

Code of Ordinances

HOWARDWICK CODE

Chapter 1

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ARTICLE 1.01
CODE OF ORDINANCES

§ 1.01.001. Adoption.

There is hereby adopted the Code of Ordinances of the City of Howardwick, Texas, as compiled, edited and published by Franklin Legal Publishing, Inc.
(Ordinance adopting 2023 Code)

§ 1.01.002. Designation and citation of code.

The ordinances embraced in this chapter and the following chapters, articles and sections shall constitute and be designated the “Code of Ordinances, City of Howardwick, Texas,” and may be so cited.
(2004 Code, sec. 1.01; Ordinance adopting 2023 Code)

§ 1.01.003. Catchlines of articles, divisions and sections.

The catchlines of the several articles, divisions and sections of this code are intended as mere catchwords to indicate the contents of the article, division or section and shall not be deemed or taken to be titles of such articles, divisions and sections, nor as any part of the articles, divisions and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles, divisions and sections, including the catchlines, are amended or reenacted.
(2004 Code, sec. 1.02; Ordinance adopting 2023 Code)

§ 1.01.004. Definitions and rules of construction.

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

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

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

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

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

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

Councilman. The term “councilman” shall mean a city alderman; a member of the city council.

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

Delegation of authority. Whenever a provision of this Code of Ordinances requires or authorizes an

officer or employee of the city to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

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

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

May. The word “may” is permissive.

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

Must and shall. Each is mandatory.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Year. The word “year” shall mean a calendar year.
(2004 Code, sec. 1.03; Ordinance adopting 2023 Code)

§ 1.01.005. Severability of parts of code.

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

(2004 Code, sec. 1.08; Ordinance adopting 2023 Code)

§ 1.01.006. Repeal of ordinances.

- (a) The repeal of an ordinance or any portion thereof shall not repeal the repealing clause of an ordinance or revive any ordinance which has been previously repealed.
- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(2004 Code, sec. 1.07; Ordinance adopting 2023 Code)

§ 1.01.007. Amendments or additions to code.

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

(2004 Code, sec. 1.04; Ordinance adopting 2023 Code)

§ 1.01.008. Supplementation of code.

- (a) By contract or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.
- (c) When preparing a supplement to this code, the codifier (meaning the person, agency or

organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

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

(Ordinance adopting 2023 Code)

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

- (a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).
- (b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, other than the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).
- (c) A fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00).
- (d) A person convicted of an offense under title 7, subtitle C, Transportation Code (the Uniform Act Regulating Traffic on Highways) for which another penalty is not provided shall be punished by a fine of not less than \$1.00 or more than \$200.00 plus such other penalties and costs as may be provided by such subtitle C.
- (e) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense.
- (f) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- (g) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

- (h) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.
 - (i) In the event authorizing state law is amended, modified, superseded or otherwise changed to alter the allowable punishment range, then the city's range of punishment shall likewise be amended, modified, superseded or otherwise changed.
- (2004 Code, sec. 1.06; Ordinance adopting 2023 Code)

§ 1.01.010. Altering code.

It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1.01.009 hereof.

(2004 Code, sec. 1.05)

ARTICLE 1.02
EMERGENCY MANAGEMENT

§ 1.02.001. Office of emergency management director established.

There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law. The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

(Ordinance 70, sec. 1, adopted 4/9/96; 2004 Code, sec. 6.01)

§ 1.02.002. Emergency management coordinator.

An emergency management coordinator may be appointed by and serve at the pleasure of the emergency management director.

(Ordinance 70, sec. 1, adopted 4/9/96; 2004 Code, sec. 6.02)

§ 1.02.003. Composition of emergency management organization.

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

(Ordinance 70, sec. 1, adopted 4/9/96; 2004 Code, sec. 6.03)

§ 1.02.004. Powers and duties of emergency management director.

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

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster were to occur.
- (2) Supervision of the development and approval of an emergency management plan for the city, and shall recommend for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.
- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant upon the disaster prevent or impede, promptly filed with the city secretary.
- (5) Direction and control of the operations of the city emergency management organization as well as the training of emergency management personnel.

- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
 - (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
 - (8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
 - (9) Supervision of the drafting and execution of mutual aid agreements in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the county-wide coordination of emergency management efforts.
 - (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
 - (11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.
 - (12) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.
 - (13) Other requirements as specified in the Texas Disaster Act of 1975, Texas Government Code, chapter 418.
- (Ordinance 70, sec. 2, adopted 4/9/96; 2004 Code, sec. 6.04)

§ 1.02.005. Emergency management plan.

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

(Ordinance 70, sec. 3, adopted 4/9/96; 2004 Code, sec. 6.05)

§ 1.02.006. Interjurisdictional program.

The mayor is hereby authorized to join with the county judge of the County of Donley in the formation of an emergency management council for Donley County and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the city.

(Ordinance 70, sec. 4, adopted 4/9/96; 2004 Code, sec. 6.06)

§ 1.02.007. Override.

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

(Ordinance 70, sec. 5, adopted 4/9/96; 2004 Code, sec. 6.07)

§ 1.02.008. Liability.

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

(Ordinance 70, sec. 6, adopted 4/9/96; 2004 Code, sec. 6.08)

§ 1.02.009. Commitment of funds.

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

(Ordinance 70, sec. 7, adopted 4/9/96; 2004 Code, sec. 6.09)

§ 1.02.010. Offenses; penalty.

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.
- (d) Convictions for violations of the provisions of this article shall be punishable by a fine not to exceed the maximum allowable by state statute.

(Ordinance 70, sec. 8, adopted 4/9/96; 2004 Code, sec. 6.10)

ARTICLE 1.03
DISCRIMINATION

DIVISION 1
Generally

§ 1.03.001. through § 1.03.030. (Reserved)

DIVISION 2

Fair Housing**§ 1.03.031. Definitions.**

For the purpose of this division, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the masculine gender include the feminine, words in the plural number include the singular, and words in the singular member include the plural.

Age means the calendar age of an individual eighteen (18) years of age or over.

Creed means any set of principles, rules, opinions and precepts formally expressed and seriously adhered to or maintained by a person.

Discriminatory housing practice means an act that is unlawful under section 1.03.032, 1.03.033 or 1.03.034 of this division.

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

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

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

Marital status means an individual's status as a single, married, divorced, widowed or separated person.

Parenthood means a person's status as a parent or legal guardian of a child or children under the age of eighteen (18).

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries and any other organization or entity of whatever character.

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

Physical or mental impairment shall include:

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

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

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

(Ordinance 73, sec. 1, adopted 5/5/98; 2004 Code, sec. 4.30)

§ 1.03.032. Discrimination in sale or rental of housing.

Except as exempted by section 1.03.035, it shall be unlawful for any person to:

- (1) Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, a dwelling to any person because of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age.
- (2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age.
- (3) Make, print, publish or cause to be made, printed or published any notice, statement or advertisement regarding the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or [age], or any intention to make any such preference, limitation or discrimination.
- (4) Represent to any person because of race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) For profit, or with the hope or expectation of profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age.
- (6) For profit, or with the hope or expectation of profit, influence or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord or tenant of a dwelling so as to promote the maintenance of racially segregated housing or so as to retard, obstruct, or discourage racially integrated housing.

(Ordinance 73, sec. 3, adopted 5/5/98; 2004 Code, sec. 4.31)

§ 1.03.033. Discrimination in financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise, whose business consists in whole or in part of the making of commercial or residential real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against any such person in the fixing of the amount, interest rate, brokerage points, duration, or other terms or conditions of such loan or other financial assistance, because of:

- (1) The race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age of such person or of any person associated with him in connection with such loan or other financial assistance; or
- (2) The race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings for which such a loan or other financial assistance is to be made or given.

(Ordinance 73, sec. 4, adopted 5/5/98; 2004 Code, sec. 4.32)

§ 1.03.034. Discrimination in provision of brokerage services.

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

(Ordinance 73, sec. 5, adopted 5/5/98; 2004 Code, sec. 4.33)

§ 1.03.035. Exemptions and exclusions.

(a) There shall be exempted from the application of section 1.03.032 hereof all transactions involving:

- (1) The rental of units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such units as his residence;
- (2) The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered;
- (3) The sale or rental of any single house by a private individual who owns such house, provided that:
 - (A) The sale or rental is made without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person;
 - (B) The sale is made without the publication, posting or mailing of any advertisement or written notice in violation of this division (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title);
 - (C) The owner does not own more than three single-family houses at the time of the sale; and
 - (D) The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental or more than three such single-family houses at any one time.

If the owner does not reside in the house at the time of sale or was to [not] the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period.

- (b) Nothing in this division shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of

race, color, sex, national origin, mental or physical disability, marital status, parenthood or age.

- (c) Nothing in this division shall prohibit a bona fide private club, not in fact open to the public, which as an incident to its primary purpose provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (d) Nothing in this division shall bar any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such housing accommodation.
- (e) Nothing in this division shall prohibit the sale, rental, lease or occupancy of any dwelling designed and operated exclusively for senior adults and their spouses, unless the sale, rental, lease or occupancy is further restricted on account of race, color, creed, religion, sex, national origin, physical or mental handicap and marital status.
- (f) Nothing in this division shall bar a person who owns, operates or controls rental dwellings, whether located on the same property or on one or more contiguous parcels of property, from reserving and grouping of dwellings for the rental or lease to tenants with a minor child or children; provided, however, in the event that said reserved area is completely leased or rented, the person owning, operating or controlling said rental dwelling may not refuse to rent or lease any other available dwelling to the prospective tenant on the basis of the tenant's status as parent or any other of the protected classifications set forth in this division.

(Ordinance 73, sec. 6, adopted 5/5/98; 2004 Code, sec. 4.34)

§ 1.03.036. Fair housing administrator.

The mayor shall appoint and the council shall confirm a fair housing administrator (hereinafter referred to as "administrator"), who shall have the responsibility for implementing this division. The administrator may delegate his authority to investigate and conciliate complaints to other city employees under his direction.

(Ordinance 73, sec. 7, adopted 5/5/98; 2004 Code, sec. 4.35)

§ 1.03.037. Complaints.

- (a) Only the person who claims to have been injured by a discriminatory housing practice [or] who believes he will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (hereinafter referred to as "person aggrieved") may file a complaint with the administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The administrator shall prepare complaint forms and furnish them without charge to any person, upon request.
- (b) A copy of all complaints filed with the city shall also be forwarded to the Fair Housing and Equal Opportunity Division of the Region VI office of the Department of Housing and Urban Development.
- (c) The administrator shall provide for free administrative counseling to those complainants who wish to file a private suit for relief in the local, state or federal court.
- (d) If at any time the administrator shall receive or discover credible evidence and shall have

probable cause to believe that any person or persons have committed or are committing a discriminatory housing practice as to which no complaint has been filed, the administrator may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

- (e) The administrator shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to subsection (a) of this section.
- (f) All complaints shall be filed within sixty (60) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the administrator shall provide notice of the complaint by furnishing a copy of such complaint to the persons named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.
- (g) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

(Ordinance 73, sec. 8, adopted 5/5/98; 2004 Code, sec. 4.36)

§ 1.03.038. Investigation.

- (a) Upon the filing or referral of a complaint as herein provided, the administrator shall cause to be made a prompt and full investigation of the matter stated in the complaint.
- (b) If the administrator determines that there is not probable cause to believe that a particular alleged discriminatory housing practice has been committed, the administrator shall take no further action with respect to that alleged offense. Any person, firm or corporation violating any provision of this division may be enjoined by order of a court of competent jurisdiction, and this remedy is in addition to any other penalty provision.

(Ordinance 73, sec. 9, adopted 5/5/98; 2004 Code, sec. 4.37)

§ 1.03.039. Fair housing provisions not to supersede zoning laws.

The city has established zoning laws for the placement of structures and businesses within the city limits. Nothing contained within this division is designed to be construed as superseding the zoning laws of the city.

(2004 Code, sec. 4.38)

GENERAL PROVISIONS

HOWARDWICK CODE

Chapter 2

ADMINISTRATION AND PERSONNEL

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ARTICLE 2.01
GENERAL PROVISIONS

§ 2.01.001. City incorporated under state law.

The city hereby accepts as its organic law all the provisions of title 22, Revised Statutes of Texas, 1911, and amendments thereto, relating to cities and towns.
(2004 Code, sec. 1.10)

§ 2.01.002. City boundaries.

The boundaries of the city are as prescribed by the various enactments on file in the office of the city secretary, and as graphically displayed on a map of the city located in such office.
(2004 Code, sec. 1.09)

§ 2.01.003. Fiscal year.

The fiscal year for accounting and budgeting purposes of the city shall begin on the first (1st) day of October of each calendar year and shall terminate on the thirtieth (30th) day of September of the next succeeding calendar year.
(Ordinance 14, sec. 1, adopted 8/4/73; 2004 Code, sec. 2.90)

§ 2.01.004. Purchase and use of vehicles and equipment.

- (a) Use outside city. All city vehicles, including autos, trucks and equipment, shall be limited to the city limits except:
- (1) When used for official business.
 - (2) With prior approval by the city council.
 - (3) Fire truck and equipment when needed in adjoining areas.
- (b) Council approval required for other than city use. All vehicles and equipment may only be used for other than city use after due approval by the city council.
- (c) Record of expenditures. A record shall be kept in the city hall of appropriate information of all expenditures such as dates, mileage reading, number of gallons of gas used, etc.
- (d) Purchases. All purchases of equipment and expenditures shall be acted on through the proper committee and then presented in a regular session of the city council for appropriate action.
- (e) Quorum required for council action. All city council action must require a quorum for action.
(Ordinance 18 adopted --/--; Ordinance 81, sec. 1, adopted --/--; 2004 Code, secs. 2.60–2.64)

ARTICLE 2.02
MAYOR AND COUNCIL

DIVISION 1
Generally

§ 2.02.001. through § 2.02.030. (Reserved)

DIVISION 2

Meetings and Rules of Procedure**§ 2.02.031. Authority.**

The city council shall determine its own rules and procedures. The city council shall have all powers necessary to properly discharge the duties imposed upon it. In order to provide the framework for the execution of these powers and authority, the following set of rules shall be in effect upon their adoption by the city council and until such time as they are amended or new rules adopted in the manner provided by these rules.

(Ordinance 111, sec. 1, adopted 8/14/18)

§ 2.02.032. General provisions.

- (a) Open meetings. All meetings of the city council shall be open to the public, with the exception of executive sessions.
- (b) Terminology. For purposes of these rules, the collective membership of the mayor and aldermen shall be known as the city council. Individually, each shall be referred to as mayor and council member.
- (c) Quorum. Three (3) voting members of the city council shall constitute a quorum.
- (d) Minutes of meetings. An account of all proceedings of the city council shall be kept by the city secretary and shall be entered in a book constituting the official record of the city council. The official city council minutes are action minutes and provide the action taken by the city council and a summary of subjects discussed. The city secretary shall attend all meetings of the city council unless expressly excused, and shall keep the official minutes and perform such other duties requested by the city council.

(Ordinance 111, sec. 2, adopted 8/14/18)

§ 2.02.033. Types of meetings.

- (a) Regular meetings. Regular meetings of the city council shall be held on the second Tuesday of the month at 6 p.m. at City Hall, 245 Rick Husband Blvd. Provided further, the city council may authorize the holding of a regular meeting at a time, place or location other than as set forth herein if deemed necessary by city council due to conflict with city holidays, or for public accommodation and convenience. The council shall determine whether or not to continue its meeting for additional time if the 1.5 hours they have allotted will expire and further items are on the agenda and have not been considered. The call for and conduct of all meetings of the city council, both regular and special, shall be in accordance with the state law and the Open Meetings Act.
- (b) Special meetings. Special meetings of the council shall be called by the mayor upon his or her own motion, or on the written request of a majority (3) of the members of the council qualified and serving, or upon motion and majority (3) vote of the council during a council meeting; the city secretary shall post notice of such meeting in accordance with state law and the Open Meetings Act.
- (c) Executive sessions. Executive sessions (closed sessions) shall be conducted in accordance with the Texas Open Meetings Act whenever the city council finds it appropriate during a meeting. All matters discussed in executive sessions may be deemed confidential and, by law, members

of the city council and participants authorized to attend executive sessions shall not make selective disclosure of confidential matters where the information has not been released to the public.

- (d) Recessed meetings. Any meeting of the city council may be recessed to a later time provided that no recess shall be for a longer period than until the next regularly scheduled city council meeting. Such recess shall be held upon the approval of the vote of the majority of the city council. Additional notice shall be posted in accordance with the Open Meetings Act for any recess that is set beyond the next business day.
- (e) Work session meetings.
 - (1) Work session meetings may be called by the mayor or any three (3) council members for the purpose of discussing in depth, investigating or exploring matters of interest to the city, without formal action being taken thereon by the city council. The time, place and purpose of such work session meeting shall be stated in a notice complying with the Texas Open Meetings Act. Such work session meeting may be held in any appropriate location inside or outside city hall with concurrence by any three (3) council members or as determined by the mayor. Such work session meetings may include, but not limited to, meetings with neighboring governmental bodies or agencies, meetings with one of the city's appointed boards, commissions or committees or a meeting for the council members to research, evaluate, explore, investigate or discuss any matter of interest or possible action affecting the city, subject to compliance with the provisions of the Texas Open Meetings Act.
 - (2) The city council may establish regular work session meetings immediately prior to regular city council meetings. In conjunction with the regularly scheduled city council meeting, a pre city council work session shall be held at 3:00 p.m., the Monday prior to the regular city council meeting, unless otherwise specified. The agenda for the city council work session meeting shall include, among other items: routine reports, information related to the regular agenda items, and issues for which the city council seeks direction or clarification.

(Ordinance 111, sec. 3, adopted 8/14/18; Ordinance adopting 2023 Code)

§ 2.02.034. Conduct of meetings.

- (a) Mayor to preside at meetings. The mayor shall preside at all meetings of the council, but if for any reason the mayor is absent from the city, sick or unable to act, then the mayor pro-tem shall preside at such meetings.
- (b) Call to order. The meetings of the city council shall be called to order by the presiding officer.
- (c) Motions. The following motions are available to be made:
 - (1) Main motion. A subject shall be introduced by a main motion. The presiding officer shall seek a motion on the agenda item, but in the absence of any such motion, the presiding officer may make a motion. Once the motion is seconded, no other topics should be taken up until after the motion is disposed of in accordance with these rules. The main motion may be modified at the initiative of the movant and [with] the concurrence of the council member who seconded the main motion.
 - (2) Second. Any motion requires a second or it dies for lack of a second.
 - (3) Motion to table or postpone to a time certain. This motion requires that consideration of the

main motion be delayed until a certain, stated time for, among other reasons, obtaining more information. A future date certain shall be set when the subject is considered. This motion is debatable and requires a majority vote of the members present for passage.

- (4) Motion to call the question. This motion is made to end discussion that has become lengthy, repetitious, or futile. When seconded, the presiding officer immediately calls the vote on the question of closing the discussion. This motion is not debatable and requires a majority vote of the members present for passage. If a motion to call the question is approved, any council member who has not yet been heard shall be allowed up to three (3) minutes to comment on the item prior to the vote.
 - (5) Motion to reconsider. The council may reconsider a vote during the same meeting on motion by a member who voted on the prevailing (winning) side of an issue. This motion is debatable and requires a majority of the members present for passage. If that vote is affirmative, a second vote is held on the issue to be reconsidered.
 - (6) Frivolous or delaying motions. The presiding officer shall not entertain any motion that is frivolous or clearly made for purpose of delay.
 - (7) Point of order, questions and inquiries.
 - (A) A point of order may be raised at any time and supersedes any issue being discussed at the time. No second is required for a point of order and no debate is allowed. The presiding officer shall rule on the point of order before proceeding.
 - (B) Whenever necessary, advice may be asked as to correct procedures of [or] facts may be requested. The presiding officer shall respond to the question or refer it to the proper person.
 - (8) Motion to adjourn.
 - (A) At the conclusion of business, the presiding officer may declare the meeting adjourned without waiting for a motion, but a member may move to keep the meeting open in order to make a motion to reconsider or to ask that an item be placed on a future agenda or a member may move to adjourn.
 - (B) When the meeting is adjourned by a vote of the body, the meeting is immediately halted.
 - (d) Preservation of order. The mayor or presiding officer shall preserve the order and decorum of the council meetings.
 - (e) Questions to be stated; announcement of result. The mayor or presiding officer shall state all questions submitted for a vote and announce the result.
- (Ordinance 111, sec. 4, adopted 8/14/18)

§ 2.02.035. Decorum and debate.

- (a) It is imperative that the mayor or presiding officer maintain order at all times. The mayor must not permit debate or comments from any who have not been recognized. Recognition will be considered to any council member who addresses the presiding officer as mayor or mayor pro-tem. Interruptions must be silenced by voice, use of gavel or other means, and, in the event of any person's failure to heed the directions of the mayor or presiding officer, the individual may be

removed.

