be created by the City Council of the City.
- (5) To attend all meetings of the City Council with the right to take part in the discussion, but having no vote; and he shall be notified of all special meetings of the City Council.
- (6) To see that all terms and conditions imposed in favor of the City of White Deer and its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Council.
- (7) To act as Budget Officer and as such to prepare and submit to the City Council, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required by months for the efficient operation of each department of the City Government and the reasons for such estimated expenditures.
- (8) In addition to the foregoing paragraph (7), to make and file a budget as required by State Law.
- (9) To make a full written report to the City Council as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department for the preceding month, and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments in the annual budget, and to keep the City Council fully advised at all times as to the financial condition and needs of the City.
- (10) To act as purchasing agent for the City of White Deer and to purchase all merchandise, material, and supplies needed by the City, and may establish, if needed, a suitable storehouse where such supplies shall be kept and from which same shall be issued as needed; and to adopt such rules and regulations governing requisitions and transaction of business between himself as such purchasing agent and the heads of the departments, officers, and employees of the City as the City Council may approve.
- (11) To recommend to the City Council the salaries to be paid each appointive officer and subordinate employee of the City; and it shall be the duty of the City Council to pass ordinances or resolutions, from time to time, fixing rates of compensation.
- (12) To recommend to the City Council, in writing, from time to time, for adoption, such measures, as he may deem necessary or expedient.

(13) To do and perform such other duties as may be prescribed by code or resolution of the City Council of the City.

- (a) It shall be the duty of; the purchasing agent to give opportunity for competition on purchases and sales, except when the nature of the purchase or sale is such that competition is impossible or impracticable. All purchases in excess of Twenty-Five Thousand Dollars (\$25,000.00), except of real estate, or rights or easements therein, shall be by contract to the lowest responsible bidder, and all sales in of real estate or rights or easements therein, shall be made to the highest bidder after public notice and the receipt of sealed bids. All sealed bids received shall be opened in public and thereafter shall be subject to public inspection. The purchasing agent may reject all bids and re-advertise for new bids. The purchasing agent may require successful bidders to furnish security conditioned upon the faithful performance of their contract or conditioned upon the payment of the wages and compensation for all laborers employed on work for which a contract is made by the contractor, subcontractor, agent or any person, or conditioned for both. The purchasing agent shall not let any contract for periods exceeding one year for street lighting, public improvements, labor, or supplies.
- (b) In case of accident or other circumstances creating an emergency, the City Administrator may, with the consent of the City Council, award contracts and make purchases for the purpose of repairing damages caused by said accident or avoiding said public emergency; but, immediately afterwards, he shall file with the Mayor a certificate showing such emergency and the necessity of such action together with an itemized account of all expenditures. (Ordinance of 2-10-64, § 5 and amended by this code.)

Section 1-46. Compensation and bond of City Administrator.

The City Administrator shall receive such compensation as the City Council shall fix from time to time and shall furnish such surety bond as may be required by the City Council, the premium to be paid by the City. (Ordinance of 2-10-64, § 6.)

Article 6. City Secretary

Section 1-47. Appointment of City Secretary.

The City Council of the City shall appoint a City Secretary for the City of White Deer, who, when appointed and serving, shall be the administrative secretary of the municipal government under the direction and supervision of the City Administrator. The City Secretary shall receive such compensation as the City Council shall appropriate and establish from time to time and shall furnish such surety bond as may be required by the City Council. The premium is for such bond is to be paid by the City.

Section 1-48. City Secretary, duties, etc.

The city secretary shall attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and

engross and enroll all laws, resolutions and codes of the city council, keep the corporate seal, take charge of and preserve and keep in order all the books, records, papers, documents and files of said council, countersign all commissions issued to city officers, and licenses issued by the mayor, and keep a 'record or register thereof, and make out all notices required under any regulation or code of the city. He shall draw all the warrants on the treasurer and countersign the same and keep an accurate account thereof in a book provided for the purpose. He shall be the general accountant of the corporation, and shall keep in books regular accounts of the receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement, and also accounts with each person including officers who have money transactions with the city, crediting accounts allowed by proper authority and specifying the particular transaction to which such entries apply. He shall keep a register of bonds and bills issued by the city, and all evidence of debt due and payable to it, noting the particulars thereof, and all facts connected therewith, as they occur. He shall carefully keep all contracts made by the city council; and he shall perform all such other duties as may be required of him by law, code, resolution or order of the city council. He shall receive for his services an annual salary payable at stated periods, and such additional fees as the city council may allow.

Section 1-49 through 60. (Reserved for future use.)

Article 7. Municipal Court

Section 1-61. Municipal Court created.

There is hereby created a Municipal Court for the City of White Deer, which shall be known and designated "Municipal Court of the City of White Deer, Texas." (Ordinance of 7-2-62, § 1.)

Section 1-62. Jurisdiction.

The Municipal Court shall have jurisdiction within the territorial limits of the City of White Deer, in all criminal cases arising under the codes of the City, and shall also have concurrent jurisdiction with the Justice of the Peace of the precinct within which the City is located in all criminal cases arising under the criminal laws of this State and arising within such territorial limits, in which case the punishment is by fine only, and where the maximum of such fine may not exceed the maximum as established by state law for a Class C misdemeanor offense (Ordinance of 7-2-62, § 2. and amended by this code)

Section 1-63. Judge of the Municipal Court.

- (a) The Court shall be presided over by a Judge who shall be known and designated as the Judge of the Municipal Court and appointed by the Mayor with simply majority vote of affirmation from the City Council. The powers and duties of the Judge of said Court shall be those powers and duties prescribed by the laws of the State of Texas.
- (b) The office of Municipal Court Judge shall be filled by appointment for the same time as the Mayor of the City is elected.

- (c) The Mayor of the City of White Deer, Texas, shall serve ex-officio as Municipal Court Judge in the absence of the Judge and the Assistant Municipal Court Judge or in the event of the illness or inability to serve of the Judge and the Assistant Judge.
- (d) A vacancy in the office of Judge shall be filled by appointment of the Mayor and with a simple majority vote of affirmation by the City Council for the unexpired term only.
- (e) The salary of the Judge of the Court shall be determined from time to time by the City Council. (Ordinance of 7-2-62, § 3; Ordinance of 2-8-72, §§ I to .3.)

Section 1-64. Assistant Municipal Court Judge: Office created.

The office of Assistant Municipal Court Judge is hereby created. (Ordinance of 11-9-70, § 1.)

Section 1-65. Same: Term.

The term of the Assistant Municipal Court Judge shall correspond with the term for the Municipal Court Judge. (Ordinance of 11-9-70, § 2.)

Section 1-66. Same: Appointment.

The Assistant Municipal Court Judge shall be appointed by the City Council. (Ordinance of 11-9-70, § 3.)

Section 1-67. Same: When to act.

The Assistant Municipal Court Judge shall have authority to act only in the event of the absence from the City, the illness or the inability of the Municipal Court Judge to perform his or her duties. The Assistant Municipal Court Judge shall have the authority to perform any and all acts, which the Municipal Court Judge could. -perform. (Ordinance of 11-9-70, § 4.)

Section 1-68. Same: Salary.

There shall be no salary paid to the Assistant Municipal Court Judge. (Ordinance of 11-9-70, § 6.)

Section 1-69. Clerk of Court.

The City Secretary of the City of White Deer shall be ex-officio Clerk of the Court; and the Secretary is hereby authorized to appoint a deputy with the same power as the Secretary as ex-officio Clerk of the Court on such permanent or temporary basis as may be from time to time authorized by the City Council. The ex-officio Clerk shall hold his office during his term as City Secretary. The Clerk of the Court shall keep minutes of the proceedings of the Court, issue all process, and generally perform all the duties of the Clerk of a Court as prescribed by law for a County Clerk insofar as the same may be applicable. The Clerk shall be the keeper of the seal of the Court, and is hereby authorized to impress the seal upon such proceedings and process as provided by law. (Ordinance of 7-2-62, § 4.)

Section 1-70. Seal.

The Court shall have a seal with a star of five points in the center, and the words "Municipal Court in White Deer, Texas", the impress of which shall be attached to all 6

papers issued out of this Court except subpoenas, and shall be used to authenticate the official acts of the Clerk and of the Judge. (Ordinance of 7-2-62, § 5.)

Section 1-71. Complaints.

Proceedings in the Municipal Court shall be commenced by complaint, which shall begin: "In the name and by authority of the State of Texas", and shall conclude: "Against the peace and dignity of the State", and if the offense is covered only by an code, it may also conclude: "Contrary to the said code". Complaints before such Court may be sworn to before any officer authorized to administer oaths, or before the Judge or Clerk of the Court, the City Secretary, the City Attorney, or his deputy, each of whom, for that purpose, shall have power to administer oaths, as provided by the laws of the State of Texas. (Ordinance of 7-2-62, § 6.)

Section 1-72. Attorney.

Prosecutions in the Court shall be conducted by the City Attorney of the City of White Deer or by his deputy. In the event there is no City Attorney, or in the event of his absence, the evidence on behalf of the prosecution may be presented by any peace officer, without the intervention of a prosecuting attorney. The City Council is authorized to contract for the special services of any qualified attorney to prepare and present prosecutions in the Court, whether or not the attorney is duly and officially appointed or acting as City Attorney of the City of White Deer. The County Attorney of Carson County may if he so desires, also represent the city or the State in such prosecutions; but in such cases, he shall not be entitled to receive any fees or other compensation whatever for said services. The County Attorney shall have power to dismiss any prosecution pending in the Court unless for reasons filed and approved by the Judge. (Ordinance of 7-2-62, § 7.)

Section 1-73. Service of process.

All process issuing out of the Court shall be served by a policeman or Marshal of the City of White Deer, under the same rules as are provided by law for service by sheriffs and constables of process issuing out of the Justice Court, so far as applicable. Each defendant shall be entitled to at least one day's notice of any complaint against him, if such time be demanded. (Ordinance of 7-2-62, § 8.)

Section 1-74. Appeals.

Appeals from the Court shall be heard by the County Court of Carson County, except in cases where the County Court has no jurisdiction; in which case such appeal shall be heard by the proper Court. In such appeals, the trial shall be de novo. The appeal shall be governed by the rules of practice and procedure for appeals from Justice Court to the County Court, as far as applicable. (Ordinance of 7-2-62, § 9.)

Section 1-75. Code of Criminal Procedure.

The provisions of the Code of Criminal Procedure of the State of Texas regulating the amount and collection of jury and witness fees, and for enforcing the attendance of witnesses in criminal cases tried in the Justice Court, so far as applicable, govern proceedings in this Court. (Ordinance of 7-2-62, § 10.)

Section 1-76. Enforcement of fine.

Upon conviction by the Court of any defendant for any violation of City code or State

law, properly brought within the jurisdiction of the Court, the fine assessed against the convicted defendant shall be enforced by execution against the property of the defendant as under ordinary executions, or by imprisonment of the defendant, the defendant being entitled to credit on the fine imposed at such rate per day of imprisonment as shall be from time to time determined by the State law, or by collection of the fine in cash from the defendant. All such fines as shall be collected shall be paid into the City Treasury for the use and benefit of the City of White Deer. When any such defendant in any such case is committed to custody, in lieu of his payment of a fine duly and legally assessed against him, the prisoner shall be committed to the custody of the Chief of Police, or City Marshal of the City of White Deer, to be held by him in custody, in the City/County Jail, or in such other safe and proper jail as the officer may elect, for the prescribed period of time. (Ordinance of 7-2-62, § 11.)

Section 1-77. Contempt; bail.

The Judge of the Court may punish for contempt to the same extent and under the same circumstances as the County Judge may punish for contempt for County Court. He shall also have power to take recognizance, admit to bail, and forfeit recognizance and bail bonds under such rules as govern such taking and forfeiture in the County Court. (Ordinance of 7-2-62, § 12.)

Section 1-78. City Marshal.

The office of City Marshal of the City of White Deer is established, as allowed by the law of the State of Texas. The City Council shall appoint the City Marshal and the City Marshal shall have all of the powers and duties of the office of City Marshal as provided by the laws of the State of Texas.(adopted by this code).

Section 1-79. Code Compliance Officer.

The Mayor of the City may appoint a Code Compliance Officer for the City of White Deer, who will work under the supervision of the City Superintendent. When appointed and serving, shall inspect property, existing buildings and dwellings to determine compliance with city ordinances.

Section 1-80. Code Compliance Officer Duties.

1. Responds to citizen complaints and requests for information regarding city codes and ordinances.
2. Inspects properties for compliance with applicable local codes and ordinances.
3. Completes inspection reports and related documentation.
4. Prepares and issues notices and citations of violation where unsafe or illegal Conditions exist and conducts follow up inspections to ensure corrections are made.
5. Demonstrates continuous effort to improve operations, decrease turnaround times, streamline work processes and work cooperatively and jointly to provide quality seamless customer service.

Article 8. Social Security

Note: For state law relating to Social Security, see VACS Article 695g.

Section 1-81. City employees covered.

City employees shall continue under Social Security.

Chapter 2

General and Miscellaneous Provisions

Article 1. Definitions

Section 2-1. Masculine to include feminine and neuter.

- (a) Words used in the masculine gender in this Code or in other codes of the City include the feminine and neuter unless a contrary intention plainly appears.

Section 2-2. Singular number to include plural and vice versa.

- (a) Words used in the singular number in this Code or in other codes of the City include the plural, and the plural the singular, except where a contrary intention plainly appears.

Section 2-3. "Person" defined.

- (a) The word "person", when used in this Code or in other codes of the City, includes natural persons, corporations (private and public), partnerships, and all other unincorporated organizations, trusts, estates, government agencies, and other legal entities, except when a contrary intention plainly appears.

Section 2-4. "City" defined.

- (a) The word "City", when used in this Code or in other codes of the City, means the City of White Deer, Texas, unless a contrary intention plainly appears.

Section 2-5. Statutory references.

- (a) Reference to the statutes of the State of Texas means the statutes as they now are or as they may be amended to be.

Article 2. Separability

Section 2-11. Separability: Code and codes.

- (a) If a part of this Code or of any codes passed after this Code goes into effect is invalid, all valid parts which are severable from the invalid part remain in effect. If a part of this Code or of any code passed after this Code goes into effect is invalid in one or more of its applications, the part remains in effect in all valid applications which are severable from the invalid applications.

Article 3. Codes Validated

Section 2-21. Codes validated.

- (a) Any and all codes made, declared, published, and promulgated by the City Council of the City of White Deer prior to and including the 28th day of April, 1926, are hereby declared valid, subsisting, and live codes; and the same are hereby acknowledged by the present City Council on behalf of the present City of White Deer under its present incorporation as being valid, subsisting, and live codes; and 9

the same have the force and effect that they would have had had they been passed on this date. (Ordinance of 9-6-26;)

Note: There was some question as to the legality of the incorporation of the City prior to April 28, 1926, the date on which the City was re-incorporated. Hence, the above code was passed to validate the codes passed prior to April 28, 1926.

Article 4. Liability of City

Section 2-31. Notice of injury required; previous notice of defect.

- (a) Before the City of White Deer, Texas, shall be liable for damages of any kind, the person injured or some one in his behalf shall give the Mayor or City Council notice in writing of such injury within thirty days after the same has been received, stating specifically in such notice when, where, and how the injury occurred and the extent thereof.
- (b) The City of White Deer, Texas, shall never be liable on account of any damage or injury to person or property; arising from or occasioned by any defect in any public street, highway, or grounds, or any public work of the City unless the specific defect causing the damage or injury shall have been actually known to the Mayor or some other member of the City Council by personal inspection for a period of at least twenty-four hours prior to the occurrence of the injury or damage, nor further, unless in either case proper diligence has not been used to rectify the defect after it is actually known by, or called to the attention of, the Mayor or a member of the City Council as aforesaid. (Ordinance of 7-11-72, § 1.)

Chapter 3

Building, Plumbing, and Electrical Installations

Article 1. Fire Limits; Construction Therein

Section 3-1. Fire limits.

The following shall be and are hereby declared to be the primary fire limits:
Beginning at the northwest corner of Block No. 15, Original
Town of White Deer, Carson County, Texas;
Thence, easterly along the northerly line of Blocks Nos. 15
and 16 to the northeast corner of Block No. 16;
Thence, southerly along the easterly line of Blocks Nos. 16
and 25 to the southeast corner of Block No. 25;
Thence, westerly along the southerly line of Blocks Nos. 25
and 26 to the southwest corner of Block No. 26;
Thence, northerly along the westerly line of Blocks Nos. 26
and 15 to the place of beginning. (Ordinance of 7-12-65, § 1.)

Section 3-2. Permits and inspections.

- (a) No person shall erect, construct or add any building or structure without first applying and obtaining a permit from the City Secretary. No person shall be issued unless the application is in conformity with the requirement of the International Residential Code.

Permits shall be required for the following activities:

- (b) New home construction;
- (c) Remodeling of existing home or commercial building if either the exterior wall or the interior walls are to be altered in any manner;
- (d) Permanent fences over three feet in height and are to remain for more than six months or that are permanently attached to the ground surface;
- (e) Construction of any outbuilding or accessory building of more than 120 square feet;
- (f) Any item not specifically mentioned that is regulated by the International Residential Code.
- (g) No walls, structure, building, or part thereof, shall hereafter be built, enlarged, or altered; until a plan of the proposed work, together with a statement of materials to be used, shall have been submitted to the City Secretary, who shall, if in accordance with the provisions herein contained, issue a written permit in triplicate for the proposed work. Permits to be kept on file with the City Secretary.
- (h) Structures hereafter erected without a permit, but in conformity with all other City codes, shall be subject to a \$100.00 fine and those not in conformity with this article or other building and zoning codes shall be removed at owners expense.
- (i) No building shall be moved from without to within the fire limits, nor from one location to another within the fire limits until a permit shall have been issued there of. No permit shall be issued unless such construction is in accordance with this article.

- (j) The designated Building Inspector shall inspect, as often as practical, construction in progress to see that all provisions of this article are being complied with.
- (k) All plans and specifications submitted to the Building Inspector shall comply with all City Codes of the City of White Deer, Texas, and with Article 3271A of the Revised Civil Statutes of the State of Texas. (Ordinance 7-12-65, § 2 and Ordinance 14-90, 2-8-2005.)

Section 3-3. Construction required within the fire limits.

- (a) In the primary fire limits, no building or structure of wooden, ironclad (whether on wood or metal supports), stucco, or veneer-type construction, or any building whose walls contain wood supports, shall be permitted except as indicated in section 3-4. No building shall be built, enlarged, or altered hereafter except in accordance with this article.
- (b) The thickness of walls shall not be less than as given below:
 - 1. Brick or other solid masonry walls shall not be less than 12 inches thick for the uppermost 35 feet of their height, and shall be increased 4 inches for each successive 35 feet or fraction thereof measured downward from the top of the wall with the following exceptions:
 - a. Small one-story buildings not exceeding 750 square feet in floor area may be 8 inches in thickness.
 - b. Buildings 9,000 square feet or less in area, not exceeding 12 feet in height and with roof construction imparting no lateral (outward) thrust, may be 8 inches in thickness.
 - 2. Reinforced concrete walls may be $\frac{3}{4}$ the thickness of brick walls, but in no case less than 8 inches.
 - 3. Hollow masonry walls shall be not less than the thickness required for solid masonry walls.
 - 4. Filler walls of brick or hollow masonry may be a minimum of 8 inches, provided such walls are supported on reinforced concrete beams and footings and by adequate reinforced concrete or brick columns spaced not more than 16 feet, Article
 - 5. Solid stonewalls shall be 4 inches thicker than brick walls for like construction. All exterior walls (except street side), party walls, and division fire walls shall have parapets extending at least 18 inches above the roof; and the parapets shall be at least 12 inches thick, except where 8-inch walls are permitted as above, in which case parapets may be 8 inches thick. (Ordinance 7-12-65, § 3.)

Section 3-4. Frame building in fire limits.

The following frame structures are permissible in the fire limits:

- (a) Temporary one-story frame buildings for the use of builders.
- (b) Wooden fences not over 8 feet high, without roof or cover. (Ordinance 7-12-65, § 4.)

Section 3-5. Reserved for future use.

Section 3-6. Repairs and additions.

- (a) Any existing building within the fire limits which hereafter may be damaged by fire, decay, or otherwise, to an amount greater than 50% of its present value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be removed.
- (b) Extensions, remodeling, or additions to existing buildings shall not be considered as repairs, and shall not be permitted except when conforming to section 3-3 of this article. (Ordinance 7-12-65, § 6.)

Section 3-7. Arbitration.

- (a) Whenever an application for permit to repair any existing building already located within the fire limits is made by any person or firm, and the City Council and the applicant disagree on the extent of repairs to be made, and a permit is denied by the Building Inspector, then the City Council shall appoint an engineer, and the applicant shall appoint a competent and disinterested person, and the two persons so appointed shall select a third member; and these three persons shall appraise the building, examine the plans of the proposed work, and the statement of materials and labor to be used in repairing or rebuilding the building, and make a signed written report of their findings to the City Council. If such report reflects clearly that the rebuilding or repairing would be a violation of this article, then such application for permit shall be denied by the City Council; but if such report reflects that the person seeking the permit has complied with this article, and the requested rebuilding or repairing is not in violation of this article, then the City Council shall issue a permit for the proposed building or repairing. (Ordinance 7-12-65, § 7.)

Section 3-8. Fees.

The following permit fees shall be paid to the City of White Deer, Texas, as specified in the official fee schedule.

Section 3-9. Penalty.

- (a) 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, shall be deemed guilty of a misdemeanor, and shall be liable to a fine, and upon conviction of any such violation shall be fined the maximum amount established by State Law for a Class C misdemeanor; and each day any such violation shall be permitted to exist shall constitute a separate and distinct offense. (Ordinance 7-1265, § 10.)

Section 3-10 Plumbing Requirements.

- (a) All plumbing work done within the City of White Deer must be performed by a licensed plumber who is licensed by the State of Texas, unless such work is expressly accepted from such requirement by State law.
- (b) All plumbing work performed in the City of White Deer, whether done by a licensed plumber or performed without license under an exception, shall be subject to inspection by the authorized licensed plumbing inspector.
- (c) Plumbing work performed in violation of the provisions hereof, or plumbing work, which fails to meet minimum standards for safety and sanitation, as provided by State law, is hereby declared to be non-conforming and illegal.

- (d) Non-conforming and illegal plumbing work shall not be permitted to be connected to the city water system or the city sanitary sewer system; provided however, that if such non-conforming or illegal installations are repaired, replaced or conformed so as to eliminate any health or sanitation hazard, to the satisfaction of the licensed plumbing inspector, same may be permitted to be connected to the water and/or sewer system.
- (e) Lead service lines, lead taps, interior plumbing or copper pipe with lead solder joints or fittings are prohibited in the City of White Deer, Texas.
- (f) It is an offense to practice the business or profession of plumber in this city without a license by the State of Texas.
- (g) Failure or refusal of any person to abide by the provisions of article shall be a misdemeanor offense and upon conviction shall be fined in an amount not to exceed the maximum amount as established by State law.

Section 3-11 International Residential Code

The International Residential Code, 2000 Edition, is the official and adopted building, plumbing and electrical code for the City of White Deer and its terms and provisions shall govern all relevant activities. A complete copy of the International Residential Code is on file at City Hall. (Ordinance 14-90, 2-8-2005 and amended by this code.)

Chapter 4

Business Occupations

Article 1. Solicitors

Section 4-1. Registration: permit.

All solicitors who solicit business or residential in the City limits of the City of White Deer, Texas, shall be required to register first with the City Office furnishing the City Office with the solicitor's name, address, and business, and also the name and address of the firm or corporation which he represents. The City Marshal shall perform a background check of the individual seeking the permit and upon approval of the background check, at the discretion of the City Marshal, a permit may be issued. A fee listed on the official fee schedule per person and a deposit listed on the official fee schedule shall be charged, with the deposit being refundable if done so within (48) hours from the time the permit is issued. Otherwise the deposit will be forfeited. Soliciting hours will be from 8:00 am through 6:00 pm. The permit will remain in effect for the calendar year in which it was issued. Exemptions to this fee are City of White Deer organizations and White Deer Independent School District organizations.

Section 4-2. Penalty

The failure to comply with the terms of this article by any person, persons or company is a Class C misdemeanor offense and each day that such failure or refusal is continued is a separate offense. Upon conviction of such offense, the person, persons or company so convicted shall be fined an amount not to exceed the maximum amounts as established by State Law.

Chapter 5 City Finance and Business

Note: For state law regulating budget procedure in cities, see VACS arts. 689a-13 to 689a-16. For state law relating to levying and collecting ad valorem taxes by cities, see VACS arts. 1026 et seq.

Article 1. Ad Valorem Taxes: When Due; Penalty for Late Payment

Section 5-1. When due; penalty for late payment.

- (a) The ad valorem taxes hereafter levied by the governing body of the City of White Deer, Texas, each year shall become due on the first day of October of the year for which the levy is made and may be paid up to and including the following January 31st, without penalty; but, if not so paid, such taxes shall become delinquent on the following day, February 1st, and the following penalty shall be payable thereon, to-wit: If paid during the month of February, one percent (1%); during the month of March, two percent (2%); April, three percent (3%); May, four percent (4%); June, five percent (5%); and on and after the first day of July, eight percent (8%). Such unpaid taxes shall bear interest at the rate of six percent (6%) per annum from February 1st of the year next succeeding the year for which such taxes were levied or assessed. (Ordinance of 2-6-40, § 1.)
- (b) An additional fifteen percent (15%) penalties to defray costs of collection of delinquent taxes as authorized by Texas Tax Code, /Section 33.07 and 33.08 for the current year and each succeeding year thereafter.

Section 5-2. Municipal Court Security Fund.

- (a) Fund Created: There is hereby created a municipal court building security fund. This fund shall be administered under the direction of the governing body of the City of White Deer.
- (b) Fee Assessed: All defendants convicted of a misdemeanor offense in municipal court shall be required to pay a three-dollar (\$3.00) security fee as a cost of court. A person is considered convicted for the purposes of this code if a sentence is imposed on the person, the person receives community supervision, including deferred adjudication, or the person enters a plea and enters a court authorized dismissal program. The security fee shall be collected by the municipal court clerk and paid to the City treasurer for deposit in the municipal court building security fund.
- (c) Fund Purposes: The municipal court building security fund may be used only to finance the following items when used for the purpose of providing security services for any buildings housing the municipal court of the City of White Deer:
 - 1. The purchase or repair of x-ray machines and conveying system;
 - 2. Hand-held metal detectors;
 - 3. Walk-through metal detectors;
 - 4. Identifications cards and systems;
 - 5. Electronic locking and surveillance equipment;

6. Bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
 7. Signage;
 8. Confiscated weapon inventory and tracking systems;
 9. Locks, chains, or other security hardware; or
 10. Continuing education on security issues for court personnel and security personnel.
- (d) Any person, firm, corporation, agent or employee thereof who violates any of the provision of this code shall be guilty of a misdemeanor and upon conviction of such offense, the person, persons or company so convicted shall be fined an amount not to exceed the maximum amounts as established by State Law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 5-3. Municipal Technology Fund.

- (a) Establishment of Municipal Court Technology Fund
1. There is hereby created and established a Municipal court Technology Fund, here-in-now 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) Establishment of Amount of the Fee and Assessment and Collection
1. The fee shall be in the amount of Four (4) 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. A sentence is imposed on the person;
 - b. The person is placed on community supervision, including deferred adjudication community supervision; or
 - c. The court defers final disposition of the person's case.
- (c) The fee shall be collected on conviction for an offense committed on or after December 1, 2005.
- (d) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer of the City of White Deer, who shall deposit the fee into the Municipal Court Technology Fund.
- (e) Designated Use of the Fund and Administration
1. The Fund shall be used only to finance the purchase of technology enhancements for the Municipal Court of the City of White Deer, Texas, including:
 - a. Computer systems;
 - b. Computer networks;
 - c. Computer hardware;
 - d. Computer software;
 - e. Imaging systems;
 - f. Electronic kiosks;
 - g. Electronic ticket writers; or
 - h. Docket management systems

- (f) The Fund shall be administered by or under the direction of the governing body of the City of White Deer, Texas.
- (g) Any person, firm, corporation, agent or employee thereof who violates any of the provision of this code shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed the maximum amounts as established by State Law. Each day that a violation is permitted to exist shall constitute a separate offense. (Ordinance 14-84 September 8, 2003.)

