

**CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
AGENDA
MARCH 26, 2024
6:30 PM**

Notice is hereby given that the Ingleside City Council will hold a Regular City Council Meeting on March 26, 2024, at 6:30 PM. The Meeting will be held in person at Humble Station Community Center, 2821 Main Street, Ingleside, Texas. Members of the public can view the meeting via live stream at <https://inglesidtx.gov/>.

With respect to any subject matter set forth below, the City Council may take action, unless otherwise expressly indicated with respect to any particular subject matter.

Opening Agenda

1. Call Meeting to Order.

2. Roll Call.

3. Invocation.

4. Pledge of Allegiance.

5. Citizen Comments and Reports.

Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

6. Staff Comments and Reports.

The Council may discuss any subject which is specifically listed under this item.

a. Council Comments and Reports.

b. Announcements of Community Interest and/or upcoming events.

c. City of Ingleside expenditures paid over \$3,000.00 for the period of February 2024.

d. City of Ingleside monthly financial report as of February 2024.

e. Update on SH 200.

f. General Projects Update.

g. Update on acceptance of the City of Ingleside Annual Financial Report for the Year Ended September 30, 2023.

Presentations

7. Team Elite recognition.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of the items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

8. Deliberate and take appropriate action on the Regular Meeting Minutes of March 12, 2024.

Executive Session

9. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Section 551.087 Deliberation regarding Economic Development Negotiations
- B. Section 551.071 Consultation with Attorney
- C. Section 551.074 Personnel Matters - City Manager Lewis

10. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

- A. Section 551.087 Deliberation regarding Economic Development Negotiations
- B. Section 551.071 Consultation with Attorney
- C. Section 551.074 Personnel Matters - City Manager Lewis

Public Hearing

The City Council shall call a public hearing on each item below in this section. Any person wishing to address the City Council on these items should please come forward when that public hearing is called.

Regular Agenda

11. Tabled 3/12/2024 Deliberate and take appropriate action on the first reading of an Ordinance amending Ingleside Code of Ordinances Chapter 14-Animal Control and Animals
12. Deliberate and take appropriate action on City Ordinances Chapter 18 – Buildings and Building Regulations, Chapter 30 – Environment, Chapter 50 – Streets, Sidewalks and Other Public Places and Chapter 62 – Traffic & Vehicles where needed to provide staff with adequate procedures and requirements for enforcement of right of way management.
13. Deliberate and take appropriate action on the final pay application for the Faith Park Multipurpose Ballfields.
14. Deliberate and take appropriate action to request the Ingleside Development Corporation take

on as a Project funding for the purchase of a digital sign located at N.O. Simmons Park.

15. Deliberate and take appropriate action on a Request for Qualifications (RFQ) for city employee's Health Benefits.
16. Deliberate and take appropriate action on a Resolution establishing the Beautification Committee, outlining duties, and appointing members.
17. Items to consider for placement on future agendas.
18. Adjourn.

Special Accommodations

This facility is wheelchair accessible and there are special parking spaces near the main entrance. Request for accommodations or special services must be made 48 hours prior to this meeting. Please contact City Secretary's Office at (361) 776-2517 or Fax (361) 776-1027 or email citycouncilquestions@inglesidetx.gov for further information.

With respect to any subject matter set forth, the City Council may meet in Closed Executive Session, if and to the extent allowed by Chapter 551 of the Texas Government Code, including, but not limited to, any of the following sections of Chapter 551: Section 551.071 Consultations with Attorney, Section 551.072 Deliberation about Real Property, Section 551.073 Deliberation regarding Prospective Gift, Section 551.074 Personnel Matters, Section 551.087 Deliberation regarding Economic Development Negotiations, and Section 551.089 Deliberation regarding Security Devices Or Security Audits.

Certification

I, Ruby Beaven, certify that the above notice of this Regular Meeting of the City Council was posted on the City Hall bulletin board at 2671 San Angelo Street, Ingleside, Texas on March 22, 2024 by 4:00 p.m.



Ruby Beaven, City Secretary

This public notice was removed from the official posting board at the Ingleside City Hall on the following:

Date: _____

Time: _____

By: _____

City Secretary's Office
City of Ingleside, Texas

CITY COUNCIL AGENDA
Regular Meeting: March 26, 2024

AGENDA ITEM: 6.a

Council Comments and Reports.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

City Council may discuss any subject under this item.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Information purposes only.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: March 26, 2024

AGENDA ITEM: 6.b

Announcements of Community Interest and/or upcoming events.

SUBMITTED BY: Ruby Beaven, City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

- A. City of Ingleside Boards & Commissions Volunteers Needed
 - B. Ingleside VFW Easter Egg Hunt, Ingleside, March 30
 - C. Crawfish Cook-Off, Ingleside, April 19-20
 - D. Smokin' Tires & Light'n Fires, Ingleside, May 31-June 1
 - E. Best of the Bay Fishing Tournament Scholarship Fundraiser, Ingleside, July 26-27
-

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Information Only.

ATTACHMENTS:

1. Community Events



Volunteers Needed!

Looking for an opportunity to serve your community?

You can find additional information like qualifications, duties, terms and an application at

<http://inglesidetx.gov/297/Boards-Commissions>.

Please email your completed application and/or questions to the City Secretary at citysecretary@inglesidetx.gov.



INGLESIDE VFW POST 6386 & IVFD

EASTER **EGG HUNT**



ALL CHILDREN 10 AND UNDER
PLENTY OF EGGS TO HUNT
EASTER BUNNY PHOTOS AND MORE
BRING YOUR OWN BASKETS AND JOIN US!

.....

**MARCH
30TH**

STARTS AT 11:00 AM

.....

INGLESIDE VFW

1452 HWY 361. INGLESIDE. TX 748362

EGG HUNT



SAVE THE DATE





May 31st -June 1st 2024

Lots of swag, prizes, raffles and more.



The Ingleside Chamber of Commerce is excited to announce our partnership with Best of the Bay. Together we will bring you a Saltwater Fishing Tournament you won't forget. Join us on July 26th and 27th at Cove Park Ingleside, TX.

The 2024 10th Annual Best of the Bay Fishing Tournament is dedicated to raising scholarship money to benefit the incoming senior class of local High Schools. The opportunities that we provide will help the seniors with the rigorous expenses of college. Through our scholarships we can help our youth further their education. With your help and participation, we can achieve these goals together. We look forward to seeing you and thanks again for your support.

The Ingleside Chamber, Best of the Bay and Fin Addict Angler Foundation presents Family Fishing Day at Cove Park. Register your kids for a day of fishing at Cove Park, it's Free! Fill out the form and email it to the chamber office: Inglesidetxchamber@gmail.com

CITY COUNCIL AGENDA
Regular Meeting: March 26, 2024

AGENDA ITEM: 6.c

City of Ingleside expenditures paid over \$3,000.00 for the period of February 2024.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Purchases are in compliance with the purchase policy. Purchase orders have been approved by the appropriate officials.

FISCAL ANALYSIS:

City of Ingleside expenditures paid over \$3,000.00 02/01/2024-02/29/2024
Total A/P Check Amount: \$2,661,213.35

RECOMMENDATION:

Information only.

ATTACHMENTS:

1. 2024-03-26 OVER 3K REPORT 02012024-02292024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00010	IRS							
I-T1 202402075295	FIT W/H	D	2/09/2024	16,376.09		000490		
I-T3 202402075295	FICA W/H	D	2/09/2024	26,479.94		000490		
I-T4 202402075295	MEDICARE W/H	D	2/09/2024	6,192.98		000490		49,049.01
00159	TML INTERGOVERNMENT							
I-PINGLES02402	TML HEALTH INSURANCE FEB 24	D	2/01/2024	113,306.77		000493		113,306.77
00011	TEXAS MUNICIPAL RETIREMENT SYS							
I-TMRS JAN 24	TMRS JAN 24 EMPLOYER EXP	D	2/14/2024	36,570.20		000494		
I-TMRS JAN 24-2	TMRS JAN 24 EMPLOYEE	D	2/14/2024	21,924.64		000494		58,494.84
00325	CARD SERVICE CENTER							
I-20240129 0744	MISC CARD CHARGES	D	2/19/2024	12,246.72		000495		12,246.72
00010	IRS							
I-T1 202402215298	FIT W/H	D	2/23/2024	17,090.92		000496		
I-T3 202402215298	FICA W/H	D	2/23/2024	27,103.82		000496		
I-T4 202402215298	MEDICARE W/H	D	2/23/2024	6,338.70		000496		50,533.44
03345	ROSEBERRY, GREGORY S							
M-CHECK	ROSEBERRY, GREGORY S	UNPOST	V	2/21/2024		071573		10.00CR
05460	TANKESLY, JENNIFER							
M-CHECK	TANKESLY, JENNIFER	UNPOST	V	2/21/2024		072205		440.00CR
04330	ATKINSON, MICHAEL							
M-CHECK	ATKINSON, MICHAEL	UNPOST	V	2/21/2024		074211		35.00CR
05277	TRACTOR SUPPLY COMPANY							
I-373305	WELDING MACHINE	V	8/25/2023	4,499.99		076020		4,499.99
05277	TRACTOR SUPPLY COMPANY							
M-CHECK	TRACTOR SUPPLY COMPANY	UNPOST	V	2/12/2024		076020		4,499.99CR
02896	DSHS CENTRAL LAB MC2004							
M-CHECK	DSHS CENTRAL LAB MC2004	UNPOST	V	2/12/2024		076704		207.00CR
00309	SAMS CLUB							
M-CHECK	SAMS CLUB	UNPOST	V	2/12/2024		077146		1,179.05CR
00344	INGLESIDE CHAMBER OF COMMERCE							
I-20240129	HOT FUNDS LULO '23	R	2/01/2024	9,845.62		077300		9,845.62

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01092	I-41464877	TEXAS INDUSTRIES, INC. LIMESTONE BASE	R	2/01/2024	3,108.85	077307		3,108.85
00286	I-28221	UNIQUE EMPLOYMENT I LTD TEMPS	R	2/01/2024	8,367.19	077321		8,367.19
05521	I-20240202	DELAURO, GENE LABOR & MILEAGE	R	2/08/2024	3,232.36	077332		3,232.36
00054	I-03302000 20240130 I-03302200 20240130	SAN PATRICIO MUNICIPAL WATER D CALI WATER PURCHASES SUNRAY WATER PURCHASES	R R	2/08/2024 2/08/2024	43,574.08 62,159.68	077343 077343		105,733.76
00286	I-28250	UNIQUE EMPLOYMENT I LTD TEMPS	R	2/08/2024	7,115.63	077347		7,115.63
04760	I-111W-JWHM-6VQG I-13CL-WJ76-JFNP I-13KK-V139-736T I-13YD-6K7M-37HY I-19NK-Y4DD-FCPT I-1CL9-XPJX-QQ7L I-1HTF-PHNL-1T19 I-1HTM-W6HN-6HRT I-1HTT-9Y7D-99XP I-1JGR-3MM1-LPWM I-1M4L-JGQL-6M7C I-1MM6-RRQ6-37G9 I-1NWR-WNTK-G3KJ I-1PGM-LMTP-PPPM I-1PKJ-XM6R-VLFJ I-1QV7-G4L6-1CGF I-1TNR-36J4-1RPV I-1VVY-W49K-3GM3	AMAZON CAPITAL SERVICES, INC. JANITORIAL BARK IN THE PARK METAL ORGANIZATION LABELS JANITORIAL OFFICE SUPPLIES CHAIR OFFICE SUPPLIES VET FORENSICS BOOK ANIMAL CRUELTY BOOK NAME PLATE OFFICE SUPPLIES OFFICE SUPPLIES EASTER RADIO EQUIPMENT EASTER FIREWALL POOP BAGS IPHONE CASE	R R R R R R R R R R R R R R R R R R	2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024 2/15/2024	134.93 164.50 8.49 159.38 297.34 199.77 32.13 70.66 85.39 12.77 61.76 84.15 332.07 118.34 28.10 1,347.90 48.99 9.99	077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358 077358		3,196.66
05188	I-287299413911020324	AT&T MOBILITY LLC CELL & HOTSPOTS JAN 24	R	2/15/2024	3,136.17	077364		3,136.17
00778	I-0072858	FERGUSON ENTERPRISES, INC PARTS TO HAVE IN STOCK	R	2/15/2024	9,220.63	077381		9,220.63
04638	I-1365856	FREESE AND NICHOLS, INC. ING21605 DRAINAGE MP	R	2/15/2024	36,283.69	077382		36,283.69

VENDOR SET: 01 Ingleside
BANK: PCOP POOLED CASH - OPERATING
DATE RANGE: 2/01/2024 THRU 2/29/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
03532 I-20231229	GEXA ENERGY, LP ELECTRIC BILL DEC 23	R	2/15/2024	14,942.67		077384		14,942.67
03562 I-IN102007	HYDROPRO SOLUTIONS, LLC MASTER METERS	R	2/15/2024	188,170.00		077389		188,170.00
01614 I-20240119	KIEWIT OFFSHORE SERVICES, LTD. KIEWIT OFFSHORE SERVICES, LTD.	R	2/15/2024	51,624.68		077392		51,624.68
00034 I-0847-001319530	REPUBLIC SERVICES, INC. GARBAGE BILL	R	2/15/2024	110,525.88		077404		110,525.88
05481 I-INV60668	SYSTEMSEVEN SERVICES, LLC PHONE/INTERNET/FAX FEB24	R	2/15/2024	4,214.47		077410		4,214.47
05277 I-373305	TRACTOR SUPPLY COMPANY WELDING MACHINE	R	2/15/2024	Reissue		077413		4,499.99
00286 I-28279	UNIQUE EMPLOYMENT I LTD TEMPS	R	2/15/2024	6,401.25		077417		6,401.25
00432 I-62733325	VULCAN MATERIALS COMPANY ASPHALT-GRADE D	R	2/15/2024	9,202.30		077420		9,202.30
00871 I-20240220	NORTHSHORE TITLE, INC. GLO BUYOUT HUD PROGRAM	V	2/20/2024	71,866.07		077426		71,866.07
00871 M-CHECK	NORTHSHORE TITLE, INC. NORTHSHORE TITLE, INC. VOIDED	V	2/20/2024			077426		71,866.07CR
00871 I-2024.02.20	NORTHSHORE TITLE, INC. GLO BUYOUT HUD PROGRAM	R	2/20/2024	71,866.07		077427		71,866.07
05812 I-106730	ABIP-SA PC FY23 AUDIT FEES	R	2/22/2024	8,775.00		077429		8,775.00
05321 I-1123033915 I-1123035310	BELL'S UNLIMITED SERVICES, INC AC QUARTERLY MAINT REPEATER REPAIR	R R	2/22/2024 2/22/2024	3,030.00 652.17		077434 077434		3,682.17
04453 I-U064355 I-U286839	CORE & MAIN LP METERS WW LIFT STATION	R R	2/22/2024 2/22/2024	13,867.29 704.00		077440 077440		14,571.29