- (b) When a measure is presented to the council for consideration, the presiding officer shall recognize the appropriate individual to present the case. No member of the council shall interrupt another who is speaking except to make a point of order. No member shall speak more than five minutes on any question.
- (c) The mayor shall not be obligated to recognize any council member for a second comment on the subject until every council member wishing to speak has been allowed a first comment. Council members have the right to yield their time or a portion of their time to another member.
- (d) The mayor and council members shall not be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge or deliberate misrepresentation [sic], or use language tending to hold a member of the city council up to contempt.
- (e) If a member is speaking without being recognized or otherwise transgressing the rules of the council, the presiding officer shall, or any council member may, call him or her to order in which case he or she shall immediately be quit unless permitted to explain. (A council member who is disorderly may be removed from the meeting, but this should only be a last resort.)

(Ordinance 111, sec. 5, adopted 8/14/18)

§ 2.02.036. Agenda.

- (a) The order of business at each meeting shall be as contained in the city council agenda prepared by the mayor. The agenda shall be a listing by topic of subjects to be considered by the city council, and, in the case of regular meetings, shall be delivered to the city council not less than 72 hours preceding the scheduled meeting to which it pertains.
- (b) The mayor will be able to place any item on an agenda at his or her discretion. Similarly, upon written request, including email, council members' requests shall be included on the agenda. Each council member is limited to 5 items per month and must be received by the city secretary no later than 12:00 p.m., 10 days prior to the next regular Tuesday scheduled meeting. Once an agenda item has been requested per the above, such agenda item can only be removed from the agenda by the person who requested it.
- (c) Upon final completion and approval by the mayor, the agenda for the next council meeting shall be distributed to the full city council 72 hours preceding the scheduled meeting along with the agenda packet that includes all topics to be discussed or voted on, unless it is of an emergency nature as authorized by the Texas Open Meetings Act and comes to the city's attention too late to appear on the agenda.
- (d) Any item not appearing on the agenda shall not be taken up for discussion as a matter of city council business during a regular meeting unless it is of an emergency nature as authorized by the Texas Open Meetings Act and may be added as a supplemental item to the regular agenda.
- (e) The city secretary shall post notices of all city council meetings in order to afford compliance with the Texas Open Meetings Act and also post any required notices publicly and in the newspaper.

(Ordinance 111, sec. 6, adopted 8/14/18)

§ 2.02.037. Citizen participation.

- (a) As a general rule, citizens may not participate in discussions of the city council except when recognized by the mayor or if added to the agenda by a city council member. Council members who elect to sponsor a citizen on the agenda must realize this counts towards one of their 5 items allotted for the month.
- (b) As time permits during a city council meeting the mayor may elect to hear from citizens. Each citizen will be given 3 minutes to make their comment or ask a question. Council members are not allowed to discuss any presented issue nor may they take action on any issue at this time. If time does not allow for citizens to address the council, they will be able to fill out the question or comment form provided. If any form requires action by the council it will be considered for the next agenda.

(Ordinance 111, sec. 7, adopted 8/14/18)

ARTICLE 2.03
OFFICERS, EMPLOYEES AND DEPARTMENTS

DIVISION 1
Generally

§ 2.03.001. Administrative officer.

The administrative officer of the city shall be the city secretary. All of the duties of the city secretary are set forth in separate sections of this code. The bond required of the city secretary shall not be less than the amount it is estimated will be in the hands of such office in any one calendar month.

(Ordinance 22, sec. 1, adopted 1/13/73; Ordinance 82, sec. 1, adopted --/--; 2004 Code, sec. 2.01)

§ 2.03.002. Term of appointive officers.

All appointive officers of the city shall hold their office during the pleasure of the city council and shall deliver up their commissions, respectively, upon the request of the city council.

(Ordinance 22, sec. 1, adopted 1/13/73; Ordinance 82, sec. 1, adopted --/--; 2004 Code, sec. 2.02)

§ 2.03.003. Texas Municipal Retirement System.

State law pertaining to the Texas Municipal Retirement System codified as V.T.C.A., Government Code, chapter 851 et seq. is hereby adopted by reference. The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city, are not included in this article, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary.

(Ordinance adopting 2023 Code)

§ 2.03.004. through § 2.03.030. (Reserved)

DIVISION 2
City Secretary

§ 2.03.031. Appointment.

The city secretary shall be appointed by the governing body of the city. The position of city secretary may be either full- or part-time as the city council may direct from time to time.

(Ordinance 22, sec. 2, adopted 1/13/73; Ordinance 82, sec. 2, adopted --/--; 2004 Code, sec. 2.10)

§ 2.03.032. Duties.

The city secretary shall:

- (1) Seal and attest all contracts of the city and all licenses, permits and such other documents as shall require this formality;
- (2) Keep accounts showing all money received by him and the source and disposition thereof, and such other accounts as may be required by statute or ordinance;
- (3) In addition to the record of ordinances and other records which the clerk is required by statute to keep, he shall keep a register of all licenses and permits issued and the payments thereon, a record showing all of the officers and regular employees of the city, and such other records as may be required by the city council;
- (4) Be the custodian of the city seal, and shall affix its impression on documents whenever this is required;
- (5) Be the custodian of all documents belonging to the city which are not assigned to the custody of some other officer;
- (6) Keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had;
- (7) Be the financial officer of the city unless otherwise directed;
- (8) In addition to the duties herein provided the clerk shall perform such other duties and functions as may be required by statute or ordinance.

(Ordinance 22, sec. 2, adopted 1/13/73; Ordinance 82, sec. 1, adopted --/--; 2004 Code, sec. 2.11)

§ 2.03.033. through § 2.03.060. (Reserved)

DIVISION 3
Financial Officer

§ 2.03.061. Designated.

The city secretary, unless otherwise specified or directed, shall be designated as the financial officer for the city and shall perform the duties of the financial officer as described in the sections below. (Ordinance 22, sec. 3, adopted 1/13/73; Ordinance 82, sec. 3, adopted --/--; 2004 Code, sec. 2.20)

§ 2.03.062. Duties.

The financial officer shall:

- (1) Give bond in such sum as may be required by the city council, but the bond shall not be less than the amount of the estimated revenues and special assessments of the city for the current year, with sureties to be approved by the city council. The bond shall be conditioned upon the faithful performance by the financial officer of his duties of office, and to indemnify the city for any loss due to any neglect of duty or wrongful act on the part of the officer;
- (2) Perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid to the city, either directly from the person paying it or from the hands of such other officer as may receive it, and he shall pay out only on vouchers or orders properly signed by the mayor or the mayor's designee;
- (3) Deposit the city funds in such depositories as may be selected from time to time as is provided by statute, and he shall keep the city money separate and distinct from his own, and shall not intermingle his own money with it or make private or personal use of city funds;
- (4) Keep such records showing all money received by him, the source from which it was received, and the purpose for which it was paid out, and he shall keep a record showing at all times the financial status of the city;
- (5) Keep such books and accounts as may be required by the city council, and shall keep them in the manner required by law;
- (6) Make monthly reports to the council showing the state of the finances of the city, and the amounts received and spent during the month, which reports shall be filed. And he shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the city and his transactions during the preceding year;
- (7) Keep a register of all warrants, bonds or orders filed with him or paid by him, and all vouchers, as is required by statute.

(Ordinance 22, sec. 3, adopted 1/13/73; Ordinance 82, sec. 3, adopted --/--; 2004 Code, sec. 2.21)

§ 2.03.063. through § 2.03.090. (Reserved)

DIVISION 4
City Attorney

§ 2.03.091. Appointment.

The city attorney may be appointed by the governing body of the city at the pleasure of the city council and shall deliver up his commission, respectively, upon the request of the city council.

(Ordinance 22, sec. 4, adopted 1/13/73; Ordinance 82, sec. 4, adopted --/--; 2004 Code, sec. 2.30)

§ 2.03.092. Duties; compensation.

The city attorney shall:

- (1) Prosecute or defend any and all suits or actions at law or equity to which the city may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the city on behalf of the city, or in the capacity of such person as an officer of the city;
- (2) See to the full enforcement of all judgments or decrees rendered or entered in favor of the city, and of all similar interlocutory orders;
- (3) Be the legal advisor of the city, and shall render advice on all legal questions affecting the city, whenever requested to do so by any city official. Upon request by the mayor or by the council, he shall reduce any such opinion to writing;
- (4) See to the completion of all special assessment proceedings and condemnation proceedings;
- (5) Draft or supervise the phraseology of any contract, lease or other documents or instruments to which the city may be a party, and upon request of the council, draft ordinances covering any subjects within the power of the city;
- (6) Receive for his services a retainer in the amount set by resolution of this body which shall be full compensation for all advisory services, the drafting of ordinances, contracts and other documents, and all services other than those rendered in connection with bond issues, or with litigation to which the city or its officers or employees in their official capacity may be parties. For any services not covered by the retainer he shall receive such compensation as may be authorized by the governing body.

(Ordinance 22, sec. 4, adopted 1/13/73; Ordinance 82, sec. 4, adopted --/--; 2004 Code, sec. 2.31)

§ 2.03.093. Bond counsel.

Nothing herein shall be construed as a limitation upon the governing body to appoint bond counsel in connection with any long-term financing accomplished by the city.

(Ordinance 22, sec. 4, adopted 1/13/73; Ordinance 82, sec. 4, adopted --/--; 2004 Code, sec. 2.32)

§ 2.03.094. through § 2.03.120. (Reserved)

DIVISION 5
City Engineer

§ 2.03.121. Appointment.

The city engineer may be appointed by the governing body of the city at the pleasure of the city council and shall deliver up his commission, respectively, upon the request of the city council.

(Ordinance 22, sec. 5, adopted 1/13/73; Ordinance 82, sec. 5, adopted --/--; 2004 Code, sec. 2.40)

§ 2.03.122. Duties.

The city engineer shall:

- (1) Keep accurate maps, plats and records of all public works, lands or property owned by the city;
- (2) Advise the council and city officials on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance, and in addition thereto such other duties as from time to time may be imposed upon him by the council. He shall, from time to time, as required by the council, make reports regarding public improvements, repairs of streets, bridges and sidewalks, or such other work as the council may request, and shall make such suggestions to the city council, regarding the same, as shall in his judgment seem best and proper.

(Ordinance 22, sec. 5, adopted 1/13/73; Ordinance 82, sec. 5, adopted --/--; 2004 Code, sec. 2.41)

§ 2.03.123. Hiring on consulting basis.

A registered professional engineer may be retained on a consulting basis and charged with responsibilities set forth in this division, but if this course is followed, the engineer shall not be an officer of the city but shall be an independent contractor.

(Ordinance 22, sec. 5, adopted 1/13/73; Ordinance 82, sec. 5, adopted --/--; 2004 Code, sec. 2.42)

§ 2.03.124. through § 2.03.150. (Reserved)

DIVISION 6
Code Enforcement Department

§ 2.03.151. Creation; qualifications of code enforcement officers.

There is hereby established a code enforcement department for the enforcement of code provisions as provided in the Texas Local Government Code, Texas Health and Safety Code, and Texas Transportation Code, and other applicable law, and to ensure compliance with said state codes and city ordinances, rules, and regulations. Only a duly registered and licensed code enforcement officer, in good standing with the state, specifically granted the powers of citation by this division, may engage in actual code enforcement activities and issue citations.

(Ordinance 105, sec. 1.01, adopted 3/20/15)

§ 2.03.152. Designation of director.

The director of the code enforcement department shall be the mayor or his appointee.

(Ordinance 105, sec. 1.02, adopted 3/20/15)

§ 2.03.153. Powers and functions of director.

The director of the code enforcement department shall have the following powers and perform the following functions:

- (1) Manage the preparation of the annual budget for the code enforcement department, authorize appropriate expenditures and carry out the adopted budget, develop and manage programs, and undertake authorized activities.
- (2) Establish a system for the enforcement of code provisions as provided in the Texas Local Government Code, Texas Health and Safety Code, and Texas Transportation Code, and other applicable law, and to ensure compliance with said state codes and city ordinances, rules, and regulations by all legal means.
- (3) Manage the administration, operations, logistics and legal compliance issues of any additional sub-departments and/or job titles placed under the code enforcement department by order of the city council.
- (4) Manage the acquisition of equipment in the code enforcement department, if necessary, whether by purchase or lease, subject to approval by the city council.
- (5) Perform other functions and execute such other powers as may be deemed relevant from time to time by the city council.

(Ordinance 105, sec. 1.03, adopted 3/20/15)

§ 2.03.154. through § 2.03.180. (Reserved)

DIVISION 7
City Marshal

§ 2.03.181. Positions established.

- (a) The position of city marshal for the municipal court of the city is hereby created. The city marshal shall be certified as a licensed peace officer by the state commission on law enforcement officer standards and education. There may not be more than one city marshal at any time. The city marshal position may be a part-time paid or volunteer non-paid position, on an as-needed basis. The city marshal is the ex officio chief of police of the city.
- (b) The position of deputy city marshal, which includes reserve non-paid deputy city marshals, for the city, is hereby created. There may be more than one deputy city marshal at any time, including reserve non-paid deputy marshals, should the city council approve such positions. The deputy city marshals, including reserve non-paid deputy city marshals, shall be certified as licensed peace officers by the state commission on law enforcement officer standards and education. The city marshal may appoint one or more deputies subject to approval by the city council.
- (c) The city marshal, deputy city marshals and reserve non-paid deputy city marshals shall be appointed for an indefinite period and shall be subject to discharge without cause or appeal upon the affirmative vote of the city council.

(Ordinance 128, sec. 1.001, adopted 12/14/21)

§ 2.03.182. Supervision.

The city council shall supervise the city marshal. The city marshal shall supervise the deputy city marshals and reserve non-paid deputy marshals.

(Ordinance 128, sec. 1.002, adopted 12/14/21)

§ 2.03.183. Duties and authority.

- (a) The city marshal and deputy city marshals, including reserve non-paid deputy city marshals, shall have full law enforcement power, authority, and jurisdiction, consistent with state law, as a peace officer under the Code of Criminal Procedure, to execute warrants, to prevent or suppress crime and to arrest offenders, including but not limited to the authority to carry firearms, issue traffic citations, and enforce city codes. In addition, the duties shall be as follows:
 - (1) To execute warrants of arrest, subpoenas, summons, writs and other legal process issuing out of the municipal court;
 - (2) To serve as court bailiff in the municipal court and provide the court and court offices with security, acting under the direction of the municipal court judge;
 - (3) Transport individuals being arrested on city warrants between municipal court and county booking and detention facilities;
 - (4) To enforce all city, state, and federal laws;
 - (5) To perform other such duties as assigned by the municipal court judge; and
 - (6) To perform such duties, not inconsistent with state law, as assigned by the city council.
- (b) The city marshal shall perform all assigned duties acting under the direction of the city council.

The deputy city marshals, including reserve non-paid deputy city marshals, shall perform all assigned duties acting under the direction of the city marshal and in accordance with written guidelines implemented by resolution of the city council.

(Ordinance 128, sec. 1.003, adopted 12/14/21)

§ 2.03.184. Benefits; qualifications and training.

- (a) The city marshal and the deputy city marshals, including reserve non-paid deputy city marshals, are eligible for membership in the Texas Municipal Retirement System. The city marshal and deputy city marshals, including reserve non-paid deputy city marshals, are paid law enforcement officers for the purposes of survivor assistance benefits.
- (b) The city marshal and the deputy city marshals, including reserve non-paid deputy city marshals, must maintain the appropriate licenses and/or certifications required for licensed peace officers by the state commission on law enforcement officer standards and education. To the extent applicable, the city marshal and the deputy city marshals, including non-paid city marshals, shall be subject to the training and procedures outlined in the general orders and standard operating procedures adopted by the city council.

(Ordinance 128, sec. 1.003, adopted 12/14/21)

§ 2.03.185. Oath of office; bond.

The city marshal and deputy city marshals, including reserve non-paid deputy city marshals, shall be required to take an oath of office before entering upon the discharge of their duties. The oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the city secretary. The city marshal and deputy city marshals, including reserve non-paid city marshals, shall be required to execute a bond payable to the city and conditioned that the officer will faithfully perform the duties of the office consistent with section 22.076 of the Texas Local Government Code.

(Ordinance 128, sec. 1.004, adopted 12/14/21)

**ARTICLE 2.04
MUNICIPAL COURT**

**DIVISION 1
Generally**

§ 2.04.001. Established; appointment of judge.

There does exist a municipal court, which court shall be governed by the statutes set forth in V.T.C.A., Government Code, chapter 29, whose judge shall be appointed by the board of aldermen.
(Ordinance 79, sec. 1, adopted --/--; 2004 Code, sec. 2.50)

§ 2.04.002. through § 2.04.030. (Reserved)

DIVISION 2

Fees, Costs and Special Assessments

§ 2.04.031. Collection fee.

In accordance with article 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e., fines, fees, court costs, restitution, and other debts, that are more than sixty (60) days past due and have been referred to a private firm (Perdue) for collection.

(Ordinance 100 adopted 3/19/14)

ARTICLE 2.05 RECORDS MANAGEMENT

§ 2.05.001. Definitions.

Department head means the officer who by ordinance or administrative policy is in charge of an office of the city that creates or receives records.

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

Municipal records. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this code or procedures authorized by it and in no other manner.

Permanent record means any record of the city for which the retention period on a records control schedule is given as permanent.

Records control schedule means a document prepared by or under the authority of the records management officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.

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

Records management officer means the person designated in section 2.05.005 of this article.

Records management plan means the plan developed under section 2.05.006 of this article.

Retention period means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. (Ordinance 78, secs. 1, 2, adopted 7/8/03; 2004 Code, sec. 2.70)

§ 2.05.002. Municipal records declared public property.

No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them.

(Ordinance 78, sec. 3, adopted 7/8/03; 2004 Code, sec. 2.71)

§ 2.05.003. Unauthorized destruction, removal or use of records prohibited.

The unauthorized destruction, removal from files, or use of municipal records is prohibited.

(Ordinance 78, sec. 3, adopted 7/8/03; 2004 Code, sec. 2.72)

§ 2.05.004. Policy.

It is the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

(Ordinance 78, sec. 4, adopted 7/8/03; 2004 Code, sec. 2.73)

§ 2.05.005. Designation of records management officer.

The city secretary, and the successive holders of said office, shall serve as records management officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty days of the initial designation or of taking up the office, as applicable.

(Ordinance 78, sec. 5, adopted 7/8/03; 2004 Code, sec. 2.74)

§ 2.05.006. Records management plan.

The records management officer shall develop a records management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this code effectively.

(Ordinance 78, sec. 6, adopted 7/8/03; 2004 Code, sec. 2.75)

§ 2.05.007. Records management plan binding.

Once approved by the city council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan. State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this code and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

(Ordinance 78, sec. 6, adopted 7/8/03; 2004 Code, sec. 2.76)

§ 2.05.008. Duties of records management officer.

In addition to other duties listed in this code, the records management officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation;
- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) In cooperation with department heads, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of

the city;

- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
 - (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
 - (7) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
 - (8) Disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
 - (9) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the city are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
 - (10) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
 - (11) Report annually to the city council on the implementation of the records management plan in each department of the city, including summaries of the statistical and fiscal data compiled under subsection (10); and
 - (12) Bring to the attention of the city council noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.
- (Ordinance 78, sec. 7, adopted 7/8/03; 2004 Code, sec. 2.77)

§ 2.05.009. Duties and responsibilities of department heads.

In addition to other duties assigned in this code, department heads shall:

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this code;
 - (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
 - (3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this code.
- (Ordinance 78, sec. 8, adopted 7/8/03; 2004 Code, sec. 2.78)

§ 2.05.010. Adoption of records control schedules.

- (a) The records management officer, in cooperation with department heads, shall prepare records control schedules on a department-by-department basis listing all records series created or received by the department and the retention period for each series. Records control schedules

shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

- (b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.
- (c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the city council.
- (d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.

(Ordinance 78, sec. 9, adopted 7/8/03; 2004 Code, sec. 2.79)

§ 2.05.011. Implementation of records control schedules.

A records control schedule for a department that has been approved and adopted under section 2.05.010 shall be implemented by the city secretary according to the policies and procedures of the records management plan.

(Ordinance 78, sec. 10, adopted 7/8/03; 2004 Code, sec. 2.80)

§ 2.05.012. Destruction of records under schedule.

- (a) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the records management officer that the record be retained for an additional period.
- (b) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the city council.

(Ordinance 78, sec. 10, adopted 7/8/03; 2004 Code, sec. 2.81)

§ 2.05.013. Destruction of unscheduled records.

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request.

(Ordinance 78, sec. 10, adopted 7/8/03; 2004 Code, sec. 2.82)

ARTICLE 2.06
TAXATION

DIVISION 1
Generally

§ 2.06.001. through § 2.06.030. (Reserved)

DIVISION 2
Hotel Occupancy Tax

§ 2.06.031. Definitions.

The following words, terms and phrases are, for the purpose of this division, except where the context clearly indicates a different meaning, defined as follows:

Consideration. The cost of the room, sleeping space, bed, or other facility in such hotel, and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room, sleeping space, bed or other facility for occupancy.

Hotel.

- (1) A building or buildings, trailer, or other facility in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, bed and breakfast, and any accommodation hereinafter described under state law, as amended. The term does not include:
 - (A) A hospital, sanitarium, or nursing home;
 - (B) A dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined in state law, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
 - (C) An oilfield portable unit, as defined in state law.
- (2) For purposes of the imposition of a hotel occupancy tax, “hotel” includes a short-term rental. “Short-term rental” means the rental of all or part of a residential property to a person who is not a permanent resident.