Chapter 6 Civil Defense and Disaster Relief

Note: For the Texas Civil Protection Act, see VACS Article 6889-4. For power of political subdivisions to provide, by code or otherwise, for a civil defense organization, see § 6 of Article 6889-4.

Article 1. Municipal Civil Defense and Disaster Relief Committee

Section 6-1. Civil Defense and Disaster Relief Committee: Created.

- (a) There is hereby created the Municipal Civil Defense and Disaster Relief Committee of the City of White Deer, Texas, which shall consist of the following:
1. The Mayor of the City of White Deer, Texas, who shall serve as chairman of the Committee and who shall also be known as Municipal Defense Co-ordinator of the City of White Deer, Texas.
 2. The Assistant Defense Coordinator of the City of White Deer, Texas, who shall be charged with the preparation of a civil defense plan for the City of White Deer, Texas, together with such other duties as the Coordinator may prescribe. The Assistant Coordinator shall be appointed by and hold his position at the pleasure of the Municipal Defense Coordinator. The Assistant Coordinator shall serve as Vice-Chairman of the Municipal Civil Defense and Disaster Relief Committee of the City of White Deer, Texas.
 3. The Directors of Divisions and Chiefs of Services of such Divisions as may be provided for by resolution by the City Council or by directive of the Municipal Defense Coordinator.
 4. Representatives not to exceed 35 in number from civic, business, industry, labor, veterans, professional, or other groups to be selected and appointed by the Mayor. (Ordinance of 6-2-72, § 1.)

Section 6-2. Powers and duties of the Committee.

- (a) The powers and duties of the Municipal Civil Defense and Disaster Relief Committee shall include the recommendation for adoption by the City Council of a civil defense plan for the City of White Deer, Texas, and the recommendation for adoption by the City Council of any and all mutual-aid plans and agreements which are deemed essential for the implementation of such civil defense plan. The duties of such Civil Defense and Disaster Relief Committee shall also include the making of a survey of the availability of existing personnel, equipment, supplies, and services which could be used during an emergency as provided for herein, as well as a continuing study of the need for amendments and improvements in the civil defense plan adopted by the City Council.
- (b) The Civil Defense and Disaster Relief Committee of the City of White Deer, Texas, shall meet upon the call-of either the Chairman or the Vice chairman. (Ordinance of 6-2-72, § 2.)

Section 6-3. Mayor to join with others in Council for County.

- (a) The Mayor of the City of White Deer, Texas, is hereby authorized to join with the County Judge of the County of Carson and the Mayors of the other cities in the County in the formation of a Civil Defense and Disaster Relief Council for the County of Carson, and shall have the authority to cooperate in the formation of a civil defense plan for the County of Carson and the appointment of a Civil Defense Director for the County of Carson, and shall have the authority to cooperate with all other powers necessary to participate in countywide programs of civil defense and disaster relief insofar as the programs may affect the City of White Deer, Texas. (Ordinance of 6-2-72, § 3.)

Section 6-4. Defense Coordinator: Powers and duties.

- (a) The office of Municipal Defense Coordinator is hereby created. The Municipal Defense Coordinator shall have the authority to request the declaration of the existence of an emergency by the City Council or by higher authority, in the event it is deemed necessary to declare the existence of an emergency without delay. The Coordinator may, if the City Council is not in session, do so; but such action shall be subject to confirmation by the City Council at its next meeting. The duties and responsibilities of the Municipal Defense Coordinator shall include the following:
1. The control and direction of the actual operation or training efforts of the civil defense and disaster relief organization of the City of White Deer, Texas.
 2. The determination of all questions of authority and responsibility that may arise within the civil defense and disaster relief organization of the City of White Deer, Texas.
 3. The maintenance of necessary liaison with other municipal, district, county, state, regional, federal, or other civil defense organizations.
 4. The marshaling, after declaration of an emergency as provided for above, of all necessary personnel, equipment, or supplies from any department of the City of White Deer, Texas, to aid in the carrying out of the civil defense plan.
 5. The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the civil defense plan.
 6. The 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 the agreement with the County in which the City is located and with other municipalities within the County, for the county-wide coordination of efforts in defense and disaster relief.
 7. The issuance of reasonable rules, regulations, or directives, which are necessary for the protection of life and property of the City of White Deer, Texas. Such rules and regulations shall be filed in the office of the City Secretary and shall receive widespread publicity unless publicity will be of aid and comfort to the enemy.
 8. The supervision of and final authorization for the procurement of all necessary supplies and equipment including acceptance of private contributions.

9. The authorization of agreements after approval of the City Attorney, for the use of private property for air-raid shelter and other purposes. (Ordinance of 6-2-72, § 4.)

Section 6-5. Operational organization.

- (a) The operational civil defense and disaster relief organization of the City of White Deer, Texas, shall consist of the officers and employees of the City of White Deer, Texas, designated by the Municipal Defense Coordinator as well as all volunteer municipal defense workers. The functions and duties of this organization shall be distributed among such divisions, services, and special staff as the City Council shall prescribe by resolution or the Municipal Defense Coordinator shall provide by directive. Any such resolution or directive shall show forth the form of organization, establish and designate divisions and services, assign functions, duties, and powers, and designate officers and employees to carry out the provisions of this article. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Defense and Disaster Relief Council of the State of Texas and of the Federal Government. (Ordinance of 6-2-72, § 5.)

Section 6-6. Oath of members.

- (a) Each person serving as a member of the Municipal Civil Defense and Disaster Relief Committee, or as an officer, employee, or volunteer in any capacity in the Municipal Civil Defense and Disaster Relief Organization created by resolution or directive pursuant to the authority herein conferred, shall, prior to assuming his duty or duties, take an oath which shall be substantially as follows: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Texas, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take these obligations freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate nor am I a member or an affiliate of any political party or organization, group or combination of persons that advocate the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Municipal Civil Defense and Disaster Relief Committee of the City of White Deer, Texas, I will not advocate nor become a member or affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence." (Ordinance of 6-2-72, § 6.)

Section 6-7. Unauthorized lights.

- (a) Any light displayed contrary to any order, rule, or regulation promulgated pursuant to the provisions of this article constitutes a public nuisance; and when deemed necessary or in order to protect life or property during blackouts or air raids, the police are authorized and directed to enter upon any premises within the City of White Deer, Texas, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule, or regulation

promulgated under the authority conferred by this article. (Ordinance of 6-2-72, § 7.)

Section 6-8. Unauthorized operation of siren.

- (a) Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, shall be deemed guilty of a misdemeanor, and upon conviction of such offense, the person, persons or company so convicted shall be fined an amount not to exceed the maximum amounts as established by State Law. (Ordinance of 6-2-72, § 8.)

Section 6-9. Rules and regulations to supersede codes, etc.

- (a) At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing codes, orders, rules, and regulations insofar as the latter may be inconsistent therewith. (Ordinance 6-2-72, § 9.)

Section 6-10. This article not to conflict with State or Federal law, etc.

- (a) 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.

Section 6-11. Exercise of governmental function; liability.

- (a) 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 of White Deer, Texas, the agents and representatives of the City, or any individual, receiver, firm, partnership, corporation, association, or trustee, or 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 by persons or property 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 of-White Deer, Texas, a license or privilege, or otherwise permits the City to inspect, designate, and use the whole or any parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege, or other permission, or for the loss of, or damage to, the property of such person. (Ordinance of 6-2-72,-§ 11.)

Section 6-12. Expenditure of government funds.

- (a) No person shall have the right to expend any public funds of the City in carrying out any civil defense activity authorized by this article without prior approval by the City Council; nor shall any person have any right to bind the City by contract, agreement, or otherwise without prior and specific approval by the City Council. (Ordinance of 6-2-72, § 12.)

Section 6-13. Unlawful to obstruct; penalty.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the civil defense 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. 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 civil defense organization of the City of White Deer, Texas, unless authority to do so has been granted to such person by the proper officials.
- (b) The person, persons or company so convicted shall be fined an amount not to exceed the maximum amounts as established by State Law. (Ordinance of 6-2-72, § 13.)

Chapter 7 Fire Prevention

Article 1. Fire Marshal

Section 7-1. Office created; appointment.

- (a) The office of Fire Marshal is hereby created. Such office shall be independent of other City departments, the Fire Marshal reporting directly to the Mayor and City Council. Such office shall be filled by appointment by the Mayor, by and with the consent of the City Council. The Fire Marshal shall be properly qualified for the duties of his office, and shall be removed only for cause. (Ordinance of 4-12-28, § 1.)

Section 7-2. To investigate fires.

- (a) 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 hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires, together with all facts, statistics, and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this article. (Ordinance of 4-12-28, § 2.)

Section 7-3. May take testimony under oath, etc.

- (a) 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 of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all of 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. (Ordinance of 4-12-28, § 3.)

Section 7-4. May summons witnesses, etc.

- (a) 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. (Ordinance of 4-12-28, § 4.)

Section 7-5. Refusal to testify.

- (a) 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 the investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a Class C misdemeanor; and it shall be the duty of the Fire Marshal to cause all such offenders to be prosecuted.. Any person being convicted of any such misdemeanor shall be fined in a sum not exceeding the maximum amount established by State law. (Ordinance of 4-12-28, § 5.)

Section 7-6. Investigations may be private.

- (a) All investigations held by or under the direction of the Fire Marshal may, in his discretion, be private; and persons other than those required to be present may be excluded from the place where such investigation is held; and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. (Ordinance of 4-1228, § 6.)

Section 7-7. May enter premises.

- (a) The Fire Marshal shall have the authority at all times 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 and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion. (Ordinance of 4-12-28, § 7.)

Section 7-8. Shall inspect buildings; remedial action.

- (a) The Fire Marshal, upon complaint of any person having an interest in any building or property adjacent and without complaint, shall have a 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 entered and 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 fire, and which is so situated as 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 or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable, 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 the building or premises. If the owner or occupant deems himself

aggrieved by such order, he may, if he chooses, 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 the 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 separate report on each fire in the City during the month. (Ordinance of 4-12-28, § 8.)

Section 7-9. Maintaining buildings liable to fire; penalty.

- (a) 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 punished by a fine not to exceed the maximum amount established by State law for a Class C Misdemeanor. (Amended Ordinance of 4-12-28, § 9.)

Section 7-10. Maintaining certain fire hazards; penalty.

- (a) Any owner or occupant of any 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, 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 punished by a fine not to exceed the maximum amount established by State law for a Class C Misdemeanor. (Ordinance of 4-12-28, § 10.)

Section 7-11. Order to be given before prosecution.

- (a) No prosecution shall be brought under sections 7-9 and 7-10 of this article until the order provided for in section 7-8 is given and the party notified shall fail or refuse to comply with the same. (Ordinance of 4-12-28, § 11.)

Section 7-12. Recovery of penalties.

- (a) The penalties provided for herein shall be recovered by the City in the same manner as provided by law for the enforcement of fines, forfeitures, and punishments for offenses against the City. (Ordinance of 4-12-28, § 12.)

Section 7-13. Each day's maintenance a separate offense.

- (a) Every day's maintenance of any of the conditions prohibited in any of the foregoing sections shall be a distinct and separate offense. (Ordinance of 4-12-28, § 13.)

Section 7-14. Prosecutions to be as provided by law.

- (a) All misdemeanors herein provided for shall be prosecuted, and all fines and forfeitures herein provided for, shall be recovered and enforced in the same manner as provided by law for the enforcement of fines, forfeitures, penalties, and punishments for offenses generally against the City. (Ordinance of 4-12-28, § 14.)

Article 2. Fireworks: Amended 3-3-03

Section 7-21. Unlawful to sell, buy, discharge.

- (a) It shall hereafter be unlawful for any person, firm, or corporation, their agents or employees, to sell, buy, or discharge any fireworks at any place at any time within the corporate limits of the City of White Deer, Texas. It shall hereafter be unlawful for any person, firm, or corporation, their agents or employees, to discharge any fireworks within the corporate limits of the City of White Deer, except, on the 4th of July, or other date as may from time to time be designated by the city council, after 6:00 PM, in an area as designated by the city Council of the City of White deer. (Ordinance of 6-7-65, § 1. and 14-83 of 2003)

Section 7-22. "Fireworks" defined.

- (a) For the purposes of this article, the term "fireworks" shall be define as follows: Any device such as firecrackers, rockets, sparklers, etc., used to produce loud noises or brilliant lighting effects. (Ordinance of 6-7-65, § 2.)

Section 7-23. Penalty.

- (a) Any person who shall violate any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the maximum amount established by State law for a Class C Misdemeanor. (Ordinance of 6-7-65, § 3.)

Article 3. Arson Reward.

Section 7-31. Reward offered.

- (a) The City of White Deer, Texas, hereby offers a reward of Two Hundred and Fifty Dollars (\$250.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of White Deer, Texas. This reward is a standing offer, and shall be paid out of the general fund of the City of White Deer, Texas. (Ordinance of 6-7-65, § 1.)

Chapter 8

Garbage and Other Refuse

Note: For state law relating to garbage and refuse, see VACS Article 4477-1, § 4.
For state law relating to dumping junk near highway, see VACS Article 6674v-2.

Article 1. Garbage and Trash Rates

Section 8-1. Rates.

- (a) Effective August 1, 1974, utility billing, the following fees will be charged by the City of White Deer, Texas, for garbage and trash collection services as established on the official fee schedule.

Chapter 9

Animals

Note: For state law relating to animals and fowl generally, see VACS arts. 180 to 192-3. As regard strays, see VACS arts. 6911 et. seq. For state law relating to cruelty to animals, see VAPC § 42.11.

Article. 1 Animals: Licensing; Regulation

Section 9-1. Definitions.

- (a) Animal shall mean any living vertebrate creature or invertebrate creature including but not limited to mammals, reptiles, fish and fowl, but specifically excluding human beings.
- (b) Wild Animal shall mean any poisonous or dangerous reptile, or any other animal which can normally be found in the wild state, not normally capable of being domesticated, including, but not limited to: skunks, foxes, raccoons, leopards, panthers, cougars, tigers, lions, lynx, ferrets, and opossums, unless certified for medical, biological, herpetological, or other scientific research or study.
- (c) Vicious Animal shall mean any individual animal of any species that has on two (2) previous occasions, without provocation, attacked or bitten any person or other animal; or any individual animal which the Supervisor of Animal Control has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.
- (d) Animal Control Officer shall mean any person designated by the City Council to enforce the provisions of this code.
- (e) Small Livestock shall mean all types of domesticated swine, sheep and goats.
- (f) Large Livestock shall mean any member of the domesticated equine family, including horses, ponies, mules, donkeys and burros, and all members of the domesticated bovine family, including but not limited to bulls, cows and steers.
- (g) Owner shall mean any person or group of persons living in the same household, firm or corporation having title to or custody of any animal, or any person who has, harbors, keeps, or causes or permits to be harbored or kept an animal in his care or custody, or any person who feeds an animal for seven (7) days, or who allows an animal to remain on or about his premises for ten (10) days.
- (h) Supervisor of Animal Control shall mean the person designated by the Mayor to supervise all aspects of animal control.
- (i) Running at Large shall mean not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when such animal is on a secured leash or chain not more than twenty (20) feet in length, or held in the hands of the owner or keeper, or under the direct supervision of the owner or keeper within the limits of the owner's private property.
- (j) Animal Control shall mean the animal control section of the City of White Deer.
- (k) Commercial Stable shall mean any facility where a fee is charged to house, pasture or rent horses or other livestock.
- (l) Kennel shall mean any authorized commercial establishment where three (3) or more dogs over the age of four (4) months or eleven (11) or more dogs under the

age of four (4) months are kept for breeding or boarding purposes, except Veterinary facilities.

- (m) Cattery shall mean any authorized commercial establishment where three (3) or more cats over four (4) months of age or eleven (11) or more cats under four (4) months of age are kept for boarding or breeding purposes, except Veterinary facilities.
- (n) Restraint, an animal shall be deemed restrained when it is:
 - 1. Confined on the premises of the owner within a building, walled or fenced enclosure, or,
 - 2. Under the control of a person by a leash, or
 - 3. On or within a vehicle being driven or parked, or
 - 4. At heel beside a competent person and obedient to that person's command.Minors shall not be considered competent persons.
- (a) Residence shall mean a building or portion thereof designed and used exclusively for residential occupancy, including one-family dwelling, two family dwelling, and multiple-family dwelling, but not including hotels, motels or lodging houses.
 - 1. Dwelling, Single-Family: A "single-family dwelling" is a residential structure containing only one dwelling unit and/or occupied by only one family.
 - 2. Dwelling, Two-Family: A "two-family dwelling" is a residential structure containing two dwelling units and/or occupied by two families.
 - 3. Dwelling, Multiple-Family: A "multiple-family dwelling" is a residential structure or portion thereof constructed for and/or occupied by three or more families and containing three or more dwelling units.
- (a) Business shall mean a building, structure, or portion thereof designed, adapted, or used to engage in commerce, whether for profit or not, if the place of business is or could be open to the general public in the normal conduct of the commercial activity.

Section 9-2. Enforcement of Code; authority to issue citation; interference with animal control officers.

- (a) Enforcement of this Code shall be the responsibility of the supervisor of Animal Control and/or any Animal Control Officer.
- (b) Any Animal Control Officer or peace officer of the city shall have the authority to issue citations for any violation of this Code.
- (c) It shall be unlawful for any person to interfere with any Animal Control Officer or peace officer of the city in the performance of his duties.

Section 9-3. Running at large prohibited; number of animals permitted; special restraint required; authority to impound.

- (a) It shall be unlawful for any dog, cat or other animal possessed, kept or harbored to run at large.
- (b) No owner shall possess, harbor or keep more than a total of four (4) dogs and cats over the age of four (4) months except for a Kennel, Cattery or Veterinary Facility. The limitation of this paragraph as to the number of dogs and cats shall not apply when the premises on which such animals are possessed, harbored or kept is located within a district zoned Agriculture by the City of White Deer Zoning Code.

- (c) Fierce, Dangerous or Vicious Dogs. The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog, and, not take such dog out of such secure enclosure unless dog is securely muzzled.
- (d) Every female dog or cat in season shall be confined in a building or a secure enclosure or a veterinary hospital or boarding facility, in such a manner that another dog or cat cannot come in contact with it except for controlled breeding purposes.
- (e) The Supervisor of Animal Control and Animal Control Officers acting under his direction are authorized to impound such animals running at large, other than a cat and may impound a cat under conditions specified in Section 9-5 (a)2,(b) of this Code.

Section 9-4. Animal registration and vaccination required.

- (a) Vaccination of dogs and cats required; metal and paper certificates thereof. All dogs and cats over the age of four (4) months must be vaccinated annually or bi-annually as per the pharmaceutical dosing instructions and as mandated by state law for rabies with an anti-rabies vaccine approved by the State Health Department and administered by a veterinarian licensed by the State of Texas. A metal certificate of vaccination with the year of vaccination, a certificate number and the name, address and phone number of the vaccinating veterinarian or veterinary clinic must be securely attached to a collar or harness that must be worn by the dog or cat at all times. In addition to the metal certificate, a paper certificate must be issued stating the name of owner, address of the owner, telephone number of the owner, a description of the animal, the date of vaccination, number of the metal certificate, kind of vaccine used and signed by the administering veterinarian.
- (b) Registration procedures and requirements. No owner shall have within the City of White Deer any dog or cat over four (4) months of age unless such dog or cat is currently registered with Animal Control. A current metal registration certificate, issued by Animal Control, must be affixed to the collar or harness and must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current rabies vaccination. Application for initial issuance or renewal of each registration must be made by the owner, in writing or in person, and must be accompanied by the paper vaccination certificate, and a fee listed on the official fee schedule unless the animal has been surgically sterilized, and proof of such sterilization is provided. The license fee for such surgically sterilized animals shall be listed on the official fee schedule. If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate for a fee listed on the official fee schedule from Animal Control. If there is a change of ownership in a dog or cat currently registered with Animal Control, transfer of registration shall be made upon request of the owner, and there shall be no charge of such transfer.
 - 1. Fee-exempt registrations may be issued for the following:
 - a. Police or Sheriff's Department dogs (not privately owned)
 - b. Dogs trained to assist those with impaired hearing or vision. Eligibility for fee-exempt registration does not relieve the owner of his responsibility under the provisions of this Code.

- (c) Denial of registration. The Supervisor of Animal Control may refuse to register a dog or cat or may revoke a registration issued to any person who has been convicted in a court of in the State of Texas, of any of the following:
1. Cruelty to Animals as defined in the Texas Penal Code Article 42.11, inhumane treatment, or negligence to an animal; and,
 2. Four (4) or more separate and distinct violations of an Animal Control Code of a municipality in the State of Texas within a twelve (12) month period. Any person denied such a registration might appeal the refusal to the Municipal Judge of the City of White Deer. The Municipal Judge shall uphold or overturn the Supervisor of Animal Control's refusal of registration.
- (d) Guard Dogs, special provision. Every person having care or custody of a dog, which has received guard training, must register such dog with the Animal Control Officer. It shall be unlawful for any person having ownership, occupancy or control of any property in the City of White Deer to permit or hire a guard dog to guard such property without such dog having first been registered with the Animal Control Officer pursuant to this paragraph. Any dog, which has received guard dog training, may be destroyed, if necessary, when such dog is running at large. The owner, keeper or person in charge of a guard dog shall be subject to the other provisions of this Code and Section. Registration tags identifying the animal as a guard dog must be worn by such animal at all times, and the animal must be securely muzzled and leashed when not in covered confinement, or fenced, while in actual performance of duties.

Section 9-5. Impoundment.

- (a) Animals subject to impoundment. The following animals are subject to impoundment.
1. Cats or Dogs not exhibiting evidence of being vaccinated or registered, as described in Section 4.
 2. Any animal running at large, other than a cat. Provided, however, a cat may be impounded under the conditions specified in paragraph (b) of this Section.
 3. Any animal treated in a manner determined by an Animal Control Officer to be cruel or inhumane.
 4. Any animal that has bitten, scratched or viciously attacked a person, or needs to be placed under observation for rabies, as determined by an Animal Control Officer and as required by the State Health Department.
 5. Any animal in violation of any provision of this Code.
- (b) Right of property owner to confine, notification of Animal Control. If any animal named in this Code is found on the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify Animal Control to impound the animal. When so notified, it shall be the duty of an Animal Control Officer to have such animal impounded as herein provided.
- (c) Notification of Animal Owner by Animal Control. Reasonable effort shall be made by Animal Control to contact the owner of any animal impounded, which is

- wearing current registration and/or vaccination certificates; however, final responsibility for location of an impounded animal is that of the animal owner.
- (d) Reclaiming of impounded animals, generally. The owner may resume possession of any animal impounded upon payment of impoundment fees, handling fees, and any veterinary expenses incurred by Animal Control for the welfare of the animal, and upon compliance with vaccination and registration provisions of this Code, except where prohibited in paragraphs e. and f. of this Section 5.
 - (e) Reclaiming animals impounded on the grounds of suspicion of cruelty or inhumane treatment. Disposition of animals impounded on the grounds of suspicion of cruel or inhumane treatment shall be by the court of jurisdiction.
 - (f) Reclaiming animals under rabies quarantine: If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from such quarantine.
 - (g) Designation of place of impoundment. The Mayor shall select and establish a place for impounding all animals impounded under any provision of the Code.
 - (h) Disposition of unclaimed animals, generally. Any animal except vicious, wild, or unvaccinated bite case animals, not reclaimed by the owners, will be transferred to an appropriate animal facility where the animal may be humanely destroyed by that animal facility, after being held seventy-two (72) hours, except that any animal wearing current registration or vaccination metal certificates shall be held six (6) days prior to disposition.
 - (i) Disposition of impounded vicious or wild animals. Any vicious animal impounded, unless there is reason to believe such animal has an owner, may be immediately disposed of as deemed appropriate by the Supervisor of Animal Control. Any impounded wild animal, unless such animal is a protected species, may be immediately disposed of in a manner deemed appropriate by the Supervisor of Animal Control. Wild animals that are considered a protected species will be immediately reported to and turned over to the Texas Department of Parks and Wildlife for disposition.
 - (j) Disposition of nursing baby animals. Any nursing baby animal impounded without the mother, or where the mother cannot or will not provide nutritious milk, may be transferred to the City of Pampa, where it may be immediately euthanized to prevent further suffering of such baby animals.
 - (k) Adoption of impounded dogs and cats authorized. Any impounded dog or cat not wearing current registration or vaccination certificates may be given up for adoption after seventy-two (72) hours, except those under quarantine. Any impounded dog or cat current registration or vaccination certificate may be given up for adoption after being held six (6) days. If the rightful owner of the animal appears within thirty(30) days off adoption, he may redeem the animal by paying the adoptee all documented expenses incurred, and reasonable board for the animal.
 - (l) Disposition of animal upon direction of owner. An owner who no longer wants responsibility for an animal, or who believes an animal to be ill or injured, may sign a written waiver, supplied by Animal Control, allowing the animal to be euthanized in a humane manner; provided that such warm blooded animal has not bitten any human. Such animal that has bitten shall be held for ten (10) day quarantine except where laboratory examination is provided for.

- (m) Disposition of injured or ill animals. 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 the Supervisor of Animal Control.

Section 9-6. Impounded Fees: adoption procedure for dogs and cats.

Impoundment fees generally. Impoundment fees for each impoundment within a twelve-month period shall be rates listed on the official fee schedule.

- (a) If proof of surgical sterilization is provided within fifteen (15) days from the date an animal is released, the difference in impoundment fees between altered and unaltered animals shall be refunded. Dogs and cats under the age of six (6) months shall be charged the same impoundment fee as sterilized animals. Animals may be exempted from sterilization upon written recommendation from a veterinarian licensed to practice in the State of Texas that such sterilization would be harmful or dangerous to the animal; owners of such animals will be subject to the lower impoundment fee.
- (b) Animals not listed hereinabove shall be disposed of at the discretion of Animal Control. Any animal impounded more than four (4) times in a twelve (12) month period will not be released to the owner without written approval of the Supervisor of Animal Control. Impoundment for such animal will be double the highest listed fee on the official fee schedule.
- (c) Daily handling fee. A daily handling fee shall be charged for every day or fraction of a day that an animal is held at the Animal Control Facility.
- (d) Quarantine Fee. The owner of any animal held in quarantine for observation purpose, shall be charged a fee listed on the official fee schedule for every day or fraction of a day the animal is held at the facility; this fee is in addition to any impoundment fee.
- (e) Adoption procedures:
 - 1. An individual may adopt an animal (dog and cats only) from the city animal shelter under the following conditions:
 - a. The Supervisor of Animal Control has classified the animal as adoptable.
 - b. The prospective adopter has proper facilities to care for the animal.
 - c. The prospective adopter obtains all necessary vaccination and registration, and,
 - d. The adopter shall pay an adoption fee of ten (\$10.00) dollars.
 - 1. The purchaser of any dog or cat must have it vaccinated, and obtain a city license within thirty days after purchase.
 - 2. The supervisor of Animal Control may refuse to allow a person to adopt an animal whom he has reason to believe:
 - a. Would not be able to obtain a registration certificate under the restrictions of this Code;
 - b. Would not provide that the adopted animal is spayed or neutered within 30 days of adoption.
 - c. Would not have proper facilities to contain or care for the animal as required by this Code;
 - d. Wants the animal for resale or purpose other than pet ownership.