VENDOR SET: 01 Ingleside
 BANK: PCOP POOLED CASH - OPERATING
 DATE RANGE: 2/01/2024 THRU 2/29/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
04295	HANSON PROFESSIONAL SERVICES,							
I-ARIV1004039	18L0321 STORMWATER PRJ	R	2/22/2024	2,203.48		077445		
I-ARIV1004041	21L0202A HULTGREEN IMPRO	R	2/22/2024	4,625.00		077445		
I-ARIV1004058	19L0026U2 TCEQ SEP IMPLEM	R	2/22/2024	1,248.21		077445		8,076.69
05442	HELLAS CONSTRUCTION, INC.							
I-PAY APP 1	BENCHES IN DUGOUT	R	2/22/2024	9,664.71		077446		9,664.71
03562	HYDROPRO SOLUTIONS, LLC							
I-IN102041	MASTER METERS	R	2/22/2024	18,500.00		077447		18,500.00
03188	J.J. FOX CONSTRUCTION, INC.							
I-PAY APP #3	HOUGHTON PROJECT	R	2/22/2024	902,137.18		077448		
I-PAY APP #4	HOUGHTON PROJECT	R	2/22/2024	638,737.25		077448		1,540,874.43
05339	MEEDER PUBLIC FUNDS, INC.							
I-2306	QUARTERLY INVESTMENT SERV	R	2/22/2024	5,000.00		077457		
I-2309	QUARTERLY INVESTMENT SERV	R	2/22/2024	5,000.00		077457		
I-2312	QUARTERLY INVESTMENT SERV	R	2/22/2024	5,000.00		077457		15,000.00
02679	SAN PATRICIO CO SHERIFF'S DEPT							
I-IFD-24-001	SAN PAT RADIO	R	2/22/2024	2,700.00		077463		
I-IPD-24-001	RADIO AIRTIME JUL-DEC 23	R	2/22/2024	5,040.00		077463		7,740.00
00169	TRI COUNTY EMERGENCY MEDICAL S							
I-14425	AMBULANCE SUBSIDY	R	2/22/2024	20,292.60		077472		20,292.60
05379	WEX BANK							
I-95132877	FUEL PD AC CE	R	2/22/2024	5,726.60		077476		5,726.60
05778	AOC HOLDING COMPANY							
I-B834333-IN	FUEL	R	2/28/2024	3,333.15		077480		3,333.15
00304	SAN PATRICIO CO APPRAISAL DIST							
I-1531	QUARTERLY PAYMENTS	R	2/28/2024	42,881.00		077506		42,881.00
03334	SIDDONS-MARTIN EMERGENCY GROUP							
I-316-0000009266	REPAIRS FOR 920	R	2/28/2024	4,466.12		077507		4,466.12
03720	THE ALLIANCE FOR COMMUNITY SOL							
I-41831-1605	I-INFO ANNUAL SUBSCRIPTIO	R	2/28/2024	8,970.00		077509		8,970.00
00286	UNIQUE EMPLOYMENT I LTD							
I-28306	TEMPS	R	2/28/2024	6,915.94		077512		
I-28328	TEMPS	R	2/28/2024	472.50		077512		
I-28337	TEMPS	R	2/28/2024	6,952.50		077512		14,340.94

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
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* * T O T A L S * *	NO			INVOICE AMOUNT		DISCOUNTS		CHECK AMOUNT
REGULAR CHECKS:	35			2,444,948.65		0.00		2,377,582.57
HAND CHECKS:	0			0.00		0.00		0.00
DRAFTS:	5			283,630.78		0.00		283,630.78
EFT:	0			0.00		0.00		0.00
NON CHECKS:	0			0.00		0.00		0.00
VOID CHECKS:	7	VOID DEBITS	4,499.99					
		VOID CREDITS	78,237.11CR	73,737.12CR		0.00		

TOTAL ERRORS: 0

	NO			INVOICE AMOUNT		DISCOUNTS		CHECK AMOUNT
VENDOR SET: 01 BANK: PCOP TOTALS:	47			2,659,342.30		0.00		2,661,213.35
BANK: PCOP TOTALS:	47			2,659,342.30		0.00		2,661,213.35
REPORT TOTALS:	47			2,659,342.30		0.00		2,661,213.35

CITY COUNCIL AGENDA
Regular Meeting: March 26, 2024

AGENDA ITEM: 6.d

City of Ingleside monthly financial report as of February 2024.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Monthly financial report ending February 29, 2024.

FISCAL ANALYSIS:

FY2024 See attachments for the month listed above: A.1; A.2; A.3; B.1; and C.1.

FY2024 The February 2024 Council Discretionary Funds account balance is \$172,687.00.

RECOMMENDATION:

Information only.

ATTACHMENTS:

1. 2024-03-26 FINANCIALS 02 2024



Monthly Financial Report to City Council March 26, 2024

Finance Department
Submitted by: Caron Vela

	Page
A.) Statement of Revenues and Expenditures through Jan 2024 (Preliminary)	
1.) Summary By Fund	A.1
2.) General Fund	A.2
3.) Utility Fund	A.3
 B.) Monthly Portfolio Report - Jan 31, 2024	 B.1
Total Value - Jan 31, 2024	\$ 65,065,601.84
Total Value - Dec 31, 2023	\$ 59,329,044.44
Net Change	\$ 5,736,557.40
 C.) Cash Basis Sales Tax Collections through Feb 2024	 C.1
FYD - Total	\$ 1,866,206.45 (Gross 5 months 45.06%)
Budgeted - Total	\$ 3,350,000.00
Difference Budget vs. Received	\$ 1,483,793.55 44.29%
 D.) FY23 General Fund Tax Roll Collection through Feb 2024	
FYD - Total	\$ 14,104,357.06
Budgeted - Total	\$ 10,246,840.00
Difference Budget vs. Received	\$ (3,857,517.06) -37.65%

CITY OF INGLESIDE
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

10 -GENERAL FUND

41.6% OF YEAR COMPLETED

	PRIOR YEAR BUDGET	PRIOR YEAR ACTUAL	CURRENT BUDGET	CURRENT PERIOD	CURRENT YTD ACTUAL	PRIOR YEAR PO ADJUST.	YEAR TO DATE ENCUMBERED	BUDGET VARIANCE	% OF BUDGET
<u>10 -GENERAL FUND</u>									
TOTAL REVENUE	15,803,938.00	11,151,934.65	18,613,090.00	2,421,013.00	14,065,514.02	0.00	0.00	(4,547,575.98)	75.57
TOTAL EXPENDITURES	<u>15,170,298.00</u>	<u>4,556,608.24</u>	<u>18,370,920.00</u>	<u>1,079,313.72</u>	<u>5,943,499.65</u>	<u>0.00</u>	<u>1,182,714.24</u>	<u>11,244,706.11</u>	<u>32.35</u>
REVENUES OVER/ (UNDER) EXPENDITURES	633,640.00	6,595,326.41	242,170.00	1,341,699.28	8,122,014.37	0.00	(1,182,714.24)	6,697,130.13	3,353.85

18 -COVE PARK TOURISM FUND

TOTAL REVENUE	25,360.00	7,531.63	25,000.00	1,970.89	10,314.80	0.00	0.00	(14,685.20)	41.26
TOTAL EXPENDITURES	<u>0.00</u>	<u>2,230.69</u>	<u>32,850.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>32,850.00</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	25,360.00	5,300.94	(7,850.00)	1,970.89	10,314.80	0.00	0.00	18,164.80	131.40-

19 -HURRICANE EMERGENCY

TOTAL REVENUE	0.00	15,678.04	0.00	0.00	245,837.49	0.00	0.00	245,837.49	0.00
TOTAL EXPENDITURES	<u>0.00</u>	<u>5,085.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	10,593.04	0.00	0.00	245,837.49	0.00	0.00	245,837.49	0.00

21 -HOTEL-MOTEL FUND

TOTAL REVENUE	253,240.00	90,051.55	300,000.00	14,201.36	106,163.02	0.00	0.00	(193,836.98)	35.39
TOTAL EXPENDITURES	<u>332,965.00</u>	<u>86,506.69</u>	<u>336,420.00</u>	<u>5,303.89</u>	<u>76,374.02</u>	<u>0.00</u>	<u>13,500.00</u>	<u>246,545.98</u>	<u>22.70</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(79,725.00)	3,544.86	(36,420.00)	8,897.47	29,789.00	0.00	(13,500.00)	52,709.00	81.79-

23 -INGLESIDE DEVELOPMENT

TOTAL REVENUE	579,000.00	239,392.29	604,721.00	57,322.61	299,686.06	0.00	0.00	(305,034.94)	49.56
TOTAL EXPENDITURES	<u>581,765.00</u>	<u>35,967.89</u>	<u>580,900.00</u>	<u>2,446.01</u>	<u>32,502.19</u>	<u>0.00</u>	<u>0.00</u>	<u>548,397.81</u>	<u>5.60</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(2,765.00)	203,424.40	23,821.00	54,876.60	267,183.87	0.00	0.00	243,362.87	1,121.63

25 -GENERAL FUND GRANTS

TOTAL REVENUE	6,287.00	11,727.17	11,990.00	1,906.17	215,034.62	0.00	0.00	203,044.62	1,793.45
TOTAL EXPENDITURES	<u>1,906,287.00</u>	<u>116,425.77</u>	<u>11,990.00</u>	<u>81,561.53</u>	<u>1,753,858.48</u>	<u>0.00</u>	<u>593,476.86</u>	<u>(2,335,345.34)</u>	<u>4,627.68</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(1,900,000.00)	(104,698.60)	0.00	(79,655.36)	(1,538,823.86)	0.00	(593,476.86)	(2,132,300.72)	0.00

28 -INGLESIDE STREET MAINTENA

TOTAL REVENUE	2,311,000.00	235,908.17	0.00	53,823.52	280,953.17	0.00	0.00	280,953.17	0.00
TOTAL EXPENDITURES	<u>235,210.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>159,077.36</u>	<u>0.00</u>	<u>95,606.64</u>	<u>(254,684.00)</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	2,075,790.00	235,908.17	0.00	53,823.52	121,875.81	0.00	(95,606.64)	26,269.17	0.00

30 -CAPITAL PROJECTS FUND

TOTAL REVENUE	7,007,385.00	244,058.93	0.00	43,238.46	235,301.97	0.00	0.00	235,301.97	0.00
TOTAL EXPENDITURES	<u>11,168,890.00</u>	<u>3,172,978.44</u>	<u>0.00</u>	<u>20,762.09</u>	<u>238,567.16</u>	<u>0.00</u>	<u>4,459,816.91</u>	<u>(4,698,384.07)</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(4,161,505.00)	(2,928,919.51)	0.00	22,476.37	(3,265.19)	0.00	(4,459,816.91)	(4,463,082.10)	0.00

31 -STREET RECONSTRUCTION

TOTAL REVENUE	<u>500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

CITY OF INGLESIDE
REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

10 -GENERAL FUND

41.6% OF YEAR COMPLETED

	PRIOR YEAR BUDGET	PRIOR YEAR ACTUAL	CURRENT BUDGET	CURRENT PERIOD	CURRENT YTD ACTUAL	PRIOR YEAR PO ADJUST.	YEAR TO DATE ENCUMBERED	BUDGET VARIANCE	% OF BUDGET
<u>32 -ROLLING STOCK & EQUIPMENT</u>									
TOTAL REVENUE	354,900.00	142,666.00	0.00	186,828.00	962,731.00	0.00	0.00	962,731.00	0.00
TOTAL EXPENDITURES	<u>122,372.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>312,687.92</u>	<u>(312,687.92)</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	232,528.00	142,666.00	0.00	186,828.00	962,731.00	0.00	(312,687.92)	650,043.08	0.00
<u>40 -DEBT SERVICE FUND</u>									
TOTAL REVENUE	3,701,135.00	2,163,651.26	4,251,120.00	679,315.71	4,097,178.28	0.00	0.00	(153,941.72)	96.38
TOTAL EXPENDITURES	<u>3,672,476.00</u>	<u>1,903,606.86</u>	<u>4,273,250.00</u>	<u>400.00</u>	<u>2,619,487.84</u>	<u>0.00</u>	<u>0.00</u>	<u>1,653,762.16</u>	<u>61.30</u>
REVENUES OVER/ (UNDER) EXPENDITURES	28,659.00	260,044.40	(22,130.00)	678,915.71	1,477,690.44	0.00	0.00	1,499,820.44	6,677.32-
<u>50 -UTILITY FUND</u>									
TOTAL REVENUE	5,344,100.00	2,276,012.17	6,131,040.00	557,303.01	2,923,881.66	0.00	0.00	(3,207,158.34)	47.69
TOTAL EXPENDITURES	<u>5,357,779.00</u>	<u>1,749,360.44</u>	<u>5,520,810.00</u>	<u>329,347.36</u>	<u>2,001,297.99</u>	<u>0.00</u>	<u>902,065.48</u>	<u>2,617,446.53</u>	<u>36.25</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(13,679.00)	526,651.73	610,230.00	227,955.65	922,583.67	0.00	(902,065.48)	(589,711.81)	151.19
<u>51 -UTILITIES CAPITAL IMPROV</u>									
TOTAL REVENUE	1,908,195.00	35,663.19	0.00	27,373.34	136,596.57	0.00	0.00	136,596.57	0.00
TOTAL EXPENDITURES	<u>2,053,140.00</u>	<u>1,981,819.34</u>	<u>0.00</u>	<u>231,003.30</u>	<u>302,765.58</u>	<u>0.00</u>	<u>187,210.00</u>	<u>(489,975.58)</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(144,945.00)	(1,946,156.15)	0.00	(203,629.96)	(166,169.01)	0.00	(187,210.00)	(353,379.01)	0.00
<u>52 -UTILITIES ROLLING STOCK</u>									
TOTAL REVENUE	<u>126,520.00</u>	<u>52,726.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,542.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,542.00</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	126,520.00	52,726.00	0.00	0.00	10,542.00	0.00	0.00	10,542.00	0.00
<u>54 -UTILITY IMPACT FEES</u>									
TOTAL REVENUE	<u>43,500.00</u>	<u>36,511.46</u>	<u>0.00</u>	<u>10,767.70</u>	<u>45,556.94</u>	<u>0.00</u>	<u>0.00</u>	<u>45,556.94</u>	<u>0.00</u>
REVENUES OVER/ (UNDER) EXPENDITURES	43,500.00	36,511.46	0.00	10,767.70	45,556.94	0.00	0.00	45,556.94	0.00
<u>60 -ASSET SEIZURES & FORFEIT.</u>									
<u>80 -GENERAL FIXED ASSETS</u>									
<u>90 -POOLED CASH</u>									
GRAND TOTAL REVENUES	37,465,060.00	16,703,512.51	29,936,961.00	4,055,063.77	23,635,291.60	0.00	0.00	(6,301,669.40)	78.95
GRAND TOTAL EXPENDITURES	<u>40,601,182.00</u>	<u>13,610,589.36</u>	<u>29,127,140.00</u>	<u>1,750,137.90</u>	<u>13,127,430.27</u>	<u>0.00</u>	<u>7,747,078.05</u>	<u>8,252,631.68</u>	<u>45.07</u>
REVENUES OVER/ (UNDER) EXPENDITURES	(3,136,122.00)	3,092,923.15	809,821.00	2,304,925.87	10,507,861.33	0.00	(7,747,078.05)	1,950,962.28	1,297.55