Occupancy. The use or possession, or the right to the use or possession, of any room or rooms, sleeping space, bed, or other facility in a hotel for any purpose.

Occupant. Anyone who, for consideration, uses, possesses, or has a right to use or possess any room or rooms, sleeping space, bed, or other facility in a hotel under any lease, concession, permit, right of access, license, contract, or agreement.

Permanent resident. Any occupant who has or shall have the right of occupancy of any room or rooms or sleeping space or other facility in a hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.

Person. Any individual, company, corporation, or association owning, operating, managing, or controlling any hotel.

Quarterly period. The regular calendar quarters of the year, the first quarter being composed of the months of January, February, and March; the second quarter being the months of April, May, and June; the third quarter being the months of July, August, and September; and the fourth quarter being the months of October, November and December.

(Ordinance 125, sec. 1.001, adopted 7/13/21)

§ 2.06.032. Levy of tax; rate; exceptions.

- (a) There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any hotel where such cost of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal of 6% of the consideration paid by the occupant of such room to such hotel.
 - (b) No tax shall be imposed hereunder upon a permanent resident.
 - (c) No tax shall be imposed hereunder upon a corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (Ordinance 125, sec. 1.002, adopted 7/13/21)

§ 2.06.033. Collection.

Every person owning, operating, managing, or controlling any hotel shall collect the tax imposed hereby for the city.

(Ordinance 125, sec. 1.003, adopted 7/13/21)

§ 2.06.034. Reports; payment.

Every person required hereby to collect the tax imposed by this division shall file a report with the city secretary showing the consideration paid for all room occupancies in the preceding quarter, the amount of tax collected on the city's behalf on such occupancies, and any other information as the city secretary may reasonably require. Such person shall pay the tax due on such occupancies at the time of filing such report. There shall also be furnished to the city secretary, at the time of payment of such tax, a copy of the tax report filed with the state comptroller in connection with the state hotel occupancy tax. Each filer qualifies as a quarterly filer having a reporting period of a calendar quarter and for such filer the taxes are due and payable on the 20th day after the end of the calendar quarter.

(Ordinance 125, sec. 1.004, adopted 7/13/21)

§ 2.06.035. Rules and regulations; access to books and records.

The city secretary shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein and shall upon reasonable notice have access to books and records necessary to enable him to determine the correctness of any report filed as required.

(Ordinance 125, sec. 1.005, adopted 7/13/21)

§ 2.06.036. Violations; criminal penalty.

If any person required to collect the tax imposed herein, make reports as required herein, and pay to the city secretary the tax imposed herein shall fail to pay such tax, or if such person shall file a false report, such person shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine in accordance with state law.

(Ordinance 125, sec. 1.006, adopted 7/13/21)

§ 2.06.037. Penalty and interest on delinquent tax.

If any person shall fail to file a report as required herein or shall fail to pay to the city secretary the tax as imposed herein when said report or payment is due, he shall forfeit five percent (5%) of such tax. Provided, however, that the penalty shall never be less than one dollar (\$1.00). Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date due.

(Ordinance 125, sec. 1.007, adopted 7/13/21)

§ 2.06.038. Applicability in extraterritorial jurisdiction.

The provisions of this division, as may be amended, shall apply to all territory within the extraterritorial jurisdiction of the city as the same may exist from time to time, and the same shall be and is hereby imposed upon all applicable persons within the extraterritorial jurisdiction.

(Ordinance 125, sec. 1.008, adopted 7/13/21)

ADMINISTRATION AND PERSONNEL

HOWARDWICK CODE

Chapter 3

ANIMAL CONTROL

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ARTICLE 3.01
GENERAL PROVISIONS

§ 3.01.001. Definitions.

As used in this chapter, the following terms shall be construed to have the following meanings:

Animal means any live, vertebrate creature, domestic or wild.

Animal control officer means the animal control officer, code enforcement officer or other municipal officer or designee appointed by the city council to enforce the provisions of this chapter. In the event there is no animal control officer, the county sheriff may serve as the animal control officer.

At large means any animal not restrained.

Domestic animals means those which are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition specifically includes household pets, such as dogs and cats.

Estray means any stray horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, or head of any species of cattle.

Guard dog means any dog trained or used to protect persons, premises, or property by attacking or threatening to attack any person found within the area patrolled by the dog.

Kennel means any place where five (5) or more dogs, cats or any combination thereof, over the age of four (4) months, are raised, trained, boarded, harbored or kept.

Livestock shall include any horse, donkey, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat or head of any species of cattle.

Local rabies control authority means any person designated by the city council and is also referred to herein as "LRCA."

Other animal means a goose, chicken, duck, rabbit, guinea, pigeon, bird, fowl, or any other animal of a domestic barnyard variety not listed as a wild animal, domestic animal or estray.

Owner means any person who owns, keeps, harbors, controls (physically or orally), feeds, shelters, or aids any animal, or any person who is the owner's agent left in charge of an animal.

Quarantine means isolation and close observation of animals to prevent transmission of certain diseases.

Restrain. Any animal shall be deemed to be restrained when it is:

- (1) Confined within a secure enclosure;
- (2) Prohibited from leaving the premises of the owner due to an electronic restraint system designed for domestic animals to prevent the animal from leaving the premises of the owner;
- (3) Fastened or picketed by a lead, rope, or chain that is six feet (6') or less in length so to as to keep the animal on the premises;
- (4) Under the control of a person by a leash;
- (5) Within a vehicle being driven or parked; or

- (6) At heel and obedient at oral command.

Secure enclosure means a fenced area or structure that:

- (1) Is constructed and maintained in a manner so that the dog cannot escape;
- (2) Is constructed and maintained so that it is capable of preventing the entry of the general public, including children;
- (3) Is of sufficient size to accommodate the dog, considering the size and number of dogs enclosed;
- (4) Has sufficient covering to provide protection from excessive sunlight and precipitation; and
- (5) As defined by article 3.05 of this chapter if the dog has been determined to be a dangerous dog in accordance with chapter 822, Texas Health and Safety Code.

Wild animals means those living in a state of nature and not ordinarily tame or domesticated.

(Ordinance 124, sec. 1, adopted 4/27/21)

§ 3.01.002. Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each such violation shall be considered a separate offense.

(Ordinance 124, sec. 32, adopted 4/27/21; Ordinance adopting 2023 Code)

§ 3.01.003. Nuisance animals.

- (a) Generally. It shall be unlawful for any person to own or maintain an animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:

- (1) Failure to restrain an animal.
- (2) Property damage caused by an animal.
- (3) Maintain an animal in an unsanitary environment.
- (4) Permit an animal to bark, whine, howl, crow, cackle, or make any other noise which causes annoyance or interference with another's reasonable use and enjoyment of his premises.
- (5) Herding of animals along or upon any public right-of-way, except by officers, agents, or employees of the federal, state, or local government or agency thereof, if such herding is done in the performance of official duties.
- (6) The maintenance of a kennel in violation of the zoning ordinances.
- (7) Keeping of more than five (5) dogs or cats (exclusive of a puppy or kitten litter under the age of six months) within a residence.

- (b) Keeping "other animals". All "other animals" authorized to be kept shall be confined to the premises of the owner or custodian of such "other animals," and it shall be unlawful for any person to allow such "other animals" to run or fly at large, or go upon the premises of another person. No "other animals" shall be kept within a front yard of a residence or in a residential area.

- (c) Disposal of dead animals. It shall be unlawful for the owner or custodian of any dead animal which is not intended as food for human consumption to permit or suffer such dead animal to remain upon any premises.
- (d) Keeping livestock. It shall be unlawful to keep any livestock within the city limits unless such livestock is kept in private or commercial premises as authorized in article 3.02 of this chapter. (Ordinance 124, sec. 2, adopted 4/27/21)

§ 3.01.004. Interference with animal control officer.

It shall be unlawful to interfere with or hinder the animal control officer, or the designee thereof, in the performance of his official duty.
(Ordinance 124, sec. 3, adopted 4/27/21)

§ 3.01.005. Records.

It shall be the duty of the animal control officer or his designee to keep, or cause to be kept, accurate and detailed records of:

- (1) Impounding and disposition. Impoundment and disposition of all animals coming into his custody. Such records shall be kept for a period of at least three (3) years and shall give the description of all animals impounded, the date of impounding, the date of sale or other disposition, the amount of money received from the sale, and the name and address of the purchaser.
- (2) Bite cases. All known animal bite cases shall be recorded by the local rabies control authority (LRCA).
- (3) Monies received. Records regarding monies received under the provisions of this chapter shall be open to inspection at reasonable times by persons responsible for similar records of the city, and shall be audited by the city auditor annually in the same manner as other city records are audited.

(Ordinance 124, sec. 4, adopted 4/27/21)

§ 3.01.006. Animal care.

- (a) Duties of person striking animal with motor vehicle. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner. In the event the owner is unavailable or unknown, then such report shall be made to the animal control officer or to the local Humane Society.
- (b) Prohibited traps. No person shall expose an open trap or metal jaw trap likely to injure any domestic animal or person.

(Ordinance 124, sec. 5, adopted 4/27/21)

§ 3.01.007. Rabies vaccination required.

No person shall own, keep or harbor a dog or cat over the age of four (4) months within the city limits unless the dog or cat shall have been vaccinated with an anti-rabies vaccine by a licensed veterinarian. All such animals shall be vaccinated at one (1) year intervals from the initial date on which such animal was vaccinated or required to be vaccinated.

(Ordinance 124, sec. 6, adopted 4/27/21)

§ 3.01.008. Vaccination tag.

Upon compliance with the provisions of section 3.01.007, there shall be issued to the owner a numbered metallic vaccination tag stamped with the number and the month and year issued, which shall be securely fastened such vaccinated dog or cat.

(Ordinance 124, sec. 7, adopted 4/27/21)

§ 3.01.009. Guard dogs.

(a) Guard dogs shall be securely enclosed within the area patrolled at all times or under the continuous control of a trained handler. It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of person or property unless the following provisions are met:

- (1) The dogs shall be confined to an enclosed area adequate to ensure the dog will not escape; or
- (2) The dogs shall be under the absolute control of a handler at all times when not securely enclosed; and
- (3) The owner or other persons in control of premises upon which a guard dog is kept shall post a warning sign at each entrance to such premises, with lettering clearly visible from a distance of fifty (50) feet. In the case of nonresidential or multifamily premises, the sign shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day; and
- (4) Prior to the placing of a guard dog on any nonresidential or multifamily premises, the persons responsible for the placing shall inform the city secretary in writing of their intention to place said dog or dogs, the number of dogs to be placed, the location where said dog or dogs will be placed, and the approximate length of time said dog or dogs will be guarding the area.

(b) For the purpose of this section, the term “nonresidential or multifamily premises” shall mean the placing of guard dogs on any nonresidential or multifamily property, irrespective of ownership of the property of the dog.

(Ordinance 124, sec. 8, adopted 4/27/21)

ARTICLE 3.02
WILD ANIMALS, LIVESTOCK, ESTRAYS AND OTHER ANIMALS

§ 3.02.001. Applicability.

This article shall be applicable only to wild animals, livestock, other animals, or estrays as defined in this chapter.

(Ordinance 124, sec. 9, adopted 4/27/21)

§ 3.02.002. Keeping or harboring; livestock permit.

(a) Prohibitions. It shall be unlawful to keep, harbor or maintain within the city limits the following:

- (1) Bats, skunks, poisonous reptiles, or foxes.
- (2) Any wild animals whose normal mature weight exceeds forty pounds.
- (3) Livestock, except as hereinafter provided.

(b) Exceptions. This section shall not apply to or prohibit the following:

- (1) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity.
- (2) A publicly or privately maintained circus, traveling show or rodeo which does not remain in [the city] longer than fifteen (15) consecutive days.
- (3) Livestock under the following circumstances:
 - (A) Kept under direct supervision by and upon the premises of a public or private school;
 - (B) Kept and being used in a fair that is sponsored or sanctioned by the county, the city or another political subdivision for the duration of such fair;
 - (C) Kept and being used in an authorized or sanctioned livestock show for a period not to exceed seven (7) days.

(c) Livestock permit.

- (1) Required; distance from other residences. It shall be unlawful, from and after the effective date of this section, for any person to keep livestock in the city without first obtaining a permit from the city council. No permit shall be issued to any person for the keeping of any livestock within 200 feet of any residential dwelling bordering the property where the livestock will be kept. Said permit shall be valid only for the location for which it is issued.
- (2) Fee; renewal. The permit fee to keep livestock in the city shall be as set forth in the fee schedule in appendix A of this code. Each permit issued shall only be valid for one year from the date of issuance. Permits may be renewed on an annual basis provided all provisions of this article are in compliance and the renewal fee set forth in the fee schedule is paid to the city secretary.
- (3) Who may have a permit. Only a person who complies with the requirements of this article shall be entitled to receive and retain a permit to keep livestock.

- (4) Application. Every person who is a keeper of any livestock shall make an application, in writing, to the city council for a permit to keep such livestock, which shall contain the following information:
- (A) Where livestock are to be kept on premises already provided with the facilities, a properly prepared plan or sketch of the building or buildings, standings, pen and/or corral, and the manure storage bin, shall be attached to the application.
 - (B) Properly prepared plans for all buildings, standings, pens and/or corrals, and manure storage bins which are hereafter constructed, reconstructed or extensively altered shall be submitted to the mayor for approval before work is begun.
 - (C) There shall be provided also the following information:
 - (i) A statement of the purposes in keeping such livestock;
 - (ii) A statement of the kind and maximum number of livestock to be kept at such location; and
 - (iii) The exact location of the site upon which livestock are to be kept, including the city lot and block number.
- (5) Investigation and consideration. The application shall be directed to the animal control officer for investigation of the premises concerned and he shall report his findings to the city council. The city council shall consider the application, retaining the right to approve or reject the applicant's request for a livestock permit. In addition, the city council shall retain the right to revoke any livestock permit if it finds that premises are being maintained in an unsanitary condition so as to constitute a public nuisance or violation of the permit conditions.
- (6) Adequate fences and barriers. It shall be unlawful for any person to keep on his premises any livestock without providing adequate fences or barriers that will prevent such livestock from escaping and/or damaging neighboring flowers, trees, shrubbery and/or other property located on adjacent property. It shall be a rebuttable presumption that such fences or barriers are inadequate for the designated purpose, if livestock escapes from the premises. This presumption is rebuttable and shall have the effects and consequences set forth in Texas Penal Code section 2.05, as amended. A fence or barrier may include, but is not limited to, electronic barriers, whether underground, electrified wiring, or the erection of any structure of wood or wire, wood and wire, masonry or any other material, whether it encloses land on all sides or only on one or more sides, which is intended to prevent the passage of livestock. Such a fence or barrier is how the land is enclosed so as to prevent the ingress and egress of livestock, and to make a complete enclosure that is sufficient, in usual circumstances, to turn livestock of ordinary habits and disposition.
- (7) Minimum land requirements; prevention of nuisances.
- (A) It shall be unlawful to keep any farm animals within the city limits except under the following conditions:
 - (i) There must be at least 10,000 square feet of open area or space for one to four head of livestock with an additional 2,000 square feet of area or space for each additional head of livestock;

- (ii) All manure and other animal waste shall be revoked [removed] from pens, corrals, yards, or open areas as prescribed by the animal control officer in granting the permit and, at a minimum, must prevent the accumulation or breeding of flies, mosquitoes or other insects;
 - (iii) For any non-grazing livestock or grazing livestock that are given animal feed, all animal feed must be placed on impervious surfaces or in impervious containers; and
 - (iv) Watering troughs or tanks shall be equipped with adequate facilities for draining the overflow to prevent the breeding of flies, mosquitoes or other insects.
- (B) The city council, in granting a livestock permit, may require any other additional reasonable requirement that is consistent with this chapter and is designed to ensure that no nuisance is created by permitting livestock to be located within the city limits and/or designed to prevent the accumulation of putrid, unhealthy materials on the property or designed to prevent the creation of a public nuisance.
- (8) Revocation of permit. Any permit issued under the provisions of this article may be suspended or revoked by the mayor after a public hearing, of which five days' written notice shall be given to the permittee, for the violation by the holder thereof of any of the provisions of this article.
- (9) Suspension or revocation of permit; appeals. When a permit is suspended or revoked for any failure or refusal to comply with the standards, the applicant shall be given a written explanation of the reason for denial, suspension or revocation. Any person whose permit is suspended or revoked may appeal his case to the city council upon written notice filed with the city secretary within ten (10) days from the date of revocation or suspension of his permit, and the decision of the city council shall be final.
- (Ordinance 124, sec. 10, adopted 4/27/21; Ordinance adopting 2023 Code)

§ 3.02.003. Impoundment and disposition of estrays.

- (a) The animal control officer or his designee may take up and impound at the animal shelter any estray found within the city limits in violation of this chapter.
 - (b) The impoundment and disposition of estrays shall be done in accordance with Texas Agriculture Code, section 142.009.
- (Ordinance 124, sec. 11, adopted 4/27/21)

§ 3.02.004. Impoundment of wild animals or other animals.

Any peace officer or the animal control officer may take up and impound at the animal shelter any animal found within the city limits in violation of Penal Code section 42.09 or section 3.02.002 of this chapter.

(Ordinance 124, sec. 12, adopted 4/27/21; Ordinance adopting 2023 Code)

§ 3.02.005. Disposition of impounded wild animals or other animals.

Any impounded animal which is not reclaimed, or found to be infected with rabies or seriously injured, or determined by the animal control officer to be unsalable, shall be forthwith destroyed.

(Ordinance 124, sec. 13, adopted 4/27/21)

§ 3.02.006. Dangerous wild animals.

Dangerous wild animals, as defined in V.T.C.A., Health and Safety Code, section 822.101, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 822, subchapter E, section 822.101 et seq.

(Ordinance adopting 2023 Code)

§ 3.02.007. Confinement of animal by owner of private premises; notice to animal control officer.

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily pending its release to the animal control officer or to the true owner of such animal.

(Ordinance 124, sec. 14, adopted 4/27/21)

ARTICLE 3.03
DOMESTIC ANIMALS

§ 3.03.001. Impoundment authorized; tampering with traps.

- (a) The animal control officer is authorized to take up all animals found not to be restrained and impound such animals in the animal shelter. All such animals shall be confined in a humane manner.
- (b) It shall be unlawful for any person to tamper with any trap or traps used by the city, or to tamper with any cage, pen, enclosure, or any other equipment pertaining to animals located at the animal shelter or any other place that the city may use for keeping animals.

(Ordinance 124, sec. 15, adopted 4/27/21)

§ 3.03.002. Notice of violation.

Where the ownership of an animal, found not to be restrained, is known, a notice of such violation may be issued by the animal control officer or his designee to such owner. Upon issuance of any such notice, the animal control officer or his designee shall file a complaint with the municipal court and request that the violator be summoned to appear in the municipal court and answer such charges.

(Ordinance 124, sec. 18, adopted 4/27/21)

§ 3.03.003. Redemption of impounded animals.

- (a) Payment of fees. Any animal impounded under the provisions of this article may be reclaimed by the owner upon the payment of all impoundment fees.
- (b) Unvaccinated animals. Any animal over the age of four (4) months which does not have a current rabies vaccination may not be redeemed, transferred or adopted until it has been vaccinated as required in this chapter.

(Ordinance 124, sec. 20, adopted 4/27/21)

§ 3.03.004. Disposition of unclaimed or unredeemed impounded animals.

- (a) After the requirements of notice as set forth in section 3.03.002 and the expiration of three (3) days, any impounded animal that is unclaimed or unredeemed shall become the property of the city, which shall have the following powers:
 - (1) Authority as to ownership. The animal control officer may transfer ownership of any impounded animal that is unclaimed or unredeemed. In the event of such transfer of ownership, the person or agency to whom ownership is transferred shall pay for such animal's food and care while in the animal shelter and shall comply with the applicable vaccination requirements.
 - (2) Right to destroy. The animal control officer or designee may humanely destroy an impounded animal that is unclaimed or unredeemed. No person may put to death a dog, cat or other small domestic animal in the custody of the animal control officer by shooting except in emergency field conditions, by clubbing, by a decompression chamber, by carbon monoxide, or by poison. All dogs, cats and small domestic animals shall be destroyed by administering of an approved drug. This chapter applies to the destruction of domestic animals by the animal control officer, in accordance with House Bill 309.

- (3) Transfer of ownership to Humane Society. The animal control officer may transfer ownership of any impounded animal that is unclaimed or unredeemed to a Humane Society or animal rescue group.
- (b) Donated, sick, unweaned or injured animals.
 - (1) The animal control officer may destroy any animal by a humane method if the animal is unweaned, so sick or injured that injured [its cure] is considered by the animal control officer to be impracticable, or if death is imminent, and in any of such events such destruction may be done immediately without notice of any waiting period.
 - (2) In the case of donated animals, immediate destruction of the animal is permitted.

(Ordinance 124, sec. 21, adopted 4/27/21; Ordinance adopting 2023 Code)

ARTICLE 3.04
RABIES REPORTS AND QUARANTINE

§ 3.04.001. Report of bite cases by physicians and general public; duties of owner.