Section 9-7. Animal Quarantine.

- (a) Authority to Quarantine. The Supervisor of Animal Control shall have the authority to order quarantine of animals responsible for biting incidents, or suspected of having any zoonotic disease considered to be a hazard to the human or animal population.
- (b) Animals subject to quarantine; conduct of quarantine. Every animal that bites a human or attacks another animal in an unnatural manner, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify Animal Control or an Animal Control Officer of the place where such animal is confined and the reason there for. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to Animal Control on demand for supervised quarantine. Supervised quarantine shall be at the Animal Shelter, or a veterinary hospital, or by any other method of adequate confinement approved by the Supervisor of Animal Control. The quarantine shall be not less than ten (10) days and shall be under the supervision of a licensed veterinarian, who shall submit to Animal Control reports on the quarantined animal's physical condition on the first, fifth and tenth days immediately following the date of bite incidents, or any of the other above enumerated purposes for quarantine. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period. Any animal quarantined other than at the Animal Shelter shall be observed by the same veterinarian throughout the entire quarantine period in the manner as outlined above, and the owner and veterinarian shall immediately notify Animal Control as to the veterinarian and location of quarantine. If the Supervisor of Animal control orders quarantine other than in the Animal Shelter or a veterinary hospital, the owner shall be responsible for confining the animal. He shall also be required to obtain the same veterinary supervision of the animal and release from quarantine as would be required in a veterinary hospital or at the Animal Shelter.
- (c) Violation of Quarantine, cause for seizure and impoundment. The violation of Quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by Animal Control. It shall be unlawful for any person to interrupt the observation period of any animal for any reason.
- (d) Investigation of animal bite reports; killing of biting animals prohibited. Animal Control shall investigate all animal bite reports. Without the permission of the Supervisor of Animal Control, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten any person or other animal, or that has been placed under quarantine, except when it is necessary to protect the life of any person or other animal.
- (e) Authority to direct disposition of suspected rabid animals. The Supervisor of Animal Control shall direct the disposition of any animal suspected of being rabid or of having any zoonotic disease considered to be a hazard to any other animal or human being.
- (f) Surrender of carcasses of dead animals suspected of having rabies or zoonotic disease. The carcass of any dead animal exposed to rabies or zoonotic disease or

suspected of having been rabid shall, upon demand, be surrendered to Animal Control.

- (g) Manner of disposing of animals exposed to rabies or zoonotic disease. The owner, who shall promptly notify Animal Control of the place where such animal is confined and the reason, shall immediately confine every animal, exposed to rabies or zoonotic disease, thereof. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies or zoonotic disease shall be handled in one of the following manners;
 - 1. Humane destruction, with notification to, or under the supervision of Animal Control.
 - 2. If not currently vaccinated, quarantine under veterinary supervision for at least twelve (12) months immediately following exposure; or
 - 3. If currently vaccinated, immediate re-vaccination and quarantine under veterinary supervision for at least ninety (90) days immediately following exposure.
- (h) Refusal to surrender animal, on demand, for rabies or zoonotic disease control purposes. No person shall fail to or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies or zoonotic disease control, when the demand there of is made by the Supervisor of Animal Control, or Officers acting under his discretion.
- (i) Notification to Animal Control upon escape, sickness, or death of quarantined animals. Any person having possession of, or responsibility for, any quarantined animal shall immediately notify Animal Control if such animal escapes, or becomes or appears sick, or dies, and in the case of death of the animal while under quarantine, shall immediately surrender the dead animal to Animal Control for diagnostic purposes.

Section 9-8. Sale or Giving Away; Changing Color of Certain Animals, Keeping Wild Animals; Permitting Wild or Vicious Animals to Run at Large.

- (a) It shall be unlawful for any person to sell, offer for sale or barter, or give away as toys, premiums or novelties, baby chickens or ducklings or other fowl under three (3) weeks old or rabbits under two (2) months old, unless the manner or method of display is first approved by the Supervisor of Animal Control.
- (b) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess, for the purpose of sale or to be given away any of the above mentioned animals which have been so colored.
- (c) It shall be unlawful to keep any wild animal inside the corporate city limits of White Deer, Texas.
- (d) It shall be unlawful to release or to allow to run at large, any wild or vicious animal, or any animal that has known vicious tendencies.

Section 9-9. Vicious Animals

- (a) Authority to destroy if found at large. Any vicious animal found running at large may be destroyed by any Peace Officer or Animal Control Officer in the interest of public safety.

- (b) Authority to require removal from City; appeals from orders to remove. The Supervisor of Animal Control may order any owner or person having care, control, or custody of any vicious animal to remove such animal permanently from the City. This animal must be removed immediately following receipt of such order, even if any appeal is initiated. This order may be appealed in writing within ten (10) days to the Municipal Judge of the City of White Deer. The Municipal Judge may uphold, reverse, or modify the order given by the Supervisor of Animal Control, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the City. If the Municipal Judge upholds the order as given by the Supervisor of Animal Control, the owner or person having care, control or custody shall not bring the animal back inside the City limits.
- (c) Failure to remove, ground of impoundment or destruction. If the person having care, custody or control of a vicious animal fails to remove such animal, as provided for herein, such animal may be impounded and/or destroyed.
- (d) Owner to report disposition and relocation. The owner or person having care, custody or control of a vicious animal, must report the disposition and relocation of such animal to the Supervisor of Animal Control, in writing, within then (10) days after the expiration date for removal of such animal from the City. Each day thereafter, such information is not provided shall constitute a separate offense.
- (e) Search and Seizure Warrants Authorized. The Supervisor of Animal Control shall be authorized to obtain a search and seizure warrant, if there is reason to believe that an animal ordered removed from the City for being vicious has not been as removed. Such warrant may also be obtained if the owner of such animal that has been involved in a bite incident or is suspected of having rabies or any other zoonotic disease, fails to surrender such animal for quarantine purposes or for humane destruction.

Section 9-10. Livestock Regulations.

- (a) It shall be unlawful for a person to keep swine within the incorporated city limits of the City of White Deer.
- (b) In cases involving a scientific or educational program, a non-profit organization show, exhibition, or humane activity or animals owned by the City, the Supervisor of Animal Control may waive certain requirements of this Section.
- (c) Any enclosure, pasture, pen, corral or other restrictive area for large or small livestock shall be of sufficient strength and construction so as to keep such livestock confined.
- (d) All gates must be of sufficient strength and construction so as to keep livestock confined.
- (e) When small and large livestock are kept together, the standards for small livestock must be met.
- (f) It shall be unlawful for any person, firm or corporation to keep on the premises under his or its control, within the City limits, any small or large livestock in such a manner that the livestock are sheltered or lodged within a pen or corral closer than one hundred-fifty feet (150') from any residence, church, school or business other than that of the owner's or keeper's living quarters.

- (g) The number of livestock permitted shall not exceed one adult per one-third (1/3) acre for the first two acres, and two adults per acre for each additional acre over two acres of a single tract of land. For purposes of this section, any foal or colt six months of age or older shall be considered to be an adult in determining the number of livestock permitted in a given area. The person in lawful possession of the premises, as owner or tenant, may keep thereon livestock belonging to others; but the limitation as to number of livestock on the premises and the area and distance requirements of this section shall still apply, and keeping of livestock for others shall not be done as a business in violation of the zoning code.
- (h) Male equines (horses) and male bovines (cattle) capable of breeding will be confined in such a manner that said animal will not be dangerous to human beings, and all breeding will be done under the control of the owner, handler or a licensed veterinarian.

Section 9-11. Keeping of Fowl and Rabbits Regulated.

- (a) Fowl and rabbits shall be kept in a secure pen or enclosure that is at least thirty (30) feet from any adjoining property line.

Section 9-12. Sanitary Conditions Required, Specified.

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

Section 9-13. Pet and Animal Care Guidelines.

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

- (a) Provision for food, shelter and care, generally: No owner shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) Abuse of animals, animal fighting: No person shall beat cruelly, ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- (c) Abandonment, no owner shall abandon any animal. Any animal left without proper food, water, or shelter for more than seven (7) days shall be considered abandoned. Animal Control shall take any abandoned animal into protective custody until owners of such animals can be located and/or prosecuted.
- (d) Striking with a vehicle: Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and shall immediately report such injury or death to the animal's owner. In the event that the owner cannot be ascertained or located, such operator shall at once report the accident to the appropriate law enforcement agency.
- (e) Fastened or picketed by a lead or chain is prohibited.

Section 9-14. Violation.

- (a) Any person who shall violate any provision of this code shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed the maximum limit as established by State law. Each day of violation shall constitute a separate offense.

Section 9-15. Non-Conforming Uses.

- (a) Any legal use of property existing at the time of the passage of this Code, or subsequent amendments thereto, which does not conform to the regulations set forth in this Code, shall be deemed a nonconforming use.
- (b) The lawful use of land existing at the time of the passage of this Code, although such use does not conform to the provisions of this Code, may be continued; however, if such non-conforming use is discontinued for a period of six (6) consecutive months, any future use of the premises shall conform to the provisions of this Code.
- (c) In the event that a non-conforming use of any building or land is discontinued for a period of six (6) consecutive months, any subsequent use of the building or land shall conform to the use permitted in the district in which it is located. (Ordinance 229, 12, 3-17-77)

Section 9-16. Reserved for later use.

Section 9-17.

- (a) In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Code or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Code as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of White Deer, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts. (Ordinance Of 14-16A-B, 2001 and amended by this code)

Chapter 10

Health, Safety, and Nuisances

Note: For the Sanitary Code of Texas, see VACS Article 4477. Among other things this Code prescribes powers and duties of city health authorities regarding quarantine and disinfection. For state law relating to sanitation and health protection generally, see VACS Article 4477-1. Section 2 of this article defines certain health nuisances, and § 3 prescribes abatement procedures.

Article 1. Nuisances Generally

Section 10-1. Certain nuisances defined.

- (a) All dead, decaying, or putrid carcasses, flesh, fish or vegetable deposits, or manure; foul or unwholesome substance of any kind or description; all filthy or unhealthy water or slops when thrown or conducted upon any street or alley or enclosure so as to be unwholesome; all privies and slaughter houses that have become offensive from use; all markets, cellars, or outbuildings or places which are not kept clean from all filth and unwholesome substance; all deposits of substance that are liable to become offensive or liable to engender disease; any lot retaining water until it stagnates; all trash, excelsior, cans, cardboard, boxes, or other articles unsightly or obstructing any street or alley of the City of White Deer, are hereby declared a nuisance and are liable to be abated. (Ordinance of 10-6-30, § 1.)

Section 10-2. Penalty.

- (a) Any person who shall in this City, cause or create any such nuisance or allow the same to exist upon his property or on property under his control shall be deemed guilty of a misdemeanor, and his punishment fixed as a fine of not more than maximum amount as established by State law for a Class C misdemeanor; and each and every day that such nuisance exists shall constitute a separate offense. (Ordinance of 10-6-30, § 2.)

Article 2. Weeds and Grass

Section 10-11. Unlawful to permit growth over 10 inches.

- (a) It shall hereafter be unlawful for the owner, lessee, tenant, or person in control of any real property to permit any growth of weeds or grass to a height of over ten inches. (Ordinance of 7-12-65, § 1.)

Section 10-12. "Person in control" defined.

- (a) All persons, firms, or corporations who own, look after, rent, lease, or collect rent or revenue for or upon any such real property shall be deemed "person in control of real property" within the City within the meaning of section 10-11 hereof. (Ordinance of 7-12-65, § 2.)

Section 10-13. Failure to observe section 10-1 and 10-2.

- (a) Upon the failure of any person, firm, or corporation to observe the provisions of this article, the City Council may give the owner, lessee, tenant, or person in control of the property, upon which the weeds or grass are growing, seven days notice by registered mail, or in person, or by one publication thereof in the official publication of the City of White Deer, or by posting such notice on the property in violation. The notice shall provide that unless the owner, lessee, tenant, or person in control of the property shall cause the weeds or grass to be cut down within seven days from the date thereof, the City Council will cause the weeds to be cut, and a lien shall be created against the property for the expenses thereof; and if at the expiration of the seven days notice the owner, lessee, tenant, or person in control has not complied with the notice, the City Council shall cause the nuisance to be abated at the expense of the owner, and the expenses shall be taxed and shall be a lien against the real property. Nothing in this section shall be construed to exempt from punishment any person, firm, or corporation who shall violate any of the provisions of this article hereof. (Ordinance of 7-12-65, § 3 and amended with this code.)

Section 10-14. Penalty.

- (a) Any person, firm, or corporation who shall violate any provision of this article shall be guilty of a Class C misdemeanor, and upon a conviction thereof shall be punished by a fine of not to exceed the maximum fine as established by State law for a Class C misdemeanor and each day the violation shall continue. (Ordinance of 7-12-65, § 4.)

Article 3. Regulation of Junk Vehicles

Section 10-20. Definitions.

- (a) Antique Vehicle - A passenger car or truck that is at least twenty-five (25) years old.
- (b) City Marshal - City Marshal of the City of White Deer or any duly commissioned police officer of the City of White Deer.
- (c) Junked Vehicle - A motor vehicle that is self-propelled and inoperable, to include watercraft which are subject to registration under Chapter 31 Parks and Wildlife Code.
1. Does not have lawfully attached to it, an unexpired license plate and valid motor vehicle inspection certificate.
 2. Is wrecked, dismantled or partially dismantled, or discarded, or
 3. Has remained inoperable for
 - a. 72 consecutive hours if the vehicle is located on public property, or
 - b. 30 consecutive days if the vehicle is located on private property.

The term “junked vehicle” does not include a vehicle or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public on private property. A vehicle or part thereof which 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 and special interest vehicle stored by a collector on

his property, provided that the vehicle and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing tree, shrubbery or other appropriate means.

- (d) Motor Vehicle Collector - A person who owns one or more antique or special interest vehicles, and acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.
- (e) Special Interest Vehicle – A motor vehicle of any age that has not been changed from original manufacturers specifications and, because of its historic interest, is being preserved by a hobbyist.

Section 10-25. Unlawful to create or maintain such nuisance.

- (a) It shall be unlawful for any individual, company or corporation to leave or permit to remain upon public or private property (except as provided for in the Texas Transportation Code, Chapter 683) within the City of White Deer, Texas, any junked vehicle or parts or portion thereof, for any period of time in excess of ten (10) days.

Section 10-26. Notice by City Marshal or Code Compliance Officer of White Deer, Texas.

- (a) Whenever it is brought to the attention of the City Marshal or Code Compliance Officer of the City of White Deer, Texas finds that a nuisance, as defined herein exists in the City of White Deer, the City Marshal or Code Compliance Officer shall give or cause to be given to the person maintaining or suspected of maintaining said nuisance:
 1. Notice shall be in writing.
 2. State the nature of the public nuisance and that it must be removed and abated within ten (10) days after the date of mailing or personal service of notice.
 3. State that a request for a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein must be made to the White Deer Municipal Court, either in person or in writing and without the requirement of bond, before expiration of said ten (10) day period.
 4. State that in the event that no request for a hearing is received before the expiration of said ten (10) day period it shall be conclusively presumed that said vehicle is a junked vehicle as defined under state law and this subsection.
 5. The order must be mailed, by certified mail with a five (5) day return request, to the last known registered owner of the junked motor vehicle, any lien holder of record, and to the owner or occupant of the premises on which the public nuisance exists. If the post office address of the last known registered owner of the junked 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 Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh (11) day after the date of the return.
 6. A public hearing shall be had prior to the removal of the vehicle or part thereof as a public nuisance. The hearing shall be held before the Municipal Judge of the City of White Deer. If the owner or occupant of the premises

does not request a public Hearing and either fails or refuses to comply with the order of the City Marshal or Code Compliance Officer within the ten (10) day period after service thereof, as provided herein, the City Marshal, Code Compliance Officer or his delegate shall take possession of such junked motor vehicle and remove it from the premises upon the issuance of an appropriate order of the judge of the municipal court.

Section 10-27. Duty of the owner.

- (a) It shall be the duty of the owner or his agents or the occupant of any lot, or place of any kind in this city where any nuisance may exist, to remove, abate the same without delay

Section 10-28. Duty of the City Marshal or Code Compliance Officer.

- (a) It shall be the duty of the City Marshal or any duly commissioned police officer or Code Compliance Officer who may be cognizant of any nuisance, to make a complaint against the author thereof before the Municipal Court

Section 10-29. Officers Non-compliance, penalty.

- (a) Any officer mentioned in this Article failing to comply with the provisions of this Article shall be deemed guilty of a misdemeanor and neglect of official duty, and upon a conviction thereof, shall be fined in the sum not to exceed the maximum fine established by State law.

Section 10-30. Notice to owner; unoccupied premises.

- (a) Whenever any such junked vehicle is located on unoccupied premises within the city in violation of the Junk Vehicle Code, the City Marshal or Code Compliance Officer shall order the owner of the premises, as shown on the current tax rolls of the city whereon such public nuisance exists, to abate or remove the same. Such order shall contain the same information as for the order required under Section 10-26.

Section 10-31. Notice to owner; public property or public right-of-way.

- (a) Whenever any such junked vehicle is located on public property or on public right-of-way within the city in violation of this Article, the City Marshal or Code Compliance Officer shall order the owner or occupant of the premises adjacent to the public right-of-way whereupon said public nuisance exists, to abate or remove the same. Such order shall contain the same information as for the order required under Section 1-3.

Section 10-32. Visible notice to abate nuisance.

- (a) At the time a junked vehicle is located by the City Marshal on either occupied or unoccupied private or public property or public right-of-way, in addition to any other notices required herein, a visible notice should be securely affixed to such vehicle. Such notice shall:
 1. State that the vehicle is a public nuisance and that it must be removed and abated within ten (10) days from the date on such notice.
 2. State that a request for a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein must be made to the municipal court,

either in person or in writing and without the requirement of bond before the expiration of said ten (10) day period.

3. Shall state that in the event that no request for a hearing is received before the expiration of said ten (10) day period, it shall be conclusively presumed that said vehicle is a junked vehicle as defined under state law and this subsection.

Section 10-33. Visible notice not a condition or requirement.

- (a) Affixing the notice set out herein shall not be condition or requirement precedent to any proceeding or official action to abate such public nuisance and such proceeding or action shall not be rendered void or avoidable nor in any way affected by failure to affix the visible notice prescribed herein.

Section 10-34. Expiration period.

- (a) In the event the ten (10) day period set out on the visible notice is different from that prescribed in any other notice served as provided for herein, then official action or proceedings to abate such public nuisance shall not be commenced until after the expiration of both periods of time.

Section 10-35. Public Hearing: Finding and orders of Judge.

- (a) The owner or occupant of any premises on which a junked vehicle is located may, within ten (10) days after service of a notice to abate said nuisance, request of the municipal court of the city, either in person or in writing, and without the requirement of the bond, that a date and time be set when he may appear before the judge of the municipal court for a hearing to determine whether or not the motor vehicle is a junked motor vehicle.
- (b) The judge of the municipal court shall hear any case brought before such court as set out herein, and shall determine by a preponderance of the evidence whether or not the motor vehicle is a junked motor vehicle and in violation of this subsection. At the hearing, the motor vehicle is presumed, unless demonstrated other-wise by the owner, to be inoperable. Upon finding that such motor vehicle is in violation of this subsection, the judge of such court shall order such defendant to remove and abate such nuisance within ten (10) days, the same being a reasonable time. If the defendant shall fail and refuse, within such ten (10) days, to abate or remove the nuisance, the judge of the municipal court may issue an order directing the City Marshal or Code Compliance Officer to have the same removed, and the City Marshal, Code Compliance Officer or his delegate shall take possession of such junked motor vehicle and remove it from the premises. Such order shall include a description of the vehicle, and the current identification number and license number of the vehicle, if available at the site. Notice of any hearing set under this subsection shall be delivered to the City Marshal or Code Compliance Officer.

Section 10-36. Abatement under court order.

- (a) If there is a junked motor vehicle, as herein defined, on premises that are Occupied or Unoccupied, and:
 1. Neither the owner nor the occupant of the premises can be found and notified to remove same, or
 2. The notice required by this Article is returned undelivered by the U.S. Post Office and ten (10) days after the return of such notice the nuisance has not been abated, then upon a showing of such facts the judge of the municipal court,

the court may issue an order directing the City Marshal or Code Compliance Officer to have the same removed, and the City Marshal, Code Compliance Officer or his delegate shall take possession of such junked motor vehicle and remove it from the premises.

Sec 10-37. Notice to the Texas Department of Transportation.

- (a) Notice shall be given to the Texas Department of Transportation that a junked vehicle has been impounded within five (5) days after the removal of the junked motor vehicle as provided in this subsection, identifying the vehicle or part thereof impounded.

Section 10-38. Disposition of Impounded Junked Vehicles.

- (a) The City Marshal or his delegate shall dispose of all impounded junked vehicles in such a manner as the city council may designate, consistent with the state law, provided such vehicle shall not be reconstructed or made operable. Disposal may be by removal or sale, with or without competitive bidding, to a scrap yard or demolisher.

Section 10-39. Penalty.

- (a) Any person who shall violate the terms and provisions stated herein shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00), and not to exceed the maximum fine established by State law.

Section 10-40: Relocation of a Junked Vehicle to Avoid Abatement.

- (a) The mere relocation of a junked vehicle to another location within the corporate City limits after a proceeding for the abatement or removal of the public nuisance has commenced has not effect on the proceeding, if the junked vehicle constitutes a public nuisance at the new location.

Article 4. Unsafe Buildings.

Section 10.4101. Definitions.

- (a) Responsible Party. The owner, occupant, or person in custody of the building or structure.
- (b) Unsafe Building. Any building or structure in or about which any or all of the following conditions exist:
 1. Walls or other vertical structural members list, lean, or buckle;
 2. Damage or deterioration exists to the extent that the building is unsafe;
 3. Loads on floors or roofs are improperly distributed or the floors or roofs are insufficient strength to be reasonably safe for the purposes used;
 4. Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city;
 5. The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary, or otherwise lacking in the amenities essential to the decent living that the same is unfit for human habitation or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety, or

- general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety and welfare;
6. Light, air, and sanitation facilities are inadequate to protect the health, morals, safety, or general welfare of persons who assemble, work, or live therein;
 7. Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;
 8. Parts or appendages of the building or structure are so attached that they are likely to fall and injure persons or property;
 9. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
 10. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;
 11. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location;
 12. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;
 13. Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
 14. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings;
 15. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
 16. Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration, or decay;
 - b. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - c. The deterioration, decay or inadequacy of its foundation; or
 - d. Any other cause is likely to partially or completely collapse;
 17. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
 18. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
 19. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;

20. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become as dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. A harbor of vagrants, criminals or immoral persons; or as to
 - c. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
21. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Uniform and International Building Code, as adopted by the City of White Deer, or of any law or code of this state or jurisdiction relating to the condition, location or structure of buildings;
22. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and codes, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (A) strength, (B) fire-resisting qualities or characteristics, or (C) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;
23. Whether a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease;
24. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration: damage, inadequate exits; lack of sufficient fire restrictive construction, faulty wiring, has connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard;
25. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in the equity jurisprudence;
26. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof air attractive nuisance or hazard to the public.
27. A condition exists in violation of the standards set forth in subsection (b) which condition renders the building or structure unsafe, unsanitary, or otherwise detrimental to the health, safety, morals, or welfare of the people of the city.
28. The minimum standards prescribed in the Building Code adopted by the City of White Deer and as prescribed by this article apply to use and occupancy of all buildings in the city regardless of the date of their construction. A responsible party may continue to use and occupy any building located within the city; regardless of the date said building was constructed if such building meets the applicable minimum standards for buildings as prescribed in the

adopted Building Code of the City of White Deer and is not in violation of this article.

Section 10.4102. Unsafe Buildings Declared to be a Nuisance.

- (a) It shall be unlawful for any person to maintain or permit the existence of any unsafe building in the city; and it shall be unlawful for any person to permit same to remain in such condition.
- (b) All unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this article.
- (c) The building official shall enforce the provisions of this article.

Section 10.4103. Inspection of Buildings.

- (a) The building official shall inspect, or cause to be inspected, every building or portion thereof reported to be unsafe. If such building or any portion thereof is determined to be unsafe, the building official shall give the responsible party notice in accordance with the requirements set forth in Sections 10.4104 and 10.4105 of this article.

Section 10.4104. Notice.

- (a) Whenever the building official determines that a building is unsafe, he or she shall give notice of such determination to the responsible party. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the specific conditions upon which such determination was based;
 - 3. Specify the corrective measures required;
 - 4. Provide a reasonable time for compliance;
 - 5. Advise the responsible party that there will be a public hearing conducted before the Planning and Zoning Board of Adjustment whether a building complies with the standards set out in Section 10.4101 as hereinabove set forth. Said notice shall inform the responsible party of the date, time and place of the hearing;
 - 6. Be served upon the responsible party as set out in this article.

Section 10.4105. Sufficiency of Notice.

- (a) Notice given pursuant to this article shall be deemed properly served upon the responsible party if a copy thereof is:
 - 1. Served upon him personally;
 - 2. Sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the city; or
 - 3. Posted in a conspicuous place in or about the building affected by the notice.

Section 10.4106. Public Hearing.

- (a) The purpose of the public hearing is to determine whether or not the building is unsafe in accordance with the standards set forth in Section 10.4101.
- (b) The matter shall be set for hearing by the Planning and Zoning Board of Adjustment at the earliest practicable date and notice of said hearing shall be served on the responsible party and the building official not less than ten (10)

days prior to the date of said hearing. All interested persons shall have the opportunity to be heard and may introduce evidence to said board of adjustment for its members' consideration.

- (c) After the public hearing, the Planning and Zoning Board of Adjustment shall make such findings and recommendations to the City Council, as it shall deem appropriate.
- (d) After the public hearing, if a building is found in violation of the standards set out in Section 10.4103 of this article, if recommended by the Planning and Zoning Board of Adjustment, the City Council may order that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time. The City Council also may order that the occupants be relocated within a reasonable time. If the responsible party does not take the ordered action within the allotted time, the City Council shall make a diligent effort to discover each mortgagee and lien holder having an interest in the building or the property on which the building is located. The city secretary shall personally deliver or mail notice, certified mail return receipt requested, to each identified mortgagee and lien holder a notice containing:
 - 1. An identification, and address of the building and the property on which it is located;
 - 2. A description of the violation of the city building code or minimum standards established by this article that is present at the building; and
 - 3. A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- (e) As an alternative to the procedures prescribed in subsection (d) above, the Planning and Zoning Board of Adjustment shall make a diligent effort to discover each mortgagee and lien holder before conducting the public hearing and shall give them notice of and an opportunity to comment at the hearing. If the city proceeds under this subsection, the order issued by said city council shall specify a reasonable time for the building to be vacated, secured, repaired, removed or demolished by the responsible party or for the occupants to be relocated by the responsible party and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lien holders in the event the responsible party fails to comply with the order within the time provided for action by the responsible party. Under this subsection, the city is not required to furnish any notice to a mortgagee or penholder other than a copy of the order in the event the responsible party fails to timely take the ordered action.
 - 1. Within 10 days after the date that the order is issued, the municipality shall:
 - 2. File a copy of the order in the office of the Municipal secretary or clerk; and
 - 3. Publish in a newspaper of general circulation in the municipality;
 - 4. The street address or legal description of the property;
 - 5. The date of the hearing;
 - 6. A brief statement indicating the results of the order; and
 - 7. Instructions stating where a complete copy of the order may be obtained.
- (f) After the City Council makes an order determined by the Planning and Zoning Board of Adjustment hearing and recommendation, the municipality shall promptly mail by certified mail, return receipt requested, or personally deliver a

copy of the order to the owner of the building and to any lien holder or mortgagee of the building. The municipality shall use its best efforts to determine the identity and address of any owner, lien holder, or mortgagee of the building.