*** END OF REPORT ***

CITY OF INGLESIDE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

10 -GENERAL FUND
FINANCIAL SUMMARY

41.67% OF YEAR COMPLETED

ACCT#	ACCOUNT NAME	ANNUAL	CURRENT	Y-T-D ACTUAL	% OF BUDGET	FAVORABLE (UNFAVORABLE)	PRIOR YR Y-T-D
<u>REVENUE SUMMARY</u>							
	TAX REVENUES	13,430,890.00	1,939,211.87	11,472,012.31	85.42	1,958,877.69	8,751,635.68
	FRANCHISE FEES	1,254,100.00	51,276.55	524,179.79	41.80	729,920.21	519,107.00
	SERVICES	1,275,600.00	132,042.79	657,707.58	51.56	617,892.42	503,367.51
	FINES & FORFEITURES	372,700.00	74,663.00	192,885.51	51.75	179,814.49	262,462.29
	LICENSES & PERMITS	329,750.00	9,035.16	48,961.84	14.85	280,788.16	212,774.93
	OTHER REVENUE	980,050.00	136,450.63	649,764.99	66.30	330,285.01	371,330.24
	TRANSFERS FROM OTHER FUND	<u>970,000.00</u>	<u>78,333.00</u>	<u>520,002.00</u>	<u>53.61</u>	<u>449,998.00</u>	<u>531,257.00</u>
***	TOTAL REVENUES ***	18,613,090.00	2,421,013.00	14,065,514.02	75.57	4,547,575.98	11,151,934.65
		=====	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>							
	NON-DEPARTMENTAL	2,126,400.00	78,718.55	609,392.13	28.66	1,517,007.87	637,536.47
	MAYOR AND CITY COUNCIL	248,200.00	1,861.12	8,923.69	3.60	239,276.31	15,986.70
	CITY MANAGER	240,950.00	15,138.74	79,658.25	33.06	161,291.75	76,461.36
	CITY SECRETARY	316,490.00	22,341.71	115,392.60	36.46	201,097.40	86,481.80
	FINANCE	444,720.00	30,404.44	192,262.78	43.23	252,457.22	137,775.11
	CITY ATTORNEY	190,000.00	8,458.80	26,318.40	13.85	163,681.60	54,728.08
	MUNICIPAL COURT	329,990.00	17,611.61	114,989.91	34.85	215,000.09	103,869.59
	LIBRARY	379,990.00	26,538.62	142,259.95	37.44	237,730.05	132,194.20
	FIRE	359,750.00	47,041.46	130,439.16	36.26	229,310.84	119,478.31
	POLICE	4,136,100.00	261,770.92	1,471,274.36	35.57	2,664,825.64	1,336,274.98
	PARKS AND RECREATION	1,251,620.00	65,641.31	364,865.24	29.15	886,754.76	222,716.95
	STREETS	4,267,130.00	247,617.14	1,207,753.27	28.30	3,059,376.73	433,025.37
	DEVELOPMENT SERVICES	632,260.00	33,288.49	173,422.42	27.43	458,837.58	152,464.68
	ANIMAL CONTROL	320,640.00	24,696.73	133,268.07	41.56	187,371.93	77,257.33
	RECYCLING CENTER	143,120.00	4,876.94	23,956.02	16.74	119,163.98	29,224.65
	CODE ENFORCEMENT	353,340.00	12,197.00	70,570.39	19.97	282,769.61	81,744.58
	ECONOMIC DEVELOPMENT	205,280.00	14,396.09	73,355.97	35.73	131,924.03	57,080.93
	FACILITIES MAINTENANCE	291,910.00	14,229.95	71,526.19	24.50	220,383.81	1,179.08
	HUMAN RESOURCES	269,180.00	15,571.52	104,996.42	39.01	164,183.58	91,797.16
	EMERGENCY MANAGEMENT	49,330.00	1,841.38	18,399.10	37.30	30,930.90	20,013.94
	IT	614,520.00	24,424.65	245,203.02	39.90	369,316.98	114,167.79
	COMMUNITY EVENTS	0.00	106.40	12,640.88	0.00	(12,640.88)	166,549.95
	SANITATION	<u>1,200,000.00</u>	<u>110,540.15</u>	<u>552,631.43</u>	<u>46.05</u>	<u>647,368.57</u>	<u>408,599.23</u>
***	TOTAL EXPENDITURES ***	18,370,920.00	1,079,313.72	5,943,499.65	32.35	12,427,420.35	4,556,608.24
		=====	=====	=====	=====	=====	=====
***	REVENUES OVER/(UNDER) EXPENDITURES *	242,170.00	1,341,699.28	8,122,014.37	353.85	(7,879,844.37)	6,595,326.41
		=====	=====	=====	=====	=====	=====

CITY OF INGLESIDE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

50 -UTILITY FUND
FINANCIAL SUMMARY

41.67% OF YEAR COMPLETED

ACCT#	ACCOUNT NAME	ANNUAL	CURRENT	Y-T-D ACTUAL	% OF BUDGET	FAVORABLE (UNFAVORABLE)	PRIOR YR Y-T-D
<u>REVENUE SUMMARY</u>							
	TAX REVENUES	5,781,640.00	507,375.56	2,662,626.17	46.05	3,119,013.83	2,135,483.55
	OTHER REVENUE	<u>349,400.00</u>	<u>49,927.45</u>	<u>261,255.49</u>	<u>74.77</u>	<u>88,144.51</u>	<u>140,528.62</u>
***	TOTAL REVENUES ***	6,131,040.00	557,303.01	2,923,881.66	47.69	3,207,158.34	2,276,012.17
		=====	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>							
	NON-DEPARTMENTAL	1,272,750.00	76,970.75	510,712.69	40.13	762,037.31	526,958.05
	UTILITY BILLING OFFICE	301,340.00	17,251.95	128,219.66	42.55	173,120.34	114,058.79
	WATER	2,444,700.00	151,370.49	848,756.17	34.72	1,595,943.83	770,106.22
	WASTEWATER	<u>1,502,020.00</u>	<u>83,754.17</u>	<u>513,609.47</u>	<u>34.19</u>	<u>988,410.53</u>	<u>338,237.38</u>
***	TOTAL EXPENDITURES ***	5,520,810.00	329,347.36	2,001,297.99	36.25	3,519,512.01	1,749,360.44
		=====	=====	=====	=====	=====	=====
***	REVENUES OVER/(UNDER) EXPENDITURES *	610,230.00	227,955.65	922,583.67	151.19	(312,353.67)	526,651.73
		=====	=====	=====	=====	=====	=====

Portfolio Overview

SECURITY TYPE	PAR VALUE	MARKET VALUE	BOOK VALUE	% OF PORTFOLIO	DAYS TO MATURITY	YIELD
Bank Deposits	3,795,859.78	3,795,859.78	3,795,859.78	5.84%	1	0.54
LGIP	39,954,501.54	39,954,501.54	39,954,501.54	61.47%	1	5.55
Money Market Funds	17,363,676.03	17,363,676.03	17,363,676.03	26.71%	1	0.71
U.S. Agencies	3,000,000.00	2,941,290.00	3,000,000.00	4.53%	149	0.40
Municipal Bonds	950,000.00	941,473.75	951,564.49	1.45%	136	0.55
TOTAL	65,064,037.35	64,996,801.10	65,065,601.84	100.00%	10	3.66

CASH AND ACCRUED INTEREST

Purchased Accrued Interest		0.00	0.00			
TOTAL CASH AND INVESTMENTS	65,064,037.35	64,996,801.10	65,065,601.84		10	3.66

TOTAL EARNINGS

CURRENT MONTH	
Current Year	243,504.98

Portfolio Summary

3.66
Average Yield

0.02
Weighted Average Maturity (Years)

0.03
Portfolio Effective Duration (Years)

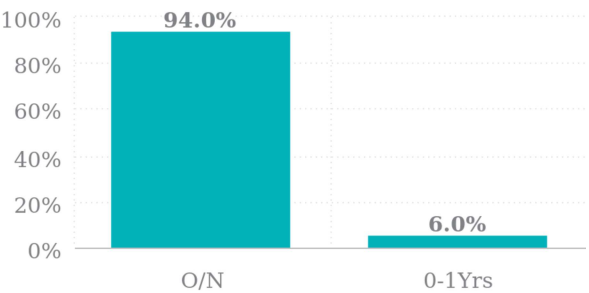
0.02
Weighted Average Life (Years)

AAA
Average Credit Rating

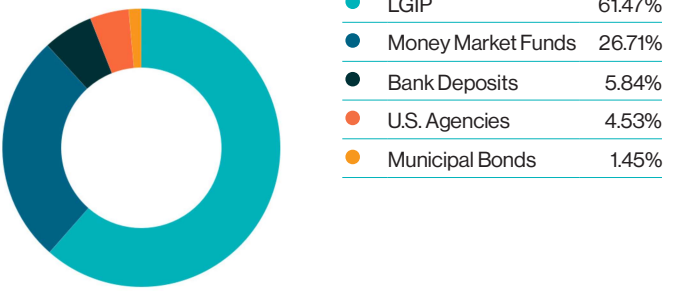
Portfolio Position

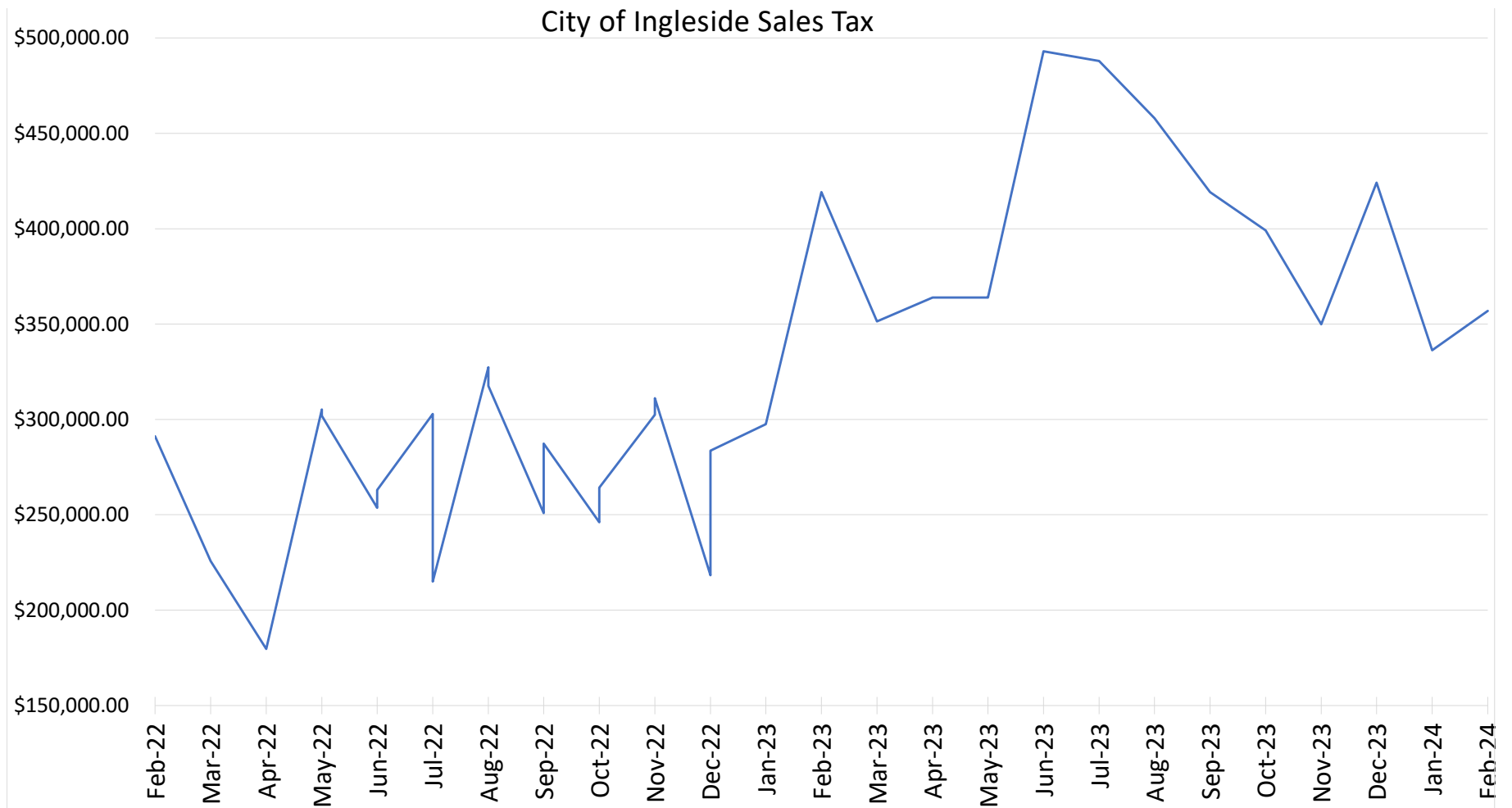
Par Value	\$65,064,037
Principal Cost	\$65,076,634
Book Value	\$65,065,602
Market Value	\$64,996,801
Unrealized Gain/Loss	(\$68,801)
Accrued Interest	\$2,314

Maturity Distribution

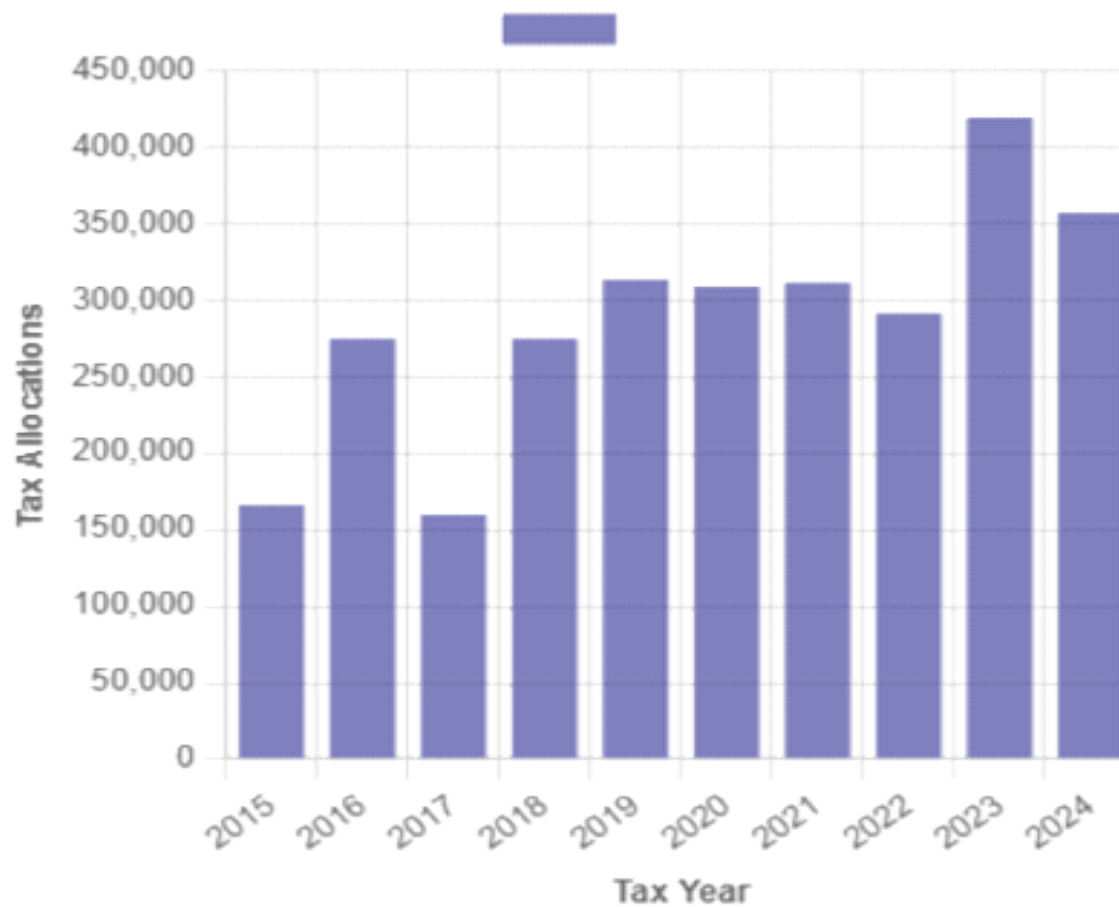


Sector Allocation





February - Sales Tax Allocations by Year



CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 6.e

Update on SH 200.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

TxDot has been working on a proposal to put in a bypass (SH200) to help alleviate the heavy traffic from Kiewitt and other industry partners through the City. TxDot was working on the feasibility of procuring the property necessary for this bypass. All the necessary property has now been acquired and TxDot is working with the City to accomplish this. In several meetings with the City and TxDot, the discussion has been about how to fund this project. At the open house for SH202 in Gregory, we spoke with Robert Issassi about the status of SH200. Mr. Issassi said that he would send us information about this project so that the City could contact the local industries asking for participation in the construction of SH200.