- (a) It shall be the duty of every physician or other practitioner to report to the LRCA the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- (b) It shall be the duty of every person owning or having possession of an animal which has bitten a person to report the same to the local health authority and to confine it in an enclosure, or to securely hold the animal in a closed, padlocked cage for observation and examination by the LRCA. No person having the custody or possession of such animal shall fail, refuse or neglect to allow the LRCA to make an inspection or examination of such animal for the purpose of determining whether such animal has rabies.

(Ordinance 124, sec. 22, adopted 4/27/21)

§ 3.04.002. Quarantine regulations; pathological examination.

- (a) Quarantine of biting animal. Every animal which bites a person or which is suspected of having bitten a person shall be promptly reported to the LRCA, and shall thereupon be securely quarantined for a period of ten (10) days.
- (b) Quarantine places. Quarantining shall be at the following:
 - (1) A state-approved rabies quarantine facility, in which case the owner of the animal suspected of having rabies shall pay the usual impoundment fees.
 - (2) A licensed veterinary hospital, upon the owner's request and at his expense.
 - (3) An animal of unknown ownership will be quarantined at a state-approved rabies quarantine facility.
- (c) Surrender of animal by owner; payment of expense. Upon demand made by the LRCA, it shall be unlawful for the owner to fail to surrender any animal which has bitten a person or another animal, or which is suspected of having been exposed to rabies, for quarantine, the expense of which shall be borne by the owner.
- (d) Release of animal to owner. The quarantined animal may be reclaimed but [by] the owner if adjudged free of rabies, upon [payment of] impoundment fees and upon compliance with the vaccination requirement of this chapter.
- (e) Pathological examination; notification of health officer. When an animal under quarantine is diagnosed by a licensed veterinarian as being rabid or suspected of being rabid or dies while under observation, the LRCA shall immediately send the head of such animal to the department of state health services for pathological examination. The LRCA shall notify the proper public health official of reports of human contacts and the diagnosis made of the suspected animal from the pathological examination.
- (f) Animals bitten by rabid animals. Any animal bitten, regardless of vaccination status, by another animal suspected of being or known to be rabid shall be immediately quarantined or euthanized humanely. If euthanized, the brain of the animal must be submitted to the local rabies authority

to be submitted for testing. If quarantined, the animal must be surrendered to the animal shelter for a minimum period of ten (10) full days since the time the bite occurred. In the event the biting animal is found not to be rabid, the bitten animal shall be released. Said animal shall be quarantined at the owner's expense and said expense shall be paid at the end of the quarantine period or the animal shall become the property of the city and shall be forthwith disposed of; provided, however, that the city council may permit the quarantine of the bitten animal for the required period in a licensed veterinary facility at the owner's option and expense.

(Ordinance 124, sec. 23, adopted 4/27/21)

§ 3.04.003. City-wide quarantine.

- (a) Conditions warranting quarantine; period of quarantine. A city-wide quarantine may be [declared] for a period of thirty (30) days by the city council upon the recommendation of the mayor after the council has been notified by the department of state health services of a positive diagnosis of rabies of an animal or after an investigation it has determined there exists an immediate threat of rabies.
- (b) Extension of time. In the event there are additional positive cases of rabies occurring during the thirty (30) day period of the city-wide quarantine, such period of quarantine may be extended for an additional reasonable period of time.
- (c) Animals in public. It shall be unlawful for any person to take or permit any animal to be at large or in any other [sic] public place during the period of quarantine.

(Ordinance 124, sec. 24, adopted 4/27/21)

§ 3.04.004. Killing animal or removing from city; disposal of carcass.

- (a) Killing or removing animal from city. It shall be unlawful for any person to kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal which has bitten a person or is suspected to have bitten a person, except as herein provided, or to remove same from the city limits without written permission from the city council.
- (b) Surrender of carcass of animal exposed to rabies. The carcass of any dead animal suspected of having been exposed to rabies shall, upon demand, be surrendered to the LRCA.
- (c) Disposition of animal determined rabid. The LRCA shall direct the disposition of any animal found to be infected with rabies.
- (d) Surrender of animal after demand. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine, destruction or disposal as required herein when demand is made therefor by the LRCA.

(Ordinance 124, sec. 25, adopted 4/27/21)

ARTICLE 3.05
DANGEROUS DOGS

§ 3.05.001. Applicability of state law.

This article is adopted pursuant to and in conjunction with the provisions of Texas Health and Safety Code, chapter 822, subchapter D, Dangerous Dogs, as they exist or may be amended, and [such provisions] are incorporated herein. The provisions outlined below are to be read in conjunction with this statute and, to the extent of a direct conflict with this state statute, the provisions of the statute shall control.

(Ordinance 124, sec. 25, adopted 4/27/21)

§ 3.05.002. Definitions.

In this article, the following terms shall have the meanings outlined below. All other terms have the same meaning as specifically defined in this chapter or their common meaning if not specifically defined:

Dangerous dog means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog means a domesticated animal that is a member of the canine family.

Owner means a person who owns or has custody or control of the dog.

Secure enclosure means a fenced area or structure that is:

- (1) Locked;
 - (2) Capable of preventing the entry of the general public, including children;
 - (3) Capable of preventing the escape or release of a dog;
 - (4) Clearly marked as containing a dangerous dog; and
 - (5) In conformance with the requirements for enclosures established by the animal control officer.
- (Ordinance 124, sec. 26, adopted 4/27/21)

§ 3.05.003. Requirements for owner; determination that dog is dangerous.

- (a) Not later than the 30th day after a person learns that he or she is the owner of a dangerous dog, the person shall:
 - (1) Register the dangerous dog with animal control;
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

- (3) Muzzle the dog when it is outside the secure enclosure;
 - (4) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the city's animal control officer; and
 - (5) Have the dangerous dog spayed or neutered.
- (b) If a person reports an incident described by section 3.05.002 regarding the definition of a "dangerous dog," the animal control officer may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, he or she shall notify the owner of that fact.
 - (c) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to the municipal court. An owner may appeal the decision of the municipal court in the same manner as for other civil cases.
 - (d) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the animal control officer not later than the 30th day after the owner learns that the dog is a dangerous dog.
 - (e) If, on the application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided herein, that the owner has failed to comply with subsection (a) or (d), the court shall order the animal control officer to seize the dog and shall issue a warrant authorizing the seizure. The animal control officer shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.
 - (f) The owner shall pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dog.
 - (g) The court shall order the animal control officer or designee to humanely destroy the dog if the owner has not complied with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the animal control officer. The court shall order the animal control officer to return the dog to the owner if the owner complies with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the animal control officer.
 - (h) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.
 - (i) For purposes of this article, a person learns that the person is an owner of a dangerous dog when:
 - (1) The owner knows of an attack described in section 3.05.002 regarding the definition of a "dangerous dog";
 - (2) The owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog after a hearing on the matter; or
 - (3) The owner is informed by the animal control officer that the dog is a dangerous dog.
- (Ordinance 124, sec. 27, adopted 4/27/21)

§ 3.05.004. Registration.

- (a) Animal control shall annually register a dangerous dog if the owner:
- (1) Presents proof of liability insurance or financial responsibility, as required by section 3.05.003(a)(4), proof of current rabies vaccination, and proof of sterilization of the dangerous dog, and has a secure enclosure in which the dangerous dog will be kept that is inspected and approved by the animal control officer; and
 - (2) Pays an annual registration fee in the amount set forth in the fee schedule in appendix A of this code.
- (b) The animal control officer shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar. The collar must be of a distinctive color and design that identifies the dog as a dangerous dog.
- (c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control officer for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee in the amount set forth in the fee schedule in appendix A of this code, the animal control officer shall issue a new registration tag to be placed on the dangerous dog's collar.
- (d) An owner of a registered dangerous dog all notify the city's animal control officer of any attacks the dangerous dog makes on any person or animal.
- (Ordinance 124, sec. 28, adopted 4/27/21; Ordinance adopting 2023 Code)

§ 3.05.005. Attacks by dangerous dog.

- (a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (b) An offense under this section is a class C misdemeanor.
- (c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by the animal control officer or designee or a licensed veterinarian.
- (Ordinance 124, sec. 29, adopted 4/27/21)

§ 3.05.006. Violations.

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with section 3.05.003.
- (b) An offense under this section is a class C misdemeanor, and any person who violates any provision of this article shall, upon conviction, be fined in accordance with section 3.01.002 of this chapter.
- (c) An offense under this section is a class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this article.
- (Ordinance 124, sec. 30, adopted 4/27/21)

§ 3.05.007. Defenses.

- (a) It is a defense to prosecution under sections 3.05.005 and 3.05.006 that the person is a

veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

- (b) It is a defense to prosecution under sections 3.05.005 and 3.05.006 that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
 - (c) It is a defense to prosecution under sections 3.05.005 and 3.05.006 that the person is a dog trainer or an employee of a guard dog company under chapter 1702, Texas Occupations Code.
- (Ordinance 124, sec. 31, adopted 4/27/21)

ANIMAL CONTROL

HOWARDWICK CODE

Chapter 4

BUILDING REGULATIONS

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§ 4.01.001.	Building permits.	§ 4.04.003.	Duties of housing enforcing official.
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ARTICLE 4.01
GENERAL PROVISIONS

§ 4.01.001. Building permits.

- (a) Required. Building permits for facilities both above and below ground shall be obtained at city hall ahead of commencement of construction.
- (b) Fees. Fees for building permits shall be established by the board of aldermen.
- (c) Penalty. Any person who shall violate this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed the maximum allowable by state statute.

(Ordinance 5, secs. 1, 2, adopted 10/5/71; 2004 Code, secs. 4.20–4.22)

ARTICLE 4.02
BUILDING AND CONSTRUCTION CODES AND STANDARDS

DIVISION 1
Generally

§ 4.02.001. through § 4.02.030. (Reserved)

DIVISION 2

Property Maintenance Code

§ 4.02.031. Adoption.

The city adopts the International Property Maintenance Code, 2009 edition, a code regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures within the corporate limits of the city, and providing for the issuance of permits and collection of fees therefor. (Ordinance 106, sec. 1.01, adopted 2/9/16)

§ 4.02.032. through § 4.02.060. (Reserved)

DIVISION 3

Wildland-Urban Interface Code

§ 4.02.061. Adoption.

The city adopts the International Wildland-Urban Interface Code, 2009 edition, for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as therein provided, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions and terms of said wildland-urban interface code on file in the office of the city are hereby referred to, adopted, and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes, if any[, prescribed herein].

(Ordinance 106, sec. 1.02, adopted 2/9/16)

ARTICLE 4.03
UNSAFE BUILDINGS

§ 4.03.001. Prohibition.

All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally, in contemplation of this article, unsafe buildings. All such unsafe buildings are illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures stipulated within this article.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.60)

§ 4.03.002. Written notice of violation.

Whenever the city council shall find any building or structure or portion thereof to be unsafe, as defined in this article, it shall, in accordance with the established procedure for legal notices, give the owner, agent, or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.61)

§ 4.03.003. Posted notice of violation.

If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the city council. The city council shall cause to be posted at each entrance to such building a notice: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY COUNCIL." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents, or other servants, to remove such notice without written permission of the city council, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.62)

§ 4.03.004. Appeals.

The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the city council, and to appear before the city council at a specified time and place to show cause why he should not comply with said notice. The decision of the city council on appeal from its prior ruling shall be final.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.63)

§ 4.03.005. Abatement by city.

In case the owner, agent, or person in control cannot be found within the stated time limit, or if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the city council, after having ascertained the cost, shall cause such building or structure, or portion thereof, to be demolished, secured, or required to remain vacant.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.64)

§ 4.03.006. Emergency actions of city.

The decision of the city council shall be final in cases of emergency which, in their opinion, involve imminent danger to human life or health. They shall promptly cause such building, structure, or portion thereof to be made safe or removed. For this purpose they may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as they may deem necessary. They may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.65)

§ 4.03.007. Collection of costs incurred by city.

Costs incurred under sections 4.03.005 and 4.03.006 shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

(Ordinance 33, sec. 1, adopted 5/9/77; 2004 Code, sec. 4.66)

ARTICLE 4.04
MINIMUM HOUSING CODE

§ 4.04.001. Code adopted.

The currently adopted building codes, and the provisions thereof, shall be controlling on all dwellings and premises within the city limits.

(Ordinance 36, sec. 1, adopted 8/8/77; 2004 Code, sec. 4.50; Ordinance adopting 2023 Code)

§ 4.04.002. Appointment of housing enforcing official.

The housing enforcing official shall be appointed by the mayor subject to confirmation of the board of aldermen. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

(Ordinance 36, sec. 2, adopted 8/8/77; 2004 Code, sec. 4.51)

§ 4.04.003. Duties of housing enforcing official.

It shall be the duty of the housing enforcing official to enforce all laws and provisions specified in the building codes currently adopted by the city.

(Ordinance 36, sec. 3, adopted 8/8/77; 2004 Code, sec. 4.52; Ordinance adopting 2023 Code)

§ 4.04.004. Right of entry.

The housing enforcing official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

(Ordinance 36, sec. 4, adopted 8/8/77; 2004 Code, sec. 4.53)

§ 4.04.005. Board of housing appeals established; membership.

The board of housing appeals shall consist of five (5) members appointed by the mayor subject to confirmation of the board of aldermen. One member shall be appointed to serve one (1) year, two members to serve two (2) years, and two members to serve three (3) years. The board shall act by majority vote of the members present.

(Ordinance 36, sec. 5, adopted 8/8/77; 2004 Code, sec. 4.54)

§ 4.04.006. Powers of board of housing appeals.

The board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby [sic]. Nor shall any right or remedy of any character be lost, impaired or affected by this code.

(Ordinance 36, sec. 5, adopted 8/8/77; 2004 Code, sec. 4.55)

§ 4.04.007. Penalty.

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing, submitted and approved thereunder, shall be

guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued and upon conviction of any such violation such person shall be punished by a fine not to exceed the maximum allowable by state statute.

(Ordinance 36, sec. 8, adopted 8/8/77; 2004 Code, sec. 4.56)

ARTICLE 4.05 SIGNS

§ 4.05.001. Definitions.

Person means individuals, partnerships, voluntary associations, and corporations.

Right-of-way means all public and city-owned property, utility easements and edgings of roadways.

Signage means and includes all posted notices, announcements, advertisements and messages, not associated with a commercial business or other such nonprofit organizations, properly located within the city limits which is advertised by any means whereby the public at large is or can be made aware of the type and operations of the business or other such nonprofit organizations.

(Ordinance 103, sec. 2, adopted 11/12/14)

§ 4.05.002. Permit required for placement in right-of-way.

No person shall place a sign in any right-of-way within the city limits without first obtaining a permit therefor. Any person desiring to place a sign shall obtain such permit at the city hall office and state the location of the sign.

(Ordinance 103, sec. 3, adopted 11/12/14)

§ 4.05.003. Limitations on sign placement permit.

A sign placement permit shall be limited to one (1) sign per permit; each permit is to cover a period of time not to exceed ninety (90) days. In no event shall any person be issued more than five (5) consecutive permits for the same ninety (90) day period. Should the person placing the sign desire the sign to remain longer than the ninety (90) days allowed, a new permit must be obtained.

(Ordinance 103, sec. 4, adopted 11/12/14)

§ 4.05.004. Sign categories.

Signage shall hereby be categorized according to size, wherein such size shall determine the cost of the permit:

- (1) "Small" sign: A sign up to three (3) square feet in total area.
- (2) "Medium" sign: A sign larger than three (3) square feet yet no greater than twelve (12) square feet in total area.
- (3) "Large" sign: A sign larger than twelve (12) square feet yet no greater than sixty-four (64) square feet in total area.

(Ordinance 103, sec. 5, adopted 11/12/14)

§ 4.05.005. Exceptions.

The provisions of this article shall not apply to or affect the following persons:

- (1) Persons acting in accordance within their powers and duties as public officials in the placement of signage relating to official city postings, notices and functions.
- (2) Persons placing signage upon private property not extending at all onto any right-of-way or other such city or public property.

- (3) Persons placing garage sale signs within the rights-of-way of the city, provided that such signs are removed no later than three (3) days after the end of the sale. Any such sign violating this provision shall be removed and impounded by city officials, without fines or removal costs being assessed.
- (4) A properly licensed real estate agent may place up to five (5) signs of the small size category without obtaining permits, unless such real estate agent desires to place more than five (5) such signs. Each additional sign above five (5) will be subject in entirety to the permitting requirements of this article. Persons defined in this subsection are subject to the maintenance requirements of section 4.05.006 of this article.
- (5) Persons placing, or allowing to be placed, political signs within the rights-of-way of the city, provided that such signs are not placed greater than thirty (30) days before an election, and are removed no later than ten (10) days after such election. Any such sign violating this provision shall be removed and impounded by city officials, without fines or removal costs being assessed. Persons defined in this subsection are subject to the maintenance requirements of section 4.05.006 of this article.

(Ordinance 103, sec. 6, adopted 11/12/14)

§ 4.05.006. Management of vegetation under and around sign.

Any person duly permitted to place signs of any size, type and number under this article shall be responsible for managing the vegetation growth under and around each such sign to a minimum distance of three (3) feet in circumference and to a height not to exceed twelve (12) inches, as required by section 7.04.001. Any person found in violation of this provision shall be subject to the fine prescribed in this article and have such sign removed and impounded by city officials.

(Ordinance 103, sec. 7, adopted 11/12/14)

§ 4.05.007. Penalty; impoundment of sign.

Any person violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine in an amount in accordance with the general penalty provided in section 1.01.009 of this code for each offense and shall have such sign removed and impounded by city officials, except where a different penalty has been established by state law for such related offense. Any impounded signs shall be returned to the violator upon verified payment of the fine prescribed in this article.

(Ordinance 103, sec. 8, adopted 11/12/14; Ordinance adopting 2023 Code)

ARTICLE 4.06
ADDRESS NUMBERS

§ 4.06.001. Required; applicability in annexed territory.

All houses and buildings within the city limits whatsoever which abut on any public street or way shall be numbered. As territory is annexed to the city, the houses and buildings therein shall be numbered, or, if already numbered, the numbering thereof shall be made to conform to the numbering system of the city, if not already in compliance.

(Ordinance 122, sec. II (1.001), adopted 8/11/20)

§ 4.06.002. Assignment of numbers.

Numbers shall be assigned to all newly constructed houses and buildings at the time the building permit is issued therefor. All newly annexed houses and buildings shall have the proper number assigned thereto (if not already in satisfactory compliance) within thirty (30) days after annexation, with notice thereof being given to the owner or occupant by certified mail. All houses and buildings within the city which are not properly numbered shall be assigned a proper number and notice thereof given to the owner or occupant within ten (10) days after discovery of the improper numbering or other deficiency with respect thereto.

(Ordinance 122, sec. II (1.002), adopted 8/11/20)

§ 4.06.003. Numbering system.

The city shall have sole authority to assign address numbers for all buildings, which numbers shall be subject to change by the city. The city secretary shall be the official in charge of the enforcement of house number provisions, and numbers shall be assigned by the secretary or by the other city employees under the direction thereof. Numbering shall be in accordance with the applicable grid system, as shown on the official map of the city and future additions and amendments thereto as approved by the city secretary in keeping with the provisions of this article and of such grid system. The city secretary shall reserve numbers for all vacant lots and tracts abutting on public streets and ways for future assignment in full keeping with the system and map referred to above.

(Ordinance 122, sec. II (1.003), adopted 8/11/20)

§ 4.06.004. Removal of nonconforming numbers.

Any displayed number which does not conform to the number assigned hereunder shall be removed within ten (10) days from receipt of notice from the city of the assigned number, as prescribed herein, and the assigned number displayed in its stead. Failure to do either, or both, shall constitute an offense hereunder.

(Ordinance 122, sec. II (1.004), adopted 8/11/20)

§ 4.06.005. Display of number; location.

The assigned number shall be conspicuously displayed on the front of said houses and buildings; provided, however, that where the house or building front sits too far back from the public street, or the same is obscured by vegetation or other objects, so that the number cannot be easily seen from a point directly across said street therefrom by a person of normal eyesight, then the same shall be placed on a post or structure in the front part of said premises so that same may thus be readily seen. Failure to display such number in accordance herewith shall be an offense hereunder.

(Ordinance 122, sec. II (1.005), adopted 8/11/20)

§ 4.06.006. Material, color and size of numbers.

Each such number shall be of any durable material, of a color visibly contrasting with the color of the background against which the same is displayed; provided that the figures shall be not less than three inches in depth and the width shall be in proportion to the depth. Failure to comply with these regulations shall constitute an offense hereunder.

(Ordinance 122, sec. II (1.006), adopted 8/11/20)

§ 4.06.007. Penalty.

Any person found in violation of any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount in accordance with the general penalty provided in section 1.01.009 of this code. This penalty provision shall be in addition to any other legal or equitable remedies available to the city to enforce this article. Each day that a violation occurs is a separate offense.