- (g) In conducting a hearing authorized under this section, the municipality shall require the owner, lien holder, or mortgagee of the building to within 30 days:
 - 1. Secure the building from unauthorized entry; or
 - 2. Repair, remove, or demolish the building, unless the owner or lien holder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (h) If the municipality allows the owner, lien holder, or mortgagee more than 30 days to repair, remove, or demolish the building, the municipality shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lien holder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.
- (i) A municipality may not allow the owner, lien holder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lien holder, or mortgagee:
 - 1. Submits a detailed plan and time schedule for the work at the hearing; and
 - 2. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (j) If the municipality allows the owner, lien holder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the municipality shall require the owner, lien holder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lien holder, or mortgagee appear before the hearing official or the hearing official's designee to demonstrate compliance with the time schedules. If the owner, lien holder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$100,000 in total value, the municipality may require the owner, lien holder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the municipality may require the owner, lien holder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the municipality. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the municipality issues the order.
- (k) In a public hearing to determine whether a building complies with the standards set out in an code adopted under this section, the owner, lien holder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the code and the time it will take to reasonably perform the work.
- (l) If a building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.

- (m) If the city incurs expenses under subsections (a, b, or f) of this section, the city may assess the expenses on and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building was or is located. The lien is extinguished if the property owner or another person having interest in the legal right to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Carson County Clerk. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due.
- (n) If the notice is given and the opportunity to repair, remove, or demolish the building is afforded to each mortgagee and lien holder as authorized, the lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.

Section 10.4107. Judicial Review.

- (a) Any owner, lien holder, or mortgagee of record of property jointly or severally aggrieved by an order of a municipality issued under this Section or Chapter 214.001 of the Local Government Code may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lien holder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is personally delivered or mailed to them by first class mail, certified return receipt requested, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.
- (b) On the filing of the petition, the court may issue a writ of certiorari directed to the municipality to review the order of the municipality and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than 10 days, and served on the realtor or the realtor's attorney.
- (c) The municipality may not be required to return the original papers acted on by it, but it is sufficient for the municipality to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) The issuance of the writ does not stay proceedings on the decision appealed from.
- (f) Appeal in the district court shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.
- (g) Costs may not be allowed against the municipality.
- (h) If the decision of the municipality is affirmed or not substantially reversed, but only modified, the district court shall allow to the municipality all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners, lien holders, or mortgagees as well as all persons subject to the proceedings before the municipality.

Section 10.4108. Assessment of Expenses and Penalties.

- (a) If the Planning and Zoning Board of Adjustment has held a hearing pursuant to Section 10.4106(b) and the time allotted for the repair, removal or demolition of a building under Section 10.4106(d) or (e) has expired, the City Council may, in addition to the authority granted under V.T.C.A., Local Government Code, Section 214.001 and Section 10.4106:
1. Order the repair of the building at the city's expense and assess the expenses on the land on which the building stands or to which it is attached; or
 2. Assess a civil penalty against the responsible party for failure to repair, remove, or demolish the building.
 3. The building official shall invite at least two (2) or more building contractors to make estimates pertaining to the needed repair, removal or demolition of the building. The building official shall cause to be made an assessment of expenses or civil penalty based on such estimates. The building official shall endeavor to minimize the expenses of any building repairs, removal or demolition order pursuant to this article. The City may make the necessary repairs, removal or demolition of the building and assess the expenses or civil penalty based on the cost of performing such repairs, removal or demolition.
 4. Notice of assessment of a civil penalty is sufficient if served upon the responsible party personally or sent by registered or certified mail, return receipt requested to the last known address of such responsible party as shown on the records of the city. Failure to pay the civil penalty within sixty (60) days after the notice has been served as set out above shall give rise to a cause of action in favor of the city, which said cause of action, can be brought in a court of competent jurisdiction for collection of said civil penalty. The assessment of a civil penalty and the collection of that penalty is in addition to and not in lieu of the city's statutory right to punish by a fine any person who does not comply with an order issued by the City Council with respect to the removal, repair, or demolition of an unsafe building or structure.
- (b) The city may repair a building under subsection (a) hereof only to the extent necessary to bring the building into compliance with the minimum standards of the city and only if the building is a residential building with ten (10) or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds the minimum standards prescribed by the city.
- (c) The city shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair, removal, or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the city shall file for record in recordable form in the office of the Carson County Clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.
- (d) Except as provided by Section 10.4106 as set forth above, the city's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the Carson County Clerk before the date the civil penalty is

- assessed or the repair, removal or demolition is begun by the city. The city's lien is superior to all other previously recorded judgment liens.
- (e) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent (10%) per year from the date of the assessment until paid in full.
 - (f) In any judicial proceeding regarding the enforcement of municipalities under this section, the prevailing party is entitled to recover reasonable attorney's fees from the non-prevailing party.
 - (g) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person sixty-five (65) years of age or older.

Section 10.4109. Additional Authority Regarding Substandard Building.

- (a) This section applies only to a municipality that has adopted a code under Section 214.001 of the Texas Local Government Code.
- (b) In addition to the authority granted to the municipality by Section 214.001 of the Texas Local Government Code, after the expiration of the time allotted under Section 214.001(d) or (e) for the repair, removal, or demolition of a building, the municipality may:
 - 1. Repair the building at the expense of the municipality and assess the expenses on the land on which the building stands or to which it is attached and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the repair expenses; or
 - 2. Assess a civil penalty against the property owner for failure to repair, remove, or demolish the building and provide for that assessment, the mode and manner of giving notice, and the means of recovering the assessment.
- (c) The municipality may repair a building under Subsection (b) of this section only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with 10 or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.
- (d) The municipality shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair, removal, or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the municipality must file for record, in recordable form in the office of the county clerk of Carson County, a written notice of the imposition of the lien. The notice must contain a legal description of the land.
- (e) Except as provided by Section 214.001 of the Texas Local Government Code, the municipality's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the municipality's lien attaches if the mortgage lien was filed for record in the office of the county clerk of the county in which the real property is located before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the municipality. The municipality's lien is superior to all other previously recorded judgment liens.

- (f) Any civil penalty or other assessment imposed under this section accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full.
- (g) The municipalities right to the assessment lien may not be transferred to third parties.
- (h) In any judicial proceeding regarding enforcement of municipal rights under this section, the prevailing party is entitled to recover reasonable attorney's fees from the non-prevailing party.
- (i) A lien acquired under this section by a municipality for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.
- (j) The municipality by order may assess and recover a civil penalty against a property owner at the time of an administrative hearing on violations of an code, in an amount not to exceed \$1,000 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10 a day for each violation, if the municipality proves:
 1. The property owner was notified of the requirements of the code and the owner's need to comply with the requirements; and
 2. After notification, the property owner committed an act in violation of the code or failed to take an action necessary for compliance with the code.
- (k) An assessment of a civil penalty under Subsection (j) of this section is final and binding and constitutes prima facie evidence of the penalty in any suit brought by a municipality in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty.
 1. To enforce a civil penalty under this subchapter, city secretary of the City of White Deer must file with the district clerk of Carson County in which the municipality is located a certified copy of an order issued under Subsection (j) of this section stating the amount and duration of the penalty. No other proof is required for a district court to enter a final judgment on the penalty.

Section 10.4110. Requiring Repair, Removal, Or Demolition Of Building Or Other Structure.

- (a) If the governing body of a municipality finds that a building, bulkhead or other method of shoreline protection, fence, shed, awning, or other structure, or part of a structure, is likely to endanger persons or property, the governing body may:
 1. Order the owner of the structure, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the part of the structure, within a specified time; or
 2. Repair, remove, or demolish the structure, or the part of the structure, at the expense of the municipality, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure was located.
- (b) The governing body shall provide by code for:
 1. The assessment of repair, removal, or demolition expenses incurred under Subsection (a)(2);
 2. A method of giving notice of the assessment; and
 3. A method of recovering the expenses.

- (c) The governing body may punish by a fine, confinement in jail, or both a person who does not comply with an order issued under Subsection (a)(1).

Section 10.4111. Additional Authority to Secure Substandard Buildings.

- (a) The City Council through the Planning and Zoning Board of Adjustment recommendation may secure a building if the board of adjustment determines that the building:
 - 1. Violates the minimum standards of this article and the city building code as adopted; and
 - 2. Is unoccupied or is occupied only by persons who do not have right of possession to the building.
- (b) Before the eleventh (11th) day after the building is secured, the city shall give notice to the owner by:
 - 1. Personally serving the owner with written notice;
 - 2. Depositing the notice in the United States Mail addressed to the owner at the owner's post office address;
 - 3. Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
 - 4. Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.
- (c) The notice must contain:
 - 1. An identification and address of the building and the property on which it is located;
 - 2. A description of the violation of the city building code or the minimum standards established by this article that is present at the building;
 - 3. A statement that the city will secure or has secured as the case may be, the building; and
 - 4. An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing of the building.
- (d) The board of adjustment shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the securing of the building if, within thirty (30) days after the date the building is secured, the owner files with the city secretary directed to the board of adjustment a written request for the hearing. The board of adjustment shall conduct a hearing within twenty (20) days after the date the request is filed.
- (e) The board of adjustment will have the same authority to assess expenses under this section as it has under V.T.C.A., Local Government Code, Section 214.001 and Section 10.4107 above. A lien is created under this section in the same manner that a lien is created under V.T.C.A., Local Government Code, Section 214.001 et seq. 10.4107 and above and is subject to the same conditions as a lien created under the provisions of the Local Government Code and this article.
- (f) The authority granted by this section is in addition to that granted by V.T.C.A., Local Government Code, Section 214.001 and Section 10.4107 above.

Section 10.4112. Posting of Warnings on Unsafe Buildings.

- (a) In the event the City Council makes a determination after the public hearings required herein that the building is deemed to be an unsafe building, the building official shall cause to be posted at each entrance to such building a notice to read as follows:

DANGEROUS.
DO NOT ENTER. UNSAFE TO OCCUPY
BUILDING OFFICIAL OF THE
CITY OF WHITE DEER, TEXAS

- (b) Such notice shall remain posted until required repairs, demolition, or removal is completed and such premises have been rendered safe. Such notice shall not be removed without written permission of the building official, and no person shall enter the building except for making inspections or required repairs or to demolish such building.

Section 10.4113. Seizure And Sale Of Property To Recover Expenses.

- (a) The City of White Deer, Texas may foreclose a lien on property under this subchapter:
 - 1. In a proceeding relating to the property brought under Subchapter E, Chapter 33, Tax Code; or
 - 2. In a judicial proceeding, if:
- (b) A building or other structure on the property has been demolished;
- (c) A lien for the cost of the demolition of the building or other structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
- (d) Ad valorem taxes are delinquent on all or part of the property.

Section 10.4114. Resort to the Courts.

Nothing in this article shall be construed as abridging the right of the City of White Deer, Texas to resort to the courts of this state for the enforcement of this article, or of the rights of any owner or interested party to resort to the courts of this state in an attempt to enjoin the enforcement of this article. (Ordinance 14-96 April 24, 2006)

Chapter 11

Offenses

Article 1. Fighting, Disturbing the Peace, etc.

Section 11-1. Fighting, disturbing the peace, etc.

- (a) If a person shall be in *any* public place or upon or near any private premises, and fight, use vociferous or vulgar language, yell, swear, display or fire firearms, or do anything calculated to disturb the peace, he shall, if convicted, be deemed guilty of a misdemeanor, and his punishment shall be fixed at a fine of not to exceed the maximum amounts as established by State Law. (Ordinance of 5-23-21, § 1.)

Article 2. Guns and Firearms

Section 11-11. Unlawful to discharge.

- (a) It shall hereafter be unlawful for any person to discharge any gun or firearm at any place within the corporate limits of the City of White Deer, Texas. (Ordinance of 9-13-65, § 1.)

Section 11-12. "Gun or firearm" defined.

- (a) For the purposes of this article, the term "gun or firearm" shall be defined as follows:
Any pistol, revolver, rifle, pellet gun, B-B gun, or similar weapon. (Ordinance of 9-13-65, § 2.)

Section 11-13. Penalty.

- (a) Any person who shall violate any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than \$1.00 and not more than \$200.00 for each such violation. (Ordinance of 9-13-65, § 3.)

Section 11-14. Exceptions.

- (a) Persons to be specifically excluded and accepted from the provisions of this article are peace officers and other authorized personnel in pursuing their official duties, persons licensed to carry a handgun and also private persons in defense of their property and in emergencies. (Ordinance of 9-13-65, § 4 and amended by this code.)

Article 3. Curfew

Section 11-20. Definitions.

[As used in this article the following words and terms shall have the meaning ascribed thereto:]

- (a) Curfew Hours: means 12:01 A.M. until 6:00 A.M. daily

- (b) Emergency: means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (c) Establishment: means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- (d) Guardian means:
 - 1. A person who, under court order, is the guardian of the person of a minor; or
 - 2. A public or private agency with whom a minor has been placed by a court.
- (e) Minor: means any person less than seventeen (17) years of age.
- (f) Operator: means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (g) Parent: means a person who is
 - 1. A natural parent, adoptive parent, or step-parent of another person; or
 - 2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (h) Public Place: means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (i) Remain: means to:
 - 1. Linger or stay; or
 - 2. Fail to leave premises when requested to do so by a police officer or the owner or operator, or other person in control of the premises.
- (j) Serious bodily injury: means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ. (Ordinance of 14-78, 2002; 14-78, 2000)

Section 11-21. Offenses.

- (a) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the City during Curfew Hours.
- (b) A Parent or Guardian of a Minor commits an offense if he/she knowing permits, or by insufficient control allows the Minor to remain in any public place or on the premises of any establishment within the City during Curfew Hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a Minor to remain upon the premises of the establishment during Curfew Hours. (Ordinance of 14-78, 2002; 14-78, 2000)

Section 11-22. Defenses.

- (a) It is a defense to prosecution under Offenses that the Minor was:
 - 1. Accompanied by the Minor's Parent or Guardian;
 - 2. On a errand at the direction of the Minor's Parent or Guardian, without any detour or stop;

3. In a motor vehicle involved in interstate travel;
 4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 5. Involved in an emergency;
 6. On the sidewalk abutting the Minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the Minor's presence;
 7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of White Deer, a civic organization or another similar entity that has Undertaken responsibility of the Minor, or going to or returning home from such activity, without any detour or stop;
 8. Exercising First Amendment rights protected by the United States Constitution, such as the free Exercise of religion, freedom of speech, and the right of assembly; or
 9. Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (b) It is a defense to prosecution that the owner, operator, or employee of an establishment promptly notify the Police Department that a Minor was present on the premises of the establishment during Curfew Hours and refused to leave. (Ordinance of 14-78, 2002; 14-78, 2000)

Section 11-22. Enforcement.

- (a) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense is present. (Ordinance of 14-78, 2002; 14-78, 2000)

Section 11-22. Penalties.

- (a) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed the maximum amounts as established by State Law. (Ordinance of 14-78, 2002; 14-78, 2000)

Section 11-23 Periodic Review

- (a) Article 3 of Chapter 11 must be reviewed and approved every third year for this to be in continuous effect.

Chapter 12 Parks and Recreation

Note: For state law relating to city parks, see VACS arts. 6080 et seq.

Section 12-1 et seq. (Reserved for future use.)

Chapter 13

Planning and Zoning

Article 1. Planning and Zoning Commission.

Section 13-1. Creation of Commission; Purpose; Membership.

- (a) **Creation and Purpose.** A Planning and Zoning Commission is hereby created in order to accomplish the following purposes:
1. To identify community needs and to advise the City Council of their short-range and long-range implications for the total development of the City;
 2. To recommend achievable community goals as a basis for long-range planning and development programs;
 3. To recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and
 4. To interpret the adopted plans and programs to concerned citizens so that private activities and desire may be accomplished in harmony with public needs and policies.
- (b) **Membership and Appointment.** The Planning and Zoning Commission shall be composed of three (3) qualified resident voters of the City. The City Council will consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Commission that is broadly representative of the Community.

Section 13-2. Terms of Office.

- (a) The terms of the members shall be two (2) for three years (Commission Members I and II), one (1) for two years (Commission Member III). Terms of the service shall begin on October 1st and end on September 30th of the appropriate year. Terms of office of Commission members shall commence beginning October 1, 2008 and be reappointed every three (3) years thereafter. Terms of office for Commission member III shall commence beginning October 1, 2008 and be reappointed every “even” year thereafter. Commission members may be appointed to succeed themselves. Vacancies shall be filled by the City Council, for unexpired terms. Newly appointed members shall be installed at the first Commission meeting after appointment.

Section 13-3. Organization.

- (a) The Commission shall hold an organizational meeting at the first meeting after appointments to the Commission are made and shall elect a Chairman from among its members before proceeding to any other matters of business. The Commission shall elect a Secretary from its membership or appoint one from City staff members assigned to work with the Commission. The Commission shall keep records of its proceedings consistent with the provisions of this Code and the requirements of law.

Section 13-4 Duties and Powers.

- (a) 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 City Code.
 - 2. 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.
 - 3. 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 V.T.C.A., Local Government Code Chapter 211, and all powers granted under said Chapter are specifically adopted and made a part hereof.
 - 4. Exercise all the powers of a Commission as to approval or disapproval of plans, plats or re-plats and vacations of plans, plats or re-plats set out in V.T.C.A., Local Government Code Chapter 212.
 - 5. Study and recommend on the location, extension and planning of public right-of-way, parks or other public places and on the vacating or closing of same.
 - 6. 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, which are, or may become, the property of the City.
- (b) Initiate, in the name of the City, for consideration at public hearings, all proposals;
 - 1. For the opening, vacating or closing of public right-of-way, parks or other public places;
 - 2. For the original zoning of annexed areas; and
 - 3. For the change of zoning district boundaries on an area-wide basis.
- (c) No fees shall be required for the filing of any such proposal in the name of the City.
- (d) 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.

Section 13-5. Meetings and Quorums.

- (a) Meetings of the Commission shall be held quarterly and the call of the Chairman, or in the absence of the Chairman, an Acting Chairman. A quorum for the conduct of business shall consist of two (2) members of the Commission. The members of the Commission shall regularly attend meetings and public hearings of the

Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

Section 13-6. Commission Actions.

- (a) A motion may be made by any member other than the presiding officer,
- (b) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require three (3) favorable votes. If there are less than three favorable votes, consideration of the application shall be automatically continued to the next meeting. The minutes shall record the vote of each member upon each motion, or, if absent or failing to vote, such fact shall be indicated. All records created by the Commission will be kept in the office of the Planning and Zoning Commission at City Hall. Provided further that no request or application shall be continued under this rule beyond the next meeting. Failure of the Commission to secure three (3) concurring votes to recommend approval or recommendation of City Council approval at said next meeting shall be recorded in the minutes as a denial of the proposal under this rule.

Section 13-7. Voting Disqualification.

- (a) Members shall disqualify themselves from voting whenever they find that they have a personal interest or monetary interest in the property under appeal, or that they will be directly affected by the decision of the Commission.
- (b) Members may disqualify themselves from voting whenever any applicant, or applicant's agent, has sought to influence the vote of a member on applicant's application, other than in the public hearing.
- (c) Should more than two members disqualify himself or herself, and then application should be forwarded immediately to the City Council for consideration.

Section 13-8. No Liability of City, Its Officers, Employees and Agents.

- (a) Nothing in this Code should, is intended to or shall be construed to create any liability of the City, its officers, employees or agents to any third person as a result of acts or omissions relating to this Code.

Section 13-9. Governmental Immunity.

- (a) All of the regulations provided in this code chapter are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this code chapter, acting for the City of White Deer in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and he or she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his or her said duties.

Article 2. Planning and Zoning Definitions.

Section 13-10. Definitions.

The following definitions shall apply:

- (a) Words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, the word "building" includes the word "structure", the word "lot" includes the word "plot" and the word "shall" is mandatory and not discretionary.
- (b) Accessory Building or use: An "accessory building or use" is one which:
 - 1. Is subordinate to and serves a principal building or principal use; and
 - 2. Is subordinate in area, extent, or purpose to the principal building or principal use served; and
 - 3. Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and
 - 4. Is located on the same building lot as the principal building or principal use served; and
 - 5. Includes home occupations which would be an occupation carried on within the walls of a dwelling unit and not visible or noticeable in any manner or form from outside the walls of the dwelling, except for a sign which identifies the home occupation and does not exceed two (2) square feet in area. The said home occupation must not create noise or obnoxious conditions to abutting residential property, such as emission of odor, increased traffic, or generation of light or smoke.
- (c) Agriculture: The act of producing crops and/or orchards and the raising of livestock.
- (d) Alley: A way, which extends only secondary means of access to abutting property.
- (e) Apartment: A room or suite of rooms in an apartment house or tenement, arranged, designed, or occupied as the residence of a single family, individual, or group of individuals.
- (f) Apartment House: A building, or portion thereof, arranged designed or occupied by three (3) or more families living independently of each other.
- (g) Block Face: A "block face" is a side of a block facing upon a street, within which lots face the abutting street.
- (h) Board: The word "Board" shall mean the Board of Adjustments.
- (i) Boarding House: A building other than a hotel where lodging and meals for five (5) or more persons are served for compensation
- (j) Build: The word "build" means to erect, convert, enlarge, reconstruct, or alter a building or structure.
- (k) Buildable Width: The "buildable width" of a building site is width of the building site left to be built upon after the required set backs are provided.
- (l) Building: A "building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
- (m) Building Height: The height of a building or portion of a building shall be measured from the average established grade of the street lot line or from the average natural ground level if higher, or if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, radio and television towers, ornamental

- cupolas, domes or spires, elevator bulk heads, pent houses, tanks, water towers, and parapet walls not exceeding four (4) feet in height.
- (n) Building Line: The "building line" is a line forming the rear of the required front set back, such line being generally parallel to the front lot line.
 - (o) Building Lot: A "building lot" is a tract of land, which at the time of filing for a building permit, is intended by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a dedicated street or approved place.
 - (p) Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.
 - (q) Customary Home Occupations: Occupations ordinarily carried on in a home that is not detrimental, objectionable, or injurious to adjoining property. Any occupation that cannot be seen or heard, create odors, or cause any problems to the adjoining property owners shall be the only home occupations permissible.
 - (r) District: A "district" is a zoning district, which is a part of the City of White Deer, Texas wherein the regulations of this code are uniform.
 - (s) Dwelling: A "dwelling" is a building or portion thereof, but not a mobile / manufactured home, designed and used exclusively for residential occupancy, including one-family dwelling, two-family dwelling, and multiple-family dwellings, but not including hotels, motels or lodging houses.
 - 1. Dwelling, Single-Family: A "single-family dwelling" is a residential structure containing only one dwelling unit and/or occupied by only one family.
 - 2. Dwelling, Two-Family: A "two-family dwelling" is a residential structure containing two dwelling units and/or occupied by two families.
 - 3. Dwelling, Multiple-Family: A "multiple-family dwelling" is a residential structure or portion thereof constructed for and/or occupied by three or more families and containing three or more dwelling units.
 - (t) Dwelling Unit: A "dwelling unit" is one or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or a group of persons living together as a family or by a single person. Bathrooms and kitchen facilities, permanently installed, are provided for each dwelling unit.
 - (u) Farm: The act of raising crops or livestock.
 - (v) Garage, Private: A garage with a capacity for not more than three motordriven vehicles for storage only and for private use.
 - (w) Garage, Public: Any premises not a private garage, as defined above, used for housing vehicles, or where any such vehicles are repaired for operation, or kept for remuneration, hire, or sale.
 - (x) Garage, Storage: Any premises, except those defined as a private or public garage, used exclusively for the storage of automobiles and other motor vehicles.
 - (y) Garden: A plot of ground where herbs, fruits, flowers and vegetables are cultivated; however, use of a garden does not exempt the requirements of the set backs of the zone in which the garden is located.
 - (z) Interior Court: An open, unoccupied space surrounded on all sides by walls or by lot lines.
 - (aa) Hotel/ Motel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the

- rooms are occupied for hire, in which provisions are not made for cooking in any individual apartment, and in which there are sleeping rooms, a public dining room for the accommodation of guests, and a general kitchen.
- (bb) Kennel: An authorized commercial establishment where three (3) or more dogs over the age of four (4) months of age or eleven (11) or more dogs under the age of four (4) months are kept for breeding or boarding purposes, except Veterinary facilities.
 - (cc) Livestock Event: Organized competition with spectators.
 - (dd) Livestock, Small: Shall include but not be limited to all types of domesticated swine, sheep, goats and fowl.
 - (ee) Livestock, Large: Shall mean any member of the domesticated equine family including horses, ponies, mules, donkeys, and burros, and all members of the domesticated bovine family, including but not limited to bulls, cows, steers and other animals of similar size including, but not limited to ostriches, emus, rheas and llamas.
 - (ff) Loading Space: A "loading space" is an area within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks.
 - (gg) Lot: A "lot" is a tract or parcel of land, which is occupied or intended to be occupied by a building or use and having frontage on a dedicated street, or approved place.
 - 1. Lot, Corner: A "corner lot" is a building lot situated at the intersection of two streets.
 - 2. Lot, Interior: An "interior lot" is a building lot other than a corner lot.
 - 3. Lot, Through: A "through lot" is a building lot where both the front and rear lot lines adjoin street lines. On a "through lot" both street lines shall be deemed front lot lines.
 - (hh) Lot Area: The "lot area" is the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.
 - (ii) Lot Depth: "Lot depth" is the mean horizontal distance between the front lot line and the rear lot line of a building lot measured within the lot boundary.
 - (jj) Lot Line: A "lot line" is a boundary of a building lot.
 - 1. Lot Line, Front: A "front lot line" is the boundary of a building lot, which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line provided a front and rear set back are established adjacent and opposite, respectively to the front lot line.
 - 2. Lot Line, Side: A "side lot line" is any boundary of a building lot, which is not a front lot line or a rear lot line.
 - 3. Lot Line, Rear: A "rear lot line" is that boundary of a building lot, which is most distant from and is, or is most nearly, parallel to the front lot line.
 - (kk) Lot Width: The "lot width" is the minimum distance measured in straight line between the side lot lines of a building lot along a straight line, which shall be on the side of the building line opposite from the front lot line and one, which must touch the building line at one point.
 - (ll) Lot of Record: A "lot of record" is an area of land designated as a lot on a plat of a subdivision recorded pursuant to statutes of the State of Texas with the County Clerk of the County of Carson, Texas, or an area of land held in single ownership

described by metes and bounds upon a deed recorded or registered with the County Clerk.