FISCAL ANALYSIS:

Originally we were told by TxDot that the project would have a total price tag of 12 million dollars. TxDot says they have approximately 6 million and is requesting participation for the remainder of the total amount.

RECOMMENDATION:

N/A for information purposes only.

ATTACHMENTS:

1. Email to Mr. Issassi

From: Ruby Beaven <rbeaven@inglesidetx.gov>

Sent: Tuesday, March 12, 2024 8:54 PM

To: Robert.Isassi@txdot.gov

Cc: Brenton B. Lewis <blewis@inglesidetx.gov>; Gary Paredez <gparedez@inglesidetx.gov>

Subject: SH 200

Mr. Isassi,

I wanted to follow-up with on our previous conversation about getting you to assist me with SH 200 documentation and financial information. City Manager Brenton Lewis and I would like to start reaching out to some of the Industries here to see if there is anything we can do to help with donations for SH 200. With that being said, is there anyone that would like to attend said meetings from TxDot to make introductions to get the ball rolling. This would be very beneficial to have representation who could answer specific questions.

Thanks,

Ruby Beaven, TRMC, CMC, MMC
Director of Administrative Services
& City Secretary

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CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 6.f

General Projects Update.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Council identified a total of 15 projects to be done throughout the City. Nine of the fifteen currently listed projects have been completed to date, three are under construction, and the remaining three are pending or in the design phase or contract phase. See the attached list for project status.

FISCAL ANALYSIS:

The various projects were funded by a range of funds. Some were funded by FY 2020 bond funds, some by FY 2021 bond funds along with grants and regular budget funds.

RECOMMENDATION:

N/A Information purposes only.

ATTACHMENTS:

1. Project List 3.20.2024
2. Animal Control (2) 3.20.2024
3. Animal Control Front Porch Awning 3.20.2024
4. Animal Control Siding and Windows 3.20.2024

Project Name	Project Status
1. Kenny Lane Roadway Improvement	Contractor is preparing to begin the construction in early April.
2. Wastewater Treatment Plant	Awaiting final approval from TCEQ for permit. Preliminary decision has been issued.
3. Houghton Drainage Improvement	Completed
4. Recycle/Bulk Collection Facility	Recycle complete: We currently have 43,000lbs of cardboard; We will be scheduling our 1 st pick up soon. We have 29 bales of plastic bottles and we need 40 bales and a loading ramp to schedule a pick up. The recently received grant from HEB will allow us to build a loading dock. Currently working on quotes.
5. Live Oak Pavement Improvement- Timber Leaf Drive, Spring Park Drive, Lee Lane, Meadow Drive, Ridgewood Circle, Todd Circle, Live Oak Park Entrance A	Contracting
6. Animal Control Facility	Under construction: Building has been erected and shelled. Piping for water and sewer have been delivered on site.
7. Hultgreen Improvement	Water line has been tied in. The wastewater line installation is at approximately 75%.
a. Multi-Purpose Athletic Fields	Complete.
b. Garden Center	Finalizing details for contract.
c. Faith Park Walking Trail	90% designed and coordinating with Hanson Professional Services on OPCC.
8. N.O. Simmons Playground Lighting	Currently under design.
9. West Main Street Parking Lot & City Hall Parking Lot	Currently coordinating with engineer on design.
10. Meter Installation	As of 3/13 a total of 2,983meters have been installed. Overall, approximately 85% of meters have been installed. Most of the meters left would be the 2" and above meters.

Animal Control Facility







CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 6.g

Update on acceptance of the City of Ingleside Annual Financial Report for the Year Ended September 30, 2023.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Charter requires an independent annual audit of the books and accounts of each and every department of the city. Texas Local Government Code section 103.003 requires the Annual Financial Report to be filed within 180 days after the last day of the municipality's fiscal year.

The Finance Department has been working with the external auditors since mid-January. The Finance Department has submitted many documents, reports, and other information requested into the auditor's shared file link program. The auditors stated that progress will be seen through this shared link that is shown on the attached graph. Many of the Outstanding Items are not applicable and show that in the comments section, but are not reflected on the graph. Other items on the Outstanding Items list were emailed directly to the auditors to be dropped into the shared link program. Staff continues to work on providing files and reports that have been requested by the auditing firm representatives. One of the last files requested should be completed by Friday, 3/22/2024, and will be included in the shared link program.

On March 21st, staff had verbal communication with the auditors regarding receipt of the audit, and stated that the audit should be completed soon, once all requested information is received, and may be presented at the first meeting in April 2024.

FISCAL ANALYSIS:

NA

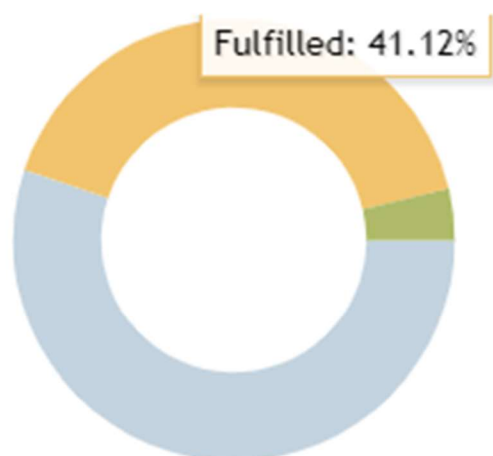
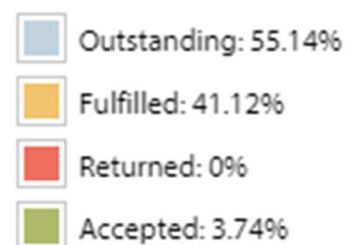
RECOMMENDATION:

No action at this time.

ATTACHMENTS:

1. activity graph from 01-16--3-19-2024

REQUEST SUMMARY



Total Requests : 107

Accepted : 4

Returned : 0

Outstanding : 59

Fulfilled : 44

CITY COUNCIL AGENDA
Regular Meeting: March 26, 2024

AGENDA ITEM: 8

Deliberate and take appropriate action on the Regular Meeting Minutes of March 12, 2024.

SUBMITTED BY: Ruby Beaven, City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Please see the accompanying Minutes:

Regular Meeting Minutes of March 12, 2024

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends approval of the meeting minutes, as presented.

ATTACHMENTS:

1. 2024, 03-12 Regular Council Minutes_DRAFT

**CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
MINUTES
MARCH 12, 2024
6:30 P.M.**

Opening Agenda

1. Call Meeting to order.

The Regular Council Meeting of the City of Ingleside was called to order by Mayor Adame at 6:30 p.m. on March 12, 2024, at Humble Station Community Center, 2821 Main St., Ingleside, TX and live video streaming.

2. Roll Call.

With Council Members present a quorum was established.

Council Members Present: Steve Diehl, Stewart Wilson, David Pruitt, John Salinas, Mayor Pro-Tem Tracy Long, and Mayor Adame.

Council Members Absent: Julio Salinas

3. Invocation.

Council Member Pruitt led the invocation.

4. Pledge of Allegiance.

Mayor Adame led the Pledge of Allegiance to the U.S. flag.

5. Citizen Comments and Reports

Barbara Gregg, 2809 Main Street, addressed the Council about Round Up Days, presented a commercial video, and handed out flyers.

Vicky Cook, 3009 Lakeview West Dr., addressed the Council about the Seed Exchange during the month of February, and how the community and businesses got involved with the exchange.

6. Staff Comments and Reports

A. Report on the Draft City of Ingleside Drainage Master Plan as presented by Freese & Nichols.

Discussion was held between Council Members, City Manager Lewis and Sarah West from Freese & Nichols about having a good drainage plan helps promote future

development, projects ranked in the plan on page ES-2, the criteria scoring for each project, and using plain language for everyone to understand.

B. Update on TCEQ Required Notice.

Discussion was held between Council Members, City Manager Lewis, and Director of Infrastructure Services Paredez about the notice being sent out to all citizens, testing being done between June and September of 2022, and 20 out of 40 samples being rejected by TCEQ.

C. City of Ingleside monthly financial report as of January 2024.

D. City of Ingleside expenditures paid over \$3,000.00 for the period of January 2024.

7. Council Comments and Reports

No Council Comments and Reports presented for this meeting.

Presentations

8. Proclamation to recognize Vicky Cook Day in the City of Ingleside.

Mayor Adame presented a Proclamation and proclaimed March 13, 2024, as “Vicky Cook Day.”

Consent Agenda

9. Deliberate and take appropriate action on a first and only reading of an Ordinance amending the fiscal year 2023-2024 budget for the City of Ingleside, Texas, for the General Fund for appropriation of the donation for the Recycling Department.

Proposed as Ordinance 2024-02.

10. Deliberate and take appropriate action on the Regular Meeting Minutes of February 27, 2024.

Motion: Council Member Diehl made a motion to approve the Consent Agenda as presented. Council Member Fruit seconded the motion. Motion carried with all present voting in favor.

Mayor Adame requested that Agenda Items 13, 14, 15 and 18 all be moved before Executive Session.

Executive Session

11. Closed Session

City Council will meet in Closed Session pursuant to the provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.**
- B. Section 551.071 Consultation with Attorney.**

At 7:21 p.m. Mayor Adame convened the Ingleside City Council into a closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations, and Section 551.071 Consultation with Attorney.

12. City Council will reconvene in Open Session at which time action on the matters discussed in Closed Session may be considered.

- A. Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.**
- B. Section 551.071 Consultation with Attorney.**

At 7:34 p.m. Mayor Adame reconvened the Ingleside City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A: No Action taken.

Item B: No Action taken.

Public Hearing

No Public Hearing presented for this meeting.

Regular Agenda

13. Deliberate and take appropriate action on an agreement between the City of Ingleside and the Ingleside Little League Association for the use of the Bennie Diegel Baseball Complex.

Discussion was held between Council Members, City Manager Lewis, Director of Infrastructure Services Paredez, and Ingleside Little League Association President Victor Moreno about insurance, field maintenance, season beginning on March 23, changing the contract from six (6) months to a year, begin early negotiations for the following years contracts, standardizing the contract beginning October 1 when budget starts over, 4-7 year olds can choose where to play beginning 2025, Little League having volunteers maintain the field maintenance, and the Little League storing their concession equipment in the concession stands.

Motion: Council Member Diehl made a motion to have the agreement signed by all parties, with a contract date of March 12, 2024 to December 31, 2024. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

14. Deliberate and take appropriate action on an agreement between the City of Ingleside and the Ingleside Soccer League for the use of the soccer fields at N. O. Simmons Park.

Discussion was held between Council Members, City Manager Lewis, and Director of Infrastructure Services Paredez about the Texas Coast Youth Soccer League using N. O. Simmons Park for the season, insurance, and having concessions in the agreement when it comes to City events.

Motion: Mayor Adame made a motion to approve the Facility Use Agreement with the Texas Coast Youth Soccer League, as presented. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

15. Deliberate and take appropriate action on an agreement between the City of Ingleside and the ~~Ingleside Softball Association~~ Mustang Infinite Softball for use of the Faith Park Baseball Complex.

Discussion was held between the Council Members, City Manager Lewis, Director of Infrastructure Services Paredez, and Mustang Infinite Softball President Abel Salazar about insurance, the league not being a closed membership, and if it would interfere with the walking trail, which it would not.

Motion: Council Member John Salinas made a motion to approve the Facility Use Agreement with Mustang Infinite Softball, as presented. Mayor Pro-Tem Long seconded the motion. Motion carried with all present voting in favor.

16. Deliberate and take appropriate action on the final change order for the Houghton Drainage Improvements Project.

Discussion was held between Council Members, City Manager Lewis, and Director of Infrastructure Services Paredez about the grant received, needing all documentation filed before getting reimbursement, items being addressed right now to be completed on time, street repair, and having a final walk through.

Motion: Mayor Pro-Tem Long made a motion to accept the final change order for the Houghton Drainage Improvements Project. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

17. Deliberate and take appropriate action on the final pay application for the Houghton Drainage Improvements Project.

Discussion was held between Council Members, City Manager Lewis, and Director of Infrastructure Services Paredez about closing out the project besides the final walkthrough.

Motion: Council Member Diehl made a motion to approve the final pay application for the Houghton Drainage Improvements Project. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

- 18. Deliberate and take appropriate action on a Resolution of the City of Ingleside suspending the April 4, 2024 effective date of AEP Texas Inc.'s requested rate changing to permit the city time to study the request and to establish reasonable rates; Approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the commission; Hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; Requiring reimbursement of cities' rate case expenses; Finding that the meeting at which this Resolution is passed is open to the public as required by law; Requiring notice of this Resolution to the company and legal counsel.**

Discussion was held between Council Members, City Manager Lewis, and AEP Representative Daniel about the Resolution presented to Council, and action needing to be done before April 4, 2024.

Motion: Mayor Pro-Tem Long made a motion to adopt Resolution 2024-15 as presented, a Resolution of the City of Ingleside suspending the April 4, 2024 effective date of AEP Texas Inc.'s requested rate changing to permit the city time to study the request and to establish reasonable rates; Approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the commission; Hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals; Requiring reimbursement of cities' rate case expenses; Finding that the meeting at which this Resolution is passed is open to the public as required by law; Requiring notice of this Resolution to the company and legal counsel. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

- 19. Deliberate and take appropriate action to authorize the City Manager to begin discussions with Able City to develop a scope of work and associated cost to update the City of Ingleside's Comprehensive Master Plan.**

Discussion was held between Council Members, City Manager Lewis, and Interim Building Official Delauro to begin negotiations with Able City, the Comprehensive Master Plan needing to be updated every five (5) years, understanding that the Comprehensive Master Plan is a living document, and how it affects everybody in the community.

Motion: Council Member Diehl made a motion to authorize the City Manager to begin discussions with Able City to develop a scope of work and associated cost to update the City of Ingleside's Comprehensive Master Plan. Mayor Adame seconded the motion. Motion carried with all present voting in favor.

20. Deliberate and take appropriate action to send a team to Austin to talk about various City of Ingleside projects including the proposed SH 200 project.

Discussion was held between Council Members and City Manager Lewis about sending a team to Austin to discuss various City projects, having a plan in place before going up there, and giving the Council a good briefing before the team goes to Austin.