(Ordinance 122, sec. II (1.007), adopted 8/11/20; Ordinance adopting 2023 Code)

BUILDING REGULATIONS

HOWARDWICK CODE

Chapter 5

BUSINESS REGULATIONS

ARTICLE 5.01		§ 5.03.002.	Permit; inspections; standards
GENERAL PROVISIONS (RESERVED)			for mobile unit and
			equipment.
ARTICLE 5.02		§ 5.03.003.	Locations.
ALCOHOLIC BEVERAGES		§ 5.03.004.	Distance requirements;
§ 5.02.001.	Hours for sale of beer and		permission to locate on private
	wine.		property.
		§ 5.03.005.	Hours of operation.
ARTICLE 5.03		§ 5.03.006.	Operational requirements.
MOBILE FOOD VENDORS		§ 5.03.007.	Commissary location.
		§ 5.03.008.	Violations.
§ 5.03.001.	Definitions.	§ 5.03.009.	Penalty.

ARTICLE 5.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 5.02
ALCOHOLIC BEVERAGES

§ 5.02.001. Hours for sale of beer and wine.

The sale of beer and wine, in accordance with state law, shall be permitted until the hour of 2:00 a.m.
(Ordinance 20 adopted 2/14/72; 2004 Code, sec. 5.01)

ARTICLE 5.03
MOBILE FOOD VENDORS

§ 5.03.001. Definitions.

Commissary location. An established location where food service providers can prepare and store their food, as well as a location to store a mobile unit while not in use.

Edible goods. All food products designed for human consumption.

Food service establishment. Any business that sells edible goods from a fixed location and has been inspected and approved by the city, including commercial kitchens and commissaries, and shall specifically exclude accessory or self-serve retail food sales.

Mobile. The state of being in active, but not necessarily continuous, movement; capable of being moved and not permanently fixed or placed.

Mobile food vendor. Any person that sells edible goods from a mobile unit at a stationary location on private property approved for such activity within the city.

Mobile food vendor permit. The permit issued by the city to a mobile food vendor allowing the mobile food vendor to conduct business in the city.

Mobile unit. Means and includes:

- (1) A mobile food truck: A self-contained motorized unit from which a mobile food vendor offers for sale or sells edible goods to the public;
- (2) A concession cart: A mobile vending unit that must be moved by non-motorized means from which a mobile food vendor offers for sale or sells edible goods to the public; or
- (3) A concession trailer: A vending unit that is pulled by a motorized unit and has no power to move on its own from which a mobile food vendor offers for sale or sells edible goods to the public.

Stationary location. The location where the mobile food vendor has obtained written permission from the property owner to sell and dispense edible goods to the public.

(Ordinance 121, sec. II (1.101), adopted 6/9/20)

§ 5.03.002. Permit; inspections; standards for mobile unit and equipment.

- (a) Permit required. Every mobile food vendor shall have a permit issued by the city to conduct business in the city.
- (b) Application for permit. Every mobile food vendor shall apply for a permit on a form promulgated by the city.
 - (1) A mobile food vendor shall submit a completed application for a mobile food vendor permit to the city and shall complete all required inspections through the city.
 - (2) A mobile food vendor permit shall be required for each individual mobile unit utilized.
 - (3) Applications for permits meeting the requirements for mobile vendors shall be processed within ten (10) business days.
 - (4) Before conducting business in the city, a mobile food vendor shall obtain a mobile food vendor permit issued by the city.

- (c) Application requirements. A complete application shall require the following information from the applicant to be considered:
- (1) Name of applicant.
 - (2) Legal name of business or entity.
 - (3) State of incorporation or filing of a partnership or articles of association.
 - (4) If applicable, copy of the charter or articles of incorporation and current listing of the directors, partners, or principals.
 - (5) Sales tax number with a copy of sales tax permit.
 - (6) Signed permission form or provide a notarized affidavit from the private property owner granting permission for unit placement.
 - (7) Name, phone number and driver's license number of the business owner and all employees operating within the mobile unit.
 - (8) Proposed itinerary with route, vending locations and times.
 - (9) Estimated solicitation period (provide beginning and ending dates).
 - (10) Contact name and phone number for the mobile food vendor unit while in route.
 - (11) Description of the product being sold.
 - (12) Site plan where the mobile unit will be located on the property.
 - (13) Vehicle identification number and description of the mobile food vendor unit.
 - (14) Signed affidavit with photo identification that each individual applicant:
 - (A) Has no unpaid civil judgments against him or her in any state or U.S. possession which arise from a business activity which would have been covered by this section if in effect at the time in the jurisdiction where such judgments are of record.
 - (B) A statement of all convictions in any state, the United States, or U.S. possession within the last ten years.
- (d) Inspections; standards. A mobile unit shall be inspected by the city prior to the issuance of a mobile food vendor permit. All required inspections from the city must be successfully completed prior to consideration and approval of a mobile food vendor permit by the city. The inspection shall take place at the city volunteer fire department and shall include the following:
- (1) A valid driver's license and current state department of public safety license plates and state inspection sticker, except for a concession cart which is not required to have license plates or an inspection sticker. The mobile unit must be in good working order.
 - (2) A mobile unit must have a 2A:10B:C sized extinguisher with an annual inspection tag from a Texas licensed inspection company or a receipt indicating purchase within the past year. If frying media (grease) is used, a class K extinguisher shall be required in the mobile unit. Any mobile unit equipped with an automatic extinguishing system shall have a current (bi-annual) inspection tag from a Texas licensed inspection company. All mobile units shall

maintain ten (10) feet of clearance for access. Mobile units equipped with an automatic extinguishing system shall maintain ten (10) feet of clearance from combustible structures. Mobile units not equipped with an automatic extinguishing system that produce grease-laden vapors shall maintain a fifty (50) foot distance from combustible structures or parked, unattended vehicles.

- (3) All cooking appliances in the mobile unit shall be of an approved type, commercial grade, listed and labeled for the use intended. Appliances shall be installed in accordance with the manufacturer's instructions. Portable camp stoves or the equivalent shall be prohibited. All cooking appliances shall have an approved, labeled and listed on-off valve.
 - (4) All propane and natural gas appliances shall be pressure tested annually and have only approved listed parts and no rubber hoses shall be allowed. All piping shall be in accordance with National Fire Protection Association 58 and be protected from physical damage. Mounting and placement of containers shall comply with National Fire Protection Association 58 and state department of transportation regulations. The capacity limit of propane and natural gas containers or cylinders shall be determined by the city or the city volunteer fire department after consideration of features that secure and protect the container.
 - (5) Cooking surfaces in the mobile unit shall be kept clean of grease buildup. Trash containers and debris shall be emptied regularly. Extension cords shall not be utilized for appliances. Appliances shall be plugged directly into electrical outlets.
 - (6) The city is herein authorized to conduct all inspections as necessary to determine the extent of compliance at any time.
- (e) Permit validity period; application fees; renewal.
- (1) Mobile food vendor permits will be issued for the following periods of validity, each with the respective application fees set forth in the fee schedule in appendix A of this code:
 - (A) Daily.
 - (B) Monthly.
 - (C) Yearly.
 - (2) The applicable application fee for a daily, monthly, or yearly mobile food vendor permit shall be paid for each mobile unit to be in service.
 - (3) Mobile food vendor permits shall be valid for either (i) one day, (ii) one month, or (iii) one year from the date of permit issuance.
 - (4) Upon renewal of a mobile food vendor permit issued for one year, the applicant shall pay a renewal fee as set forth in the fee schedule in appendix A of this code and update any changes in the permitting documentation upon permit renewal. The applicant must submit the application and the renewal fee within 30 days before expiration of the mobile food vendor permit issued for one year or must reapply as a new applicant. Renewal applications shall be subject to the requirements of subsection (d) of this section.
- (f) Permit denial. A mobile food vendor permit may be denied where:
- (1) An applicant is found to have an unpaid civil judgment(s) against him which relates to the

duties and responsibilities of the permitted occupation which shall be determined by the nature and amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments;

- (2) An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity;
 - (3) The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor; or
 - (4) The opportunity to issue a permit has been denied due to previous violations as described in this article.
- (g) Permit revocation or suspension. A mobile food vendor permit may be revoked or suspended in the following situations:
- (1) A permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the city while engaged in the permitted business, or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments, as set forth above, are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.
 - (2) A permit may be revoked for nonconformity to the application location specifications or requirements as well as to nonconformity to an approved location plan or diagram.
 - (3) Any employee working for an applicant permitted as an employer under this section above may be denied the right to solicit under such permit, or such rights may be suspended or terminated, under the same circumstances and procedures which apply to the holder of the permit. Revocation or suspension of an employer's permit terminates all employee permits.
 - (4) A permit may be suspended or revoked for not complying with the requirements of this article, or any other ordinances or laws.
 - (5) Failure to pay outstanding parking meter fees and fines.
- (h) Appeal of permit revocation, suspension, or denial.
- (1) The notice of revocation, suspension, or denial of a permit shall include the procedure for appealing the suspension, revocation, or denial.
 - (2) If a city official revokes, suspends, or denies a mobile food vendor permit, the holder or applicant of the permit which has been revoked, suspended, or denied shall have the right of appeal to the city manager, or designee, by submitting an appeal in writing to the city manager within ten business days of the revocation, suspension, or denial.
 - (3) Pending action on the appeal, a permit which has been revoked or suspended shall be considered revoked or suspended.
 - (4) If a written appeal is not submitted within the ten business days of revocation, suspension, or denial, or if the appeal is denied, the permit shall hence be considered revoked, suspended

or denied.

- (i) Reapplication after revocation, suspension or denial. If a mobile food vendor or applicant is not in compliance with this article or any other ordinance, law or the approved vendor application, the following action will be taken:
- (1) 1st violation: A warning may be issued, or the permit may be revoked or suspended, and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.
 - (2) 2nd violation: The permit will be revoked, and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.
 - (3) 3rd violation: The permit will be revoked, and the vendor will become ineligible for a new or reissued permit for one year.
 - (4) If an applicant's permit has been denied and the appeal is denied the applicant may not reapply for 90 consecutive days.
- (j) Exemptions.
- (1) Any person that sells edible goods from a mobile unit operating at a stationary location in conjunction with a city or city volunteer fire department event shall be exempt from the requirement to obtain a permit. However, said exempted mobile food vendors and activities shall still be subject to compliance with all state and local rules requirements for food handling establishments, including any requirements or special conditions set by the host entity, and are subject to inspection.
 - (2) Any mobile food vendor which is either:
 - (A) Operated by a nonprofit organization in connection with the organization's principal activity, such as concession stands operated by volunteers at youth athletic leagues; or
 - (B) Operated by a nonprofit organization as a service to its members or to some identifiable group, such as shut-ins or persons suffering from some disabling condition;

shall be required to obtain a permit, but the permit fee provided for in subsection (e) of this section shall be waived.

(Ordinance 121, sec. II (1.102), adopted 6/9/20; Ordinance adopting 2023 Code)

§ 5.03.003. Locations.

- (a) Subject to the provisions of this article, mobile food vendors shall be permitted to establish a stationary location and conduct daily business in the following zoning districts: C-1 or C-7A, commercial.
- (b) The mobile food vendor is not limited to a single stationary location and may locate within any of the zones noted above with the required owner consent affidavit.

(Ordinance 121, sec. II (1.103), adopted 6/9/20)

§ 5.03.004. Distance requirements; permission to locate on private property.

- (a) A mobile food vendor shall not conduct business within two hundred (200) feet of the boundary

line of any residential zoning district.

- (b) A mobile food vendor shall not conduct business within two hundred (200) feet of the primary entrance of an open and operating food service establishment. This buffer may be reduced upon receiving written, notarized permission from the owner of said establishment.
- (c) If a new food service establishment opens within two hundred (200) feet of a mobile food vendor as set forth in subsection (b) above, the mobile food vendor must receive written, notarized permission from the new establishment's owner to continue operating at that location.
- (d) A mobile food vendor shall not locate closer than nine (9) feet to any front property line (adjacent to any street) or any rear property line (adjacent to any alley). The mobile food vendor shall not locate a mobile unit in such a manner or location that obstructs or causes to be obstructed the passage of any sidewalk, street or alley or any other public place, by causing people to congregate at or near the mobile unit.
- (e) A mobile food vendor shall not locate on any private property without written permission to do so and must comply and leave the property if asked to leave by the property owner. A copy of the owner's written, signed, and notarized permission to operate at a specific stationary location shall be kept within the mobile unit for documented verification.

(Ordinance 121, sec. II (1.104), adopted 6/9/20)

§ 5.03.005. Hours of operation.

No mobile food vendor shall operate between 10:00 p.m. on any day until 6:00 a.m. of the following day. During these prohibited hours of operation, the mobile unit shall be removed from the stationary location and properly stored at its commissary location as required by section 5.03.007.

(Ordinance 121, sec. II (1.105), adopted 6/9/20)

§ 5.03.006. Operational requirements.

The following regulations shall apply to mobile food vendors:

- (1) A mobile food vendor shall comply with all regulations established by the Texas Food Establishment Rules and the fire marshal's office and maintain compliance with all requirements noted in section 5.03.002.
- (2) Each mobile unit shall be equipped with a portable trash receptacle and the mobile food vendor shall be responsible for proper disposal of solid waste and wastewater in compliance with the Code of Ordinances of the city.
- (3) No loud or disruptive music or narrative shall project from the mobile unit.
- (4) A mobile unit shall be parked on an all-weather surface when at a stationary location.
- (5) A mobile unit shall not block any fire lane or drive aisle.
- (6) No mobile unit may park on a lot without a notarized document from the property owner granting permission to the mobile food vendor to utilize the property for that purpose.
- (7) A mobile food vendor shall register a commissary location with the health department stating where the unit is to be stored when not in operation.
- (8) No mobile food vendor shall conduct business in the public right-of-way and shall not block

access to any parcel or alley.

- (9) No mobile unit shall locate in such a manner as to cause any visibility obstruction at a street intersection.
 - (10) Every permit, including those from the city, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's mobile unit.
- (Ordinance 121, sec. II (1.106), adopted 6/9/20)

§ 5.03.007. Commissary location.

Any mobile unit stored on a commercial lot shall be entirely enclosed within a building, or hidden from view behind the primary structure, or approved opaque screening.

(Ordinance 121, sec. II (1.107), adopted 6/9/20; Ordinance adopting 2023 Code)

§ 5.03.008. Violations.

- (a) It shall be unlawful for any individual as the agent or employee of another regulated under this article to sell edible goods in the city unless its principal or employer has received a permit under this article.
- (b) It shall be unlawful for an individual to transfer a mobile food vendor permit issued under this article.
- (c) It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the city in the name of another individual, organization, or entity.
- (d) It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city under this article.
- (e) It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this article.
- (f) It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the city constitutes the city's endorsement or approval of the product for sale.
- (g) It shall be unlawful to operate a mobile food vendor operation that is not in compliance with the Texas Food Establishment Rules as amended from time to time.

(Ordinance 121, sec. II (1.108), adopted 6/9/20)

§ 5.03.009. Penalty.

Any person found in violation of any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provided in section 1.01.009 of this code. This penalty provision shall be in addition to any other legal or equitable remedies available to the city to enforce this article. Each day that a violation occurs is a separate offense.

(Ordinance 121, sec. III, adopted 6/9/20; Ordinance adopting 2023 Code)

HOWARDWICK CODE

FIRE PREVENTION AND PROTECTION

Chapter 6

FIRE PREVENTION AND PROTECTION

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- § 6.02.009. Practice drills.
- § 6.02.010. Duties of assistant chief.
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**ARTICLE 6.03
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FIRE PREVENTION AND PROTECTION

§ 5.03.009

ARTICLE 6.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 6.02
VOLUNTEER FIRE DEPARTMENT

§ 6.02.001. Election of officers.

The officers of the CHVFD shall consist of a chief, assistant chief, captain, lieutenant, secretary and treasurer. The CHVFD, subject to approval by the city and the bylaws, may create additional officer positions, and define the authority and duties of each such position. The city shall maintain ultimate authority over the approval or appointment of all elected or appointed officers and may remove and fill any position at its discretion.

(Ordinance 72, sec. 2, adopted 5/5/98; 2004 Code, sec. 7.10; Ordinance adopting 2023 Code)

§ 6.02.002. Term of officers.

Each elected official shall hold office for one (1) year and until his or her successor has been duly elected, except that he or she may be removed by the city council for cause after a public hearing.

(Ordinance 72, sec. 2, adopted 5/5/98; 2004 Code, sec. 7.11)

§ 6.02.003. Appointment and removal of fireman.

Firemen and probationary firemen shall be appointed by the members of the department, subject to confirmation by the city council. Firemen shall continue as members of the department during good behavior and may be removed by the city council only for cause after a public hearing.

(Ordinance 72, sec. 2, adopted 5/5/98; 2004 Code, sec. 7.12)

§ 6.02.004. Equipment.

The chief shall have control of all firefighting apparatus and shall be solely responsible for its care and condition. He or she shall provide reports to the city upon request as to the condition of the equipment.

(Ordinance 72, sec. 3, adopted 5/5/98; 2004 Code, sec. 7.13; Ordinance adopting 2023 Code)

§ 6.02.005. Reports.

The chief shall submit additional reports and recommendations as an agenda item for the city council to consider. He or she shall provide to the city each suspension or dismissal of a member of the fire department immediately following the event.

(Ordinance 72, sec. 3, adopted 5/5/98; 2004 Code, sec. 7.14; Ordinance adopting 2023 Code)

§ 6.02.006. Training.

He or she shall be responsible for the proper training and discipline of the members of the fire department.

(Ordinance 72, sec. 3, adopted 5/5/98; 2004 Code, sec. 7.15)

§ 6.02.007. Suspension of members.

The chief must follow the bylaws of the CHVFD for all suspensions, discipline or dismissals of members.

(Ordinance 72, sec. 3, adopted 5/5/98; 2004 Code, sec. 7.16; Ordinance adopting 2023 Code)

§ 6.02.008. Records of fires.

The chief shall, in a convenient form, make a complete record of all fires and page outs. Such record shall include the time of the alarm, location, cause (if known), type of building, name of owner or tenant, members responding to the incident and other information the chief may deem advisable or that the city may require. All reports are to be given to the city secretary in a timely manner for records management and a copy to be kept at the fire station.

(Ordinance 72, sec. 4, adopted 5/5/98; 2004 Code, sec. 7.17; Ordinance adopting 2023 Code)

§ 6.02.009. Practice drills.

It shall be the duty of the chief to hold practice drills no less than 1 per month or for a total of 9 hours.

(Ordinance 72, sec. 5, adopted 5/5/98; 2004 Code, sec. 7.18; Ordinance adopting 2023 Code)

§ 6.02.010. Duties of assistant chief.

In the absence or disability of the chief, the assistant chief shall perform all the functions and exercise all of the authority of the chief.

(Ordinance 72, sec. 6, adopted 5/5/98; 2004 Code, sec. 7.19)

§ 6.02.011. Requirements for participation.

All members shall be able-bodied men and women, not less than eighteen (18) or more than seventy-five (75) years of age. They shall become members of the fire department only after a 90-day probationary period. Each applicant is subject to a criminal background check and a drug test. All members are required to do a minimum of 9 hours per month unless excused by the chief.

(Ordinance 72, sec. 7, adopted 5/5/98; 2004 Code, sec. 7.20; Ordinance adopting 2023 Code)

§ 6.02.012. Forfeiture of membership.

Firemen absent from three (3) consecutive drills or calls, unless excused by the chief, shall forfeit membership in the department.

(Ordinance 72, sec. 8, adopted 5/5/98; 2004 Code, sec. 7.21)

§ 6.02.013. Compensation.

The members and officers of the fire department are eligible to receive nominal compensation for each meeting/training session or page out attended as dictated by the city. In addition, the city will provide to the firemen general liability and workers compensation insurance and such facilities and equipment as are reasonably necessary to perform the duties of volunteer firemen.

(Ordinance 72, sec. 9, adopted 5/5/98; 2004 Code, sec. 7.22; Ordinance adopting 2023 Code)

§ 6.02.014. False alarms.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause.

(Ordinance 72, sec. 10, adopted 5/5/98; 2004 Code, sec. 7.23)

§ 6.02.015. Refusal of orders at fire.

It shall be unlawful for any person to neglect or refuse to obey any reasonable order of the chief at a

fire.

(Ordinance 72, sec. 10, adopted 5/5/98; 2004 Code, sec. 7.24)

§ 6.02.016. Interference with fire department.

It shall be unlawful for any person to interfere with the fire department in the discharge of its duties.

(Ordinance 72, sec. 10, adopted 5/5/98; 2004 Code, sec. 7.25)

ARTICLE 6.03
FIRE PREVENTION CODE

§ 6.03.001. Enforcement.

The fire prevention code shall be enforced by the chief of the fire department.
(Ordinance 39, sec. 2, adopted 8/8/77; 2004 Code, sec. 7.01)

§ 6.03.002. Definition.

Wherever the word “municipality” is used in the fire prevention code, it shall be held to mean the City of Howardwick, Texas.

(Ordinance 39, sec. 3, adopted 8/8/77; 2004 Code, sec. 7.02)

§ 6.03.003. Modifications.

The chief of the fire department shall have the power to submit modifications of the provisions of the code hereby adopted upon application in writing. All modifications must be approved by the municipality.

(Ordinance 39, sec. 4, adopted 8/8/77; 2004 Code, sec. 7.03; Ordinance adopting 2023 Code)

§ 6.03.004. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department within 30 days from the date of the decision appealed.