- (mm) **Manufactured Home:** Shall follow the definition as defined under The Texas Manufactured Housing Standards Act (TMHSA) describes "manufactured home" as a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), 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. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).
- (nn) **Mobile Home:** Shall follow the definition as defined under The Texas Manufactured Housing Standards Act (TMHSA) describes a "mobile home" as a structure that was constructed before June 15, 1976, 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 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.
- (oo) **Manufactured Home Park:** A unified development of three or more mobile / manufactured home spaces or stands arranged on a tract of land under private ownership.
- (pp) **Manufactured Home Subdivision:** A unified development of mobile/ manufactured home sites or lots, which have been divided for the purpose of individual ownership.
- (qq) **Non-Conforming Building Or Lot:** A "non-conforming building" is any building or structure within a district that does not comply with the height, parking, loading, coverage, area, or screening regulations of the district in which it is located and a "non-conforming lot" is any lot within a district that does not conform to the width, depth, and area regulations of the district in which it is located.
- (rr) **Non-Conforming Use:** A "non-conforming use" is any use within a district that is not specifically permitted by the use regulations of the district in which it is located.
- (ss) **Nuisance:** A "nuisance" shall be any cause or source of annoyance or harm to person or property in a particular locality, which constitutes an invasion or disturbance of another's rights.
- (tt) **Open Storage:** "Open storage" is the storage of any equipment, machinery, commodities, raw or semi-finished materials, and building materials which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.
- (uu) **Orchard:** A concentrated planting of nut or fruit trees.
- (vv) **Parking Lot:** Any open areas other than a street, alley or place used for the temporary parking of more than four (4) motor vehicles and available for public

- use for hire but not including such parking space as may be available for the free use and accommodation of clients or customers of one or more business establishments.
- (ww) Parking Space: A "parking space" is a surface area, enclosed or unenclosed, sufficient in size to store one automobile, together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile. A "parking space" shall not occupy any public land.
- (xx) Pet: Shall be those animals as defined under the City of White Deer Animal Chapter of this Code.
- (yy) Rodeo/ Rodeo Grounds: A public arena featuring livestock events. The City of White Deer designates that area as the rodeo grounds and community center.
- (zz) R.V. Park: A unified development under private ownership designed primarily for transient service on which travel trailers, recreational vehicles, pickup coaches, and self-propelled motorized vehicles are parked, situated or used for the purpose of supplying to the public a parking space for such vehicles.
- (aaa) Service Station: A place where gasoline or oil and grease or accessories are sold, supplies are dispensed to the retail motor vehicle or where motor vehicles are repaired or equipped for service or where electric storage batteries are recharged and cared for or a place where any two (2) or more such activities are carried on or conducted.
- (bbb) Set Back: A "set back" is an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. A "set back" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.
1. Set Back, Required Front: A "required front set back" is a set back extending along the front lot line between the side lot lines, the depth of which is measured from the front lot line and the dimension of which is in accordance with the front set back requirement for the district in which it is located.
 2. Set Back, Required Side: A "required side set back" is a set back extending along the side lot line between the front and rear set backs, the width of which is measured from the side lot line and the dimension of which is in accordance with the side set back requirements for the district in which it is located.
- (ccc) Stable, Private: A stable with a capacity for not more than four (4) horses, mules or other domestic animals.
- (ddd) Stable, Public: A stable with a capacity for more than four (4) horses, mules or other domestic animals.
- (eee) Stand: An area within a mobile/manufactured home park or subdivision which has been improved for a single mobile / manufactured home and provides for connection of required utilities.
- (fff) Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above.

- (ggg) Story, Half: A story having an average height of no more than eight (8) feet covering a floor area of not more than seventy-five percent (75%) of the floor on the story next below.
- (hhh) Street: Any public thoroughfare dedicated to the public and not designated as an alley.
- (iii) Street Line: A lot line along any street other than the street upon which the lot fronts, provided that when any lot shall extend completely from one street to another at opposite ends of the same lot, the said lot shall be deemed to front on both of such streets.
- (jjj) Structural Alterations: Any change on the supporting member of a building, such as bearing wall, columns, beams or girders or other framing of the original structure.
- (kkk) Temporary Field or Construction Offices: Temporary real estate sales offices, and temporary building material storage areas to be used for construction purposes in connection with the property on which they are erected may be permitted for specific periods of time when approved by the Zoning Official by issuance of a permit. Such temporary use shall not continue to exist on the premises after the construction for which they were erected is completed.
- (lll) Tract of Land: Any piece or parcel of land whether or not divided by platting into lots.
- (mmm) Trailer: A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office
- (nnn) Use: The "use" of property is the purpose or activity for which the land, or building thereon, is designed, arranged, intended, or for which it is occupied or maintained.
- (ooo) Utility Installation, Public or Private: Any public or private Utility installation franchised or otherwise approved by the City, providing required utility services to the community and surrounding area.
- (ppp) Wood/ Lumber Products: Including logging camps and contractors; Sawmills and planing mills; and the manufacturing of millwork, veneer, plywood, prefabricated structural wood products, wood furniture, and other lumber and wood products.
- (qqq) Wrecking Yard, Junk and Salvage: A yard or building where automobiles, machinery, appliances, or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.
- (rrr) Zoning Map: The "zoning map" is the map or maps incorporated into this code as a part hereof by reference thereto.

Section 13-11. Reserved for future use.

Article 3. Zoning Districts; Regulations, Requirements.

Section 13-12. Zoning Districts.

- (a) In order to restrict and regulate the different land use, the City of White Deer, Texas, is hereby divided into different classes of districts, of which there shall be four (4), known and designated as:
 - 1. A -Agricultural District
 - 2. R- Residential District
 - 3. M-Mobile / Manufactured Home District
 - 4. B- Business District
- (b) The boundaries of each district are shown upon the map, which accompanies and is made apart of this code and is designated as the Zoning Map, the boundaries being shown by various colors, letters, figures, and markings. The Zoning Map and all coloring, makings, notations, references, and other information shown on said Zoning Map and all notations, references, and other information shown thereon are all fully set forth or described herein.
- (c) Except as hereinafter provided:
 - 1. No land shall be used except for a purpose permitted in the district in which it is located.
 - 2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
 - 3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
 - 4. No building shall be erected, not in conformity with the area regulations of the district in which such building is located.
 - 5. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off street parking and loading regulations of the district in which such building is located.
 - 6. The minimum set backs, parking spaces and open spaces, including lot area per dwelling unit, required by this code for each and every building existing at the time of passage of this code or for any building hereafter erected, shall not be encroached upon or considered as part of the set back or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this code for the district in which such lot is located.
 - 7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.
 - 8. All territory, which may hereafter be annexed to the City of White Deer, Texas, shall be subject to all of the restrictions and regulations of an "R" District until otherwise changed by an amendment to this code.
- (d) Any zoning district designation appearing on the Zoning District Map may be preceded by the prefix FP. Such an indication shall apply to low lying flood plain areas along major streams and drainage ways in the City which are subject to periodic inundation, and which are unsuited in present form for use as building sites. Those zoning districts whose designation is preceded by the prefix FP may be used only for those uses hereinafter listed.
- (e) Certain uses, because of their nature and existing locations, are not always

appropriate for categorizing into specific zoning districts. To provide for the proper handling and location of such specific uses, provision is made hereinafter for the granting of a permit for a specific use in a specific location.

Section 13-13. Zoning District Map.

- (a) The location and boundaries of the districts herein established are shown upon the zoning District Map, which is hereby incorporated into this Code. Said Zoning District Map, together with all notations, references, and other information shown thereon and all the amendments thereto, shall be as much a part of the Code as if fully set forth and described.
- (b) The two (2) Zoning District Maps shall be kept in the office of the City Secretary.
- (c) It shall be the duty of the City Secretary to keep the Zoning District Map current by entering on such maps changes of zoning districts or district boundaries which the City Council may from time to time order by amendments to the Zoning Code and Zoning District Map. A copy of the Zoning District Map, in the form as originally adopted, shall be kept in the office of the City Secretary as a permanent Code
- (d) Upon the adoption of this Code, the City Secretary shall affix a certificate identifying the map in his office as the Zoning Map of the City. All amendments of the Map shall be made immediately after their enactment and the date of the change shall be noted on the certificate.

Section 13-14. Zoning District Boundaries.

- (a) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning District Map, the following rules, shall apply:
 1. Where district boundaries are indicated, as approximately following the centerlines of streets or highways, such centerlines, shall be construed to be said boundaries.
 2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
 3. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning District Map. If no distance is given, such dimensions shall be determined by the use of the scale on said Zoning District Map.
 4. In unsubdivided property, the district boundary lines on the Zoning District Map shall be determined by use of the scale appearing on the map.
 5. Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
 6. Where the street layout actually on the ground varies from the street layout on the Zoning Map, the Board of Adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular plan in question.

7. If none of the above applies, the Board of Adjustment shall determine the location of the district boundary.

Section 13-15. Zoning of Newly Annexed Areas.

- (a) All territory, which may hereafter be annexed to the City of White Deer, Texas, shall be subject to all of the restrictions and regulations of an "R" District, until otherwise changed by an amendment to this code. All territory annexed to the City hereafter shall be temporarily classified as a Residential District, prior to the recommendation of the Planning and Zoning Commission, until such permit has been specifically authorized by the City Council after receipt of recommendation and approval from the Planning and Zoning Commission. (Section 21)

Section 13-16. Flood Plain.

- (a) To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the health, safety and general welfare of the community, portions of certain districts may be designated with a Flood Plain prefix, "F P" and shall be subject to the following provisions.
 1. The following uses shall be permitted within that portion of a district designated with a Flood Plain "F P" prefix:
 - a. Agricultural activities which is the act of producing crops and/or
 - b. An orchard and the raising of livestock.
 - c. Off-street parking incidental to any adjacent main use.
 - d. Electrical substation.
 - e. All types of local utilities.
 - f. Parks, community centers, playgrounds, public golf courses.
 - g. Private commercial open area amusements such as golf courses,
 - h. Driving ranges, archery courses and similar uses when approved
 - i. By Specific Use Permit as provided by Section 17.
- (b) No permanent building or structure shall be erected in that portion of a district designated with a Flood Plain "F P" prefix until and unless such structure has been approved by the City Engineer, based upon certification by a Registered Engineer that such building or structure would not constitute an encroachment, hazard or obstacle to the movement of flood waters and that such construction would not endanger the public health and welfare or value and safety of the property.
- (c) Any dump, excavation, storage or filling operation within that portion of a district having a Flood Plain "F P" prefix shall be approved in writing by the City Engineer before such operation is begun except that such approval shall not be required for the improvement or repair of levees or drainage related thereto when such are located within a legally constituted district charged with such responsibility.
- (d) An area may be removed from the Flood Plain prefix designation when, by the provision of drainage works, grading, floor protection or specific drainage study, it is determined by the City Engineer that the flood hazard has been alleviated. Removal of the Flood Plain prefix shall be accomplished by written notification by the City Engineer to the Zoning Commission.

- (e) Official setting forth the description of the area from which the Flood Plain "F P" prefix should be removed.
- (f) The fact that land or property is or is not within a district having a Flood Plain prefix shall not constitute assurance that such land or property is not subject to local flooding and the designation of the Flood Plain prefix in this code shall not be so interpreted.
- (g) However, nothing above shall allow any activities within a designated flood plain area, which are in conflict with the regulations of the zoning district in which the flood plain is located. (Issue of "f "above)

Section 13-17. R– Residential District.

- (a) In an "R" District no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:
 1. Single-family dwelling.
 2. Multi-family dwelling.
 3. Church or other place of worship.
 4. Park, playground, community building, and other public recreational
 5. Facility owned and/or operated by the municipality or other Governmental agency.
 6. Public building, including library, museum, police and fire station.
 7. School; public, primary or secondary.
 8. School; private, with curriculum equivalent to that of a public, primary or secondary school.
 9. Temporary building for a use incidental to construction work on the premises, which buildings shall be removed upon the completion or Abandonment of construction work.
 10. Institution of an educational, philanthropic, charitable or religious nature.
 11. Necessary public or private utility installation, water supply reservoirs, well, tower, pumping stations, fire stations, gas and electric utility regulator stations; provided however, that the size and location of such stations are to be determined or fixed by the City Council.
- (b) The uses customarily incident to any of the above uses when situated on the same dwelling and not involving the conduct of a business; including the customary home occupations engaged in by the occupants of the dwelling and also including the office of a doctor, dentist, musician, artist or similar profession when situated in the same dwelling but said incidental use shall never be permitted as a principal use but only as a secondary use, provided no nuisance is created for adjoining property owners, when indispensably necessary to the enjoyment of the premise for anyone of the uses permitted in an "R" District and further provided that no name plate, sign board, or advertising sign of any nature exceeding two (2) square feet in area shall be permitted in an "R" District and not more than one (1) such sign if permitted to each residence.
- (c) Accessory Building, if detached from the main building, shall not be located nearer than 80 feet from the front lot line nor less than 5 feet from any other street line and not less than 3 feet from either inside lot line. Carports, private garages and servants' quarters are permitted subject to established setback provisions. The servants' quarters shall not be leased or rented to anyone other than the family of a bona fide

servant giving more than 50 percent of his or her time to the family occupying the premises.

- (d) Height Regulations: No building shall exceed thirty-five (35) feet in height.
- (e) Residence Not Built on-site (moved in): No residence shall be moved into The Residential District of the zoned section until it meets the following requirements;
 - 1. The house must meet all the requirements of this article, and the City of White Deer must approve its construction.
 - 2. The City Superintendent shall have the authority to allow certain finishing work and building and code compliance to be done to a house moved into any zoned district as preparation to meet the article requirements.
 - 3. All work done to meet these requirements must be completed within twelve (12) months from date the permit is issued.
 - 4. The home must be physically inspected by the City Superintendent or Designated official prior to issuance of certificate of occupancy.
 - 5. For the purpose of clause e, a residence not built on site shall NOT include manufactured housing or mobile homes as described by the Texas Manufactured Housing Standards Act according to the rules of the United States Department of Housing and Urban Development.
- (f) Set Back Requirements:
 - 1. There shall be a front set back having a depth of not less than twenty (20) feet. In established residential areas front set back requirements will not be less than the average of existing structures on the block where the structure is to be located.
 - 2. Side set backs shall be provided as follows:
 - a. Permitted Residential Uses: All lots shall have a side set back on each side of the lot of not less than ten (10) percent of the lot width or five (5) feet, whichever is greater; however, no side set back shall be required greater than ten (10) feet in width. A side set back through which vehicular access to a garage, carport, or parking area is provided shall have a width of not less than ten (10) feet.
 - b. Permitted Non-Residential Use: All lots shall have a side set back on each side of the lot of not less than twenty (20) feet, except a side set back abutting a street or another non-residential use shall have a side set back of not less than ten (10) feet.
 - 3. All lots shall have a rear set back of not less than ten (10) feet.
- (g) Lot Requirements:
 - 1. No building shall be constructed on any lot of less than five thousand (5,000) square feet. Lot size shall provide for a minimum of 2000 square feet of building area per dwelling unit constructed.
 - 2. The width of the lot shall not be less than fifty (50) feet at the front building line, nor shall its average width be less than fifty (50) feet.
 - 3. The average depth of the lot shall not be less than one hundred (100) feet.

Section 13-18. M-Manufactured/ Mobile Home District.

- (a) A Manufactured Home shall follow the definitions as defined under the Texas Manufactured Housing Standards Act (TMHSA) describing “manufactured

home” as a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent 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 include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

- (b) A Mobile Home shall follow the definition as defined under The Texas Manufactured Housing Standards Act (TMHSA) describing a "mobile home" as a structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or 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 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.
- (c) Use Regulations: In an "M" District no building or land shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:
 - 1. Any use permitted in R District.
 - 2. Manufactured / Mobile home parks.
 - 3. Manufactured /Mobile home subdivisions.
 - 4. Must be skirted within 90 days of move in date.
 - 5. Erected only on site lots in Manufactured / Mobile Home District described as follows: Lots 1-3 Blk 18, Lots 1-3 & 10-12 Blk 19, Lots 7-12 Blk 22, Lots 13-24 Blk 24, Lots 1-12 Blk 36, Lots 13-24 Blk 37 all of the Original Town; Lots 1-5 Blk1 & Lots 1-11 Blk 2 of Thornburg Addition; Lots 14-28 Blk 1 & Lots 1-9 Blk 2 of Tribbles addition; Lots 11-20 Blk 1 & Lots 1-10 Blk 2 of W N Hodge Addition; Lots 11-14 Blk 1 & Lots 4-10 Blk 2 of Highway Addition; Lots 1-9 Blk 1 & Lots 1-9 Blk 2 of Hammons Addition; Lots 11-20 Blk 1 & Lots 1-5 Blk 2 of Hodge Addition; and Lots 3 & 4 Blk 1 of Barnett Addition of the City of White Deer, Texas.
- (d) With the passage of the original code, only manufactured homes may be moved to lots zoned for manufactured / mobile housing. See the attached addendum. Existing mobile homes are not affected by this code.
- (e) Set Back Requirements: Requirements shall be the same as required for the R - Residential District, with the exception of manufactured / mobile home parks and manufactured /mobile home subdivisions which shall be provided for in Section F which follows.
- (f) Development Standards for Manufactured/Manufactured Home Subdivisions:
 - 1. Area and Design Criteria:
 - a. Basic Minimum Requirements:
 - 1) Stand or Lot Requirements: Each stand in a manufactured home park shall provide a minimum area of thirty-five hundred (3,500) square feet. Each lot in a manufactured/ mobile home subdivision shall provide a minimum area of five thousand (5,000) square feet.

- 2) Open Space Requirements:
 - a) The minimum front set back shall be fifteen (15) feet from the nearest corner of the manufactured home or recreational vehicle to the front line of the stand or lot.
 - b) No manufactured home or recreation vehicle shall be closer than fifteen (15) feet to any adjoining public street nor closer than ten (10) feet to any stand or lot line.
 - c) For other structures the minimum front set back shall be at least fifteen (15) feet.
 - d) The minimum distance between manufactured homes shall be twenty (20) feet on the sides and sixteen (16) feet on the rear.
- 3) Height Regulations:
 - a) The height limit for any manufactured or recreational vehicle in the park or subdivision shall be eighteen (18) feet.
 - b) The height of the manufactured or recreational vehicle frame above the ground elevation, measured at 90 degrees to the frame shall not be greater than three (3) feet.
- 4) Soil and Ground Cover:
 - a) Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetable growth that is capable of preventing soil erosion and eliminating dust.
- 5) Drainage:
 - a) The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each stand shall be graded to insure the proper drainage of water from the stand.
- 6) Design and Location of Storage Facilities in a Manufactured Home Park:
 - a) Storage facilities with a minimum capacity of 200 cubic feet per stand are required and may be provided on the stand or in compounds located within one hundred (100) feet of each stand.
- 7) Parking:
 - a) Every manufactured home stand shall have two (2) off-street parking spaces.
2. Accesses and Traffic Circulation and Parking:
 - a. Streets shall be designed for safe and convenient access to all spaces and to facilitate for common use of park residents.
 - b. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to all areas of the manufactured home or recreational vehicle park or subdivision.
 - c. Interior streets shall intersect adjoining public streets at approximately ninety (90) degrees and at locations, which will eliminate or minimize interference with traffic on those public streets.
3. Water Supply:

- a. An accessible, adequate, safe, and potable supply of water meeting State standards shall be provided in each park. Connection shall be made to the public supply of water.
4. Water Distribution System:
 - a. The water supply system of the park shall be connected, by pipes, to all manufactured home or travel trailer stands, buildings, or other facilities requiring water.
 - b. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with State and City regulations and requirements.
 - c. Manufactured home parks shall be served by individual water meters.
 - d. Water supply Facilities for Fire Department Operations: Water supply facilities for fire department operators shall be connected to the water supply in dedicated streets, alleys, or easements with hydrants located within 500 feet of all manufactured home stands, and such water supply systems shall meet the minimum standards of the American Water Works Association.
 5. Individual Water Riser Pipes and Connections:
 - a. Individual Water Riser Pipes shall be located beneath the manufactured home at a point where the water connection will approximate a vertical position.
 - b. Water riser service pipes shall extend at least four (4) inches above ground elevation. The pipe shall be at least three-quarter (3/4) inch. The water outlet shall be capped in an approved manner when the stand is unoccupied.
 - c. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes. Surface drainage shall be diverted from the location of the riser pipe.
 - d. A shutoff valve and drain valve below the frost line shall be provided near each water riser pipe.
 - e. Underground stop and waste valves shall not be installed on any water service.
 6. Sewage Disposal:
 - a. General Requirements: An adequate and safe sewage system shall be provided in all parks and subdivisions for conveying and disposing of all sewage. All proposed sewage disposal facilities shall be approved by the City prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the appropriate regulatory agency of the State.
 - b. Sewer Lines: All sewer lines should be located in trenches of sufficient depth to provide a minimum of three (3) feet of cover to the installed sewers beneath the finished grade or contour above them. Any sewer lines installed with less than three (3) feet of cover shall be concrete encased in an approved manner. All sewer lines shall be separated from the park water lines by a minimum distance of five (5) feet horizontally or five (5) feet vertically, except where sewers are constructed in cast iron pipe.

Sewers should be at a grade which will insure a velocity of two feet per second when flowing full.

- c. Individual Sewer Connections: Each manufactured / mobile home stand in a manufactured home park shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - d. The sewer connection from the manufactured home to the sewer riser pipe shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe only without any branch fittings. All joints shall be watertight.
 - e. Provision shall be made for capping the sewer riser pipe in an approved manner when the stand is unoccupied. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.
7. Electrical Distribution System:
- a. The electrical distribution system shall be installed and maintained in accordance with the applicable codes and regulations governing such system.
 - b. Each stand shall be provided with approved main disconnects. The feeder circuit from the main shall terminate on an approved receptacle, outlet, or junction box, which will provide safety and protection when the stand is not in use.
 - c. Should the distance from the receptacle, outlet, or junction box to the point where the feeder circuit enters the manufactured home exceed three (3) feet, the electrical circuit shall be installed underground or protected by approved means.

Section 13-19. B-Business District.

- (a) Use Regulations: In a "B" Business District no building or land shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:
 1. Any use permitted in the R and M districts.
 2. Automobile, trailer, farm equipment and similar sales, repair and display.
 3. Bank.
 4. Bottling plant.
 5. Building materials storage yards.
 6. Business and Commercial Schools.
 7. Carpentry, painting, plumbing, or tinsmith shop.
 8. Restaurants, theaters, bowling alleys and similar activities, provided the Principal structure or building is located not less than one hundred (100) feet from a residential district and is so oriented that it is not a nuisance or hazard.
 9. Dairy plants, creamery and ice cream production.
 10. Distributing stations, terminals or other similar facilities.
 11. Laundry, cleaning, or dyeing plants.
 12. Locker plant with pens and kill floor.

13. Mortuaries.
 14. Motels, hotels.
 15. Nurseries and commercial greenhouses.
 16. Radio or television station or studio.
 17. Recreational vehicle park, (R V park) as described in clause D of this section.
 18. Secondhand goods store, when entirely enclosed in a building.
 19. Secondhand automobile sales, but not including wrecking.
 20. Storage facility, commercial and/or private.
 21. Telephone exchange or substation, but with no business office.
 22. Tire repair shop.
 23. Veterinarian or animal hospital provided that no building shall be closer than fifty (50) feet to any residential district and no outdoor kennels or exercise runs shall be closer than one hundred (100) feet to a residential district.
 24. Wholesale establishments or warehouses.
 25. Any similar uses as determined by the Board of Adjustment and being generally of a wholesale, retail, service, or office nature.
 26. Accessory buildings and uses customarily incidental to any of the above uses.
 27. Such uses as may be permitted under the provision of Sections 13 & 14, Permit Regulations.
 28. Business District is described as follows:
Block 1 Lots 1-13 Tribbles Addition, Block 1 Lots 1-10 W.N. Hodge Addition, Block I Lots 1-10 Highway Addition, All of Block I and Block 2 Lots 4-9 West Addition, All of Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 11 Lots 4-9, Block 12 Lots 4-9, Block 13 Lots 4-9, Block 14 Lots 7-18, All of Blocks 15 and 16, Block 17 Lots 7-18, Block 18 Lots 4-9, Block 19 Lots 4-9, All of Blocks 20, 25 and 26 and Block 36 Lots 13-24 Original Town, White Deer, Texas.
- (b) Set Back Requirements:
1. No front set back is required except when a lot in this district faces upon a Residential District in which case a minimum front set back of twenty (20) feet shall be provided. No storage of materials or similar use shall be allowed in a front set back.
 2. No side set back shall be required except where the side of a lot in this district abuts a Residential District, in which case a minimum side set back of twenty (20) feet shall be required on that side. No storage or similar use shall be allowed in a required side set back.
 3. No rear set back shall be required except where the rear of a lot in this district abuts a Residential District, in which case a minimum rear set back of twenty (20) feet shall be required. No unenclosed storage or similar use shall be allowed in a required rear set back.
- (c) Lot Requirements:
1. Permitted Residential Use: Lot requirements shall be the same as in the R - Residential District.
 2. Permitted Business Uses:
 - a. No building shall be constructed on a lot of less than five thousand (5,000) square feet.
 - b. No lot shall be less than fifty (50) feet wide at the front building line.

- c. In no case shall more than seventy-five (75) percent of the lot be covered by the combined area of the principal building and accessory buildings.
- (d) Recreational Vehicle/ R.V. Park:
 - 1. Lot size: No less than fourteen feet (14') wide by twenty-eight feet (28') long, however, the space shall be designed so that there is adequate room to walk around the RV.
 - 2. No connect to utilities is required unless the R V owner wants to connect to utilities.
 - 3. Allowable time to stay is 180 days.

Section 13-20. Agricultural District.

- (a) Use Regulations: In an "A" Agricultural District, no building or land shall be hereafter erected or structurally altered which is arranged to be used for other than one or more of the following uses:
 - 1. Any use permitted in R and M.
 - 2. Public and private utility installations.
 - 3. Church or rectory.
 - 4. Farm - The act of raising crops or livestock.
 - a. Property and animals must comply with Health, Safety and Nuisance Chapter of this Code.
 - b. Any use must not adversely affect the property within the city limits of White Deer because of the emission of obnoxious or offensive odors, dust, gas fumes, smoke, noise or vibration.
 - c. Farming and truck gardening, but not the raising of rabbits, poultry, swine, pets or other livestock on a scale that would be objectionable, because of noise and odor, to the surrounding residences.
 - 5. Orchard - A concentrated planting of nut or fruit trees.
 - 6. Advertising signs.
 - 7. Any similar uses as determined by the Board of Adjustment.
 - 8. Accessory buildings and uses customarily incidental to any of the above uses.
 - 9. Any areas not covered in this section shall be addressed in the City of White Deer Animal Code.
- (b) Rodeo / Rodeo Grounds: A public arena featuring livestock events. That area is designated by the City of White Deer as the rodeo grounds and community center. Livestock events can be held on City owned property only.
- (c) Set Back Requirements:
 - 1. There shall be a front set back provided having a depth of not less than twenty-five (25) feet.
 - 2. There shall be a side set back provided on each side of the lot having a width of not less than ten (10) feet.
 - 3. There shall be a rear set back provided having a depth of not less than ten (10) feet.
- (d) Lot Requirements: No building shall be constructed on a lot of less than five thousand (5,000) square feet.

Sec 13-21 Reserved for future use.

Section 13-22. Application for Permits.

- (a) Permits Required: No person, firm or corporation shall erect, construct, enlarge, alter, replace, move, improve, remove, convert, or demolish any building or structure in the City or cause the same to be done without first obtaining a separate building permit for each such building or structure from the City Secretary or duly authorized representative.
- (b) Application. To obtain a permit the applicant shall first file one application in writing on a form furnished for the purpose. Every such applicant shall:
 - 1. Describe the land, on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
 - 2. Show the use or occupancy of all parts of the building;
 - 3. Be accompanied by plans and specifications as required in Subsection C of this section;
 - 4. State the valuation of the proposed work;
 - 5. Give such other information as reasonably may be required by the City Secretary or duly authorized representative;
- (c) Plans and Specifications: Each application for a permit shall be accompanied-by two (2) sets of plans and specifications.
 - Exception: Plans and specifications need not be submitted for small and unimportant work when authorized by the City Superintendent or duly authorized representative.
- (d) Information on Plans and Specifications: Plans and specifications shall be drawn upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, codes, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and the person who prepared them. Plans shall include a plot plan showing the location of the proposed construction activity and of every existing building on the property. In lieu of detailed specifications, the City Superintendent or duly authorized representative may approve reference on the plans to a specific section or part of this code or other codes or laws.
- (e) Permit fees shall be established by the City Council and listed in the official fee schedule.

Section13-23. Building Permits.