Motion: Council Member Diehl made a motion to authorize the City Manager, Mayor and Mayor Pro-Tem to put together a definitive trip with questions and presentations at their discretion and upon completion of the evolution to be brought back to Council. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

21. Tabled 02/13/2024 Deliberate and take appropriate action on the first reading of an Ordinance amending Ingleside Code of Ordinances Chapter 14-Animal Control and Animals, Article I – In General, Article II – Prohibitions, Enforcement and Penalties, Article III – Licenses and Permits and Administrative Procedures, Article IV – Animal and Rabies Control, Article V – Care and Keeping of Animals, Article VI – Beekeeping and providing for effective date, reading, severance, and publication.

Discussion was held between Council Members about tabling the Agenda Item to the next Council Meeting, that way all parties can get together to discuss possible changes.

Motion: Mayor Pro-Tem Long made a motion to table the Agenda Item until the next Council Meeting on March 26, 2024. Mayor Adame seconded the motion. Motion carried with all present voting in favor.

22. Announcements of Community Interest and/or upcoming events.

- A. San Patricio County Adult Literacy Raffle, March 17
- B. Ingleside Round Up Days, March 22-24
- C. Ingleside Parks & Recreation Flashlight Egg Hunt, March 22
- D. Ingleside Parks & Recreation Sensory Sensitive Egg Hunt, March 23
- E. Ingleside VFW Easter Egg Hunt, Ingleside, March 30
- F. Crawfish Cook-Off, Ingleside, April 19-20
- G. Smokin' tires & Light'n Fires, Ingleside, May 31 – June 1
- H. Best of the Bay Fishing Tournament Scholarship Fundraiser, Ingleside, July 26-27

23. Items to consider for placement on future agendas.

Mayor Adame asked Staff on an update about the approved software.

24. Adjourn.

Mayor Adame adjourned the regular meeting of the City of Ingleside at 8:01 p.m.

APPROVED:

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 11

Tabled 3/12/2024 Deliberate and take appropriate action on the first reading of an Ordinance amending Ingleside Code of Ordinances Chapter 14-Animal Control and Animals

SUBMITTED BY: Tammy Burr, Police Chief

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

This agenda item was initially tabled from the February 13, 2024 to the March 12, 2024 meeting, and again on March 12, 2024 to the March 26 meeting, giving staff the opportunity to confer on appropriate revisions after meeting with members of Council, and receiving public input.

The City of Ingleside Animal Control Unit, under the supervision of the Ingleside Police Department, has determined that to respond to the changes in animal control and protection that are required by law, it is necessary to update Ingleside Code of Ordinances, Chapter 14- Animal Control. This update is needed to better protect the health, safety, and welfare of the citizens of Ingleside, and to comply with existing law.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends to pass to second reading.

ATTACHMENTS:

1. DRAFT - Ingleside Animal Ordinances 3-26-24

ORDINANCE 2024-_____
AN ORDINANCE AMENDING INGLESIDE CODE OF ORDINANCES,
CHAPTER 14-ANIMAL CONTROL AND ANIMALS
AND PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

CHAPTER 14 – ANIMAL CONTROL AND ANIMALS

ARTICLE I – GENERAL PROVISIONS

Sec. 14-1. – Purpose.

It is the intent and purpose of this chapter to provide a safe and healthy environment within the city limits for both animals and residents. While a resident may own and keep animals within the city limits, the conduct of those animals and the conditions in which the animals are kept should not infringe on the surrounding residences and businesses.

Sec. 14-2. – Enforcement.

- (a) Enforcement of this chapter shall be the primary responsibility of the Animal Control Officers; however; Peace Officers, and other persons/agencies designated by the city may also enforce provisions of this chapter.
- (b) It is a violation of this chapter to interfere with, obstruct, resist, or oppose any officer while such person is apprehending an animal or performing any other duties.
- (c) Any Animal Control Officers, Peace Officers, or other persons/agencies designated by the city has the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this chapter. The use of catchpoles, cages, live traps, bite sticks, tasers, or other animal related equipment is authorized to be used.

Sec. 14-3. – Penalty.

- (a) Any person, firm, or corporation who violates, disobeys, omits, or refuses to comply with, or who resists enforcement of any of the provisions of this chapter shall be punished. Each violation of this chapter shall be deemed a separate offense and each day that violation exists shall constitute a separate offense.
- (b) This penalty should not be construed as exclusive, and the city shall be authorized to pursue all other criminal and civil remedies to which it is entitled to under the authority of other ordinances or State law.

Sec. 14-4. – Culpable Mental State.

Unless specifically provided in this chapter, an offense under this chapter shall not require a culpable mental state. It is the intent of this chapter to impose strict liability for any violation of this chapter.

Sec. 14-5. – Definitions.

Adequate Shelter: shall be a structure having, three (3) sides, and a roof; must be large enough to allow the animal to stand, sit, lay down, and make a full rotation and must provide protection from inclement weather

Animal: any living vertebrate, creature, domestic or wild, other than Homo Sapiens.

Animal Control Officer: a person who is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control and who is not a peace officer.

At Large: not contained within an owners' property or residence by means of fence, cage, kennel, leash or lead; or not contained on a leash with an owner who is immediately, physically, visually or obviously present and in competent command.

Cat: a male or female of any feline species, domesticated and feral/stray.

Collar: any collar constructed of nylon, leather, or similar material, specifically designed to be used for a cat or dog.

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

Days: shall mean calendar days.

Dog: a male or female of any canine species, domesticated and feral/stray.

Feral: in a wild state, especially after escape from captivity or domestication.

Fowl: any live bird, including ostriches, rheas, cassowaries, and emus.

Impound: temporary confinement.

Limit Law: a "Limit Law" is a restriction on the number of animals an owner or household may own.

Livestock: shall include, but is not limited to, cattle, horses, donkeys, or mules.

Local Rabies Control Authority (LRCA): the officer designated to enforce State and local standards for rabies control as well as rules adopted in Texas Health and Safety Code, Chapter 826, Rabies, Section 826.045, Area Rabies Quarantine.

Microchip: a permanent method of electronic identification implanted under the skin between the shoulder blades in the back of the neck; each microchip has a unique number and can be detected using a microchip scanner.

Owner: any person(s) who owns or who is in care, custody, and control of an animal; also applies to person(s) who knowingly allows animals to remain in their care, custody, control, or on their property for a minimum of three (3) consecutive days or provides food, water, shelter, or veterinary care for any amount of time.

Peafowl: shall include, but is not limited to, peacocks and pheasant.

Poultry: shall include, but is not limited to, chickens, turkeys, ducks, geese, or other domestic fowl.

Quarantine: strict confinement of an animal specified in an order by a department or its designee either on the private premises of the animal's owner or at a facility approved by a department or its designee and under restraint, closed cage or paddock or in any other manner approved by a department or its designee.

Rabies: an acute viral disease of human and animal affecting the central nervous system and usually transmitted through saliva.

Small Animals: shall include, but is not limited to, rabbits, rats, mice, hamsters, gerbils, guinea pigs, pygmy hedgehogs, or sugar gliders.

Small Livestock: shall include, but is not limited to, goats, sheep, or pigs.

Sterilization: the surgical removal of the reproductive organs or the nonsurgical methods and techniques approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render an animal unable to reproduce.

Stray: being loose, or wandering all-by-itself.

Transport: to take or carry from one place to another via vehicle, aircraft, or ship.

Wildlife: shall include, but not limited to, skunks, raccoons, opossums, foxes, and coyotes.

ARTICLE II – CATS AND DOGS

Sec. 14-6. – Dogs At Large.

It shall be unlawful for an owner to allow domesticated dogs to run at large. All domesticated dogs on public property shall be properly contained on a leash with an owner who is immediately, physically, visually or obviously present and in competent command.

- (a) When at large, any dog who displays fierce, dangerous or vicious propensities or has bitten, scratched, or otherwise attacked any person or other animal and is unable to be caught, impounded or identified shall be destroyed without prior notice to the owner.
- (b) When at large, any dog found to be injured to the extent that it is past recovery, in the opinion of an Animal Control Officer, Peace Officer, or other persons/agencies designated by the city, shall be destroyed by such persons if the animal or owner is not able to be identified in a timely manner; also applies to injured domesticated/stray/feral cats.
- (c) An offense under this section is a Class C misdemeanor.

Sec. 14-7. – Rabies Vaccine.

It shall be unlawful for an owner to keep a domesticated cat or dog, over the age of four (4) months, unless such cat or dog has been immunized against rabies in accordance with State law.

- (a) The rabies vaccination shall be administered by a licensed veterinarian in the state of Texas and the cat or dog is not considered current until thirty (30) days have elapsed from the vaccination date.
- (b) Rabies Tags shall be publicly displayed on a collar when the cat or dog is in public.
- (c) Rabies documentation shall be made accessible to any Animal Control Officer, Peace Officer, or other persons/agencies designated by the city when asked; failure to provide documentation shall deem the cat or dog as unvaccinated.
- (d) Owners having cats or dogs contained on private property are subject to rabies vaccination questioning if said cat or dog is in plain view from a public area.
- (e) An offense under this section is a Class C misdemeanor.

Sec. 14-8. – Unauthorized Removal of Tags or Collars.

It shall be unlawful for anyone, other than the owner of, Animal Control Officers, Peace Officers, or other persons/agencies designated by the city, to remove tags or a collar from a cat or dog as required by this section.

- (a) An offense under this section is a Class C misdemeanor.

Sec. 14-9. – Cat and Dog Sterilization.

It shall be unlawful for an owner to adopt a domesticated cat or dog from the animal shelter without having said cat or dog sterilized.

- (a) Upon adoption a sterilization agreement shall be signed indicating the date in which the cat or dog is to be sterilized.

- (b) Cats and dogs which have not been sterilized are subject to reclamation; an owner shall not prevent, obstruct, or interfere with reclamation.
- (c) An offense under this section is a Class C misdemeanor.

Sec. 14-10. – Vehicle Containment.

It shall be unlawful for an owner to contain their cat or dog in a vehicle on any roadway, alley, park, public premises, or private property in the following ways:

(a) Moving Vehicles:

- 1. No owner shall transport a cat or dog unless said cat or dog is properly contained in an enclosure used to transport people or, if in the bed of a vehicle, in a vented container or cage, by chain or rope, or other device cross tied to prevent falling, jumping, or strangling.
- 2. No owner shall permit their cat or dog to ride in the drivers' seat or in the front or rear dashboards.

(b) Parked Vehicles:

- 1. No owner shall leave a cat or dog unattended for longer than five (5) minutes, regardless of weather conditions, windows cracked/rolled down, air conditioner running, etc.
- 2. Animal Control Officers, Peace Officers, or other persons/agencies designated by the city are authorized to use reasonable force, including the breaking of a side window, to remove a cat or dog whenever it appears the health, safety, and welfare of said cat or dog is or soon will be endangered.

(c) An offense under this section is a Class C Misdemeanor.

Sec. 14-11. – Unlawful Restraint.

It shall be unlawful for an owner to leave a dog outside and unattended by the use of a restraint:

(a) Unless the owner provides access to:

- 1. Adequate Shelter;
- 2. An area that allows the dog to avoid standing water and exposure to excessive animal waste;
- 3. Shade from direct sunlight;
- 4. Potable water;

(b) Between the hours of 10pm-6am;

(c) Within five hundred (500) feet of the premises of a school;

(d) In the case of extreme weather conditions, including, but not limited to conditions in which:

- 1. The actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit
- 2. A heat advisory has been issued by a local or state authority or jurisdiction
- 3. A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(e) A restraint that unreasonably limits a dog's movement, such as:

- 1. Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted;
- 2. Is a length shorter than the greater of:
 - i. Five (5) times the length of the dog, as measured from the tip of the nose to the base of the tail
 - ii. Ten (10) feet;
- 3. Attached to a collar or harness not properly fitted;
- 4. Is in an unsafe condition;

5. Causes injury to the dog;
 6. Is locked by any type of lock;
 7. Has weights attached; or
 8. Is a chain of any thickness/length.
- (f) This section does not apply to:
1. A dog lawfully restrained to a running line, pulley, or trolley system;
 2. A dog lawfully restrained in compliance with requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
 3. A dog unlawfully restrained for a reasonable period, not to exceed three (3) hours in a twenty-four (24) hour period;
 4. A dog unlawfully restrained for no longer than is necessary for the owner to complete a temporary task that requires unlawful restraint;
 5. A dog lawfully restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the state ID the activity for which the license is issued is associated with the use or presence of a cat or dog;
 6. A dog lawfully restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock;
 7. A dog lawfully restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the cat or dog.
- (g) If an owner fails to comply with this section in respect to more than one (1) dog, each dog constitutes a separate offense.
- (h) This section does not apply to a dog being walked on a hand-held leash.
- (i) An offense under this section is a Class C misdemeanor.

Sec. 14-12. – Cat and Dog Limit Law.

It shall be unlawful for an owner residing in the city limits to own more than six (6) domesticated cats or dogs, in any combination. Households with multiple owners shall not own more than six (6) domesticated cats or dogs, in any combination.

- (a) Owners or households owning/having more than six (6) domesticated cats or dogs, prior to the effective date of this section, shall be allowed to keep all said domesticated cats or dogs so as long as the following criteria is met:
1. The owner shall contact Animal Control and advise of the number of domesticated cats or dogs in their possession and provide the following information: owner name, address, phone number AND domesticated animal type, sex, age, color, sterilization status and rabies vaccination status. This needs to be completed no later than thirty (30) days after the effective date of this section.
 2. The owner shall ensure all cats or dogs have a current rabies vaccination no later than thirty (30) days after the effective date of this section.
 3. The owner shall annually maintain rabies vaccination for all cats and dogs under this section.
- (b) Owners or households found to be in violation of this section shall be given a seventy-two (72) hour written notice to remove said cat or dog from the city limits.
- (c) This section does not apply to owners with approved breeding permits from the Texas Department of Licensing and Regulation (TDLR).

1. TDLR Permit documentation shall be made accessible to any Animal Control Officer, Peace Officer, or other persons/agencies designated by the city when asked; failure to provide documentation shall revoke this exception.
- (d) An offense under this section is a Class C misdemeanor.

Sec. 14-13. – Dangerous Dog.

It shall be unlawful for an owner to keep, own, maintain, use or have in their possession or on a premise under their control a dangerous dog within the city limits.

- (a) Dangerous dog investigations may be prompted by citizen complaints or by any Animal Control Officers, Peace Officers, or other persons/agencies designated by the city.
- (b) Dangerous dog investigations shall be conducted within ten (10) days of the receipt of a valid complaint and the owner shall be given written notice of the investigation within twenty-four (24) hours.
- (c) All investigations shall be conducted in accordance with State law.
- (d) Dogs under investigation shall be quarantined at the animal control facility for the duration of the ten (10) day investigation at the owners' expense.
- (e) Owners shall receive written notice of the investigation results within seventy-two (72) hours of the tenth (10th) day following the investigation.
- (f) All applicable fees shall be paid prior to the release of any dog to their owner and the owner shall immediately comply with the written notice or by 5pm (Central Standard Time) of the date listed on the written notice.
- (g) Any owner wanting to appeal the written notice shall surrender their dog to the animal control facility until the hearing is held at their own expense.
- (h) Any dog deemed dangerous and found within the city limits shall immediately be seized by Animal Control Officers, Peace Officers, or other persons/agencies designated by the city, without notice to the owner.
- (i) An offense under this section is a Class C misdemeanor.

Sec. 14-14. – Dog on Animal Attack and Investigation.