(Ordinance 39, sec. 5, adopted 8/8/77; 2004 Code, sec. 7.04)

§ 6.03.005. Penalty.

(a) Any person who shall violate any of the provisions of the fire prevention code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of aldermen or by a court of competent jurisdiction, within the time fixed therein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not to exceed the maximum allowable by state statute. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ordinance 39, sec. 6, adopted 8/8/77; 2004 Code, sec. 7.05)

**ARTICLE 6.04
FIREWORKS**

§ 6.04.001. Storage, use, sale or possession prohibited.

It shall be unlawful to store, use, sell, or possess fireworks within the city limits.
(Ordinance 34 adopted 7/11/77; 2004 Code, sec. 9.10)

§ 6.04.002. Transportation prohibited.

It shall be unlawful to transport fireworks within the city limits, and/or within 5,000 feet of the city limits.
(Ordinance 34 adopted 7/11/77; 2004 Code, sec. 9.11)

§ 6.04.003. Penalty.

Any person convicted of violation of this article shall be subject to a fine not to exceed the maximum allowable by state statute.
(Ordinance 34 adopted 7/11/77; 2004 Code, sec. 9.12)

ARTICLE 6.05
OUTDOOR BURNING

§ 6.05.001. State regulations adopted.

The city hereby adopts the outdoor burning rules as outlined in title 30 of the Texas Administrative Code, sections 111.201–111.221. If a conflict occurs between title 30 of the Texas Administrative Code, sections 111.201–111.221 and this article, the stricter of the two codes shall prevail.

(Ordinance 101, sec. A, adopted 3/20/15)

§ 6.05.002. General prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the city limits, or the city's extraterritorial jurisdiction, except as provided by this article. The burning of household trash, garbage of any form, or municipal solid waste is prohibited within the city limits. It shall also be unlawful for any person to light or have lighted any fire in any street, alley, thoroughfare or public property with the exception of cooking receptacles located in designated city parks and municipal burning as discussed in section 6.05.003 of this article. Outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of the storage of fossil fuels, shall not be allowed. No furniture, construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber shall be burned.

(Ordinance 101, sec. B, adopted 3/20/15)

§ 6.05.003. Exceptions.

Only fires under the conditions described below will be permitted:

- (1) Fire training. Outdoor burning shall be authorized for training of firefighting personnel when requested in writing and authorized by the state commission on environmental quality, region 1, air program manager. The burning shall be authorized if notice of denial is not received within (10) ten working days after the date of postmark or date of personal delivery of the request.
- (2) Domestic outdoor fires. Fires are allowed out-of-doors for cooking, warmth, recreational or ceremonial purposes. These fires should be built in a fireproof container, such as a bar-b-que pit or chimenea, made of brick, stone, metal, or other fireproof material, or in a manner to contain the fire and prevent said fire from escaping. All grills and open pits must be covered to prevent escape of embers. All of the above allowed out-of-doors fires must have a responsible person(s) in attendance, with adequate water supply and/or fire extinguishing equipment readily available. The responsible person(s) must also possess a reliable means of communication to call for assistance if needed.
- (3) Municipal burning. The city may burn vegetation and/or brush for the purpose of maintaining and/or clearing of rights-of-way for streets and/or drainage. The city may burn brush, trees and other plant growth causing a detrimental public health and safety condition upon receiving site and burn approval from the state commission on environmental quality, region 1, air program manager.
- (4) Special permission. The emergency management director of the city, with support and specific agreement of the fire chief, is fully authorized to issue special burning permissions to persons, firms or corporations located within the city on a case-by-case basis.

(Ordinance 101, sec. C, adopted 3/20/15)

§ 6.05.004. Authority to issue burn bans.

Pursuant to section 1.02.004(4), the emergency management director of the city, with support and specific request made by the fire chief, is fully authorized to enact a burn ban and set the term limits and conditions of the ban. Such bans are enforceable within the entirety of city limits and the city's extraterritorial jurisdiction.

(Ordinance 101, sec. D, adopted 3/20/15)

§ 6.05.005. Penalty; citations.

Any person, firm or corporation violating any of the provisions or terms of this article, or owning or occupying real property on which such violation(s) occurs, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed the maximum allowable by state law for such offense, except where a different penalty has been established by state law for such offense(s). Power of citation for violation(s) of this article is hereby granted to the current fire chief as well as the code enforcement officer.

(Ordinance 101, sec. E, adopted 3/20/15)

HOWARDWICK CODE

HEALTH AND SANITATION

Chapter 7

HEALTH AND SANITATION

ARTICLE 7.01 GENERAL PROVISIONS (RESERVED)		§ 7.03.004.	Cutting and removal of weeds, rubbish and brush.
ARTICLE 7.02 SMOKING		§ 7.03.005.	Collection of city's expenses; lien.
§ 7.02.001.	Smoking in city buildings or while operating city equipment.	§ 7.03.006.	Additional authority to abate dangerous weeds.
ARTICLE 7.03 UNSANITARY OR OBJECTIONABLE CONDITIONS		§ 7.03.007.	Violations; penalty; liability for violations by corporation.
§ 7.03.001.	Carrion, filth or other unwholesome matter.	ARTICLE 7.04 ACCUMULATION OF WEEDS OR BRUSH	
§ 7.03.002.	Weeds, rubbish or brush.	§ 7.04.001.	Prohibited conditions; notice prior to grass season.
§ 7.03.003.	Removal of carrion, filth or other unwholesome matter.	§ 7.04.002.	Declaration of fire hazard.
		§ 7.04.003.	Abatement by city.
		§ 7.04.004.	Penalty.
		§ 7.04.005.	Lien for city's expenses.

ARTICLE 7.01
GENERAL PROVISIONS (RESERVED)

**ARTICLE 7.02
SMOKING**

§ 7.02.001. Smoking in city buildings or while operating city equipment.

- (a) Prohibition. It shall be unlawful to smoke in city hall, the city community center building, the storm shelter, the maintenance shop, and the fire department building and while operating any city equipment.

- (b) Definitions.

City-owned buildings. Any facility, building or location owned by the city.

Company [City] equipment. Any piece of equipment or vehicle used by the city to perform duties on behalf of the city.

(Ordinance 112 adopted 8/14/18)

ARTICLE 7.03
UNSANITARY OR OBJECTIONABLE CONDITIONS

§ 7.03.001. Carrion, filth or other unwholesome matter.

It shall be unlawful for any person who shall own or occupy any house, building, establishment, lot or yard in the city to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereat or thereon.

(Ordinance 32, sec. 1, adopted 5/9/77; 2004 Code, sec. 8.30)

§ 7.03.002. Weeds, rubbish or brush.

It shall be unlawful for any person who shall own or occupy any lot in the city to permit or allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on such lot.

(Ordinance 32, sec. 2, adopted 5/9/77; 2004 Code, sec. 8.31)

§ 7.03.003. Removal of carrion, filth or other unwholesome matter.

Should the owner of any premises or building within the city upon which carrion, filth or other impure or unwholesome matter may be fail or refuse to remove such filth, carrion or other impure or unwholesome matter within ten days after notice to such owner to do so in writing or by letter addressed to such owner at his post office address, or within ten days after notice by publication as many as two times within ten consecutive days in any newspaper in the county, if personal notice may not be had as aforesaid, or if the owner's address be not known, the city may do such removal of filth, carrion, etc., or any other unsightly, objectionable or unsanitary matter, or cause the same to be done and may pay therefor and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or real estate. If such work is done or improvements are made at the expense of the city, then such expense shall be assessed on the real estate or lot upon which such expense was incurred.

(Ordinance 32, sec. 3, adopted 5/9/77; 2004 Code, sec. 8.32)

§ 7.03.004. Cutting and removal of weeds, rubbish and brush.

(a) Should any owner of any lot within the city upon which lot weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter grows or accumulates or may be, fail or refuse to cut down or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter, as the case may be, within ten days after notice to such owner to do so, given as provided in subsection (b), then the city may do such cutting down or removing such weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or real estate. If such work is done or improvements are made at the expense of the city, then such expense shall be assessed on the real estate or lot upon which such expense was incurred.

(b) The notice must be given:

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

- (3) If personal service cannot be obtained:
 - (A) By publication at least once;
 - (B) By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (C) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
 - (4) If a municipality mails a notice to a property owner in accordance with this subsection (b), and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered as delivered.
- (Ordinance 32, sec. 4, adopted 5/9/77; 2004 Code, sec. 8.33; Ordinance adopting 2023 Code)

§ 7.03.005. Collection of city’s expenses; lien.

The mayor shall file a statement of expenses incurred as the case may be, giving the amount of such expense, the date on which such work was done and a description of the premises upon which such work was done or improvements made, with the county clerk. The city shall have a privileged lien on such lot or real estate upon which such work was done or improvements made to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 342, which lien shall be second only to tax liens and liens for street improvements, and such amount shall bear ten percent interest from the date the statement was filed. For any such expenditures and interest, as aforesaid, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the city, and the statement of expenses so made, as aforesaid, or a certified copy thereof, [shall be prima facie proof of the amount expended for such] work or improvements.

(Ordinance 32, sec. 5, adopted 5/9/77; 2004 Code, sec. 8.34)

§ 7.03.006. Additional authority to abate dangerous weeds.

- (a) The city may abate, without notice, weeds that have grown higher than forty-eight (48) inches and are an immediate danger to the health, life, or safety of any person.
- (b) Not later than the 10th day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 342.006 of the Health and Safety Code.
- (c) The notice shall contain:
 - (1) Identification, which is not required to be a legal description, of the property;
 - (2) A description of the violations of this article that occurred on the property;
 - (3) A statement that the city abated the weeds; and
 - (4) An explanation of the property owner’s right to request an administrative hearing related to the city’s abatement of the weeds.
- (d) The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.
- (e) An administrative hearing conducted under this section shall be conducted not later than the 20th

day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

- (f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 342.007 of the Health and Safety Code. A lien created under this section is subject to the same conditions as a lien created under section 342.007 of the Health and Safety Code.
 - (g) The authority granted a city by this section is in addition to the authority granted by Health and Safety Code, section 342.006.
- (Ordinance adopting 2023 Code)

§ 7.03.007. Violations; penalty; liability for violations by corporation.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and subject to a fine not to exceed the maximum allowable by state statute. In case the owner or occupant of any lot or premises under the provisions of this article shall be a corporation, and shall violate any provision of this article, the president, vice-president, secretary or treasurer of such corporation, or any manager, agent or employee of such corporation, shall be also severally liable for any penalty.

(Ordinance 32, sec. 6, adopted 5/9/77; 2004 Code, sec. 8.35)

ARTICLE 7.04
ACCUMULATION OF WEEDS OR BRUSH

§ 7.04.001. Prohibited conditions; notice prior to grass season.

- (a) It shall be unlawful for any person who shall own or occupy any lot or yard within the limits of the city to permit or allow the growth or accumulation of high grass and weeds over the height of twelve inches (12"). This includes brush. Such growth or accumulation thereof shall be declared a fire hazard.
- (b) May 1 through October 31 shall be deemed grass season each year. A notice will be sent to all property owners once per year prior to grass season prohibiting grass and weeds on any lot to grow more than twelve inches (12"). The city will at the owner's expense mow or remove any unlawful high grass, weeds and/or brush due to fire hazard, blocking visibility for drivers, harboring of rodents and snakes and contributing to pests like mosquitoes and chiggers.

(Ordinance 47 adopted 11/14/81; 2004 Code, sec. 8.20; Ordinance 113 adopted 9/13/18; Ordinance adopting 2023 Code)

§ 7.04.002. Declaration of fire hazard.

Should the owner of any premises permit or allow such growth or accumulation of high grass, weeds and/or brush over the height of twelve inches (12") to continue during grass season, which is May 1 through October 31, or to continue for a period of ten days, the city shall declare same a fire hazard.

(Ordinance 47 adopted 11/14/81; 2004 Code, sec. 8.21; Ordinance 113 adopted 9/13/18; Ordinance adopting 2023 Code)

§ 7.04.003. Abatement by city.

The city, having declared the accumulated weeds and/or brush a fire hazard, shall perform any work necessary to remove same, or cause the same to be done, and charge such expenses incurred in doing such work, or in having such work done, to the owner of such lot or yard.

(Ordinance 47 adopted 11/14/81; 2004 Code, sec. 8.22)

§ 7.04.004. Penalty.

In addition to the expense or expenses of abatement of weeds and/or brush by the city, such owner or occupant of property on which abatement has occurred shall be deemed guilty of a misdemeanor and subject to a fine not to exceed the maximum allowable by state statute.

(Ordinance 47 adopted 11/14/81; 2004 Code, sec. 8.23)

§ 7.04.005. Lien for city's expenses.

The city shall have the right to place a statutory lien against the premises upon which an abatement of weeds and/or brush by the city has occurred, and shall not release such lien until full payment has been made.

(Ordinance 47 adopted 11/14/81; 2004 Code, sec. 8.24)

HOWARDWICK CODE

OFFENSES AND ADDITIONAL PROVISIONS

Chapter 8

OFFENSES AND ADDITIONAL PROVISIONS

ARTICLE 8.01
GENERAL PROVISIONS

- § 8.01.001. Dumping.
§ 8.01.002. Littering.

- § 8.03.032. Discharge of firearms prohibited.
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**ARTICLE 8.01
GENERAL PROVISIONS**

§ 8.01.001. Dumping.

- (a) Prohibited. It shall be unlawful for any person to dump or leave or cause to be dumped or left any trash or other waste material at any location other than at the designated dump areas.
 - (b) Penalty. Any person violating the provisions of this section shall, upon conviction, be subject to a fine not to exceed the maximum allowable by state statute. Each and every violation of this section shall constitute a separate and distinct offense.
- (Ordinance 62, secs. 2, 3, adopted 8/11/92; 2004 Code, secs. 9.01, 9.02)

§ 8.01.002. Littering.

- (a) Prohibited. Littering on public streets and/or private property is prohibited.
 - (b) Penalty. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the maximum allowable by state statute.
- (Ordinance 3, secs. 2, 7, adopted 10/5/71; 2004 Code, secs. 8.02, 8.06)

ARTICLE 8.02
NOISE AND SOUND LEVEL REGULATION

§ 8.02.001. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime hours means the hours from 7:00 a.m. on one day and 10:00 p.m. the same day for residential properties or areas and 6:00 a.m. on one day and midnight on the same day for nonresidential properties or areas.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of:

- (1) Preventing or alleviating the physical trauma or property damage threatened or caused by an emergency;
- (2) Restoring property to a safe condition following a fire, accident, or natural disaster;
- (3) Protecting persons or property from exposure to danger; or
- (4) Restoring public utilities.

Nighttime hours means the hours between 10:01 p.m. on one day and 6:59 a.m. the following day for residential properties or areas and 12:01 a.m. and 5:59 a.m. the same day for nonresidential properties or areas.

Nonresidential property/areas means any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been zoned other than as residential property, and properties that are devoted to public purposes, such as public parks.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, specific words or the artist performing it. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Property line means, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Residential property/areas means any real property where a residence is located.

Streets shall be defined as being in the same category as the surrounding property. In the case of residential properties/areas which are across the street from nonresidential properties/areas, the street shall be considered to be in a residential area.

(Ordinance 117, sec. 8.71.001, adopted 7/9/19)

§ 8.02.002. General prohibitions.

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In determining whether a noise is loud, unnecessary, or unusual, the following factors shall be considered: time of day; proximity to residential properties/areas as defined above; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.
- (b) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound that either exceeds the maximum permitted sound levels specified in section 8.02.006 of this article or, for purposes of sections 8.02.003, 8.02.004, and 8.02.005 of this article, otherwise unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.
- (c) The acts enumerated in the following sections of this article, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.
- (d) This article shall not apply to any public utility or public works.
(Ordinance 117, sec. 8.71.002, adopted 7/9/19)

§ 8.02.003. Noisy vehicles.

- (a) Generally. The use of any motor vehicle so out of repair, or so extra loaded, that it creates any loud and unreasonable or unusual (that is, not standard equipment for the type vehicle, or which violates state regulations for equipment or emissions), grating, grinding, rattling, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.
- (b) Jake braking. No person shall operate an engine of any motor vehicle as defined by the Texas Transportation Code so as to “brake” or slow the same through the use of gears (commonly known as “jake braking”) or by any other method which produces any noise in addition to the normal operating engine noise.
- (c) Idling vehicle. No person shall operate or allow an engine of any sort of motor vehicle, except emergency equipment or vehicles then located at a permitted public event or parade, to idle for more than one (1) hour.

(Ordinance 117, sec. 8.71.003, adopted 7/9/19)

§ 8.02.004. Amplified sound.

- (a) It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, mobile phone, or any other sound source, when operated: (i) in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or (ii) at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet or more from a vehicle shall be presumed to be violative of this section. The

operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet or more from the property line of a property or premises in which the amplification is located shall be presumed to be violative of this section.

- (b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that (i) the motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function, and (ii) the use is in compliance with all other provisions of this article.

(Ordinance 117, sec. 8.71.004, adopted 7/9/19)

§ 8.02.005. Noisy animals and birds.

- (a) The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this article, regardless of whether the sound so created by said animal or bird is within the permissible levels specified in section 8.02.006 of this article.
- (b) In any prosecution for a violation of this section 8.02.005, the fact that any loud animal noise which disturbed any person and which occurs in residential areas either (i) during nighttime hours, or (ii) when none of the residents who reside at the place where the animal or bird is being kept are at home, shall create a rebuttable presumption that such noise was in violation of this article.
- (c) In any prosecution for a violation of this section 8.02.005, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations and/or the receipt of two or more complaints from more than one household within a two-month period, shall create a rebuttable presumption that such noise was in violation of this article.

(Ordinance 117, sec. 8.71.005, adopted 7/9/19)

§ 8.02.006. Maximum permissible sound levels.

- (a) In addition to the violations established by the preceding sections of this article, no person shall conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that when measured as provided in section 8.02.007 of this article exceeds 85 dB(A) during daytime hours and 70 dB(A) during nighttime hours for the respective areas described above.
- (b) Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth in this article is a violation of this article. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound nuisance that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.
- (c) Regardless of the measurable dB(A) level established above and measured as provided in section 8.02.007 below, the generator of any sound of such a nature as to cause persons occupying or using any property other than the property upon which the sound is being generated to experience physically detectable sound, vibrations or resonance at a distance of fifty feet (50') from the

source of the sound (measured as set out below) caused by the sound shall also be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(Ordinance 117, sec. 8.71.006, adopted 7/9/19)

§ 8.02.007. Method of sound measurement.

Whenever portions of this article prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty feet (50') of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite the said building of the nearest public street to the property where the sound is generated.

(Ordinance 117, sec. 8.71.007, adopted 7/9/19)

§ 8.02.008. Permit for use of outdoor sound amplification equipment.

(a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier, or any other machine or device that produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner that exceeds the levels specified in section 8.02.006, without first obtaining a permit to do so. No permit is required for any use not exceeding the said permissible levels. The permit shall be granted only for the amplification of music or human speech, or both. The permit:

- (1) May be obtained by making application to the city secretary.
- (2) Requires payment of a fee in the amount set forth in the fee schedule in appendix A of this code for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.
- (3) Is valid for any requested period between the hours of 8:00 a.m. and 10:00 p.m. in residential areas or between 7:00 a.m. and midnight in nonresidential areas.
- (4) Shall not be issued to the same or any other person for the same location more than twice during any 30-day period. In the case of a sound truck, location shall relate to the area traversed by the truck in one day.
- (5) Shall specify the maximum sound level permitted.

(b) The permit application required to be filed pursuant to this section shall contain the following information:

- (1) The date of the application and the date and hours for which the permit is requested.
- (2) The name and address of the applicant.

- (3) The name and address of the person who will have charge of the sound amplifying equipment.
 - (4) The address and a description of the location where the sound equipment will be used.
 - (5) A description of the type of sound amplifying equipment to be used.
 - (c) The permit hereby required is not required for the purpose of regulating speech which is protected speech or to conflict with any law of any superior governmental authority. Any regulation hereof that is in conflict with any such right or authority is hereby declared to be inoperative and severable from the other regulations herein.
- (Ordinance 117, sec. 8.71.008, adopted 7/9/19; Ordinance adopting 2023 Code)

§ 8.02.009. Defenses.

The following defenses shall apply to any offense established in this article, and the same must be specifically pled by anyone charged with a violation:

- (1) The emission of any sound was for alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or regulation of any governmental entity or agency.
- (2) The sound was produced by an authorized emergency vehicle.
- (3) The sound was produced by emergency work.
- (4) The sound was generated:
 - (A) At a lawfully scheduled stadium event;
 - (B) By a parade and spectators and participants on the parade route during a lawful parade;
 - (C) By spectators and participants at lawfully scheduled amphitheater event;
 - (D) By patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - (E) By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - (F) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the city and in full compliance with a permit issued by the city.
- (5) The sound was produced by the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, which activity did not produce a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received.
- (6) The sound was produced by aircraft, in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
- (7) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. when the sound is being produced for the

maintenance or upkeep of the property on which it was operated.

- (8) The sound was generated as authorized under the terms of a permit issued under section 8.02.008 of this article.
- (9) The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours for the zone in which the church is located.
- (10) The sound was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic, band and school entertainment practice or events.