- (a) Issuance: The application plans and specifications filed by the applicant for the City Superintendent shall check a permit. If the City Superintendent is satisfied that the work described in an application for permit and plans filed herewith conform to the requirements of this code, and other pertinent laws and codes, he shall issue a permit therefore to the applicant.
- (b) When the permit is issued, it shall be endorsed in writing or stamped on both sets of plans and specifications "approved for construction". Such approved plans and

- specifications shall not be changed, modified, or altered without authorization and all work shall be done in accordance with the approved plans.
- (c) Retention of Plans: One (1) set of approval plans and specifications and computations shall be retained for a period of not less than ninety (90) days from date of completion of the work covered therein and one (1) set of approved plans and specifications shall be returned to the applicant which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.
 - (d) Plans submitted for checking for which no permit is issued, and on which no action is taken by the applicant for 90 days shall be returned to the last known address of the applicant to renew action on said plan and payment of a new permit fee shall be required.
 - (e) Validity: The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for an approval of any violation of any of the provisions of this article. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use, which authorized is lawful.
 - (f) The issuance of a permit based upon plans and specifications shall not prevent the City Superintendent from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on hereunder when in violation of this code or of any other code of the City.
 - (g) Expiration: Every permit issued under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within sixty (60) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Before such work can be re-commenced, a new permit shall be first obtained, and the fee therefore shall be on half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.
 - (h) Enforcement: Building Permits: The provisions of this Code shall be administered and enforced by the City of White Deer. All applications for Building permits shall be accompanied by a plat in duplicate, showing the actual Dimensions of the lot to be built upon, the size of the building to be erected, and such Other information as may be necessary to provide for the enforcement of these Regulations. A record of such applications and plats shall be kept in the office of the City of White Deer. (Ordinance 229, 18, 3-17-77)

Section 13-24. Prohibiting Obstruction of View of Lot Boundaries.

- (a) On any lot on which a front set back is required by this code, no wall, fence or other structure shall be erected and no hedge, tree, shrub, or other growth or structure of any kind shall be maintained in such location within such required front set back so as to obstruct view.
- (b) Any fence, wall, hedge, shrubbery, or other growth or structure of any kind higher than a base line extending from a point two and one half feet (2-1/2) above walk grade at the walk to a point four and one half feet (4-1/2) deep above walk grade

at the depth of the front set back required is hereby declared to be an obstruction to view except single trees having a single trunk which are pruned to a height of eight feet (8) above walk grade.

- (c) All trees, shrubs, hedges and other growths, not in compliance with this section, shall be removed, trimmed or pruned so as to comply to this section within a period of forty-five (45) days from the date of passage of the original code.
- (d) Enforcement: It shall be the duty of the City Superintendent or duly appointed representative to supervise the enforcement of this code and if any violation thereof shall come to the attention of such officer, it shall be his duty to file a sworn complaint alleging such violation to the City Secretary. The City Secretary shall then write a letter to the alleged violator, giving 10 days to conform the described violation to the provision of this code, except in the case of immediate danger to the violator or any surrounding residents. If it is deemed a dangerous situation, immediate correction of the violation shall be enforced. If after 10 days the violation has not been corrected, the sworn complaint will be turned over to the Municipal Court for appropriate action.

Section 13-25. Building Spacing.

- (a) Only one single-family dwelling structure or one two-family structure shall be constructed on a building lot.
- (b) Two or more multi-family or commercial buildings or structures may be constructed on a building lot, provided, however, that no structure is constructed within a required front, side, or rear set back and the distance between structures is no less than ten (10) feet, plus one (1) foot for each two (2) feet of building height, except the distance between windowless end walls may be reduced to ten (10) feet.
- (c) The distance between buildings or structures shall be measured from the exterior face of the building wall or-roof projections, whichever is less.
- (d) Two or more buildings or structures covered by a common roof shall be considered as a single building.

Section 13-26 Non- Conforming Uses.

- (a) Any legal use of property existing at the time of the passage of this Code, or subsequent amendments thereto that does not conform to the regulations set forth in this Code shall be deemed a non-conforming use.
- (b) The lawful use of land existing at the time of the passage of this Code, although such use does not conform to the provisions of this Code, may be continued; however, if such non-conforming use is discontinued, any future use of the premises shall conform to the provisions of this Code.
- (c) The lawful use of a building existing at the time of the passage of this Code may be continued although the use does not conform to the provisions of this Code; and such use may be extended throughout the building except those required by law or code, are made thereto. If no structural alterations are made, a non-conforming use of a building may be changed to another nonconforming use of the same or more restricted classification; provided that, in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, such use shall not thereafter be changed to a

lower or less restricted classification.

- (d) If fire, explosion, or other casualty destroys a building occupied by a non-conforming use, it may not be constructed or rebuilt except to conform to the requirements of this Code. However, nothing in this Code shall be construed to prevent restoration of a building destroyed or damaged to the extent of not more than sixty (60%) percent of its reasonable value, by fire, explosion, acts of God, or other casualty, nor the continued occupancy or use of such building, or part thereof, which existed at the time of such partial destruction.
- (e) In the event that a non-conforming use of any building or land is discontinued for a period of 6 consecutive months, any subsequent use of the building or land shall conform to the use permitted in the district in which it is located. (Ordinance 229, 12, 3-17-77)

Article 4. Administrative Provisions.

Sec 13-27. Enforcement and Administration.

(a) Administrative Official:

1. The provisions of this Code shall be administered and enforced by the Zoning Official, appointed by the City Council.
2. The Zoning Official or his duly authorized representative shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Code.
3. Whenever any construction work is being done contrary to the provisions of this Code, the Zoning Official shall order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Official to proceed with the work.

(b) Certificate of Occupancy and Compliance:

1. No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this code.
2. Certificates of occupancy and compliance shall be applied for with the application for building permit and shall be issued within ten (10) days after the erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
3. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.
4. Continued Occupancy: Nothing in this section shall prevent the continuance of the present occupancy and use of any now existing buildings except as may be specifically prescribed by this code or as may be necessary

for the safety of life and property.

5. Certificate of Occupancy Refused: It shall be the duty of the City Superintendent to refuse to issue such certificate of occupancy if it be found that the construction, arrangement or equipment of the premises is not in conformity with the requirements of this code for building use as proposed by the applicant as above-mentioned code. (Ordinance No. 302, 2-4-57, 29)
- (c) Enforcement: It shall be the duty of the City Secretary or duly appointed representative to supervise the enforcement of this code and if any violation thereof shall come to the attention of such officer, it shall be his duty to file a sworn complaint alleging such violation to the City Secretary. The City Secretary shall then write a letter to the alleged violator, giving 10 days to conform the described violation to the provision of this code, except in the case of immediate danger to the violator or any surrounding residents. If it is deemed a dangerous situation, immediate correction of the violation shall be enforced. If after 10 days the violation has not been corrected, the sworn complaint will be turned over to the Municipal Court for appropriate action.
- (d) Completion: of Existing Buildings: Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the passage of this Code and which entire building shall be completed within one year from the passage of this Code. Nothing herein contained shall require any change in plan, construction, or designated: use of a building for which a building permit has been heretofore issued, and which entire building shall be completed within one year from the date of the passage of this Code. If any amendment to this Code is hereafter adopted changing the boundary of districts, the provisions of this Code with regard to buildings or premises existing or building under construction, or building permits issued at the time of the passage of this Code, shall apply to building or premises existing or building permits issued in the area affected by such amendment at the time of the passage of such amendment. (Ordinance 229, 20, 3-17-77)
- (e) Board of Adjustment: A Board of Adjustment is hereby established in accordance with the provisions of Article 1011 g, Revised Civil Statutes of Texas, regarding the zoning of cities and with the powers and duties as provided in said Statutes.
 1. There is hereby created a Board of Adjustment consisting of five (5) members, (2) members for 3 year terms (Board members I and II) and (3) members for 2 year terms (Board members III, IV and V) and (2) alternates for 1 year terms (Board members VI and VII), each being appointed by the City Council and removable by the appointing authority. Terms of service shall begin on October 1st and end on September 30th of the appropriate year. Terms of office for Board members I and II shall commence beginning October 1, 2008 and be reappointed every three years thereafter. Terms of office for Board members III, IV and V shall commence beginning on October 1, 2008 and be reappointed every “even” year thereafter. Board of Adjustment members may be appointed to succeed themselves. Vacancies shall be filled by the appointment by the original appointing authority of a suitable person to serve out the unexpired term of any member whose place on the board has become vacant for any cause. The board shall designate from its members a chairman and a vice-chairman who shall perform the duties of such officers and in case of the absence of either of such

officers from any meeting of such board another of the members of the board shall be designated to act in his place. City office personnel will perform the secretarial duties.

2. The board is hereby vested with power and authority in appropriate cases and subject to appropriate conditions and safeguards to make such exemption from the terms of this code in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public.
 3. The board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this code. 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 vice-chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicate such fact, and shall keep records of examination and other official actions, all of which shall be filed immediately in the office of the board and shall be a public Code
 4. Appeals to the board of adjustment can be made by any person aggrieved by a decision of any administrative officer of the City of White Deer concerning the interpretation of enforcement of this code or by any office or department of the municipality affected by any decision of such administrative officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer, by filing with the office from whom the appeal is taken and with the board of adjustment a notice of appeal specifying and grounds thereof; the officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated on 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 an injunction, which, may be granted by a court of record on application and on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by advertising such hearing one time in a newspaper of general circulation in the City of White Deer, not less than three (3) days prior to such hearing as well as due notice or the in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney or by agent.
- (f) The board of adjustment shall have the following powers:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official of the City of White Deer, in the enforcement of this code upon which the Board is required to pass under this code.
 2. To hear and decide special exceptions to the terms of the code upon which the board is required to pass under this code.
 3. To authorize upon appeal in special cases, such variances from the terms of the code as will not be contrary to the public interest, where, owing to special conditions the literal enforcement of the provisions of this article will result in

unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.

4. In exercising its powers, the board may, in conformity with the provisions of articles 1011 a and including 1011 j of the 1025 Civil Statutes of Texas as amended revise and reform wholly or partly or may modify the order, requirement, decision or determination appealed from and make such 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.
5. The affirmative vote of four (4) of the five (5) members of the board shall be necessary to revise any order, requirement, decision of 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 code or to affect any variances in said code.
6. Any person or person, jointly or severally aggrieved by any decision of the board of adjustment, any taxpayer and any officer, or department of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision on the office of the board and not thereafter to be determined by said court in accordance with law. (Ordinance No. 118, 7-15-55, 23)

Section 13-28. Amendments.

- (a) The City Council may from time to time amend, supplement, or change by code the boundaries of the Districts or the regulations herein established.
- (b) Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the same to the zoning commission for its recommendation and report.
- (c) A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publishing the same two (2) times in the newspaper of general circulation published in the City of White Deer, stating the time and place of such hearing which time shall be not earlier than fifteen (15) days from the first date of such publication.
- (d) Unless such proposed amendment, supplement, or change has been approved by the zoning commission or if a protest against such proposed amendment, supplement or change has been filed with the city clerk duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change or those immediately adjacent on the rear thereof extending two hundred feet (200') there from or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of three-fourths (3/4) of all members of the City Council. (Ordinance No. 1182 7-15-55, 24)
- (e) Any person requesting an amendment or change to the zoning code shall be required to pay a filing fee listed on the official fee schedule. No action by the Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the person making the request fail to make formal presentation nor should the requested amendment or change be denied. (Ordinance No. 297, 2-23-84)

Section 13-29. Violation.

- (a) Any person who shall violate any of the provisions of this code or fail to comply therewith shall for each and every such violation be guilty of a misdemeanor and upon conviction be fined not more than the maximum amount as provided for by State law. The imposition of one penalty for a violation of this code shall not excuse the violation nor permit it to continue and all such persons shall be required to correct or remedy such violation within ten (10) days and each day that such violation continues and each day that such person fails to comply with such code shall constitute a separate offence. The owner or owners of any building or premises or part thereof where anything in violation of this code shall be placed or shall exist any architect, builder, contractor, agent, person or corporation employs in connection therewith and who shall have assisted in the commission of any such violation shall be guilty of a separate offense, and upon conviction thereof shall be fined as herein provided. (Ordinance No. 118,7-15-55, 25)

Section 13-30 Subdivisions.

- (a) Submission of Plats: From and after the date of adoption, these regulations shall govern all subdivisions of land within the corporate limits of the City of White Deer and within a distance of one-half (1/2) mile from the city limits. Any owner of land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the Planning-Zoning Commission a plat of the subdivision which shall conform to the minimum requirements set forth in these regulations. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the office of the County Clerk, and no sub dividers may proceed with improvements in said subdivision until such subdivision plat: shall have been approved by the City Council and such approval entered in writing on the final plat by the Mayor. (Ordinance No. 357, 9-9-63, 3.2)
- (b) Definitions- The following words and phrases as used in this code shall have the meanings respectively ascribed to them in this section:
 1. Alley: The word "alley" shall mean any minor way, which is used primarily for vehicular service access to the backside of properties otherwise abutting on a street.
 2. Arterial Streets and Highways: Arterial streets and highways are those, which are used primarily for fast and/or heavy traffic.
 3. City Representative: The city representative is that person, persons or department so designated by the City Council to represent the City.
 4. Collector Street: Collector streets are those which carry traffic from minor streets to the major system or arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
 5. Lot: Lot means an undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied by a building or building group, together with accessory buildings, which parcel of land is designated as a separate and distinct tract, and is identified by a tract or lot number or symbol in a duly approved subdivision plat filed of Code

6. Local Streets: Local streets are those streets provided for local traffic and direct access to abutting property.
 7. Planning Commission: Planning Commission or commission shall be deemed to refer to the Planning-Zoning Commission of the City of White Deer.
 8. Shall, May: The word "shall" be deemed as mandatory; the word "may" shall be deemed as permissive.
 9. Street: The term "street" means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however other designated.
 10. Subdivider: "Subdivider" means a person who causes land to be divided into a subdivision for him or others or seeks authorization therefore.
 11. Subdivision: Subdivision means the division or proposed division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development; provided that a division of land for agricultural purposes into lots or parcels of five acres or more not involving a new street or alley shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Ordinance No. 357, 9-9-63, 4.1)
- (c) Procedure for Plat Approval:
1. In order to prevent hardship on the subdivider through possible required plat revision, a preliminary plat of the proposed subdivision at a scale not smaller than two hundred (200) feet to the inch shall be submitted to the City Planning and Zoning Commission for approval before the preparation of the final plat. Six (6) copies of such plat, each copy bearing the designation "Preliminary Plat", must be filed in the office of the City Representative at least ten (10) days prior to the meeting at which the plat is to be considered and will contain the following information:
 - a. The subdivision name (which must not duplicate in any manner an existing Subdivision name), the name and addresses of the owners, and of the designer of the plat who shall be registered engineer or registered surveyor.
 - b. Date, approximate north point, and scale.
 - c. The location of existing and platted property lines, streets, buildings, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains, any public utility easements and any other easement both on the adjoining land and immediate adjacent subdivisions and property lines.
 - d. The names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks, reservations, blocks, lot lines, and building lines. The names of streets shall conform whenever possible to existing street names and lots shall be numbered in systematic arrangements.
 - e. Topography of the entire plat showing one (1) foot contour intervals. If a natural watercourse traverses the property, the centerline of the watercourse shall be shown as well as the estimated high water flood line. If the proposed subdivision does not lie within the force and effect of an existing, zoning code, the preliminary plat shall be accompanied by a plan indicating the proposed used of the lots. (Ordinance No. 357, 9-7-63, 5.1)

(d) Preliminary Plat Review:

1. Prior to the Planning and Zoning Commission's consideration of a preliminary plat the City Representative shall transmit a copy of the proposed plat to the electric company, gas company, water department, school administration and any other interested municipal or county department for review and recommendation in relation to specific service problems. The Planning and Zoning Commission shall recommend approval or disapproval and, if disapproved, state conditions of approval to the City Council within sixty (60) days of the time the preliminary plat is submitted. However, recommended approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat and shall serve as a recommendation to the City Council for their final approval, subject to the stated conditions. (Ordinance No. 357, 9-9-63, 5.2)

(e) Final Plat Approval:

1. Two (2) copies of the final plat, together with reproducible tracing, the cost of the reproducible tracing to be refunded to the subdivider upon presentation to the City of White Deer of a paid receipt from the reproducing company, shall be submitted to the City Council within six (6) months of date of approval of the preliminary plat or such approval shall become null and void unless extension of time is applied for and granted by the Planning and Zoning Commission. A set of proposed construction plans and specifications for streets, water, gas and sewer improvements shall be prepared and submitted to the City Council for review at least ten (10) days prior to the meeting of the City Council at which the plat is to be considered. The final plat shall be drawn at a scale of one (1) inch equals two hundred feet (200') on sheets 18" x 18" and where an index sheet showing the entire subdivision may on several sheets accompany necessary. The final plat shall show or be accompanied by the following information:
2. The final plat shall conform substantially to the preliminary plat, as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion shall conform to all requirements of these regulations. In cases where a final plat is submitted for approval and where no change from the approved preliminary plat has been made, it may be submitted directly to the City Council for approval. When it is not necessary for the Planning and Zoning Commission to consider the approval of a final plat because no change has been made from the preliminary plat. Such final plat shall be recommended for final approval to the City Council of the City of White Deer. The City Council shall not consider final approval of said plat unless said plat has been delivered to the City Representative on or before the ten (10) days immediately preceding the regular meeting of the City Council.
3. An accurate boundary survey of the property, certified by a licensed surveyor or registered professional engineer, with bearings and distances, referenced to survey lines and established subdivisions, and showing pertinent data concerning property immediately adjacent thereto in dashed lines.
4. Right-of-way lines of streets and alleys; property lines of residential lots,

- parks, and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
5. Name and right-of-way width of each street or other right-of-way.
 6. Location, dimensions and purpose of any easement.
 7. Purpose for which sites other than residential lots are dedicated or reserved.
 8. The location of minimum building setback lines from all streets on lots and other sites.
 9. A certificate of dedication of all streets, alleys, parks, easements and other land intended for public use, signed by the owner or owners and by all other persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyances of real property. A certified copy of all deed restrictions filed for record in Carson County shall be furnished to the City of White Deer at the time of recording same.
 10. Receipts indicating that current taxes have been paid on the property to be subdivided and a certificate that no delinquent taxes exist against the property.
 11. All lots in subdivision shall be numbered in numerical order, including block numbers.
 12. A waiver of claim for damages against the City of White Deer occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
 13. Certificate of Improvement.
 14. A registered engineer shall furnish the City Council with a written certification stating that all improvements which have been completed prior to final approval have been satisfactorily completed in accordance with all City Plans and Specifications for such improvements and, if all necessary improvements have not been completed, shall further certify that a sufficient amount of security has been deposited with or a surety bond furnished to the City of White Deer to secure the completion of all those improvements so required which are incomplete. When a surety bond has been furnished, the City in lieu of an or all of the required improvements, it shall be delivered to the City Attorney for approval. The surety bond shall have attached thereto a copy of the contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall certify to the City Council in writing that the surety bond is valid and enforceable as regards all improvements required by this code still incomplete and for which cash deposit has not been made.
 15. Upon approval of the final plat, the reproducible tracing and one copy shall be retained in the files of the City Council and one copy shall be filed with the County Clerk by the developer. (Ordinance No. 357, 9-9-63, 5.3).
- (f) General Requirements for Subdivision Design Streets:
1. The City Planning and Zoning Commission shall determine the width of main thoroughfares and traffic streets.
 2. No street dedication shall be less than 57 feet wide, and paving shall not be less than thirty-seven feet (37') from back to back of curbs when paved. All

new streets shall be continuations of existing streets where possible, at the same or greater width and having the same names. Where continuation of a street is not possible, there shall be a minimum offset of one hundred twenty-five feet (125').

3. Dead end streets maybe platted where the land adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. In the instances where dead end streets are otherwise necessary, a cul-de-sac with minimum radius of forty feet (40') shall be provided.

(g) Street Intersections:

1. Insofar as practical, acute angles at street intersections shall be avoided. Where an acute angle of less than seventy-five (75) degrees occurs between streets at their intersection, the Planning and Zoning Commission may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width.

(h) Curves In Streets:

1. Where a deflection angle of more than ten degrees (10) in alignment of a street occurs, a curve of reasonable long radius shall be introduced. On all streets the centerline radius of curves shall not be less than three hundred feet (300'), except in special cases, which shall be approved by the Planning and Zoning Commission.
2. Streets shall be platted to allow two (2) tiers of lots with an alley between. Intersecting cross streets may not be more than twelve hundred (1200) feet apart, nor less than three hundred feet (300') Article In blocks over one thousand feet (1000') in length, the Planning Commission may require a public cross walk of not less than a ten foot (10') right-of-way, and having not less than a six foot (6) concrete walk. Streets shall be platted with appropriate regard to the County Roads, lake areas and other topographical features lending themselves to attractive treatment. Where plats are presented for approval, which adjoin unplatted property, the owner of the proposed subdivision shall provide his .pro rata part of boundary streets.

(i) Alleys, Reserve Strips:

1. Alleys shall be laid in the rear of lots fronting on adjoining streets. The minimum width of an alley shall not be less than twenty feet (20') and shall be graded and leveled. No subdivision showing a reserve strip of land controlling the access to public ways or adjoining properties will be approved.

(j) Lots and Block:

1. In general, lots shall conform in width, depth and area to the pattern already established in the adjacent areas, having due regard to the character of the neighborhood, its particular suitability for development for residential purposes and also taking into consideration the natural topography of the ground, drainage, sanitary sewerage facilities and the proposed layout of the streets.
2. It shall be unlawful for the City Secretary to issue a permit for any residence, in a zoned residential area, utilizing a building site the rear portion of any corner lot, or the rear portion of any corner lot merged with a portion of any adjoining lot, to produce a plottage of sufficient size to meet the minimum

requirements for a permissible residential use. Lots shall have minimum widths and measurements as required by the Zoning Code for one-family dwelling. The area of the lot shall be computed by taking the average width of the lot times the average depth of the lot measured from the street line to the rear lot line. All sidelines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a variation from this rule would, in the opinion of the City Planning Commission, give a better lot plan. For private housing projects and shopping villages, it will not be necessary to subdivide tracts of land. Site plans, however, must be filed showing the arrangement of the project in detail, together with essential requirements such as parking facilities, locations of buildings and the other uses to be permitted.

3. All proposed subdivisions shall conform to the Comprehensive Plan of the City of White Deer. Whenever a tract to be subdivided embraces any part of a highway, major street, secondary street or parkway, so designated by the City of White Deer, such part of such proposed public way shall be platted by the subdivider in the same manner as said adjoining highway, major street, secondary street or parkway. (Ordinance No. 357,9-9-63, Article 7; Ordinance No. 371, 3-865, Article 7)

(k) Improvement Requirements:

(l) Final Plat Approval Requirements:

1. Before the final plat has been approved and before any utilities are installed, a Registered Engineer shall complete the preliminary survey to determine the requirements for the utility, curb, gutter and paving installations to be installed in the proposed subdivision, or that part of the subdivision to which final plat approval is desired.
2. The engineering survey shall include an estimate of the proposed cost, except when the subdivider desires to complete work prior to final plat approval. These costs will be based upon estimated quantities, as determined by the engineer from their preliminary survey and study using the lowest unit price received for each phase of construction as established by formal or informal proposals from at least two (2) outside contractors at the time the work is to be done.

(m) Survey Monuments:

1. Permanent concrete monuments, not less than six inches (6") in diameter, and not less than eighteen inches (18") long, having a copper or brass bolt set in the concrete with the survey point being clearly marked by punch mark or cross, shall be set at the outside perimeter corners of angle points of subdivision.
2. If the terrain is such that the corner or angle monuments on the same azimuth are not visible from each other, an intermediate monument, or monuments, shall be set so that two (2) or more monuments on the same azimuth are visible from each other.
3. Monuments shall be set at angle points and at the beginning and end of all curves on boundary streets, alleys, and interior streets. The monuments shall be set approximately six inches (6") below the finished grade of the ground after any necessary area or other grading work is completed.

4. A three-quarter-inch (3/4") iron pipe not less than eighteen inches (18") long shall be set at all block and alley corners, the pipe shall be driven flush with the ground, and a one inch by two inch (1" x 2") guard stake driven by the pipe.
 5. All monuments and pipe must be indicated on the final plat along with the azimuth and distance between the monuments or pipes.
- (n) Bond or Cash Escrow in Lieu:
1. In lieu of the completion or installation of any or all of the improvements requirements, and before issuance of a building permit, the City may accept a cash deposit or surety bond to secure the City the actual cost plus ten percent (10%) of such improvements as estimated by the engineer. All bonds must be made payable to the City of White Deer by a company legally authorized to do business in the State of Texas, and approved by the City Attorney of said City.
- (o) Affidavit or Release:
1. The Subdivider shall furnish the City of White Deer with an affidavit or complete release from the contractor, stating that all cost incurred against the required improvements have been paid by same, and also that said cost of improvements shall never constitute a liability against the City of White Deer or individual property owner.
- (p) General Requirements:
1. In addition to the water and sewer main extensions, a tap charge will be required for water and sewer in the amounts set by the City Council and listed on the official fee schedule. This amount to be paid by the developer at the time the application is made for the tap. In addition to these amounts the meter deposit shall be required. The Developer shall furnish a necessary engineering and furnish inspection of construction. No building permits shall be issued, and the City shall withhold all City improvements of whatsoever nature including sewerage and water service from any subdivision or re-subdivision covered by this code until:
 2. Such time as the developer and/or owner has fully completed and paid for the improvements required to be made by the terms of this code, including the installation of streets with proper paving, curb and gutter, drainage structures, storm sewers, alleys, fire hydrants, water and sanitary sewer mains, all according to the specifications of the City of White Deer; or until such times as:
 3. An escrow deposit or bond sufficient to pay for the cost plus ten percent (10%) of such improvements as determined by a City Representative computed on a private commercial rate basis has been made with the City Secretary of the City of White Deer, accompanied by an agreement signed by the developer and/or owner authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit.
 4. The City will:
 - a. Make all water and sewer service taps at their regular charge for such service. The water and sewer lines as completed will become the property of the City of White Deer and the developer or builder shall have no right

or title in same; the City of White Deer will maintain said lines at its own expense. Extensions of said lines may be made at any time the City may desire.

- b. The City of White Deer shall never be liable for payment of interest on any deposits, payments or refunds provided for herein. The builder or developer shall never have the right to demand payment hereunder out of any fund raised by the City through taxation.
 - c. The City will reimburse any part of the money being held in escrow in excess of the actual cost of constructing paving, curb and gutter, drainage structures, storm sewers, fire hydrants, water and sanitary sewer mains, or return said cash bond.
 - d. The City will, upon approval by the City Council, pay the developer of a subdivision within the City of White Deer in difference in cost in extending a water main in excess of six inches (6") in diameter and a sewer main in excess of six inches (6") in diameter, provided the City Council finds that a water main in excess of six inches (6") in diameter, or a sewer main in excess of six inches (6") in diameter, is necessary to take care of future development and is beneficial and necessary to maintain adequate flow of water and sewer. The City Council's approval of all water and sewer lines shall be required and no line smaller than that required for adequate fire protection shall be approved.
5. Final accounting of each project will be the basis of final settlement with the Developer for actual costs of water and sewer main in excess of six inches (6") in diameter, and will, in all cases be one hundred percent (100%) of the actual cost of the project, based on the unit prices set out in the code. In the event that it is impossible to award a contract for such work upon unit price basis, it will then become the obligation of the developer to provide complete engineering, including plans and specifications, on which contractors may bid, to determine a lump sum price for such work. The ratio of payment between the developer and the City would in such case remain the same with one hundred percent (100%) of such costs to be borne by the developer for the installation of six-inch (6") lines or less.
 6. The City may furnish temporary water service to houses under construction.
 - a. Temporary water service may be provided upon application of any desired location. The developer shall be required, upon application for such service, to make a meter deposit before such service is provided, and, upon requesting a disconnect of the temporary service, he shall be refunded the deposit less the amount of water used. (Ordinance No. 357, 9-9-63, Article 8; Ordinance No. 371, 3-8-65, Article 8; Ordinance No. 444, 9-14-70, Article 8)
- (q) Flood Area:
1. Flood Area. Areas within the jurisdiction of the Planning Commission subject to flood conditions, as established by the City Representative, will not be considered for subdivision purposes, until adequate drainage has been provided; provided, however, that drainage facilities may be provided in compliance with the then current regulations as established by the City Council.