It shall be unlawful for an owner to keep, own, maintain, use or have in their possession or on a premise under their control within the city limits a dog that is known to repeatedly attack other animals. These animals include, but are not limited to, cats, dogs, livestock, small livestock, poultry, peafowl, or small animals.

- (a) Dog on Animal Attack investigations may be prompted by citizen complaints or by any Animal Control Officers, Peace Officers, or other persons/agencies designated by the city.
- (b) Dog on Animal Attack investigations shall be conducted within ten (10) days of the receipt of a complaint and the owner shall be given written notice of the investigation within twenty-four (24) hours.
- (c) Dogs under investigation shall be quarantined at the animal control facility for the duration of the ten (10) day investigation at the owners' expense.
- (d) Owners shall receive written notice of the investigation results within seventy-two (72) hours of the tenth (10th) day following the investigation.
- (e) All applicable fees shall be paid prior to the release of any dog to their owner and the owner shall immediately comply with the written notice or by 5pm (Central Standard Time) of the date listed on the written notice.

- (f) Any dog deemed to have repeatedly attacked other animals found within the city limits shall immediately be seized by Animal Control Officers, Peace Officers, or other persons/agencies designated by the city, without notice to the owner.
- (g) An offense under this section is a Class C misdemeanor.

Sec. 14-15. – Guard Dogs.

It shall be unlawful for an owner to keep, own, maintain, use or have in their possession or on a premise under their control within the city limits a guard dog unless:

- (a) The owner of a guard dog notifies the Ingleside Police Department, the Ingleside Fire Department, Tri-County EMS, City Hall and any other first responder agency/city department that may have or need to access the premise for emergency services/city services.
- (d) An offense under this section is a Class C misdemeanor.

Sec. 14-16. – Rabies Quarantine.

All cats and dogs having bitten or scratched a person shall be rabies quarantined per the instruction of the Local Rabies Control Authority (LRCA) and in accordance with Texas Health and Safety Code, Chapter 826, Rabies.

- (a) Cats and dogs needing to be rabies quarantined shall be observed for a period of not less than ten (10) days and turned over to the LRCA or an Animal Control Officer immediately.
- (b) Owners shall receive written notice of the rabies quarantine within twenty-four (24) hours of the incident.
- (c) Rabies Quarantine shall be conducted in accordance with State law.
- (d) Cats and dogs shall be rabies quarantined at the owners' expense.
- (e) Upon completion of the rabies quarantine, cats and dogs shall be released back to the owner if no clinical signs of rabies have been observed and applicable fees have been paid.
- (f) Owners and victims shall receive written notice of the results of the rabies quarantine within seventy-two (72) hours of the tenth (10th) day following the completion of the rabies quarantine.
- (g) Any cat or dog showing clinical signs of rabies during the rabies quarantine period shall immediately be destroyed and tested.
- (h) If the cat or dog is unowned, or if at any time during rabies quarantine ownership is renounced, the animal may be destroyed and tested for rabies.
- (i) An offense under this section is a Class C misdemeanor.

Sec. 14-17. – Feral and Stray Cat Trapping.

It shall be unlawful for a person to shoot, kill or hunt feral and stray cats. Feral and stray cats may be trapped on private property to remedy nuisance issues.

- (a) Trapping.
 1. Traps shall be checked, by the person setting the trap, at least once every twelve (12) hours.
 2. The use of steel-jawed spring traps, mechanical jaw traps, snares, or leg hold traps are prohibited.
 3. A person may notify Animal Control Officers to have feral and stray cats removed or contact local shelters or organizations who may take the cat.
 4. Humane care shall be provided for any trapped cats including food, water, and shelter until removed.
 5. An unauthorized person shall not relocate feral and stray cats within the city limits.
 6. An unauthorized person shall not euthanize feral and stray cats.

7. Any Animal Control Officer, Peace Officer, or other persons/agencies designated by the city may shoot, kill, hunt, and relocate feral and stray cats if necessary and authorized by Animal Control Officer or Peace Officer.
- (b) An offense under this section is a Class C misdemeanor.

Sec. 14-18. – Cat or Dog Inspection.

Any Animal Control Officers, Peace Officers, or other persons/agencies designated by the city may inspect any cats or dogs or any visible premises where cats or dogs are kept, owned or maintained as long as said cats or dogs are within plain view.

Sec. 14-19. – Cat or Dog Seizure.

Any Animal Control Officers, Peace Officers, or other persons/agencies designated by the city shall seize any cat or dog in violation of this chapter regardless if an owner is present or notified. All cats or dogs shall be impounded at the animal control facility and are subject to current processes, procedures and dispositions.

ARTICLE III – LIVESTOCK, SMALL LIVESTOCK, POULTRY, PEAFOWL AND SMALL ANIMALS.

Sec. 14-20. – Permit Required.

It shall be unlawful for an owner to keep, own, maintain, use or have in their possession or on a premise under their control within the city limits livestock, small livestock, poultry, peafowl, or small animals without an approved permit.

- (a) Initial livestock, small livestock, poultry, peafowl, or small animal permits shall be obtained prior to the keeping, owning, maintaining, or use of livestock, small livestock, poultry, or small animals.
- (b) Applicable fees are required to complete permit application.
- (c) Adequate shelter for livestock, small livestock, poultry, peafowl, or small animals shall be provided and livestock, small livestock, poultry, peafowl, or small animals shall not come within seventy-five (75) feet of a neighboring structure serving as a residence or business, unless said structure belongs to the owner obtaining the permit.
- (d) This section is not applicable for livestock, small livestock, poultry, peafowl, or small animals kept in completely enclosed structures or fenced facilities or properties on two (2) acres or more.
- (e) Livestock, small livestock, poultry, peafowl, or small animal permits are valid for twelve (12) months from the date of issuance.
- (f) Renewal of livestock, small livestock, poultry, peafowl, or small animal permits shall be completed within thirty (30) days of expiration of previous permit.
- (g) Livestock, small livestock, poultry, peafowl, or small animal permit documentation shall be made accessible to any Animal Control Officer, Peace Officer, or other persons/agencies designated by the city when asked; failure to provide documentation shall deem the livestock, small livestock, poultry, peafowl, or small animals as unpermitted.
- (h) Owners having livestock, small livestock, poultry, peafowl, or small animals contained on private property are subject to permit questioning if said livestock, small livestock, poultry, peafowl, or small animals are in plain view from a public area.
- (i) Livestock, small livestock, poultry, peafowl, or small animal violations including, but not limited to, not obtaining an approved permit, at large, public nuisance, limit law, or failure to provide adequate shelter or water, shall result in the revocation of any and all livestock, small

livestock, poultry, peafowl, or small animal permits for a minimum of twelve (12) months, but not to exceed twenty-four (24) months.

- (j) Owners shall be given thirty (30) day's notice to remove livestock, small livestock, poultry, peafowl and small animals from the city limits once a permit has been revoked and or the animals be deemed as unpermitted.
- (k) An offense under this section is a Class C misdemeanor.

Sec. 14-21. – Livestock, Small Livestock, Poultry, Peafowl and Small Animal Inspection.

An owner having livestock, small livestock, poultry, peafowl, or small animals on their property are subject to inspection with or without an approved livestock, small livestock, poultry, peafowl, or small animal permit. Inspections shall be completed by an Animal Control Officer at a reasonable time of day and only with consent of an owner. In the event consent is not given, an administrative code enforcement search warrant must be obtained.

Sec. 14-22. – Roosters.

It shall be unlawful for an owner to keep, own, maintain, use or have in their possession or on a premise under their control within the city limits roosters unless:

- (a) The owner keeps said roosters on a premise with two (2) or more acres, and
- (b) Roosters shall not come within seventy-five (75) feet of a neighboring structure serving as a residence or business, unless said structure belongs to the owner.
- (c) Owners or households found to be in violation of this section shall be given a seventy-two (72) hour written notice to remove any roosters from the city limits.
- (d) An offense under this section is a Class C misdemeanor.

Sec. 14-23. – Livestock, Small Livestock, Poultry, Peafowl and Small Animal Limit Law.

The City of Ingleside will not restrict the number of Livestock, Small Livestock, Poultry, Peafowl and Small Animals owners or households may have in the city limits.

- (a) If Animal Control, or any other agency/department, receives complaints regarding the livestock, small livestock, poultry, peafowl and small animals, said complaints will be investigated.
- (b) If complaints are valid and causing a nuisance to the community, community members and/or causing cruelty to said livestock, small livestock, poultry, peafowl and small animals, the Animal Control Department has the authority to revoke any permits obtained.
- (c) An offense under this section is a Class C misdemeanor.

Sec. 14-24. – Livestock, Small Livestock, Poultry, Peafowl, and Small Animals At Large and Grazing.

Except as specifically provided in this chapter, an owner may not allow livestock, small livestock, poultry, peafowl, or small animals to run at large. Livestock, small livestock, poultry, peafowl, or small animals shall not be on any public property.

- (a) Owners of livestock, small livestock, poultry, peafowl, or small animals, determined to be at large, shall be liable for injuries and damages to persons or property other than their own.
- (b) When at large, any livestock, small livestock, poultry, peafowl, or small animals who displays fierce, dangerous or vicious propensities or has bitten, scratched, or otherwise attacked any person or other animal and is unable to be identified shall be destroyed without notice to the owner.

- (c) When at large, any livestock, small livestock, poultry, peafowl, or small animals found to be injured to the extent that it is past recovery, in the opinion of an Animal Control Officer, Peace Officer, or other persons/agencies designated by the city, shall be destroyed by such persons if the animal or owner is not able to be identified in a timely manner.
- (d) It shall be unlawful for an owner to stake livestock or small livestock near any roadway, alley, park, or public premises for the purpose of grazing.
- (e) An offense under this section is a Class C misdemeanor.

ARTICLE IV – OTHER.

Sec. 14-25. – Public Nuisance.

It shall be unlawful for an owner to allow their animal(s) to create a public nuisance. This section applies to all animals regulated by this chapter and any animals who meet any of the following criteria:

- (a) Frequent, habitual, or offensive meowing, barking, crying, yelping, howling, crowing or other noise;
- (b) Improper collecting and disposing of all feces, trash and debris related to, or caused by, any category of animal on public property or on private property other than their own;
- (c) Allows feces to accumulate on one's own private property, thus creating overpowering smell or offensive sight if viewed in plain view from a public or neighboring area;
- (d) Attacking other animals including, but not limited to, cats, dogs, livestock, small livestock, poultry, peafowl, or small animals;
- (e) Obstructing the flow of traffic;
- (f) Molests passing vehicles, bicyclists, scooters, walkers, or joggers;
- (g) More than three (3) at large violations within six (6) consecutive months for the same animal(s).
- (h) More than two (2) rabies vaccination violations within six (6) consecutive months for the same cat or dog;
- (i) More than three (3) impoundments at the animal control facility within six (6) consecutive months for the same cat or dog.
- (j) Owners who have received three (3) or more public nuisance violations within twelve (12) consecutive months for the same animal shall be given a seventy-two (72) hour written notice to remove said animal from the city limits.
- (k) An offense under this section is a Class C misdemeanor.

Sec. 14-26. – Adequate Shelter and Water.

This section applies to all animals, except stray cats, regulated by this chapter.

- (a) All animals shall have access to adequate shelter twenty-four (24) hours a day/ seven (7) days a week.
 - 1. The use of a single shelter is acceptable as long as it allows all animals individually, or cohabitating, to stand, sit, laydown, and make a full rotation if all are inside at the same time.
- (b) All animals shall have access to adequate water twenty-four (24) hours a day/ seven (7) days a week.
 - 1. Water shall be clean and debris free.
 - 2. The container in which the water is kept shall be large enough to contain enough water for the time the animals will be outside and shall be within reach of said animal(s).
- (c) Cats and dogs contained outside for longer than ten (10) minutes, with or without an owner who is immediately, physically, visually or obviously present and in competent command, shall adhere to this section.
- (d) Cats and dogs shall not be contained upon any open, unfenced, vacant lot, land, or property.

- (e) Dogs shall not be restrained in such a manner that would enable said dog to cross over a sidewalk, roadway, alley or into a park, or public/private premises.
- (f) An offense under this section is a Class C Misdemeanor.

Sec. 14-27. – Animals for Sale.

This section applies to all animals regulated by this chapter.

- (a) It shall be unlawful for any person to display or offer for sale or offer to give away any animal in a public place, including highways, streets, sidewalks, alleys or parks within the city limits.
- (b) It shall be unlawful for any person to sell or deliver in quantities of less than five (5) live chickens, ducklings, goslings or rabbits to any person within the period of ten (10) days prior to Easter Sunday within the city limits.
- (c) It shall be unlawful for any person to give away or offer to give away any live animal as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (d) It shall be unlawful for any person to sell, offer for sale, barter or display any living animals which have been dye, colored or otherwise treated so as to impart to it an artificial color.
- (f) An offense under this section is a Class C Misdemeanor.

Sec. 14-28. – Prohibited Animals.

It shall be unlawful for an owner to keep, own, maintain, use or have in their possession or on a premise under their control (landlord/tenant) within the city limits any of the following unless permitted by a state or federal agency:

- (a) Class Reptiles: Family Helodermatidea (the venomous lizards) and all Varanidae (monitor); order Ophidia, family Boidae (boas, pythons, anacondas) family Hydrophiidae (marine snakes); family Viperidae (rattlesnakes, pit vipers and true vipers); family Elapidae (coral snakes, cobras and mambas); family Colubridae, Dispholidus Typus (boomslang), Cyclagras gigas (water cobra), Boiga dendrophila (mangrove snake) and Kertlandii (twig snake) only, order Crocodilia (crocodiles, alligators and gavials);
- (b) Class Aves: Order Falconiforms, (such as hawks, eagles and vultures) and subdivision Rapitae (such as ostriches, rheas, cassowaries and emus);
- (c) Class Mammalia: Order Carnivora, (the family felidae) except household cats: the family Canidae (such as wolves, dingos, coyotes and jackals), except dogs: the family Mustelidae (such as weasels, skunks, martins, mink badgers): family procyonidae (raccoon); family Ursidae (such as bears); and order Marsupialia (such as kangaroos, opossums); order Chiroptera (bats); order Edentata (such as sloths, anteaters and armadillos); order Proboscidea (elephants); order Primata (such as monkeys, chimpanzees, gorillas and lemurs); order Rodentia (such as porcupines); and order Ungulata (such as antelope, deer, bison and camels);
- (d) Class Amphibia: Poisonous frogs;
- (e) Class Arachnida: Order Scorpiones (scorpions); order Araneae, genus, Loxosceles (recluse spiders such as brown recluse spider); order Araneae, genus, Latrodectus (such as black widow, red widow and brown or gray widow spiders)
- (f) Dangerous Wild Animals per Chapter 822, Regulation of Animals, Section 822.101(4), Dangerous Wild Animals;
- (g) any hybrid of an animal listed in this section.
- (h) An offense under this section is a Class C misdemeanor.

Sec. 14-29. – Wildlife.

Wildlife may be lawfully trapped on private property to remedy nuisance issues.

(a) Trapping.

1. Traps shall be checked, by the person setting the trap, at least once every twelve (12) hours.
2. The use of steel-jawed spring traps, mechanical jaw traps, snares, or leg hold traps are prohibited.
3. A person shall notify Animal Control Officers to have trapped wildlife removed, released, or euthanized.
4. Humane care shall be provided for any trapped wildlife including food, water, and shelter until removed by an Animal Control Officer.
5. An unauthorized person shall not relocate or euthanize wildlife.