(Ordinance 117, sec. 8.71.009, adopted 7/9/19)

§ 8.02.010. Penalty.

- (a) Any person who violates any provision of this article is guilty of an offense and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense.
- (b) Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

(Ordinance 117, sec. 8.71.010, adopted 7/9/19; Ordinance adopting 2023 Code)

**ARTICLE 8.03
WEAPONS**

**DIVISION 1
Generally**

§ 8.03.001. Shooting bow or crossbow.

It shall be unlawful for any person, firm, corporation or association to discharge, shoot, or cause to be discharged or shot, any bow, crossbow or arrow or bolt or other projectile upon the public property owned by the city.

(Ordinance 88, sec. 1, adopted --/--; 2004 Code, sec. 8.50)

§ 8.03.002. through § 8.03.030. (Reserved)

DIVISION 2

Use and Discharge of Firearms**§ 8.03.031. Definition.**

Firearm means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, or any device readily convertible to that use.

(Ordinance 89, sec. 1, adopted --/--; 2004 Code, sec. 8.40)

§ 8.03.032. Discharge of firearms prohibited.

Subject to the exceptions set forth in section 8.03.034 of this article, it shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any firearm at any place within the city limits.

(Ordinance 89, sec. 1, adopted --/--; 2004 Code, sec. 8.41)

§ 8.03.033. Discharge of BB gun, pellet gun or paintball gun.

- (a) Subject to the exceptions set forth in section 8.03.034 of this article, it shall be unlawful for any person, firm, corporation or association to discharge, or cause to be discharged, any BB gun, pellet gun, or paintball gun operated by compressed air or compressed gas or spring powered firearm at any place within the city limits.
- (b) This section shall not prohibit the firing of BB gun, pellet gun, or paintball gun by an adult or by a minor under the direct visual supervision of an adult so long as such discharge occurs on private property owned or lawfully occupied by the supervising adult and as long as the discharged projectile does not exit the boundaries of such private property.

(Ordinance 89, sec. 2, adopted --/--; 2004 Code, sec. 8.42)

§ 8.03.034. Exceptions.

Nothing herein shall be construed to apply to the use of firearms:

- (1) In exhibitions of charitable contests conducted under conditions and supervision approved by the board of aldermen after application has been made to the city and a permit has been issued;
- (2) By duly qualified and commissioned peace officers in the performance of the official duties of their office;
- (3) For the protection of a person or property in or about his home in accordance with the laws of the state.

(Ordinance 89, sec. 3, adopted --/--; 2004 Code, sec. 8.43)

ARTICLE 8.04
CARROL CREEK AND OTHER DRAINAGEWAYS

§ 8.04.001. Throwing trash or debris in drain, easement or creek.

It shall be unlawful for any person to throw or place any trash, brush, cut grass or weeds, debris, or physical matter of any kind in or on any natural or artificial drain, drainage ditch, drainage easement, channel, stream, or creek, including specifically Carrol Creek, in the city, or to permit the introduction of any such material into any such area.

(Ordinance 126, sec. 1.001, adopted 7/13/21)

§ 8.04.002. Placing fence or other obstacle in drain, easement or creek.

It shall be unlawful for any person to build or place any fence of any kind, or any other structure or physical obstacle, in, on or across any drainage easement, or any natural or artificial drain, or any channel, stream, or creek, including specifically Carrol Creek, in the city, or any part thereof.

(Ordinance 126, sec. 1.002, adopted 7/13/21)

§ 8.04.003. Duty to keep property adjacent to Carrol Creek clean.

It shall be unlawful for the owner or tenant of any property in the city adjacent to Carrol Creek to fail to keep his property adjacent to Carrol Creek clean and free of all trash, brush, cut grass, weeds, debris or other physical matter, which is or could be an obstacle, to any extent, to the free flow of Carrol Creek at all times, without regard to the origin thereof.

(Ordinance 126, sec. 1.003, adopted 7/13/21)

§ 8.04.004. Fishing in Carrol Creek.

It shall be unlawful for any person to fish in waters of Carrol Creek except under the rules and regulations prescribed by the state parks and wildlife department, and such rules and regulations as may be hereafter promulgated for Carrol Creek. The penalties for violation of any of the provisions of said rules and regulations shall be those prescribed and enacted by the state, which penalties shall be enforced in courts of competent jurisdiction.

(Ordinance 126, sec. 1.004, adopted 7/13/21)

§ 8.04.005. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each such violation shall be considered a separate offense. Each day a violation occurs is a separate offense. The court shall order abatement and removal of any obstruction if the defendant is convicted of an offense under this section and the defendant may be ordered to pay for the repair costs.

(Ordinance 126, sec. 1.005, adopted 7/13/21; Ordinance adopting 2023 Code)

ARTICLE 8.05
JUNKED VEHICLES

§ 8.05.001. Definitions.

(a) Junked vehicle means a vehicle that:

(1) Is self-propelled; and

(2) Is:

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

(B) Inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this article, “junked vehicle” includes a motor vehicle, aircraft, or watercraft. This article applies only to:

(1) A motor vehicle that displays an expired license plate or does not display a license plate;

(2) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. part 47; or

(3) A watercraft that:

(A) Does not have lawfully on board an unexpired certificate of number; and

(B) Is not a watercraft described by section 31.055, Parks and Wildlife Code.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.60; Ordinance adopting 2023 Code)

§ 8.05.002. Declaration of nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

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

(2) Tends to reduce the value of the property;

(3) Invites vandalism;

(4) Creates a fire hazard;

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

(6) Is a public nuisance.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.61)

§ 8.05.003. Offense; penalty.

A person commits an offense if the person maintains a public nuisance described by section 8.05.002. An offense under this article is a misdemeanor punishable by a fine not to exceed the maximum allowable by state statute. The municipal court shall order abatement and removal of the nuisance on conviction.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.62)

§ 8.05.004. Authority to abate nuisance; procedures.

The city has adopted the following procedures for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance. Adopted procedures:

- (1) Prohibit a vehicle from being reconstructed or made operable after removal;
- (2) Require a public hearing before removal of the public nuisance; and
- (3) Require that notice identifying the vehicle or part of the vehicle be given to the state department of motor vehicles no later than the fifth day after the date of removal.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.63)

§ 8.05.005. Court orders.

The municipal court of the city may issue necessary orders to enforce these procedures.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.64)

§ 8.05.006. Administration of abatement procedures.

Procedures for abatement and removal of a public nuisance must be administered by any person authorized by the mayor to remove the nuisance. A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.65)

§ 8.05.007. Cancellation of certificate of title.

On receipt of notice of removal, the department shall immediately cancel the certificate of title issued for the vehicle.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.66)

§ 8.05.008. Relocation of vehicle.

The relocation of a junked vehicle that is a public nuisance to another location in the city after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.67)

§ 8.05.009. Notice of abatement procedures.

- (a) The procedures for the abatement and removal of a public nuisance under this article must provide not less than ten days' notice of the nature of the nuisance and must be sent by certified

mail, marked five-day return receipt requested, to:

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

(b) The notice must state that:

- (1) The nuisance must be abated and removed not later than the 10th day after the date on which the notice was mailed; and
- (2) Any request for a hearing must be made before the ten-day period expires.

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

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.68)

§ 8.05.010. Abatement hearing.

If a hearing is requested by a person for whom notice is required, the hearing shall be held not earlier than the 11th day after the date of the service of notice. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. If the information is available at the location of the nuisance, an order requiring removal of the nuisance must include the vehicle's:

- (1) Description;
- (2) Vehicle identification number; and
- (3) License plate number.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.69)

§ 8.05.011. Penalty.

Any person or corporation or association violating any of the provisions of this article, or failing to observe of the provisions hereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined any sum not to exceed the maximum allowable by state statute, and each violation shall be a separate offense.

(Ordinance 90, sec. 1, adopted --/--; 2004 Code, sec. 8.70)

OFFENSES AND ADDITIONAL PROVISIONS

HOWARDWICK CODE

Chapter 9

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§ 9.02.084.	Arrowhead, Peyton Place, Seminole Sections.	§ 9.02.155.	Water system protection zone.
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		DIVISION 7	
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		§ 9.02.181.	Violations.

ARTICLE 9.01
GENERAL PROVISIONS (RESERVED)

ARTICLE 9.02
ZONING¹

DIVISION 1
Generally

§ 9.02.001. through § 9.02.030. (Reserved)

1. Editor's Note—This Article Consists Of The Zoning Ordinance, Ordinance 120 Adopted December 10, 2019, As Amended. Ordinance 120 Repealed Chapter 12, Zoning, Of The 2004 Code. Section And Subsection Numbers, Style, Capitalization And Formatting Have Been Changed To Be Consistent With The Remainder Of The Code Of Ordinances, And This Will Be Maintained In Future Amendments To This Article.

DIVISION 2

Planning and Zoning Commission**§ 9.02.031. Planning and zoning commission established.**

There does exist a planning and zoning commission; such commission is made up of the mayor and city council or such persons appointed to serve as the planning and zoning commission by the mayor and city council.

(Ordinance 120, sec. 12.01, adopted 12/10/19)

§ 9.02.032. Powers of the commission.

Powers of the commission shall include the enforcement of ordinances in force that shall contribute to the orderly and pleasing development of a genteel retirement and recreation city. The commission shall have the power to grant deviations or make changes to this zoning ordinance only following a public hearing to preserve the rights and protect the interests of any property owner in the city.

(Ordinance 120, sec. 12.02, adopted 12/10/19)

§ 9.02.033. Term of office.

All appointive officers of the planning and zoning commission shall hold their office during the pleasure of the city council and shall deliver up their commissions, respectively, upon the request of the city council.

(Ordinance 120, sec. 12.03, adopted 12/10/19)

§ 9.02.034. through § 9.02.060. (Reserved)

DIVISION 3

Definitions**§ 9.02.061. Definitions.**

Cottage. For the purpose of this document, the term “cottage” shall be interpreted to describe a single-family dwelling built on-site, of new material, aside from certain “rough in” materials which would be concealed on completion, and meeting or exceeding the 750 square footage requirement of section 9.02.123.

Manufactured housing. Mobile housing built off-site, designed to be moved into place, and built to the HUD-code of 1976 minimum. Manufactured housing shall be no older than 15 years at the time of placement in the city. Placement shall be in accordance with R-1-CT: Green zoning designation.

Pre-fabricated structures. Consist of major components or structural assemblies built off-site and transported for assembly on-site. Pre-fabricated or pre-fab structures are built on permanent foundations of pier and beam or masonry, and do not contain steel beam undercarriages. Pre-fab housing may be used to meet the structural requirements of a cottage provided the square footage meets or exceeds the minimum specification for the zone in which they are located.

Recreational vehicles. RV parking on any lot or combination of lots zoned C-1RV (blue), for either private or for commercial use.

Tiny home. A dwelling or recreational use structure specifically built for human habitation, typically of 500 square feet or less of living space. Tiny homes are to be installed on permanent foundations of either pier and beam or masonry. No wheels are allowed on tiny homes. They are allowable in any zone that allows manufactured housing.

(Ordinance 120, sec. 12.04, adopted 12/10/19)

§ 9.02.062. through § 9.02.080. (Reserved)

DIVISION 4
Zoning Classifications

§ 9.02.081. Zoning classifications.

Zoning classification is as follows, identification and plat color:

- (1) R-1-C: White - Cottage - Single-family residential district.
- (2) R-1-CT: Green - Manufactured home and/or cottage - Single-family residential district.
- (3) C-1: Purple - Commercial district.
- (4) C-1RV: Blue - Recreational vehicle park district.
- (5) C-2: Yellow - Neighborhood commercial district: grocery, laundry, beauty shop, etc. (not including gasoline service station or alcoholic beverages).
- (6) C-7A: Red - Commercial district to include alcoholic beverages.
(Ordinance 120, sec. 12.11, adopted 12/10/19)

§ 9.02.082. Country Club Section/Nocona Hills.

Country Club Section zoned all lots R-1-C (white), save and except lots 66, 67, 68, 69 which are additionally yellow. Nocona Hills Section zoned all lots R-1-C (white).
(Ordinance 120, sec. 12.12, adopted 12/10/19)

§ 9.02.083. Pueblo Section.

Pueblo Section zoned all lots R-1-C (white).
(Ordinance 120, sec. 12.13, adopted 12/10/19)

§ 9.02.084. Arrowhead, Peyton Place, Seminole Sections.

Arrowhead, Peyton Place, Seminole Sections zoned all lots R-1-C (white) save and except Arrowhead Section lots 363, 364 and 365 which shall be R-1-CT (green).
(Ordinance 120, sec. 12.14, adopted 12/10/19)

§ 9.02.085. Navajo Section.

Navajo Section zoned all lots R-1-C (white) save and except lots 183 through 204, which shall be additionally C-1 (purple). Additionally, lot nos. 162, 163, 164 are zoned C-2 (yellow), Howardwick City Hall.
(Ordinance 120, sec. 12.15, adopted 12/10/19)

§ 9.02.086. Country Club North Section.

Country Club North Section zoned all lots R-1-C (white). Save lots 218 through 231 which shall be C-1 (purple).
(Ordinance 120, sec. 12.16, adopted 12/10/19)

§ 9.02.087. Comanche, Apache, Cherokee, Misty Grove, Red Feather, Huron, portions of Carrol

Creek Acres Sections.

Comanche Section, Apache Section, Cherokee Section, Misty Grove Section, Red Feather Section, Huron Section, all of Section I in Carrol Creek Acres, and all of that 236 acres lying between Carrol Creek and the south and west boundaries of the city, all lots and acreage therein are zoned R-1-CT (green), save and except the lots fronting State Highway 70 in Section I of Carrol Creek Acres, which lots shall be additionally C-2 (yellow) with the exception of lot 4, which shall be designated C-7A (red), and all of Red Feather Section, and all of Carrol Creek acres, which lots shall be additionally C1-RV (blue).

(Ordinance 120, sec. 12.17, adopted 12/10/19)

§ 9.02.088. Saints Roost.

All lots contained within the Saints Roost additions 1 and 2 are designated R-1-CT (green), and/or C1-RV (blue).

(Ordinance 120, sec. 12.18, adopted 12/10/19)

§ 9.02.089. Gasoline stations.

Gasoline station placement shall be by special permit granted by city council.

(Ordinance 120, sec. 12.19, adopted 12/10/19)

§ 9.02.090. Red Zone.

That certain 6.096 acres lying in the southeast corner of the city, being more particularly described by metes and bounds as follows:

Beginning at a 3/8 inch iron rod in the east right-of-way line of Highway No. 70 from whence the southeast corner of Section 2 bears S. 00°5'20" W., 1970.0 feet and S. 89°54'40" E., 2611.1 feet;

Thence S. 00°5'20" W., 360.8 feet to an iron rod;

Thence S. 89°54'40" E., 124.4 feet to a 3/8 inch iron rod in the north boundary line of the Greenbelt Municipal and Industrial Water Authority;

Thence S. 68°08'20" E., along the north boundary line of the Greenbelt Water Authority a distance of 652.3 feet to a iron rod;

Thence N. 05°24'00" W., 526.4 feet to an iron rod;

Thence S. 79° WOO" [sic] W., 398.4 feet to an iron rod;

Thence N. 30°25'00" W., 187.6 feet to an iron rod;

Thence S. 86°39'30" W., 192.8 feet to the beginning corner of this tract, zoned C-7A (red).

(Ordinance 120, sec. 12.20, adopted 12/10/19)

§ 9.02.091. Application for zoning change; fee.

Any application to the city council for a change in zoning within the city will be reviewed by the city council for compatibility with the surrounding zoning, and impacts on traffic, noise, infrastructure or other factors as may be detrimental to established areas or residents' rights to quiet enjoyment. If an application is approved by the city council to move forward, the submission shall be accompanied

by a fee to be determined by the city council to defray the expenses of the city in meeting the legal requirements to effect such zoning change.

(Ordinance 120, sec. 12.21, adopted 12/10/19)

§ 9.02.092. Reconsideration of request for zoning change.

In the event a request for zoning change is disapproved by the city council, then such request for zoning change may not be reconsidered again for a period of six (6) months or until the city council meeting next following the regular general election for the city, whichever event shall occur first.

(Ordinance 120, sec. 12.22, adopted 12/10/19)

§ 9.02.093. through § 9.02.120. (Reserved)

DIVISION 5
Zoning and Building Regulations

§ 9.02.121. Zoning authority; substandard structures.

- (a) The city administers zoning responsibilities and exercises its authority through the city administration consisting of the mayor, city council, and may optionally include citizens appointed to serve in order to protect the health, safety, and wellbeing of all its citizens in accordance with Texas State Code [Local Government Code], title 7, chapter 211.
 - (b) The city insists on strict compliance with building codes and strongly recommends they be followed in order to ensure structures are safe for habitation and structurally robust. Any obviously substandard structures may be designated as such by the city council or by a building standards committee as may be formed in the future, with actions to mitigate as provided by state law initiated (Local Govt. Code, title 2, subtitle D, chapter 54).
- (Ordinance 120, sec. 12.30, adopted 12/10/19)

§ 9.02.122. Setbacks.

- (a) Buildings on non-corner lots shall not be located nearer than:
 - (1) 20 feet from the front property line.
 - (2) 5 feet from each side property line.
 - (3) 5 feet from the rear property line.
 - (b) Buildings on corner lots shall not be located nearer than:
 - (1) 20 feet from the front property line.
 - (2) 10 feet from a side property line which borders a street.
 - (3) 5 feet from the other side property line.
 - (4) 5 feet from the rear property line.
 - (c) No building shall be erected or located nearer the property lines than set out above except by special permit by the city council.
- (Ordinance 120, sec. 12.31, adopted 12/10/19)

§ 9.02.123. Square footage of living spaces.

All permanent residential structures, with the exception of tiny homes, shall have a minimum 750 square feet living area, computed without regard to porches, garages and outbuildings. All waterfront lots, 900 square feet, Nacona Hills, 1000 square feet. Anything less by special permit from the city council only.

(Ordinance 120, sec. 12.32, adopted 12/10/19)

§ 9.02.124. Recreational vehicles in areas other than areas zoned C-1RV.

Recreational vehicles may be placed on residential lots for a period not to exceed six (6) months while a permanent structure is built. The grant of this permission is conditional upon a residence being

constructed on such lot, with a valid building permit in effect. The planning and zoning commission may renew and extend the time allowed hereunder. RVs may be permanently stored on the owner's property following completion of the structure.
(Ordinance 120, sec. 12.33, adopted 12/10/19)

§ 9.02.125. General requirements of residential structures.

- (a) Utilities. All electrical, sewer and water utilities constructed, installed or maintained on any property within the city limits are required to meet the requirements of all state and federal laws regarding their installation, construction or maintenance.
- (b) Move-in structures. Structures proposed to be moved within the city limits must apply for a building permit available at city hall. All the planning and zoning commission will review the permit to ensure that it complies with the following requirements:
 - (1) That the floor plan shall indicate that the structure has a minimum of 750 square feet of living area, computed without regard to porches, garages and outbuildings. All waterfront lots must have 900 square feet of living area. All structures proposed to be moved to Nacona Hills must have a square footage of no less than 1000 square feet.
 - (2) That the utilities proposed for the structure are certified to be in compliance with state and federal laws governing their construction, installation, repair or maintenance. If the permit is approved, the owner of such property shall be required to present to the city such assurances.
 - (3) Proof, through a land survey, that the structure shall be placed upon the property in such a way that it meets the setback requirements for that particular lot within the city.
- (c) Additional general requirements. No "stick built" structure constructed more than 15 years prior to permit application will be permitted to be placed within any zone of the city except by special allowance by the city council for historically significant structures. All construction or work involved with the placing of an approved move-in structure upon a lot within the city must be completed within 180 days of receiving approval of a permit.

(Ordinance 120, sec. 12.34, adopted 12/10/19)

§ 9.02.126. through § 9.02.150. (Reserved)

DIVISION 6
Additional Requirements

§ 9.02.151. Mowing.

It is the duty and responsibility of all of the property owners to keep the property mowed. No owner of any lot, place or area within the city, or agent of such owner, shall permit weeds, grass or other natural growth to be of such density, height or quantity as to constitute a menace and hazard to the health and wellbeing of this community. Any lot, place or area where such growth is allowed to remain shall be declared a public nuisance.

(Ordinance 120, sec. 12.40, adopted 12/10/19)

§ 9.02.152. Motor vehicles.

All motor vehicles parked on streets or on private property must be currently licensed or removed within thirty (30) days of complaint.

(Ordinance 120, sec. 12.41, adopted 12/10/19)

§ 9.02.153. Permits.

- (a) Building permits shall be required before any new structure, move-in structure, manufactured home, or other permanent structure is placed on a lot. A valid permit is required before the installation of any utility service or septic system construction is begun. A valid septic system permit from TCEQ is required prior to a building permit being issued by the city, and evidence of acceptable inspections performed before such structure can be inhabited or put into service.
- (b) Building permits shall be valid for a period of six (6) months from the date of issuance, and may be renewed and extended for an additional six (6) month period by ruling of the planning and zoning commission.
- (c) Fees for building permits are as set forth in the fee schedule in appendix A of this code.
- (d) Multifamily dwellings on any property are by special exemption and permit only.
- (e) Permits are required for RV camping, and are available from city hall. No permit is needed for storage of an RV on an owner's property where a habitable permanent residence is present.