2. Drainage Report. A drainage report prepared by a licensed registered engineer shall accompany the preliminary plat. This study shall show the acreage draining into the subdivision, points of run off concentration, areas subject to flooding, the method for draining the run off through and away from the subdivision and other pertinent information as required by the City Representative. Methods and data used for calculations of run off shall be as required by the City Representative. (Ordinance No. 357, 9-9-63, Article 9)
- (r) Changes and Variations.
1. These rules and regulations are the standard requirements of the City of White Deer.
- (s) Other Data.
1. The Planning and Zoning Commission may require such other certificates; affidavits, endorsements or dedications as for the enforcement of these regulations may be required.
- (t) Legal Scale Development.
1. The standards and requirements of these regulations may be modified by the Planning and Zoning Commission in the case of a plan and program for a complete community or neighborhood unit which, in the judgment of the Planning and Zoning Commission, provided adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and which also provided such covenants or such other legal provisions as will assure conformity to the achievement of the plan.
- (u) Conditions.
1. In granting variances and modifications, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. (Ordinance No. 357, 9-9-63, Article 10)

Chapter 14

Public Utilities

Article 1. Water System

Section 14-1. Superintendent of Water Works.

- (a) There is hereby created and established the office of Superintendent of Water Works, for the City of White Deer, Texas. (Ordinance of 1-6-27, § 1.)

Section 14-2. Appointment of Superintendent.

- (a) The office of Superintendent of Water Works shall be filled by appointment by the City Council, upon recommendation of the water committee, and he shall hold office from and after appointment at the will of the City Council. (Ordinance of 1-6-27, § 2.)

Section 14-3. Superintendent to have charge of Water Works.

- (a) The Superintendent of the Water Works shall have active charge of the water works system of this City and shall manage the same and every part thereof; and the general duties of this office shall be as hereinafter outlined, with such other special detail work as may hereafter be recommended and ordered by the water committee of the City. (Ordinance of 1-6-27, § 3.)

Section 14-4. Powers and duties of Superintendent.

- (a) The Superintendent shall operate the water works system of the City. He shall keep a supply of water in the tower necessary for the demands of the inhabitants of the City for domestic and commercial uses and for fire protection. He shall keep the machinery and all working parts of the system in repair; and he shall have charge of all connections, the tapping machine, and the tapping of the mains and laterals. He shall oversee the plumbing and inspect and test the same before water is furnished to the inhabitants of the City. He shall see that there is no waste by any means whatsoever. He shall see that the rules and regulations for the management of the water works system are observed by the patrons; and shall allow no one to use the City's water unless the citizen shall have contracted thereof in the same manner as is required of other patrons. He shall have charge of all applications for service pipes and by and with the advice of the water committee of the City shall determine who and who shall not be given water service. He shall collect all the rents due the City for water service and deposit the amount so collected with the City Treasurer upon the 10th day of each and every month. He shall keep a record in a well-bound book for that purpose of all water works business, and this book shall be kept as outlined by the water committee of the City. He shall be required to make two plats of the City showing the locations of all mains, laterals, valves, hydrants, plugs, and other pipes and parts of the water system belonging to the City, the length and size of the same, and all attachments thereto, and all places where same is tapped by laterals, and a complete record of all extensions giving the size and length of the same on the map. One of these maps shall; be kept by the Superintendent and one shall be kept

by the City Secretary, and the two shall be extended, renewed, and corrected by the Superintendent as new parts are added to the system and shall be and remain the property of the City. He shall make a report at the first regular meeting of the City Council each month, showing the receipts and expenditures of the Water Works Department for the previous months business; and any special information desired by the City Council may be included in the report. He shall prepare a complete inventory of all property on hand in the Water Works Department, and during his term of office shall add to the same all property procured for his Department, and at the expiration of his term of office shall turn over the inventory, stock sheet, or stock book showing property on hand, books, plats, charts, and other property of his office to his successor. (Ordinance of 1-6-27, § 4.)

Section 14-5. Water Committee.

- (a) The Water Works System of this City shall be operated by the City through its water committee and the Superintendent will look to this committee for advice and instructions and shall be obedient to its orders. All accounts and expenditures for the Water Works Department shall be approved by this committee before it is allowed unless it is allowed by the City Council upon special motion. The water committee will make such recommendations and suggestions at all times when the same will promote efficiency, protect the property of the system or benefit the City. (Ordinance of 1-6-27, § 5.)

Section 14-6. Bond of Superintendent.

- (a) The Superintendent of Water Works shall be required to execute a good and sufficient bond payable to the City of White Deer, Texas, with approved sureties in the penal sum required by the Council, conditioned upon the faithful performance of the duties as are imposed upon him by this article, or as shall be required of him by order of the water committee. (Ordinance of 1-6-27, Section 6.)

Section 14-7. Water rates.

- (a) There shall be a charge for water service in the City for each month as listed in the official fee schedule.

Section 14-8. Time and place of payment.

- (a) All accounts shall be payable on the first day of each month at the office of the City Secretary in White Deer, Texas. The City Secretary shall prepare statements for water service on the last day of each month. He shall discontinue service to any connections on which the statement shall not have been paid on or before the 25th day of the month following the date of the statement. A percentage penalty listed on the official fee schedule will be charged on accounts not paid on or before the 10th of the month following the month in which such service is rendered. (Ordinance of 7-29-50, § 2.)

Article 2. Sanitary Sewers

Section 14-11. Sewage Connection.

- (a) From and after the date of enactment of this Code, every building, house, trailer, mobile home, or other facility used for human habitation, which is constructed in, moved into and located in, or first occupied for human habitation in, the City of White Deer, and every building containing any sink, lavatory, or toilet, so moved in, constructed or first occupied in said City, shall be connected to the Sanitary Sewer System of said City, except as elsewhere provided hereby. (Ordinance of 14-57, 1979.)

Section 14-12. Septic Tank.

- (a) If any facility or property covered by Section 14-12 above is located further than 300 feet from any main or lateral sewer line of said City, then such property may be connected to a septic tank constructed and maintained in accordance with minimum standards approved or established by the State Department of Health of the State of Texas. (Ordinance of 14-57, 1979.)

Section 14-13. Compliance.

- (a) It shall hereafter be unlawful for any person, firm or corporation owning, using, or occupying any property covered by this Code to fail or refuse to comply with the provisions hereof. It shall hereafter be unlawful for any person, firm or corporation to erect or construct any outdoor surface toilet or cesspool within the city limits of the City of White Deer. (Ordinance of 14-57, 1979.)

Section 14-13. Violations.

- (a) Any person, firm or corporation who violates any provision of this code shall be deemed guilty of a misdemeanor, and upon conviction. shall be fined not exceeding \$200.00 for each offense; and each day that any such violation is allowed to subsist continue shall be deemed a separate offense. Any violation of the provisions of this Code shall be deemed a public nuisance, and shall be subject to abatement as such, in any manner provided by law. (Ordinance of 14-57,1979.)

Section 14-14. Sewer rates.

- (a) Effective August 1, 1974, utility billing, the City of White Deer, Texas, shall charge the service of sewage disposal rates as listed on the Official Fee Schedule.

Article 3. Gas System

Section 14-21. Gas rates.

- (a) Rates are established by code and are listed on the official fee schedule.

Section 4-22. Time and place of payments.

- (a) All accounts shall be payable on the first day of each month, at the office of the City Secretary in White Deer, Texas. The City Secretary shall prepare statements for gas service on the last day of each month; and shall on the last day of each

month, prepare statements for the advance sewer charge and submit same together with the current statement of charges for water service for the previous month, and shall not accept payment of the water bill unless the advance sewer charge is also paid at the same time.

- (b) A ten percent (10%) penalty will be charged on accounts not paid on or before the 10th of the month following the month in which such service is rendered. The City Secretary shall discontinue service to any connections on which the statement shall not have been paid on or before the 25th day of the month following the date of the statement. -(Ordinance of 7-29-50, § 2.)

Article 4. Water and Gas Deposits

Section 14-31. Water deposit: New customers.

- (a) Effective September 1, 1973, all new customers for water services will be charged a deposit as listed on the official fee schedule by the City of White Deer, Texas, before the City will provide them with water. (Ordinance of 7-10-73, § 1.)

Section 14-32. Gas deposit: New customers.

- (a) Effective September 1, 1973, all new customers for gas services will be charged a deposit as listed on the official fee schedule by the City of White Deer, Texas, before the City will provide them with gas. (Ordinance of 7-10-73, § 2.)

Section 14-33. Water and gas deposits: Existing customers.

- (a) The deposit of existing customers for water and gas shall not be affected. Existing customers may transfer their present deposit from one location to another without increasing their present deposit. However, any existing customer who wishes for service at a new location without transferring an existing deposit must pay the new rates prescribed by this article. (Ordinance of 7-1073, § 3.)

Section 14-34. Deposits not transferable.

- (a) Deposits shall not be transferable from one customer to another. (Ordinance of 7-10-73, § 4.)

Section 14-35. Return of deposit to customer.

- (a) The deposits shall be returned to the customer after he discontinues the service for which he has made a deposit and after he has paid his final bill. Alternatively, the City shall have the authority to withhold from the deposits the amount of the customer's final bill and deliver the balance to the customer. (Ordinance of 7-10-73, § 5.)

Article 5. Rentals for Use of Streets, etc. by Utility Companies

Section 14-41. To file report.

- (a) All persons, associations, organizations, and corporations using or maintaining any telegraph, telephone, electric light or other poles, gas pipe lines, pipes and other fixtures in any of the streets, highways, easements, alleys, parks, or other places within the corporate limits of the City of White Deer, Texas, shall on the

1st day of August of each and every year file with the City Secretary a sworn report showing the gross receipts from the business conducted by such persons, associations, organizations, and corporations within the corporate limits of the City for the preceding year ending June 30th. (Ordinance of 3-18-41, § 1.)

Section 14-42. City may have books examined.

- (a) The City Council may, when it may see fit, have the books and records of the person, association, organization, or corporation rendering the statement required in section 14-41 of this article, examined by a representative of the City to ascertain whether such statement is accurate; but nothing in this article shall be construed to prevent the City from ascertaining the facts by any other method. (Ordinance of 3-18-41, § 2.)

Section 14-43. To pay rental.

- (a) Upon the 1st day of August of each and every year, every person, association, organization, or corporation occupying or using the streets, highways, easements, alleys, parks, or other public places in the City of White Deer, Texas, with poles, pipes, and other fixtures, shall, as a condition to such further occupancy, pay to the City annually, for such privileges, a rental equal to three (3%) per cent of the gross receipts received by such person, association, organization, or corporation from its business conducted in the corporate limits of the City of White Deer, Texas, for the preceding year, which sum shall be paid to the City of White Deer, Texas. (Ordinance of 3-18-41, § 3.)

Section 14-44. Receipt for payment of rental.

- (a) Upon receipt of the above rental by the City, the City Secretary shall deliver to the person, association, organization, or corporation paying the same a receipt for such rental, which receipt shall authorize such person, association, organization, or corporation to use and occupy the streets, highways, easements, alleys, parks, and other public ways in the City in carrying on its business for twelve (12) months from August 1st of such year. (Ordinance Of 3-18-41, § 4.)

Section 14-45. Rental not charged as a tax.

- (a) The rental for the privilege of using the streets, highways, easements, alleys, and public places of the City of White Deer, Texas, provided for in this article, is not charged as a tax, but is made for the privilege now enjoyed and to be enjoyed by such persons, associations, organizations, and corporations using the streets, alleys, highways, easements, and other public ways of the City in the conduct of their respective businesses; and such charges are additional to all ad valorem and franchise taxes and to all taxes of every nature whatsoever against the persons, associations, organizations, or corporations mentioned above and herein. (Ordinance of 3-18-41, § 5.)

Section 14-46. Not to relieve from other requirements.

- (a) Nothing herein is intended to relieve any person, association, organization, or corporation of any condition, restriction, or requirement imposed by law or any code of the City of White Deer, Texas. (Ordinance of 3-18-41, § 6.)

Section 14-47. Article does not grant franchise.

- (a) This article does not grant a franchise to any utility or person, association, organization, or corporation to use the streets, alleys, highways, easements, and other public ways, and shall never be so construed by the courts or otherwise; and the City reserves the right to cancel the privileges granted herein and hereunder, and refund the unearned rentals paid to the City. (Ordinance of 3-18-41, § 7.)

Section 14-48. Reservation by City.

- (a) The City of White Deer, Texas, hereby reserves the right to put into effect, at any time, other restrictions and regulations as to erection and maintenance of poles, wires, pipes, and other appurtenances in the streets, highways, easements, alleys, and other public ways of the City, and from time to time require such poles, pipes, wires, and other property, equipment, and fixtures, as it may deem proper, to be removed, and to require wires to be run in conduits on such terms as the City may deem proper. (Ordinance of 3-18-41, § 8.)

Section 14-49. Penalty for operating without paying.

- (a) Every person, association, organization, and corporation who shall operate any business within the corporate limits of the City without the payment of the rentals provided for herein, shall be subject to a penalty of One Hundred (\$100.00) Dollars for each and every day that such person, association, organization, or corporation shall conduct such business using and occupying the streets, highways, easements, alleys, or other public ways of the City of White Deer, Texas, without the payment of said rentals, which sum may be re-covered by the City of White Deer, Texas, in a court of competent jurisdiction by suit filed therein. (Ordinance of 3-18-41, § 9.)

Section 14-50. Penalty for refusing to make report, etc.

- (a) Every person, association, organization, or corporation and the local manager or agent of every such person, association, organization, or corporation, failing or refusing to make the report required by section 14-41 of this article, or failing or refusing to allow the examination provided for in section 14-42 herein, shall, upon conviction in the Municipal Court of the City of White Deer, Texas, be fined in any sum not to exceed One Hundred (\$100.00) Dollars, and each day's failure or refusal, as mentioned in this section, shall be deemed a separate offense. (Ordinance of 3-18-41, § 10.)

Section 14-51. City may inspect, etc.

- (a) The City Fire Marshal, Building Inspector, Electrical Inspector, the City's Police Officers, and such other persons as may be designated by the City for the performance of such function, shall have the power and it shall be their duty to examine and inspect from time to time all telegraph, telephone, electric light, or other poles, gas pipe lines, pipes, and other fixtures in the public places within the

City for the purpose of seeing that all of same are in a safe and suitable condition; and whenever any such item is found to be unsafe or unsuitable for the purpose for which it is used, the persons using, possessing, or maintaining same shall be notified and required to place same in a safe and suitable condition. (Ordinance of 3-18-41, § 11.)

Chapter 15 Streets, Sidewalks, and Other Public Areas

Article 1. Excavation; Right of ways

Section 15-1. Standards.

- (a) The City Council finds that the general welfare, health and safety of residents of the City, require the establishment of standards for excavating in alleys, street, and or City easement or property containing utility lines (gas-water-sewer). (Ordinance 14-72, § 1.)

Section 15-2. Notification.

- (a) Any person, persons or company working in any alley, street City easement, City owned property or property containing City utility lines, is to notify City Hall before starting any excavating. (Ordinance 14-72, § 2.)

Section 15-3. Inspection.

- (a) A City employee will be sent to locate the City utility lines in alleys, streets, City easements and City owned property. A City employee will be there to supervise and inspect any excavation and back filling done up to the afore mentioned properties. (Ordinance 14-72, § 3.)

Section 15-4. Finding of gas lines.

- (a) If there are any City gas lines in the alley, street, City easement or City property, person, persons or company will not be allowed to excavate in the afore mentioned places. City employees only will be allowed to excavate in the afore mentioned places containing City gas lines. City employees will excavate, person, persons or company will then be allowed to work on gas, water or sewer lines, under the supervision of a City employee. City employees will inspect all work done and will do all back filling. (Ordinance 14-72, § 4.)

Section 15-5. Fines.

- (a) The failure or refusal to comply with the terms of this code by any person, persons or company is an offense of a Class C misdemeanor and each day that such failure or refusal is continued is a separate offense. Upon conviction of such offense, the person, persons or company so convicted shall be fined not to exceed the maximum amount established by State law for a class C misdemeanor. (Ordinance 14-72, § 5.)

Article 2 Regulating Parking

Section 15-5 Regulated Areas of Parking.

- (a) No person, firm, or corporation shall park any vehicle with a manufacture's rated capacity of over one (1) ton for any purpose other than loading or unloading on any of the following designated streets, avenues, highways, or alleys, including the parkways, located within the limits of the City of White Deer, Texas:
1. On Main Street from Second Street south to McClelland Street;
 2. On Second Street and Omohundra Street going south to Eighth Street;
 3. On Second Street and Doucette Street going south to Eighth Street;
 4. On Second Street and Williston Street going south to Eighth Street;
 5. On Second Street and Swift Street going south to McClelland Street;
 6. On Second Street and Popham Street going south to Eighth Street;
 7. On Second Street and Grimes Street going south to Eighth Street;
 8. All of Stone Street running East and West;
 9. All of Maple Street running East and West;
 10. All of Horn Street going south to Horsbrugh;
 11. All of Jackson Street running East and West;
 12. All of Talley Street from Jackson Street south to Horsbrugh;
 13. All of Warren Street running south to McClelland Street;
 14. All of Eighth Street and Jordan Street running south to McClelland Street;
 15. All of Eighth Street and Texas Street running south to McClelland Street;
 16. All of Eighth Street and Steele Street running south to McClelland Street;
 17. All of Benedict Street running south to Paul Street and continuing to the city limits of White Deer;
 18. All of Daffodil Street;
 19. All of Gardenia Street;
 20. All of Third Street running East and West;
 21. All of Fourth Street running East and West;
 22. All of Fifth street running East and West;
 23. All of Sixth Street running east and West; All of Eighth Street running East and West; and
 24. All of McClelland Street running East and West.

Section 15.6. Clear View of Intersections.

- (a) No person, firm, or corporation shall park any vehicle with a manufacture's rated capacity of over one (1) ton on any public street, avenue, highway, or alley, including the parkways, not prohibited in Section 15.5 of this code, within fifty (50) feet of an intersection with another street, avenue, highway or alley, and no person firm, or corporation shall park any vehicle, regardless of type or size on any public street, avenue, highway or alley, including the parkways, within the limits of the City of White Deer, Texas in such a manner that it obscures a clear view of an intersection or cross street, or in any other manner that would create a hazard or obstruction to the safe and efficient flow of normal traffic.

Section 15.7. Limits of Parking on the Street.

- (a) It shall be unlawful for any person having charge, custody, or control of any vehicle, motor home, recreational vehicle, machinery, trailer, implement or apparatus of any kind or character to place, leave, stop or park the same or cause the same to be placed, left, stopped or parked for the purpose or storing, displaying, repairing or waiting for repairs to be done thereon or in connection therewith, in or upon any public right-of-way in or adjacent to designated residential zones within the City of White Deer.
- (b) In the event any vehicle, motor home, recreational vehicle, machinery, trailer, implement or apparatus of any kind shall remain at the same location in and upon any public right-of-way in or adjacent to designated residential zones for a period of more than ninety-six (96) hours, it shall be presumed that:
 - 1. Such vehicle, motor home, recreational vehicle, machinery, trailer, implement or apparatus was placed, left, stopped or parked there for the purpose of storage; and
 - 2. The owner of an unattended or unoccupied vehicle, motor home, recreational vehicle, machinery, trailer, implement or apparatus is the person who unlawfully placed, left, stopped or parked the same in violation of this Section; and
 - 3. This Section shall not prevent the parking or standing of vehicle, motor home, recreational vehicle, machinery, trailer, implement or apparatus in such zoned area for the purpose of expeditiously loading and unloading passengers, freight or merchandise and, provided, further, that any recreational vehicle may be parked upon any public street, parkway or boulevard in front of the owner's or lessee's residence for a period no longer than ninety-six (96) hours for preparing such recreational vehicle by the owner or lessee for travel or by a guest of the person residing at the property where the recreational vehicle is parked. Removal of such vehicle for any period of time less than forty-eight (48) hours shall not interrupt the continuous ninety-six (96) hour period for purposes of determining a violation of this Section; and
 - 4. This Section shall not prevent the parking or standing of a legally operational automobile or an empty licensed trailer as defined as acceptable trailer below.
 - 5. Acceptable trailer defined: a trailer measuring the maximum dimensions of 16 feet in length without the tongue, seven feet in width and not measuring more than 30 inches in height.
- (c) The automobile or trailer listed in this subsection d. must be empty and not used for storage of items on the public right-of-way in or adjacent to designated residential zones.
- (d) When a police officer finds a vehicle, motor home, recreational vehicle, machinery, trailer, implement or apparatus in violation of the provisions of the Code, the officer is authorized to cause it to be moved or require the driver or other person in charge of same to move such vehicle, motor home, recreational vehicle, machinery, trailer implement or apparatus to a location off the public right-of-way.
- (e) The failure or refusal to comply with the terms of this code by any person, persons or company is an offense of a Class C misdemeanor and each day that such failure or refusal is continued is a separate offense. Upon conviction of such

offense, the person, persons or company so convicted shall be fined not to exceed the maximum amount established by State law for a class C misdemeanor.

Chapter 16

Traffic

Note: The Uniform Traffic Act (VACS Article 6701d) governs traffic within the City. For a general statement of the powers of a city to regulate traffic, see VACS Article 6701d, § 27. Other sections of the Uniform Traffic Act also grant other powers to "local authorities" to regulate traffic. For penalties for violating the Uniform Traffic Act and disposition of fines and forfeitures, see VACS Article 6701d, §§ 143, 144. For provision that "local authorities" may adopt traffic regulations, which are not in conflict with the provisions of the Uniform Traffic Act, see VACS Article 6701d, § 26. For state law regarding junked and abandoned vehicles, see VACS Article 6701d-11.

Article 1. Special Speed Limit Codes

Section 16-1. Continue in effect.

- (a) Codes setting speed limits on designated parts of specific streets are special codes, and hence are not included in this Code. All such special codes in effect at the time this Code is adopted remain in full force and effect.
 - 1. Note: The following are special speed limit codes:
 - a. Codes of 2-7-66 and 12-4-73, regulating speed limits on U. S. 60.
 - b. Codes of 2-7-66 and 10-6-75, regulating speed limits on FM 294.
 - c. Code of 2-7-66, regulating speed limit on FM 2385.
 - d. Code of 6-2-72, regulating speed limits on Paul Street.
 - e. Code of 12-4-73, regulating speed limits in School Zones.

Article 2. Special Codes Relating to Traffic-Control Signs, Devices, and Markings

Section 16-11. Continue in effect.

- (a) Codes relating to specific traffic-control signs, devices, and markings located or to be located at specific places on specific streets are special codes, and hence are not included in this Code. All such special codes in effect at the time this Code is adopted remain in full force and effect.
- (b) Note: The Code of 7-12-65 is such a special code relating to stop and yield signs.

Article 3. Administration; Traffic-Control Devices; Stopping, Standing, and Parking; Penalty

Section 16-21. Definitions.

- (a) Safety zones. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated

by adequate signs as to be plainly visible at all times while set apart as a safety zone.

- (b) Loading zones. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (c) Official traffic-control devices. All signs, signals, markings, and devices not inconsistent with this article placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, or prohibiting parking, standing, or stopping.
- (d) Traffic-control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (e) Railroad sign or signal. Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (f) Limit lines. Boundaries of parking areas, loading zones, safety or danger zones, cross walks, and lines marked for purpose of excluding traffic and parking.
- (g) Fire lane. Any street or part of a street upon which parking either is restricted or prohibited for the purpose of facilitating the use or passage of equipment of the Fire Department, or is restricted or prohibited as an escape route for persons from a public place.
- (h) City Marshal. The principal law-enforcement officer of the City of White Deer, or such person as shall be from time to time performing the duties of principal law-enforcement officer, such as the County Sheriff or County Deputy Sheriff charged with such duties, or any other such officer who may be, **ex officio** the said principal law-enforcement officer. In the absence of a law enforcement officer, the Mayor may perform the duties herein delegated to such officer. At times when there is no incumbent City Marshal, the person or officer to whom the duties herein specified shall be delegated shall be named by the City Council. (Ordinance 77-3, § 1, 8-8-77 and amended this by this code.)

Section 16-22. Administration.

- (a) Traffic Codes to be enforced by City Marshall. It shall be the duty of the City Marshal, with such aid as may be rendered by other members of the Police Department, to enforce the street traffic regulations of this City and all of the state vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate accidents, and to co-operate with the other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties imposed especially upon the City Marshal by this article and other traffic codes of this City.
- (b) City Marshal to direct traffic. The City Marshal or such police officers as are assigned by him or the Council are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the Police and Fire Departments may, direct traffic as conditions may require notwithstanding the provisions of the traffic codes and laws.
- (c) Required obedience to this article. It is a misdemeanor for any person to do any act forbidden by, or fail to perform any act required in, this article.

- (d) Obedience to officials. No person shall willfully fail or refuse to comply with any lawful order or direction of the County Deputy sheriff or a police officer of the City of White Deer.
- (e) Exemptions to authorized emergency vehicles. The provisions of this article regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this article, except as follows. The driver, when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:
 - 1. Park or stand notwithstanding the provisions of this article;
 - 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 speed limit so long as he does not endanger life or property; and
 - 4. Disregard regulations governing direction of movement or turning in specified directions as long as he does not endanger life or property.
- (f) Application of above exemptions to authorized emergency vehicles. Those exemptions hereinbefore granted in reference to the movement of an authorized emergency vehicle shall apply only when the driver of said vehicle sounds a siren, bell, or exhaust whistle as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to others; and the foregoing exemptions shall not protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others. (Ordinance 77-3, § 2, 8-8-77.)

Section 16-23. Traffic-control devices.

- (a) Authority to install control devices. The City Marshal shall place and maintain, or authorize the placing and maintenance of, traffic control signs, signals, and devices when and as required under the traffic codes of this City and laws of this State, to make effective the provisions of said codes and laws, and such additional traffic-control devices as he may deem necessary to regulate traffic, under the traffic codes of this City and laws of this State, or to guide or warn traffic.
- (b) Manual and specifications for traffic-control devices. All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the State Highway Commission or resolutions adopted by the legislative body of the City. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the City. All traffic-control devices so erected and not inconsistent with the provisions of State law or this article shall be official traffic-control devices.
- (c) Obedience to official traffic-control devices. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic codes of this City and State law, unless otherwise directed by a police officer, subject to the exemptions granted the driver of an authorized emergency vehicle in this article.
- (d) When traffic devices required for enforcement purposes. No provisions of this article for which signs are required shall be enforced against an alleged violator if at the time and place of alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

- (e) Display of unauthorized signs, signals, or markings.
 - 1. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal; and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic signal or sign bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highway signs giving useful directional information and of a type that cannot be mistaken for official signs.
 - 2. No person shall without lawful authority place, maintain, or display upon or in view of any public sidewalk, curb, or street, any sign, signal, marking, or device, which indicates reserved parking space or is designated to reserve parking space upon the street for the adjoining owners or for customers of the adjoining owners.
 - 3. No person shall without lawful authority place, maintain, or display upon or in view of any public sidewalk, curb, or street any sign, signal, marking, or device which tends to reserve parking space for the adjoining property owners or their customers, where curbs are moved in upon property adjoining the street sufficiently to permit head-in or angle parking.
 - 4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the City Marshal or other police officer is hereby empowered to remove the same or cause it to be removed without notice.
 - 5. No person shall without lawful authority by verbal statement or by gesture attempt to reserve parking space upon a street for an adjoining owner or for customers of an adjoining owner.
- (f) Interference with official traffic-control devices or railroad signs or signals. No person shall without lawful authority attempt to, or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereof, or any other part thereof.
- (g) City Marshal to designate crosswalks, establish safety zones, and mark traffic lanes.
 - 1. The City Marshal is hereby authorized:
 - a. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, cross walks at intersections and at such other places as he may deem necessary where in his opinion there is particular danger to pedestrians crossing the roadway.
 - b. To establish safety zones of such kind and character and at such places, as he may deem necessary for the protection of pedestrians.
 - c. To mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the traffic-control codes of this City and State law.
- (h) Affirming and ratifying traffic-control devices, etc. All traffic control signs, signal devices, and markings heretofore placed or erected by the City and now in use for the purpose of regulating, warning or guiding traffic are hereby affirmed,

ratified, and declared to be official traffic-control devices, provided, however, said traffic-control devices are not inconsistent with the provisions of State law or this article. (Ordinance 77-3, § 3, 8-8-77.)