(b) Injured Wildlife.

1. A person may notify Animal Control Officers to have the wildlife removed or contact local rehabilitation organizations.
2. An unauthorized person shall not relocate or euthanize injured wildlife.

(c) Any Animal Control Officer, Peace Officer, or other persons/agencies designated by the city may shoot, kill, hunt, relocate, and euthanize wildlife if necessary and authorized by Animal Control Officer or Peace Officer.

(d) An offense under this section is a Class C misdemeanor.

ARTICLE V – ANIMAL CONTROL PERSONNEL, DUTIES AND FACILITY.

Sec. 14-30. – Personnel and Duties.

(a) Animal Control Officers.

1. Shall enforce State animal laws and this chapter.
2. Shall properly cite for violations of State law and this chapter.
3. Shall apprehend animals found in violation of this chapter.
4. Shall properly file complaints for violations of state Law and this chapter.
5. Shall properly maintain the animal control facility in accordance with State law and Standard Operating Procedures.
6. Shall properly care for animals at the animal control facility.
7. Shall charge owners for services conducted through the animal control facility.

(b) Local Rabies Control Authority (LRCA).

1. Shall enforce State standards for rabies control.
2. Shall enforce local standards for rabies control.
3. Shall enforce rules adopted in Texas Health and Safety Code, Chapter 826, Rabies, Section 826.045, Area Rabies Quarantine.

Sec. 14-31. – Animal Control Facility.

Animals seized under this chapter shall be transported to the animal control facility and processed in accordance with the Standard Operating Procedures and Fees and Fine Schedule of the animal control facility.

(a) Standard Operating Procedures.

1. shall be posted at the animal control facility and are available upon request.

(b) Fees and Fine Schedule.

1. shall be posted at the animal control facility and are available upon request.

Sec. 14-32. – Tampering with Animal Control Facility and Equipment.

(a) Animal Control Facility.

1. No person shall enter or attempt to enter the animal control facility without proper authority or consent.
2. No person shall remove or attempt to remove animals or items from the animal control facility.
3. No person shall tamper with or damage the animal control facility.

(b) Animal Control Equipment.

1. No person shall remove or attempt to remove animal control equipment regardless of where it is located.
2. No person shall tamper with or damage animal control equipment regardless of where it is located.

(c) An offense under this section is a Class C misdemeanor.

Sec. 14-33. – Appeal and Hearing.

An owner may appeal any decisions made by Animal Control Officers, Peace Officers, or other persons/agencies designated by the city as it pertains to sections regarding the removal of cats, dogs, livestock, small livestock, poultry, peafowl, or small animals, bees, hives, colonies, and apiaries from the city limits. An appeal shall be made to the Municipal Court no later than the tenth (10th) day upon receiving written notice.

Sec. 14-34. – Fees and Fine Schedule.

(a) Adoption Fees – adoption fees are non-refundable

1. Cats – \$25.00
2. Dogs – \$25.00
3. All animals adopted are subject to microchip services at the expense of the owner if not microchipped prior to adoption

(b) Pet Wellness Services – must be paid in full prior to appointment

1. Microchips - \$15.00

(c) Impoundment – must be paid in full prior to reclaim

1. 1st Impound - \$20.00 (plus daily rate)
2. 2nd or More Impound - \$30.00 (plus daily rate)
3. Daily Rate - \$20.00 (same prices for full and half days)
4. All animals impounded are subject to microchip services at the expense of the owner if not microchipped at time of impoundment

(d) Quarantine – must be paid in full prior to release

1. Rabies Quarantine – fee is subject to current pricing with Ingleside Animal Hospital
2. Dangerous Dog Investigation - \$200.00 (plus microchip fee)
3. Dog on Animal Attack Investigation - \$200.00 (plus microchip fee)

(e) Permit Fee – must be paid in full prior to appointment

1. Livestock, Small Livestock, & Poultry - \$10.00 (non-refundable if permit is not approved)
2. Small Animal - \$10.00 (non-refundable if permit is not approved)

CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 12

Deliberate and take appropriate action on City Ordinances Chapter 18 – Buildings and Building Regulations, Chapter 30 – Environment, Chapter 50 – Streets, Sidewalks and Other Public Places and Chapter 62 – Traffic & Vehicles where needed to provide staff with adequate procedures and requirements for enforcement of right of way management.

SUBMITTED BY: Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Minimum property maintenance standards are addressed in adopted City codes and ordinances, including Chapter 18 – Buildings and Building Regulations, Chapter 30 – Environment, Chapter 50 – Streets, Sidewalks and Other Public Places and Chapter 62 – Traffic & Vehicles. The codes and ordinances contain adequate standards and requirements for enforcement by Code Compliance Officers, except for right of way management.

The Code Compliance Division has two full-time licensed Officers who are adequate to enforce all adopted City ordinances. We have recently implemented numerous standard operating procedures to ensure transparency, consistency, and fairness. Staff are working with Civic Plus to implement a new software platform for Code Compliance. The software contains a public portal allowing citizens to report observed issues or concerns to the City. Citizens may also view and identify properties where City staff have identified code violations and are working with the property owner to gain compliance.

We have observed Contractors placing refuse dumpsters, building and landscape materials in the City's right of way and directly on street surfaces. These unregulated activities have the potential to cause damage to City streets and infrastructure. In many cases, traffic control is non-existent or consists of an individual standing in the road flagging passing vehicles around the obstruction, causing public safety concerns. The City should consider drafting and adopting a right of way ordinance with standards and requirements for obstructing and working in the City right of way.

Code Compliance Officers have the upmost respect for private property rights. When violations are identified, our goal is to assist the Owner with bringing the property into compliance. The process requires we notify and give the owner time to remedy the violations. In some cases, the Owner can't be identified or notified, and the violation must be corrected through an abatement process, initially funded by the City. It may be months between our first contact with a property owner and abatement of the violation. In the interim, frustrated neighboring property owners do not physically see tangible progress being made to correct the violation.

FISCAL ANALYSIS:

None

RECOMMENDATION:

In the interest of public safety and to protect City streets and infrastructure from damage, the City should consider adopting a right of way management ordinance.

ATTACHMENTS:

1. Chapter_30__ENVIRONMENT
2. Chapter_50__STREETS__SIDEWALKS__AND__OTHER__PUBLIC__PLACES
3. Chapter_62__TRAFFIC__AND__VEHICLES
4. Ch 18 BUILDING AND BUILDING REGULATIONS

Chapter 30 ENVIRONMENT¹

ARTICLE I. IN GENERAL

Secs. 30-1—30-25. Reserved.

ARTICLE II. JUNKED, ABANDONED, LOST, STOLEN AND UNCLAIMED PROPERTY²

DIVISION 1. GENERALLY

Secs. 30-26—30-35. Reserved.

DIVISION 2. PROPERTY OTHER THAN MOTOR VEHICLES

Sec. 30-36. Definitions.

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

Person designated by the city manager means an officer or employee of the city who is designated by the city manager to be primarily responsible for the disposition of property under this division.

Property held as evidence means property related to a charge that has been filed or to a matter that is being investigated for the filing of a charge.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 30-37. Unclaimed or abandoned personal property.

- (a) *Delivered for disposition.* All unclaimed or abandoned personal property of every kind, other than motor vehicles described in division 3 of this article and property defined in section 30-38, other than contraband subject to forfeiture under Vernon's Ann. C.C.P. ch. 59 and whiskey, wine and beer, seized by any peace officer which is not held as evidence to be used in any pending case and has not been ordered destroyed or returned to the person entitled to possession of the property by a magistrate, which shall remain unclaimed for a period of 30 days shall be delivered for disposition to a person designated by the city manager. If a police officer seizes the property, the police officer shall deliver the property to a person designated by the city manager.

¹Cross reference(s)—Buildings and building regulations, ch. 18.

²Cross reference(s)—Streets, sidewalks and other public places, ch. 50.

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- (b) *Sale; publication of notice.* The sale of any property under this section shall be preceded by a notice published once at least 14 days prior to the date of such sale in a newspaper of general circulation in the county, stating the general description of the property, the names of the owner if known, and the date and place that such sale will occur. If the person designated by the city manager shall consider any bid as insufficient, he need not sell such property but may decline such bid and reoffer such property for sale. This section does not require disposition by sale.
- (c) *Deposit of sales proceeds.* If the property has a fair market value of \$500.00 or more and the owner or the address of the owner is unknown, the person designated by the city manager shall cause to be published once in a paper of general circulation in the city a notice containing a general description of the property held, the name of the owner if known, the name of the officer holding such property and the person's address at city hall and a statement that if the owner does not claim such property within 90 days from the date of the publication such property will be disposed of and the proceeds, after deducting the reasonable expense of keeping such property and the costs of the disposition, placed in the treasury of the city. If the property has a fair market value of less than \$500.00 and the owner or the address of the owner is unknown, the city may sell or donate the property. The sale proceeds, after deducting the reasonable expense of keeping the property and costs of the sale, shall be deposited in the treasury of the city as proceeds of the disposition.
- (d) *Sales of property with fair market value of \$500.00 or more.* The sale under this division of any property that has a fair market value of \$500.00 or more shall be preceded by a notice published once at least three weeks prior to the date of such sale in a newspaper of general circulation in the county, stating the description of the property, the names of the owner, if known, and the date and place that such sale will occur.
- (e) *Notice to owner.* The person designated by the city manager shall mail a notice to the last known address of the owner of such property by certified mail. Such notice shall describe the property being held, give the city hall address and the name of the person holding such property, and shall state that if the owner does not claim such property within 90 days from the date of the notice such property will be disposed of and the proceeds, after deducting the reasonable expense of keeping such property and the costs of the disposition, placed in the treasury of the city.
- (f) *Declining of bids; reoffering for sale.* While offering the property for sale under this article, if the person designated by the city manager considers any bid as insufficient, the agent or sheriff may decline the bid and reoffer the property for sale.
- (g) *Use of property scheduled for disposition.* If the notice provisions of this section have been met and the property is scheduled for disposition, the city police department may request and have the property converted to its use. The city police department at any time may transfer the property to another municipal or county law enforcement agency for the use of that agency. The agency last using the property shall return the property to the person designated by the city for disposition when the agency has completed the intended use of the property.
- (h) *Filing of claim by real owner.* The real owner of any property disposed of shall have the right to file a claim to the proceeds of the disposition with the city council. A claim by the real owner must be filed not later than the 30th day after the date of disposition. If the claim is allowed by the city council, the city shall pay the owner such funds as were paid into the treasury of the city as proceeds of the disposition. If the claim is denied by the city council or if the city council fails to act upon such claim within 90 days, the claimant may sue the city in a court of competent jurisdiction in the county, and upon sufficient proof of ownership, recover judgment against the city for the recovery of the proceeds of the disposition.
- (i) *Money.* If the abandoned or unclaimed personal property is money, the person designated by the city manager may, after giving notice under subsection (b) or (d) of this section, deposit the money in the treasury of the city without conducting the sale as required by subsection (b) of this section.

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- (j) *Disposition of worthless property.* Any property which has been offered for sale and for which no price or sum has been offered, if deemed in the opinion of the city manager to be worthless and without value, shall be disposed of in such manner as the city manager shall prescribe. The description of all property destroyed or disposed of by the city manager as worthless or without value shall be reported to the city council together with the date and manner of disposal.

(Code 1979, ch. 1, § 21 G.)

Sec. 30-38. Abandoned property other than motor vehicles.

- (a) *Declared a nuisance; duty of police to impound; notification of impoundment.* The impoundment procedure is as follows:
- (1) Any personal property, other than a motor vehicle, which is placed, left standing, parked, erected or lying in violation of any ordinance, the Charter of the city or any state law; or left unattended for more than 48 continuous hours in or on any public street, alley, sidewalk, public property or public place in the city; or which is placed, left standing, parked, erected or lying in or on any public street, alley or sidewalk in such a manner as to substantially interfere with, obstruct or constitute a barrier to vehicular or pedestrian traffic, is declared a public nuisance. Any such property when so found by the police officers of the city shall be removed or caused to be removed summarily to the police pound or any other place of impoundment designated by the city manager.
 - (2) Trash receptacles placed in compliance with city ordinance and newspaper and magazine vending machines on public sidewalks shall not be deemed obstructions under this subsection.
 - (3) Within ten days after any personal property is impounded under this subsection, the impounder shall notify the owner of such property and all lienholders, if their names and addresses are known, that such property has been impounded.
- (b) *Lien on impounded property.* A lien for all costs incurred in the impounding, storing and advertising for sale of personal property pursuant to this section shall exist and inure to the benefit of the person actually impounding such property. Such lien shall be prior and superior to all other liens of every kind, save and except liens for ad valorem taxes, and the impounder may retain possession of such property until all costs are paid and may sell the same as provided in this section.
- (c) *Redemption of impounded property.* The owner or any person legally entitled to possession of any impounded personal property as provided for in this section may redeem the same as follows:
- (1) *Before sale.* By paying to the impounder, before sale, the applicable fees set out in subsection (h) of this section.
 - (2) *After sale.* By paying to the buyer at the sale double the amount paid by him for such personal property, and any reasonable expenses incurred by him for keeping the same, provided that the property shall be redeemed from the buyer within 30 days after the date of the sale, excluding the date of sale. Otherwise, title to the property shall become absolute in the buyer.
- (d) *Sale of impounded property.* When any personal property, other than motor vehicles, is not redeemed within 30 days after being impounded, the same may be sold in the manner designated by the city manager.
- (e) *Notice of sale of impounded property.* Before selling any personal property as provided for in this section, the impounder shall post two notices thereof, one at the county courthouse door and one at the front entrance of the city hall, and shall cause a copy thereof to be published in the official newspaper published in the city once a week for two consecutive weeks, the date of the first publication to be at least 14 days prior to the day of the sale. The notice of sale shall describe the impounded property, state that the same is

unredeemed, state that the same will be sold, designate the place of sale, the manner of sale, and state a time and date of sale which shall not be less than 14 days from the date of the first posting of such notices.

- (f) *Procedure for selling impounded property.* When any impounded property is not redeemed by the date and time designated in the notice of sale, the impounder shall sell such property in the manner designated by the city manager, and execute a bill of sale of such property to the purchaser thereof, provided that he shall not execute or deliver any but a conditional bill of sale until the title of the buyer has become absolute by an expiration of 30 days in time, exclusive of the day of sale, without being redeemed by the owner of the impounded property.
- (g) *Disposition of proceeds of sale of impounded property.* After deducting the fees to which the impounder is entitled pursuant to subsection (h) of this section, the impounder shall hold the balance of the proceeds of such sale, if any, to pay the same to the owner of the property. If the owner fails to call for such proceeds within 30 days, they shall belong to the impounder.
- (h) *Fees for impounding, storage, publication of notices; sales.* The following fees shall be charged and shall be paid to the impounder:
 - (1) For the taking and impounding of any personal property, the actual expenses incurred by the impounder in impounding the property, plus a fee established by resolution of the city council and listed in appendix A of this Code.
 - (2) A storage fee, including storage for all or part of the first 24 hours, established by resolution of the city council and listed in appendix A of this Code, per 24-hour period or portion thereof.
 - (3) For preparing notices of sale of each article, including newspaper advertisement, a fee shall be established by resolution of the city council and listed in appendix A of this Code.
 - (4) For selling each article, a fee shall be established by resolution of the city council and listed in appendix A of this Code.
 - (5) For posting notice of sale for each article, a fee shall be established by resolution of the city council and listed in appendix A of this Code.
 - (6) For newspaper advertisement, the actual publication costs incurred.