(Ordinance 120, sec. 12.42, adopted 12/10/19; Ordinance adopting 2023 Code)

§ 9.02.154. On-site sewage disposal systems.

- (a) A land owner or person in control of land may not construct, alter, repair, or extend an on-site sewage disposal system that does not comply with the Texas Health and Safety Code as administered by the state commission on environmental quality (TCEQ) through their permitting and inspection processes. Any such actions require a valid permit before any work is done, and an inspection on completion. On-site sewage systems may be installed by the land owner in accordance with permitting and inspections by TCEQ.
- (b) All sewage must be disposed of in a dump site specifically designed for receipt of such sewage, or in an approved on-site sewage system, regardless of type of housing or RV. In no instance may raw sewage be dumped on the ground as it creates a serious health hazard. Infractions are cited by city code enforcement and prosecuted by TCEQ or the Environmental Protection Agency and will result in significant penalties. (Texas Health and Safety Code, subtitle B, chapter 366)

(Ordinance 120, sec. 12.43, adopted 12/10/19)

§ 9.02.155. Water system protection zone.

In order to proactively protect the city water supply from potential contamination, a protective zone extending 150 feet in any direction from the water wells has been established. Any use of those areas must be in accordance with section 12.03.003.

(Ordinance 120, sec. 12.44, adopted 12/10/19)

§ 9.02.156. Livestock within city limits.

- (a) Livestock, to include cattle, horses, poultry, swine, goats and similar animals commonly known as farm animals, kept for domestic use or for pleasure are prohibited within the city limits with the exception of the Carrol Creek Acres addition. One-acre tract minimum is required for each horse or cow. Goats or swine require a minimum of one acre for each four animals.
- (b) The only exception is for such an animal that has been domesticated to the point it shares the property owners' primary residence as its main habitat, and is considered a pet.
- (c) Poultry to include chickens, quail, pheasant, or turkeys are allowable so long as their numbers or location do not prompt complaints from neighbors due to noise or sanitation.

(Ordinance 120, sec. 12.45, adopted 12/10/19)

§ 9.02.157. through § 9.02.180. (Reserved)

DIVISION 7

Violations**§ 9.02.181. Violations.**

- (a) Any person who shall violate any of the provisions of this article or who shall fail to comply with any of the provisions of this article, or who shall build, alter or occupy any structure in violation of any statement or plan submitted and approved hereunder, shall be guilty of a violation of this article.
- (b) The owners of any building or property or part thereof where anything in violation of this article shall be placed or shall exist, and any architect, builder, contractor, agent, person, firm or corporation employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof, shall be fined in accordance with this article.
- (c) In addition to prosecution in municipal court, the city may use all legal remedies available to it for the enforcement of this article, including but not limited to summary abatement, civil suits, and injunctions.
- (d) In addition to the remedies provided for above, the enforcing officer may, in case any building or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this article, institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct of business or use in or about such premises.
- (e) A person, business or corporation convicted of a violation of this article may be fined in an amount of not less than \$1.00 or more than \$2,000.00. Each day such violation shall continue or shall be allowed to continue to exist shall constitute a separate offense.

(Ordinance 120, sec. 12.46, adopted 12/10/19; Ordinance 123 adopted 2/9/21)

PLANNING AND DEVELOPMENT REGULATIONS

HOWARDWICK CODE

Chapter 10

STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES

ARTICLE 10.01

GENERAL PROVISIONS

- § 10.01.001. Use of motorized vehicles in
public park.**

**ARTICLE 10.01
GENERAL PROVISIONS**

§ 10.01.001. Use of motorized vehicles in public park.

- (a) Prohibited. It shall be unlawful for any person to operate or ride a motorized vehicle on any area designated the public park of the city, except in areas specified for parking. Park maintenance vehicles, public safety vehicles, handicap accessibility vehicles and vehicles used in connection with special events, if approved by the City Secretary or his or her designee, shall be exempt from this subsection (a).
- (b) Motorized vehicles defined. Any vehicle propelled by a motor including but not limited to go-carts, all terrain vehicles (ATV's), mini bikes, golf carts and RV's.
- (c) Penalty. Any person violating the provisions of this section shall, upon conviction, be subject to a fine not to exceed the maximum allowable by state statute. Each and every violation of this section shall constitute a separate and distinct offense.

(Ordinance 129 adopted 5/13/2025)

HOWARDWICK CODE

TRAFFIC AND VEHICLES

Chapter 11

TRAFFIC AND VEHICLES

ARTICLE 11.01 GENERAL PROVISIONS		§ 11.02.006.	Penalty.
§ 11.01.001.	Penalty.	ARTICLE 11.03 GOLF CARTS, ATV'S, MOTOR DRIVEN CYCLES AND RECREATIONAL OFF- HIGHWAY REGULATIONS	
§ 11.01.002.	Obedience to traffic signs and signals.	§ 11.03.001.	Definitions.
§ 11.01.003.	Operation of motor-driven vehicles.	§ 11.03.002.	Presumption that owner of the vehicle is responsible for violation.
§ 11.01.004.	Trespassing on private property.	§ 11.03.003.	Findings.
§ 11.01.005.	Recreation trailing.	§ 11.03.004.	Prohibited on streets of the City.
§ 11.01.006.	Specific streets and locations.	§ 11.03.005.	Golf carts and motor driven cycles authorized.
ARTICLE 11.02 HEAVY VEHICLES		§ 11.03.006.	Obedience to traffic signs and signals.
§ 11.02.001.	Operation prohibited except in designated areas.	§ 11.03.007.	Trespassing on private property.
§ 11.02.002.	Definition.	§ 11.03.008.	Penalty.
§ 11.02.003.	Exempted areas.		
§ 11.02.004.	Exempted vehicles.		
§ 11.02.005.	Other exempted conditions.		

**ARTICLE 11.01
GENERAL PROVISIONS**

§ 11.01.001. Penalty.

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed the maximum allowable by state statute.

(Ordinance 2, sec. 5, adopted 10/5/71; 2004 Code, sec. 10.05)

§ 11.01.002. Obedience to traffic signs and signals.

Traffic signs and signals placed on public streets shall be obeyed.

(Ordinance 2, sec. 1, adopted 10/5/71; 2004 Code, sec. 10.01)

§ 11.01.003. Operation of motor-driven vehicles.

The operation of motor-driven vehicles, including motor-driven bikes, shall be in accordance with laws set forth by the state.

(Ordinance 2, sec. 2, adopted 10/5/71; 2004 Code, sec. 10.02)

§ 11.01.004. Trespassing on private property.

Motor-driven vehicles, including bikes and motor-driven bikes, shall not trespass on privately owned property, including property owned by any development company within the city limits.

(Ordinance 2, sec. 3, adopted 10/5/71; 2004 Code, sec. 10.03)

§ 11.01.005. Recreation trailing.

The board of aldermen shall designate, from time to time, certain open country within the city limits for “recreation trailing” relative to the use of bikes and motor-driven bikes. Locale information shall be posted at city hall.

(Ordinance 2, sec. 4, adopted 10/5/71; 2004 Code, sec. 10.04)

§ 11.01.006. Specific streets and locations.

Ordinances pertaining to specific streets and locations are not included in this code, but such ordinances are on file in the city secretary’s office and are specifically saved from repeal upon adoption of the Code of Ordinances.

(Ordinance adopting 2023 Code)

ARTICLE 11.02
HEAVY VEHICLES

§ 11.02.001. Operation prohibited except in designated areas.

It shall henceforth be deemed unlawful to drive or operate commercial, heavy and super-heavy vehicles and/or equipment upon municipal streets except in designated and/or exempted areas.
(Ordinance 107 adopted 9/13/16)

§ 11.02.002. Definition.

Heavy vehicle means any truck-tractor, road-tractor, semi-trailer, pole-trailer or other such commercial, heavy and super-heavy vehicle and/or vehicle-trailer combination with a gross vehicle carry weight in excess of 2-1/2 tons (5,500 lbs.) and/or possessing tandem drive axles.
(Ordinance 107, sec. I (1.01), adopted 9/13/16)

§ 11.02.003. Exempted areas.

- (a) The entirety of Rick Husband Boulevard, from the entrance to the city at S.H. 70 to its terminus at the curve west of city hall, at the dumpster area, shall be exempted from the provisions of this article.
 - (b) The entirety of the Carrol Creek Addition located at the northernmost section of the city shall be exempted from the provisions of this article.
 - (c) The entirety of Saints Roost I and Saints Roost II Additions located north of the entrance to the city and bordering S.H. 70 shall be exempted from the provisions of this article.
- (Ordinance 107, sec. I (1.02), adopted 9/13/16)

§ 11.02.004. Exempted vehicles.

- (a) Any emergency, rescue and first responder vehicles and equipment.
 - (b) Any street construction trucks, maintenance trucks and repair equipment.
 - (c) Any trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities.
 - (d) Any municipal vehicles and equipment used in the course of the performance of city business and operations.
 - (e) Any single-axle truck, van truck, box truck, flatbed truck or other such truck or vehicle engaged in the pickup and/or delivery of transportable goods.
 - (f) Agricultural tractors, equipment and devices.
- (Ordinance 107, sec. I (1.03), adopted 9/13/16)

§ 11.02.005. Other exempted conditions.

The governing body of the city understands that not all pickups and deliveries can be made via single-axle vehicles, and that the occasional use of heavy tractor-trailers and other such vehicles may be required, and does hereby make provision for the pickup and/or delivery of very large loads of transportable goods by heavy tandem-axle tractor-trailer trucks into prohibited areas, provided such

pickup and/or delivery is performed in a quick and timely manner, and the heavy vehicle exits the prohibited area immediately afterward.

(Ordinance 107, sec. I (1.04), adopted 9/13/16)

§ 11.02.006. Penalty.

It shall be unlawful and a violation of the provisions of this article for any person, owner or corporation to drive or operate commercial, heavy and super-heavy vehicles and/or equipment upon municipal streets except in designated and/or exempted areas, or under exempted conditions, and shall be punishable by a fine of no less than \$100.00 and not to exceed \$500.00 per offense.

(Ordinance 107, sec. V, adopted 9/13/16)

ARTICLE 11.03
GOLF CARTS, ATV'S, MOTOR DRIVEN CYCLES AND RECREATIONAL OFF-HIGHWAY REGULATIONS

§ 11.03.001. Definitions.

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

All-Terrain Vehicle (ATV). Shall have the meaning assigned by the Texas Transportation Code, chapter 551A. Has a straddle seat and handlebars designed to propel itself with three or four tires in contact with the ground.

Golf Cart. Shall have the meaning assigned by the Texas Transportation Code, § 551.401, as it exists or may be amended and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. Specifically excluded from this definition are those motorized conveyances commonly referred to as all-terrain vehicles, neighborhood electric vehicles, off-highway vehicles, four wheelers, mules, gators and riding lawnmowers.

Motor Driven Cycle. Includes every motor cycle, scooter and mini bike, designed to propel itself with two or more tires in contact with the ground.

Motor Vehicle. Means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a device used exclusively on stationary rails or tracks. For purposes of this article, the term includes golf cart but does not include an electric bicycle or an electric personal assistive mobility device.

Operator. The person operating and having physical control over the golf cart, motor-driven cycle, ATV and ROV. An operator must carry a valid state driver's license.

Owner. Shall have the meaning assigned by the Texas Transportation Code, § 502.001, and shall mean the person who has legal title to the golf cart, motor-driven cycle, ATV or ROV and has the legal right of possession, or has legal control of it.

Park or Parking. To stand an occupied or unoccupied motor vehicle, other than temporarily while loading or unloading merchandise or passengers.

Recreational Off-Highway Vehicle (ROV) Means a motor vehicle that is equipped with a seat or seats for the use of the rider and passengers and the vehicle is designed to propel itself with four or more tires in contact with the ground. Designed by the manufacturer for recreational off-highway use by the operator. Also known as side by sides or UTV's.

Residentially Zoned. Any area zoned for residential use as defined and designated in the City's Zoning Ordinance.

Street. The entire width between the boundary lines of a publicly maintained way any part of which is open to the use of the public for vehicular travel whether it be paved, dirt or gravel.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.002. Presumption that owner of the vehicle is responsible for violation.

If any motor vehicle, golf cart, motor-driven cycle, ATV or ROV is found upon a street in violation of any provision of this article regulating the use and the identity of the driver cannot be determined, the owner, or person in whose name is registered shall be held in prima facie responsible for such violation.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.003. Findings.

- (a) The prohibition on operating golf carts on a street in the City of Howardwick in some circumstances is necessary in the interest of public safety.
- (b) The prohibition on operating a ROV on a street in the City of Howardwick is necessary in the interest of public safety.
- (c) The prohibition on operating motor-driven cycles on a street in the City of Howardwick in some circumstances is necessary in the interest of public safety.
- (d) The prohibition on operating an ATV on a street in Howardwick is necessary in the interest of public safety.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.004. Prohibited on streets of the City.

It shall be unlawful for a person to operate an ATV or ROV on the streets of the City of Howardwick.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.005. Golf carts and motor driven cycles authorized.

- (a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid driver license while operating a golf cart.
- (b) All operators of golf carts and motor-driven cycles shall abide by all traffic regulations applicable to vehicular traffic when using any street in the City.
- (c) The operator and every occupant of a golf cart shall be limited to the seating and capacity as designed by the manufacturer and all occupants shall remain seated in a seat designated to hold passengers while the golf cart is in motion.
- (d) Occupants less than six years of age must be restrained by a safety belt.
- (e) No person may ride in the lap of a driver or any other occupant.
- (f) All operators of a motor-driven cycle shall be licensed to operate the cycle as provided by the Texas Transportation Code and shall carry a valid driver license while operating the motor-driven cycle.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.006. Obedience to traffic signs and signals.

Traffic signs and signals placed on public streets shall be obeyed.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.007. Trespassing on private property.

Motor-driven vehicles, golf carts, motor-driven cycles, ATV's and ROV'S shall not trespass on privately owned property, including property owned by any developed company within the City limits.

(Ordinance 131 adopted 10/14/2025)

§ 11.03.008. Penalty.

Any person, firm, or corporation violating any of the provisions of this article or the code as amended hereby, shall be subject to the same penalty as may be provided for the Code of Ordinances of the City, and upon conviction, shall be punished by a fine not to exceed \$500.00 for each offense.
(Ordinance 131 adopted 10/14/2025)

HOWARDWICK CODE

UTILITIES

Chapter 12

UTILITIES

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§ 12.02.002.	Unauthorized burning prohibited.	§ 12.03.004.	Right of entry.
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ARTICLE 12.01
GENERAL PROVISIONS

§ 12.01.001. Penalty.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be subject to a fine of not to exceed the maximum allowable by state statute. Each day during which violation continues shall be a separate offense.

(Ordinance 38, sec. 7, adopted 8/8/77; 2004 Code, sec. 11.03)

§ 12.01.002. Water service and sewage disposal system required.

(a) Requirements.

- (1) Water service required. Any structure occupied or inhabited by humans shall activate and maintain a current water utility account with Red River Authority of Texas. It shall be unlawful to occupy, inhabit, dwell in, or use as a residence or habitation any structure within the city in which water utility service is available, but not connected, has been disconnected, or has been interrupted for seven consecutive days.
- (2) Sewage disposal. It shall be unlawful to establish or provide water service to any premises intended for human habitation without a proper operating sanitary sewer disposal system.
- (3) Culpability. It is hereby declared that the culpable mental state required by state law is specifically negated and clearly dispensed with, and an offense under this section is declared to be a strict liability offense.

(b) Penalty.

- (1) Any person who violates any provision of this section is guilty of an offense and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day or portion thereof in which any violation shall occur shall constitute a separate offense.
- (2) Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

(Ordinance 118, secs. 11.20, 11.23, adopted 8/13/19; Ordinance adopting 2023 Code)

§ 12.01.003. Water rates.

The city council does hereby grant to the Red River Authority of Texas the rate schedule set forth in the fee schedule in appendix A of this code to be charged by the Red River Authority of Texas for water service supplied by the authority to its customers using the authority's water service within the city.

(Ordinance 81 adopted 5/21/13; Ordinance adopting 2023 Code)

§ 12.01.004. Compliance with construction codes and state regulations.

The city has adopted, as required by state statute, the generally accepted rules and regulations for the establishment of utilities as stated in the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, and the International Plumbing Code, as published by the International Code Council. Buildings should be constructed in a fashion that corresponds with

the specifications of the currently adopted building codes. In addition to the requirements of the above-stated organizations, the establishment of utilities within the corporate limits of the city must comply with the rules and regulations set forth by the state.

(Ordinance 37 adopted --/--; Ordinance 91, secs. 1, 2, adopted --/--; 2004 Code, sec. 11.01; Ordinance adopting 2023 Code)

§ 12.01.005. Street openings.

All openings made in the public streets or alleys to install or repair utilities must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalk clean and in perfect repair. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

(Ordinance 38, sec. 5, adopted 8/8/77; Ordinance 83, sec. 1, adopted 8/8/77; 2004 Code, sec. 11.02)

**ARTICLE 12.02
SOLID WASTE****§ 12.02.001. Penalty.**

Any person found guilty of violation of any provision of this article shall be subject to a fine not to exceed the maximum allowable by state statute. Each day during which a violation continues shall be considered as separate offense.

(Ordinance 40, sec. 4, adopted 9/12/77; Ordinance 84 sec. 3, adopted --/--; 2004 Code, sec. 11.13)

§ 12.02.002. Unauthorized burning prohibited.

It shall be unlawful for any unauthorized person to burn trash within the corporate limits of the city.

(Ordinance 40, sec. 1, adopted 9/12/77; Ordinance 84, sec. 1, adopted --/--; 2004 Code, sec. 11.10)

§ 12.02.003. Dumping dead animals.

It shall be unlawful for any person whatsoever to dump or leave or cause to be left dead animals within the corporate limits of the city.

(Ordinance 40, sec. 2, adopted 9/12/77; Ordinance 84, sec. 2, adopted --/--; 2004 Code, sec. 11.11)

§ 12.02.004. Billing.

The city will bill each resident household on a continuing monthly basis for hauling of household waste.

(Ordinance 61, sec. 4-D, adopted 9/11/91; 2004 Code, sec. 11.12; Ordinance adopting 2023 Code)

§ 12.02.005. Payment of fees.

(a) Payment of solid waste service fees. All persons or companies who maintain current water and/or wastewater service with Red River Authority of Texas shall promptly pay the monthly solid waste service fees as adopted by the city council and as billed by Red River Authority of Texas.

(b) Disconnection of water and wastewater service for failure to pay fees. Failure by any person or company to promptly pay the monthly solid waste service fees as provided in this section shall result in disconnection of the person or company's water and/or wastewater service with Red River Authority of Texas.

(c) Penalty.

(1) Any person who violates any provision of this section is guilty of an offense and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provided in section 1.01.009 of this code. Each day or portion thereof in which any violation shall occur shall constitute a separate offense.

(2) Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

(Ordinance 118, secs. 11.21–11.23, adopted 8/13/19; Ordinance adopting 2023 Code)

ARTICLE 12.03**SANITATION AND POLLUTION CONTROL NEAR PUBLIC WATER WELLS****§ 12.03.001. Purpose.**

This article is to prevent certain uses and the construction of facilities in or on land surrounding the wells, which might create a danger of pollution to the water produced from such wells.

(Ordinance 119, sec. 1, adopted 11/12/19)

§ 12.03.002. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

City means the City of Howardwick, Texas and its extraterritorial jurisdiction.

City council means the city council of the City of Howardwick, Texas.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or legal representatives, agents, successors, assigns.

Wells means any and all water wells owned and operated as an approved public water supply well developed to serve the city.

(Ordinance 119, sec. 2, adopted 11/12/19)

§ 12.03.003. Prohibited activities.

The following activities are prohibited within the designated areas of land surrounding the wells:

- (1) Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drainfield, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction, or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within 150-foot radius of the wells. For the purposes of this article, "improperly constructed water wells" are those wells that do not meet the surface and subsurface construction standards for a public water supply well.
- (2) Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the wells.
- (3) Construction of homes or buildings upon any area of land within a 150-foot radius of the wells is permitted, provided the restrictions described in subsections (1) and (2) above are met.
- (4) Normal farming and ranching operations are not prohibited by this article; provided, however, livestock shall not be allowed within a 50-foot radius of the wells.

(Ordinance 119, sec. 3, adopted 11/12/19)

§ 12.03.004. Right of entry.

RRA employees, or authorized representatives of the city, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any well to conduct any inspection or observation necessary to enforce this article.

(Ordinance 119, sec. 4, adopted 11/12/19)

§ 12.03.005. Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$1,000.00. Each day of violation shall constitute a separate offense.

(Ordinance 119, sec. 5, adopted 11/12/19)

§ 12.03.006. Removal of prohibited construction or use.

Any person who shall violate any provision of this article shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this article.

(Ordinance 119, sec. 6, adopted 11/12/19)

§ 12.03.007. Conflicting regulations.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this article, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

(Ordinance 119, sec. 7, adopted 11/12/19)