Section 16-24. Stopping, standing, or parking prohibited in specified places.

- (a) Stopping, standing, or parking prohibited; no signs required. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of police officer or traffic-control device, in any of the following places:
 - 1. On a sidewalk.
 - 2. In front of a public or private driveway.
 - 3. Within an intersection.
 - 4. Within 15 feet of a fire hydrant, unless otherwise marked.
 - 5. On a cross walk.
 - 6. At an intersection within thirty (30) feet of an existing intersecting curb line or projection of an intersecting curb line, unless otherwise marked.
 - 7. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the County Deputy Sheriff has indicated a different length by signs or markings.
 - 8. Within 20 feet of the nearest rail or main line railroad crossing.
 - 9. Within 20 feet of the driveway entrance to any fire station.
 - 10. Alongside or opposite any street excavation or obstruction
 - 11. When stopping, standing, or parking would obstruct traffic.
 - 12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - 13. Upon any bridge or other elevated structure upon a highway or within a street tunnel or underpass.
 - 14. At any place where official signs or markings prohibit a stopping.
 - 15. Beside any curb painted red in color.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from the curb such distance as is unlawful.
- (c) Parking not to obstruct traffic. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.
- (d) Parking in alley.
 - 1. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.
 - 2. No person shall park a vehicle, which is not a commercial vehicle within any alley situated in the central business district.
- (e) Parking on streets under repair. In any case where any street in the City of White Deer is being torn up, repaired, or paved, or where any work is being done upon same, making necessary the regulation of traffic thereon, the City Marshal is hereby authorized to prevent parking either altogether or to any extent deemed

wise by him for any certain period of time that may be necessary, or to close the street to traffic altogether for such period of time, by erecting thereon official signs with the parking restrictions clearly stated on such signs.

(f) Parking adjacent to schools.

1. The City Marshal is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.
2. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

(g) Parking prohibited on narrow streets.

1. The City marshal is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.
2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

(h) No stopping, standing, or parking near hazardous or congested places.

1. The City marshal is hereby authorized to determine and designate, by proper signs, places not exceeding 150 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
2. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or, park a vehicle in any such designated place.

(i) Owner not to permit car registered in his name to be illegally parked.

1. No person shall allow, permit, or suffer any vehicle registered in his name to stand or park in any street in the City of White Deer in violation of any provision of this article regulating the standing or parking of vehicles.

(j) Owner responsible for illegal stopping, standing, or parking; evidence of ownership.

1. If a vehicle is found unattended or unoccupied upon a street, highway, alley, or other public place, in violation of any provision of this article regulating the stopping, standing, or parking of vehicles, the same is hereby declared a nuisance per se; and the fact that such vehicle is unattended or unoccupied by any person shall be prima facie evidence that the owner unlawfully stopped, placed, or parked such vehicle.

(k) Officers authorized to remove illegally stopped vehicles.

1. Whenever a city police officer finds a vehicle standing upon a street or highway in violation of any of the foregoing provisions of this article, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of such highway or street.
2. Any police officer is hereby authorized to remove vehicles from a highway to the nearest garage or other place of safety, or to a storage place designated or maintained by the City, under the circumstances hereinafter enumerated:

- a. When any vehicle is left unattended where such vehicle constitutes an obstruction to traffic.
 - b. When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the highway.
 - c. When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued, charging that such vehicle has been embezzled.
 - d. When any such officer has reasonable grounds to believe that any vehicle has been abandoned.
 - e. When a vehicle upon a highway is so disabled that its normal operation is impossible or impractical and the persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle.
 - f. When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this article or other law required to take the person arrested immediately before a magistrate.
3. A reasonable fee listed on the official fee schedule, for removing the vehicle and for storage shall be charged against the vehicle.
 4. Any member of the Police or Fire Department may move any vehicle standing unattended; and policemen or firemen may require the moving of any such vehicle if it obstructs the free movements of such persons in the actual discharge of their duties.
 5. The City Marshal or any member of the Police Department is hereby authorized to remove any vehicle parked or standing in or on any portion of a highway when, in the opinion of the said officer, the said vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstance the safety of said vehicle is impaired. (Ordinance 77-3, § 4., 8-8-77.)

Section 16-25. Penalty.

- (a) Any person violating any of the provisions of this article shall be guilty of a class C misdemeanor, and upon conviction thereof, shall be fined an amount not to exceed the maximum amount as established by state law. Each day that a violation occurs, or is allowed to continue, shall constitute a separate offense. (Ordinance 77-3, § 5, 3-8-77 and amended by this code.)

Chapter 17

Drought Contingency Plan

Article 1. Drought Contingency Code

Section 17-1. Appendix.

- (a) That the City of White Deer, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be and the same is hereby, adopted as the official policy of the City.

Section 17-2. 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 of White Deer 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 (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 17-12 of this Plan.

Section 17-3. Public Involvement.

- (a) Opportunity for the public to provide input into the preparation of the Plan was provided by the City of White Deer by means of providing public notice of a Special Meeting during which citizen input into the plan was heard.

Section 17-4. Public Education.

- (a) The City of White Deer 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 press releases, utility customer mailings, and/or handouts.

Section 17-5. Coordination with Regional Water Planning Groups.

- (a) The service area of the City of White Deer is located within the Panhandle Ground Water Conservation District and the Panhandle Water Planning Group (Region A). The City of White Deer has provided a copy of this Plan to both of these entities.

Section 17-6. Authorization.

- (a) The City of White Deer Mayor or 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 shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in the Plan.

Section 17-7. Application.

- (a) The provisions of the Plan shall apply to all persons, customers, and property utilizing water provided by the City of White Deer. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section 17-8. Definitions.

- (a) Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pool, and water gardens.
- (b) Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
- (c) Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce water loss or waste of water, improve the 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.
- (d) Customer: any person, company, or organization using water supplied by the City of White Deer.
- (e) Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
- (f) Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.
- (g) Odd number address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.
- (h) Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- (i) 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 right-of-ways and medians.
- (j) Non-essential water use: water uses that are not essential nor required for the protection of public health, safety, and welfare, including:
- (k) Irrigation of landscape areas: including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
 - 1. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle; (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
 - 3. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - 4. Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

5. Use of water in fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
6. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
7. Use of water from hydrants for construction purposes or any other purposes other than fire fighting.
8. Use of water for watering livestock for any reason.

Section 17-9. Triggering Criteria for Initiation and Termination of Drought Response Stages.

- (a) The Mayor or designee shall monitor water supply and/or demand conditions on a daily, or as necessary, 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 publication in the local newspaper, local access channel, direct mail to each customer, and/or signs posted in public places, etc. The triggering criteria described below are based on an analysis of the City of White Deer Water System consisting of 4 underground water wells and one pump station with 2 - 1,000 gallon pumps.

1. Stage 1- Mild Water Shortage Conditions

- a. Requirements for initiation - Customers shall be requested to voluntarily conserve water and adhere to the prescribed restriction on certain water uses, defined in Section 17-10 - Definitions, when dry weather conditions normally occur before and during the normal landscape growing season, annually beginning on May 1 through September 30.
- b. Requirements for termination - Stage I of the Plan will be initiated on May 1 and rescinded on September 30 annually.

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 17-10 of this Plan when total daily water demand equals or exceeds 550 thousand gallons for 3 consecutive days, or equals or exceeds 625 thousand gallons on a single day.
- 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 3 consecutive days. 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 total daily water demand equals or exceeds 575 thousand gallons for 3 consecutive days, or equals or exceeds 650 thousand gallons on a single day.
- 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 3 consecutive days. 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 the Mayor or designee determines that a water supply emergency exists based on:
 - 1) Major water line breaks, pump failure, or system failures occur, which cause unprecedented loss of capacity to provide water service; or
 - 2) Natural or man-made contamination of the water supply source or system.
- 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 3 consecutive days.

Section 17-10. Drought Response Stages.

- (a) The Mayor or designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 17-9 of the Plan, shall determine that a mild, moderate, severe, or critical condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation.

1. Stage 1 - Mild Water Shortage Condition-

- a. Achieve a voluntary 15 percent (15%) reduction in total water use.
 - 1) Supply management measures:
 - a) The City of White Deer shall provide public education materials and news releases for the local newspaper to encourage water conservation practices. The City shall continue to monitor and repair all water leaks as soon as possible as well as reduce the amount of water main flushing and unnecessary water use. Water well pump station meters shall be checked and/or recalibrated annually for increased accuracy.
 - 2) Voluntary Water Use Restrictions:
 - a) Water customers are requested to voluntarily limit the irrigation of landscaped areas and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. and midnight to reduce the effects of evaporation.
 - b) All operations of the City of White Deer, including golf courses and all City parks shall adhere to water use restrictions stated in Stage 1 section (a) above.
 - c) Water customers, residential and commercial, 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 25 percent (25%) reduction in total water use.
 - 1) Supply management measures:
 - a) The City of White Deer shall implement water use restrictions and a water rate surcharge for excessive water use listed on the official fee schedule. The City shall reduce water usage at all parks and publicly owned property.

- 2) Mandatory Water Use Restrictions: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
- a) 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.
 - b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on the designated days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash 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.
 - c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
 - d) 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.
 - e) Use of water from hydrants shall be limited to fire fighting, 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 of White Deer.
 - f) All restaurants are prohibited from serving water to its patrons except when requested.
 - g) The following uses of water are defined as non-essential and are prohibited.
 - I. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surface areas;
 - II. Use of water to wash down buildings or structure for purposes other than immediate fire protection;
 - III. Use of water for dust control;
 - IV. Flushing gutters or permitting water to run or accumulate in any gutter or street; and,

V. 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 35 percent (35%) reduction in total water use. Supply management measures:
- 1) The City of White Deer shall implement more stringent water use restrictions and a water rate surcharge for excessive water use. The City shall further reduce water usage at all parks and publicly owned property.
 - 2) Mandatory Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a) Irrigation of landscaped areas 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 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. All irrigation shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - b) 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: Restoration of water supply to normal and safe operational condition as quickly as possible. Supply management measures:
- 1) Initiate emergency response procedures. Provide sufficient safe water to essential service locations first, such as hospitals, clinics, etc.. Then, second, supply adequate water service to urban neighborhoods only - no water service to areas outside City limits until service is back in full service for all City limits customers. Contact authorities about system failure.
 - 2) Mandatory Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:
 - a) Irrigation of landscaped areas is absolutely prohibited.
 - b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
 - c) The filling, refilling or adding of water to swimming pools, wading pools and Jacuzzi-type pools is prohibited.
 - d) 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.
 - e) 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.

Section 17-11. Water Rationing.

- (a) 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: Single family Residential Customers
- (b) 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	3,000
3 or 4	5,000
5 or 6	7,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

- (c) "Household" means the residential premises served by the customer's meter. "Person 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 White Deer of a greater number of persons per household on a form prescribed by the Mayor or designee. The Mayor, or designee, 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 of White Deer office to complete and sign the form claiming more than two (2) persons per household.
- (d) 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 of White Deer 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 of White Deer 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 White Deer of a reduction in the number of persons in a household shall be fined a fine listed on the official fee schedule.
- (e) Residential customers shall pay the surcharges listed on the official fee schedule: Surcharges shall be cumulative.
- (f) Master-metered multifamily Residential Customers the allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units, unless the customer notifies the City of White Deer of

a greater number 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 such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City Hall to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the Mayor. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of White Deer in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, 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 dwelling units served by a master meter or fails to timely notify the City of White Deer of a reduction in the number of persons in a household, shall be fined according to the official fee schedule. Customers billed from a master meter under this provision shall pay the monthly surcharges listed on the official fee schedule: Surcharges shall be cumulative.

- (g) Commercial Customers monthly water usage allocation shall be established by the Mayor or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 85% of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. If 85% percent of the customer's monthly usage is less than 3,000 gallons, the minimum allocation shall remain 3,000 gallons. The Mayor shall give his/her best effort to see that notice on each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City on White Deer to determine the allocation. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased if:
1. The designated period does not accurately reflect the customer's normal water usage,
 2. One non-residential customer agrees to transfer part on its allocation to another non-residential customer, or
 3. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established here under to the Mayor or City Council. Non-residential commercial customers shall pay the following surcharges:
 4. Industrial Customers shall pay the following surcharges listed on the official fee schedule: The surcharges shall be cumulative.
- (h) Industrial Customers monthly water usage allocation shall be established by the Mayor, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent on the customer's water usage baseline. Ninety (90) days after the initial imposition on the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% percent on the customer's

water usage baseline. The industrial customer's water usage baseline will be computed on either the average water usage or the 12-month period ending prior to the date of implementation of Stage 2 in the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average of the period for which there is a record shall be used for any monthly period for which no billing history exists. The Mayor shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of White Deer to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request on the customer or the initiative of the Mayor, the allocation may be reduced or increased. If:

1. The designated period does not accurately reflect the customer's normal water usage because the customer had shutdown a major processing unit for repair or overhaul during the period,
 2. The customer has added or is in the process of adding significant additional processing capacity,
 3. The customer has shutdown or significantly reduced the production of a major processing unit,
 4. The customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited,
 5. The customer agrees to transfer part of its allocation to another industrial customer, or
 6. Other objective evidence demonstrates that the designated allocations are inaccurate under present conditions.
- (i) A customer may appeal an allocation established here under to the City Council. Industrial customers shall pay the following surcharges listed on the official fee schedule:

Section 17-12. Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the City of White Deer 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 the 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 listed on the official fee schedule. 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 re-connection charge, listed on the official fee schedule, and any other costs incurred by the City of White Deer in discontinuing service. In addition, suitable assurance must be given to the City of White Deer 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 of White Deer, 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 rebuttal 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 rebuttal 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 of White Deer, police officer, or other utility employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of his Code. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in 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 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 municipal court before all other cases.

Section 17-13. Variances.

- (a) The Mayor, or designee, may, in writing, grant 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 the 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. Persons requesting an exemption from the provisions of this Code shall file a petition for variance with City of White Deer 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 designee, and shall include the following:
 - a. Name and address of the petitioner(s).
 - b. Purpose of water use.

- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
 - d. 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 petitioner complies with this Code.
 - e. Description of the relief requested.
 - f. Period of time for which the variance is sought.
 - g. 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.
 - h. Other pertinent information.
3. Variances granted by the City of White Deer shall be subject to the following conditions, unless waived or modified by the Mayor or designee:
- a. Variances granted shall include a timetable for compliance
 - b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specific requirements.
 - c. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 17-14. Severability.

- (a) It is hereby declared to be the intention of the City Council of the City of White Deer that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan 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 Plan, since the same would not have been enacted by the City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section. (Ordinance of 14-79, § 2000.)

Chapter 18

Flood Damage Prevention Code

Article 1. Statutory Authorization, Findings of Fact, Purpose and Methods

Section 18-1. Statutory Authorization.

- (a) The Legislature of the State of Texas has in Subchapter I Chapter 16 Section 16.3145 of the Texas Water Code had delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of The City of White Deer, Texas, does ordain as follows:

Section 18-2. Findings of Fact.

- (a) The flood hazard areas of the City of White Deer 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.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

Section 18-3. Statement of Purpose.

- (a) It is the purpose of this code 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.

Section 18-4. Methods of Reducing Flood Losses.

- (a) In order to accomplish its purposes, this code 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 flood waters;
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.

Article 2. Definitions.

Section 18-5. Unless specifically defined below, words or phrases used in this code shall be interpreted to give them the meaning they have in common usage and to give this code its most reasonable application.

- (a) Alluvial Fan Flooding - means flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- (b) Apex - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- (c) Appurtenant Structure – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure
- (d) Area of Future Conditions Flood Hazard – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.
- (e) Area of Shallow Flooding- means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (f) Area of Special Flood Hazard - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.
- (g) Base Flood - means the flood having a 1 percent chance of being equaled or exceeded in any given year.
- (h) Basement - means any area of the building having its floor subgrade (below ground level) on all sides.
- (i) Breakaway Wall – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

- (j) Critical Feature - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- (k) Development - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (l) Elevated Building – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (m) Existing Construction - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- (n) Existing Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (o) Expansion to an Existing Manufactured Home Park or Subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (p) Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- (q) Flood Elevation Study – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (r) Flood Hazard Boundary Map (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
- (s) Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- (t) Flood Insurance Study (FIS) – see *Flood Elevation Study*
- (u) Floodplain or Flood Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flooding).
- (v) Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to

emergency preparedness plans, flood control works and floodplain management regulations.

- (w) Floodplain Management Regulations - means zoning codes, subdivision regulations, building codes, health regulations, special purpose codes (such as a floodplain code, grading code and erosion control code) 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.
- (x) Flood Protection System - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (y) Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (z) Floodway – see *Regulatory Floodway*
- (aa) Functionally Dependent Use - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (bb) Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (cc) Historic Structure - means any structure that is:
 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 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 Interior; or
 4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

- (dd) Levee - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (ee) Levee System - means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (ff) Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
- (gg) Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (hh) Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (ii) Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (jj) New Construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (kk) New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (ll) Recreational Vehicle - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (mm) Riverine – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (nn) Special Flood Hazard Area – see *Area of Special Flood Hazard*

- (oo) 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.
- (pp) Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- (qq) Substantial Damage- means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (rr) Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (ss) Variance – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
- (tt) Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- (uu) Water Surface Elevation- means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of

floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Article 3. General Provisions.

Section 18-6. Lands to which this Code Applies.

- (a) The code shall apply to all areas of special flood hazard with the jurisdiction of the City of White Deer.

Section 18-7. Basis for establishing the areas of special flood hazard.

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), Community Number, 480729, dated July 2, 1976, and any revisions thereto are hereby adopted by reference and declared to be a part of this code.

Section 18-8. Establishment of Development Permit.

- (a) A Floodplain Development Permit shall be required to ensure conformance with the provisions of this code.

Section 18-9. Compliance.

- (a) No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this code and other applicable regulations.

Section 18-10. Abrogation and greater restrictions.

- (a) This code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this code and another code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 18-11. Interpretation.

- (a) In the interpretation and application of this code, 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.

Section 18-12. Warning and Disclaimer or Liability.

- (a) The degree of flood protection required by this code 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 code 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 code 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 code or any administrative decision lawfully made hereunder.

Article 4. Administration.

Section 18-13. Designation of the floodplain Administrator.

- (a) The City Secretary is hereby appointed the Floodplain Administrator to administer and implement the provisions of this code and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

Section 18-14. Duties & responsibilities of the floodplain administrator.

- (a) 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 code.
 2. Review permit application 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 code.
 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 NFIP – State Coordinator, Texas Commission on Environmental Quality, P.O. Box 13087 – MC 160, Austin, Texas 78711-3087, 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 Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

Section 18-15. Permit procedures.

- (a) 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:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
 3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 5. Maintain a record of all such information in accordance with Article 4, Section (B) (1).
- (b) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this code and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. 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;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Section 18-16. Variance Procedures.

- (a) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this code.
- (b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this code.
- (c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

- (d) 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.
- (e) 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 code.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this code, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this code (Article 1, Section C).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) 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.
- (j) Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or codes.
 - 3. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Article 5. Provisions for flood hazard reduction.

Section 18-17. General standards.

- (a) 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 flood waters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 18-18. Specific Standards.

- (a) In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:
1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.
 2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this

subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than 1 foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (b) Manufactured Homes:
1. Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - a. The lowest floor of the manufactured home is at or above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately

anchored foundation system to resist flotation, collapse, and lateral movement.

Section 18-19. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this code.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this code.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this code.
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Section 18-20. Penalties for non-compliance.

- (a) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violation of the provisions of this code by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. Any person who violates this code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of White Deer from taking such other lawful action as is necessary to prevent or remedy any violation.

City Code

City of White Deer, Texas

Appendix A

Official Fee Schedule

Animal Related Fees

- Registration for non-surgically sterilized animals with animal control- \$3.00
- Registration for surgically sterilized animals with animal control- \$1.00
- Duplicate registration for lost or destroyed certificate- \$1.00
- Impounded Fees: Fees for each impoundment within a twelve-month period

1. Class A-1: Surgically sterilized dogs and cats

- 1st - \$20.00
- 2nd - \$30.00
- 3rd - \$40.00
- 4th - 50.00

2. Class A-2: Dogs and cats

- 1st - \$20.00
- 2nd - \$30.00
- 3rd - \$40.00
- 4th - \$50.00

3. Class B: small livestock

- 1st - \$20.00
- 2nd - \$30.00
- 3rd - \$40.00
- 4th - \$50.00

4. Class C: large livestock

- 1st - \$30.00
- 2nd - \$45.00
- 3rd - \$60.00
- 4th - \$75.00

5. Class D-1: wild animal unconfined

- 1st - \$30.00
- 2nd - \$45.00
- 3rd - \$60.00
- 4th - \$75.00

6. Class D-2: wild animal confined

- 1st - \$10.00
- 2nd - \$15.00

- 3rd - \$20.00
- 4th - \$25.00

- Daily Handling Fees: charged for every day or fraction of a day and is based on animal class.

- Class A- \$5.00
- Class B- \$5.00
- Class C- \$5.00
- Class D- \$5.00

- Quarantine Fee- rate charged by the quarantine facility

- Adoption Fee- \$10.00

Building, Plumbing and Electrical Permit related Fees

- \$10.00- 550' or less
- \$25.00- more than 550'

Business Solicitation Related Fees

- Business solicitations permit fees- \$20.00 per person
- Business solicitation refundable deposit- \$100.00

Garbage and Trash Collection Related Fees Rate code	Description	New Rate
D01	Trash 18 Units	\$167.00
R01	Residential	\$24.00
R02	Business	\$24.00
R03	Schools	\$34.00
R04	Larger SAN	\$57.00
R05	Schools	\$34.00
R15	Commercial W/TA	\$34.00
R21	Double Charge	\$21.00

Zoning Code related Fees

- Change request to the zoning code filing fee- \$50.00

Water and Sewer Service Rates

- Water and Sewer deposit for new customers: \$40.00

- Water and Sewer infrastructure- \$10.50 per meter

- Water Rates:

- Inside city limits- \$12.00 first 3000 gallons, \$2.28 per thousand thereafter
- Outside city limits- 3 times the rates
- Bulk water sales- Coin vendor \$.01 per gallon
- Fire Hydrant- \$2.00 per 1000 gallons

- Water Taps:

- ¾ inch tap- \$300.00
- 1 inch tap- \$400.00 + the cost for the larger sized meter and equipment
- 2 inch tap- \$600.00 + the cost for the larger sized meter and equipment
- For any other tap size, the cost shall be determined by the individual size and cost of labor and material for the specific connection using the ¾ inch meter as the comparative base for the additional cost.
- Outside the City limits (within the extraterritorial jurisdiction (ETJ) of the City of White Deer), the charges shall be 1½ times the charge for water taps inside the City limits.

- Sewer Rates:

- For residential use, the first 2000 gallons of water metered shall incur a fee of \$5.00 per billing cycle.
- For mercantile use, the first 2000 gallons of water metered shall incur a fee of \$5.00 per billing cycle.
- For industrial use, the first 2000 gallons of water metered shall incur a fee of \$5.00 per billing cycle. Industrial use is defined as service stations, car racks, equipment or auto repair garages, cafes, restaurants, hotels, motels, retirement centers, nursing homes, laundries, schools, manufacturing, convenience stores, gas stations and others as determined by the City Secretary based on the use associated with the customer.

Water and Sewer Service Rates Cont'd:

- An additional \$1.00 per 5000 gallons of water metered (or twenty cents per thousand) will be charged on the sewer fee for any water metered above 2000 gallons during a billing cycle in all three categories (residential, mercantile and industrial). The maximum additional amount that is charged for the service is \$12.00.

- Sewer Taps:

- Tie into City sewer main covered by dirt or caliche- \$200.00
- Tie into City sewer main covered by asphalt chips- \$365.00
- Tie into City sewer main covered by seal coat or asphalt- \$365.00
- Tie into City sewer main covered by brick- \$365.00
- The cost for any type of surface listed above will also include the cost of the City backhoe and operator at the rate of \$35.00 per hour and \$50.00 per hour after regular hours. Any additional cost will be determined by the cost associated with the respective surface to be repaired and shall be assessed to the customer.
- All sewer taps shall be installed by plumbers licensed by the State of Texas and shall be inspected and approved by the Public Works Director before the line can be buried. The City and its personnel shall bury the tap and repair the street or area in accordance with the necessary standards to maintain the previous appearance and functionality of the surface.
- All sewer taps will be a minimum of 3 inches in diameter and the thickness of pipe adequate for the application as determined by the Public Works Director.
- If a water tap is to be installed under a surface other than dirt, the above charges will be added.

Water and Sewer Service Rates Cont'd:

installation cost of this ordinance.

- All bills are due on the 15th day of each calendar month. No partial payments are accepted without approval, in writing, of the City Secretary. Upon failure to pay the bill before delinquency, the City shall add a penalty of \$15.00 as a late fee.
- \$10.00 to cover the cost of turning the service off and on.
- Gas deposit for new customers: \$100.00
- Gas Rate- \$3.50 above Supplemental Gas Rate per MCF

Disabled Vehicle related fees

- Disabled Vehicle: \$5.00 in addition to all towing, preservation and storage charges
- Abandoned vehicle: not less than \$10.00 nor more than \$50.00 for each violation.

Surcharges for Drought Contingency related fees

- Fines for household’s knowingly and falsely reporting number of person in household during drought contingency. Not less than \$100.00
- Surcharges for water usage during drought contingency
 1. \$50.00 for the first 1,000 gallons over allocation.
 2. \$100.00 for the second 1,000 gallons over allocation.
 3. \$150.00 for the third 1,000 gallons over allocation.
 4. \$200.00 for each additional 1,000 gallons over allocation.
- Fines for apartment buildings knowingly and falsely reporting the number of dwelling units being served by a master unit- Not less than \$100.00

Gas related fees

Surcharges for Drought Contingency related fees continued:

- Surcharges for water usage during drought contingency off of a master meter
 1. \$50.00 for 1,000 over allocation up through 1,000 gallons for each dwelling unit.
 2. \$100.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
 3. \$150.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
 4. \$200.00, thereafter, for each additional 1,000 gallons over allocation
- Surcharge for water usage during drought contingency for commercial customers.
 - Customers whose allocation is 3,000 gallons through 5,000 gallons per month
 1. \$100.00 per thousand gallons for the first 1,000 gallons over allocation.
 2. \$150.00 per thousand gallons for the second 1,000 gallons over allocation.
 3. \$200.00 per thousand gallons for the third 1,000 gallons over allocation.
 4. \$250.00 per thousand gallons for each additional 1,000 gallons over allocation.
 - Surcharge for water usage during drought contingency for Industrial customers.
 - Customers whose allocation is 5,000 gallons through 10,000 gallons per month:
 1. \$150.00 per thousand gallons for the first 1,000 gallons over allocation.
 2. \$200.00 per thousand gallons for the second 1,000 gallons over allocation.
 3. \$250.00 per thousand gallons for the third 1,000 gallons over allocation.
 4. \$300.00 per thousand gallons for each additional 1,000 gallons over allocation.
- Violation of water usage fines- fine of not less than One Hundred dollars (\$100.00) and no more than Two Hundred and Fifty dollars (\$250.00)
- Reconnection charge- \$20.00 per meter