(Code 1979, ch. 10, § 8 B.)

Secs. 30-39—30-50. Reserved.

DIVISION 3. MOTOR VEHICLES³

Sec. 30-51. Definitions.

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

³Cross reference(s)—Traffic and vehicles, ch. 62; wrecker service, § 74-171 et seq.; supplementary zoning district regulations, § 78-321 et seq.

State law reference(s)—Junked motor vehicles, Vernon's Ann. Civ. St. art. 4477-9a, §§ 5.01—5.04; abandoned motor vehicles, Vernon's Ann. Civ. St. art. 4477-9a, §§ 5.08—5.12.

Abandoned motor vehicle means a motor vehicle that is inoperable and more than five years old and left unattended on public property for more than 48 hours; a motor vehicle that has remained illegally on public property for a period of more than 48 hours; a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours; or a motor vehicle left unattended on the right-of-way of a designated county, state, or federal highway within this state for more than 48 hours or for more than 12 hours on a turnpike project constructed and maintained by the state turnpike authority.

Antique auto means a passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least 35 years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Demolisher means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Garagekeeper means an owner or operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of a motor vehicle.

Junked vehicle means a vehicle, as defined in Texas Transportation Code § 683.071, that is self-propelled and:

- (1) Displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or
- (3) Is inoperable and has remained inoperable for more than:
 - (a) 72 consecutive hours, if the vehicle is on public property; or
 - (b) 30 consecutive days, if the vehicle is on private property.

Motor vehicle means a motor vehicle subject to registration under the Certificate of Title Act, Vernon's Ann. Civ. St. art. 6687-1, except that for purposes of sections 30-52, 30-55 and 30-57, motor vehicle includes a motorboat, outboard motor, or vessel subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

(Code 1979, ch. 10, § 8 A.(1); Ord. No. 802, § 1, 6-26-01; Ord. No. 1054, § 1, 4-24-12)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.01.

Sec. 30-52. Authority to take possession of abandoned motor vehicles.

- (a) The police department may take into custody an abandoned motor vehicle found on public or private property.
- (b) The city council may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle taken into custody.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.02.

Sec. 30-53. City manager to establish administrative procedures.

The city manager is authorized to provide for the impounding, storage and disposition of abandoned motor vehicles and shall establish such administrative procedures as he deems necessary for the securing of proof of abandonment, collection of fees, distribution of proceeds of sale or redemption, giving of notices, and impounding and sale of abandoned and junked motor vehicles, consistent with this division and state law.

(Code 1979, ch. 10, § 8 A.(1)(a))

Sec. 30-54. Fees.

- (a) The impounding, storage, and other fees as established by resolution of the city council and listed in appendix A of this Code charged by the city shall be paid to the police department or the person, if any, engaged by the city to impound and store abandoned motor vehicles, upon redemption of an abandoned motor vehicle or out of the proceeds of the sale of such motor vehicle if it is not redeemed.
- (b) In addition to the charges, when the abandoned motor vehicle is one impounded at a storage facility operated by a garagekeeper for commercial purposes, as defined in the Texas Abandoned Motor Vehicle Act, and under the provisions of such act, the garagekeeper has a valid claim for servicing, storage or repair of such vehicle, his charges shall also be paid to the garagekeeper by the person redeeming the motor vehicle before the motor vehicle is released by the police department. If such motor vehicle is not redeemed, the proceeds of the sale shall be first applied to the garagekeeper's charges.

(Code 1979, ch. 10, § 8 A.(2))

Sec. 30-55. Notification of owner and lienholders.

- (a) The police department upon taking into custody an abandoned motor vehicle shall notify not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act, Vernon's Ann. Civ. St. art. 6687-1, or V.T.C.A., Parks and Wildlife Code ch. 31, that the vehicle has been taken into custody. The notice shall describe the year, make, model, and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle not later than the 20th day after the date of the notice, on payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody, or garagekeeper's charges if notice is under section 30-58. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lienholders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.
- (b) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the motor vehicle was abandoned is sufficient notice under this division. The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail.
- (c) The consequences and effect of failure to reclaim an abandoned motor vehicle are as set forth in a valid notice given under this section.

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- (d) The police department or an agent of a police department that takes custody of an abandoned motor vehicle is entitled to reasonable storage fees as established by resolution of the city council and listed in appendix A for:
- (1) A period of not more than ten days beginning on the day the department takes custody and continuing through the day the department mails notice as provided by this section; and
 - (2) A period beginning on the day after the day the department mails notice and continuing through the day any accrued charges are paid and the vehicle is removed.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.03.

Sec. 30-56. Police department use of certain abandoned motor vehicles.

- (a) If an abandoned motor vehicle has not been reclaimed, as provided by section 30-55, the police department may use that vehicle for police department purposes as provided by this section.
- (b) The police department may use the abandoned motor vehicle for police department purposes as long as the department considers it cost-effective. If the police department discontinues use of the abandoned motor vehicle, the department shall auction the vehicle as provided by section 30-57.
- (c) This section does not apply to an abandoned motor vehicle with a garagekeeper's lien.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.031.

Sec. 30-57. Auction of abandoned motor vehicles.

If an abandoned motor vehicle has not been reclaimed as provided by section 30-55, the police department may use the abandoned motor vehicle for police department purposes, as provided by section 30-56 or sell the vehicle at a public auction. Proper notice of the public auction shall be given, and in the case of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of the auction. The purchaser of the motor vehicle takes title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and is entitled to register the purchased vehicle and receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle, the police department shall reimburse itself for the expenses of the auction; the costs of towing, preserving, and storing the vehicle that resulted from placing the abandoned motor vehicle in custody; and all notice and publication costs incurred under section 30-55. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in a special fund that shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs that result from placing another abandoned vehicle in custody, if the proceeds from a sale of another abandoned motor vehicle are insufficient to meet these expenses and costs. The city may transfer the amount in the special fund that exceeds \$1,000.00 from the special fund to the city's general revenue account to be used by the police department.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.04.

Sec. 30-58. Garagekeepers and abandoned motor vehicles.

- (a) A motor vehicle left for more than ten days in a storage facility operated for commercial purposes after notice is given by registered or certified mail, return receipt requested, to the owner and to any lienholder of record under the Certificate of Title Act, Vernon's Ann. Civ. St. art. 6687-1, to pick up the vehicle, or for more than ten days after a period when under a contract the vehicle was to remain on the premises of the storage facility, or a motor vehicle left for more than ten days in a storage facility by someone other than the registered owner or by a person authorized to have possession of the motor vehicle under a contract of use, service, storage, or repair, is considered an abandoned vehicle, and shall be reported by the garagekeeper to

the police department. If the notice to the owner or a lienholder is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the area in which the vehicle was left in storage is sufficient notice.

- (b) If a garagekeeper or storage facility acquires possession of a motor vehicle for a purpose other than repair, the garagekeeper or storage facility is entitled to towing, preservation, and notification charges and to reasonable storage fees, in addition to storage fees earned pursuant to contract, for a maximum of five days only until notification is mailed to the last known registered owner and all lienholders of record as provided by subsection (a) of this section. After such notice is mailed, storage fees may continue until the vehicle is removed and all accrued charges are paid. A garagekeeper who fails to report the possession of an abandoned vehicle to the police department within 48 hours after it becomes abandoned may no longer claim reimbursement for storage of the vehicle.
- (c) The police department, upon receipt of a report from a garagekeeper of the possession of a vehicle considered abandoned under the provisions of this section, shall follow the notification procedures provided by section 30-55, except that custody of the vehicle shall remain with the garagekeeper until after compliance with the notification requirements. A fee of \$5.00 shall accompany the report of the garagekeeper to the police department. The \$5.00 fee shall be retained by the police department receiving the report and used to defray the cost of notification or other cost incurred in the disposition of an abandoned motor vehicle.
- (d) An abandoned vehicle left in a storage facility and not reclaimed after notice is sent in the manner provided by section 30-55 shall be taken into custody by the police department and used for police department purposes as provided by section 30-56 or sold in the manner provided by section 30-57. The proceeds of a sale under this section shall first be applied to the garagekeeper's charges for servicing, storage, and repair, but as compensation for the expense incurred by the police department in placing the vehicle in custody and the expense of auction, the police department shall retain two percent of the gross proceeds of the sale of each vehicle auctioned, unless the gross proceeds are less than \$10.00. If the gross proceeds are less than \$10.00, the department shall retain the \$10.00 to defray expenses of custody and auction. Surplus proceeds remaining from an auction shall be distributed in accordance with section 30-57.
- (e) Except for the termination or limitation of claim for storage for failure to report an abandoned motor vehicle, nothing in this section may be construed to impair any lien of a garagekeeper under the laws of this state.
- (f) A person charging fees under subsection (b) of this section commits an offense if the person charges a storage fee for a period of time not authorized by that subsection. An offense under this subsection is punishable by a fine of not less than \$200.00 nor more than \$1,000.00.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.05.

Sec. 30-59. Disposal by demolishers.

- (a) The person on whose property or in whose possession is found any abandoned motor vehicle and a person who is the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the state department of highways and public transportation for authority to sell, give away, or dispose of the vehicle to a demolisher. Nothing in this section may be construed as being in conflict with the provisions of sections 30-62 and 30-63. The application, except one submitted by a unit of government, shall be accompanied by a fee of \$2.00 that shall be deposited in the state highway fund.
- (b) The application must set out the name and address of the applicant; the year, make, model, and vehicle identification number of the motor vehicle, if ascertainable, together with any other identifying features, and must contain a concise statement of the facts surrounding the abandonment; and a statement that the title of the motor vehicle is lost or destroyed or a statement of the reasons for the defect of title in the owner.

The applicant shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

- (c) If the state department of highways and public transportation finds that the application is executed in proper form and shows that the motor vehicle has been abandoned on the property of the applicant or that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the state department of highways and public transportation shall follow the notification procedures as provided in section 30-55.
- (d) If an abandoned motor vehicle is not reclaimed in accordance with section 30-55, the state department of highways and public transportation, on notification of that fact by the applicant, shall issue the applicant a certificate of authority to sell the motor vehicle to a demolisher for demolition, wrecking, or dismantling. A demolisher shall accept the certificate in lieu of the certificate of title to the motor vehicle.
- (e) The state department of highways and public transportation may issue the applicant a certificate of authority to dispose of the motor vehicle to a demolisher without following the notification procedures of section 30-55 if the motor vehicle is more than eight years old and has no engine or is otherwise totally inoperable.
- (f) A person in possession of an abandoned vehicle that was authorized to be towed in by a police department and that is more than eight years old and has no engine or is otherwise totally inoperable may, on affidavit of that fact and approval of the police department, apply to the state department of highways and public transportation for a certificate of authority to dispose of the vehicle to a demolisher for demolition, wrecking, or dismantling only.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.06.

Sec. 30-60. Duties of demolishers.

- (a) A demolisher who purchases or otherwise acquires a motor vehicle to wreck, dismantle, or demolish it shall obtain a valid certificate of title, sales receipt, or transfer document under sections 30-57 and 30-66, respectively, or a certificate of authority from the person delivering the vehicle for demolition, but the demolisher is not required to obtain a certificate of title for the motor vehicle in the demolisher's name. On demand of the state department of highways and public transportation, the demolisher shall surrender for cancellation the certificate of title or authority. The state department of highways and public transportation shall issue such forms and rules governing the surrender of auction sales receipts and certificates of title as are appropriate. The Certificate of Title Act, Vernon's Ann. Civ. St. art. 6687-1, governs the cancellation of title of the motor vehicle.
- (b) A demolisher commits an offense if the demolisher fails to keep an accurate and complete record of a motor vehicle purchased or received in the course of business in the manner provided by this subsection. These records must contain the name and address of the person from whom each motor vehicle was purchased or received and the date of the purchase or receipt. The records shall be open for inspection by the state department of highways and public transportation or any police department at any time during normal business hours. A record required by this subsection must be kept by the demolisher for at least one year after the transaction to which it applies. A demolisher who commits an offense under this subsection is, on conviction, subject to a fine of not less than \$100.00 nor more than \$1,000.00, to confinement in the county jail for not less than ten days nor more than six months, or to both.

State law reference(s)—Similar provisions, Vernon's Ann. Civ. St. art. 4477-9a, § 5.07.

Sec. 30-61. Junked vehicles declared public nuisance and criminally punishable under state law.

- (a) Texas Transportation Code § 683.072 provides and it is also hereby declared, found and determined that a junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the state and the city of Ingleside by producing urban blight adverse to the maintenance and continuing development of the municipalities in the state, including the city of Ingleside, and is a public nuisance.
- (b) A person commits an offense under Texas Transportation Code § 683.073 if that person maintains a public nuisance as described by Texas Transportation Code § 683.072. Texas Transportation Code § 683.073 provides that a person who commits an offense under § 683.073 is, on conviction, subject to a fine not to exceed \$200.00 and that on conviction the court, which is the municipal court in Ingleside, shall order removal and abatement of the nuisance.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-62. Adoptions of administrative procedures for abating junked vehicle nuisance and appointment of Administrator.

- (a) Pursuant to Texas Transportation Code § 683.074, the city adopts the procedures in sections 30-62 through 30-68 for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, from private property, public property, or public rights-of-way.
- (b) The city manager and/or any other regular, full time, salaried employees of the city designated by the city manager shall administer these procedures, except that the manager or his designee may appoint any person to remove the junked vehicles. The person administering these procedures may hereinafter be called the "administrator", whether the manager or his designee.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-63 Notices.

- (a) For a nuisance on private property, a notice (the "initial notice") shall be given stating the nature of the public nuisance on private property, that it must be removed and abated not later than the tenth day after the date on which the notice was mailed, left on the vehicle, or hand delivered, as applicable, and that any request for a hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the vehicle, each lienholder of record, and to the owner or occupant of the private premises on which the vehicle is located. If the post office address of the last known registered owner of the vehicle is unknown, notice to the last known registered owner may be placed on the vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return. A mailed notice is deemed to have been given on the date it is deposited into an official depository of the U.S. mail. A notice which is placed on the vehicle is deemed to have been given on the date it is placed on the vehicle. A notice which is hand delivered is deemed to have been given on the date of delivery.

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- (b) For a nuisance on public property or public right-of-way, a notice (the "initial notice") shall be given stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated not later than the tenth day after the date on which the notice was mailed, left on the vehicle, or hand delivered, as applicable, and that any request for a hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the vehicle, each lienholder of record, and, if the vehicle is located on a public right-of-way, to the owner or occupant of the private premises adjacent to the public right-of-way on which the vehicle is located. If the post office address of the last known registered owner of the vehicle is unknown, notice to the last known registered owner may be placed on the vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten days after the date of the return. A mailed notice is deemed to have been given on the date it is deposited into an official depository of the U.S. mail. A notice which is placed on the vehicle is deemed to have been given on the date it is placed on the vehicle. A notice which is hand delivered is deemed to have been given on the date of delivery.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-64. Public hearing/finding and orders of administrator.

- (a) If the nuisance is not removed and abated within the ten days after the initial notice is given, the administrator will hold a public hearing in order to determine whether or not the vehicle is in fact a junked vehicle and in violation of section 30-61. The hearing shall not be held any earlier than the eleventh day after the date the initial notice was given. If a request for hearing is made by any person entitled to initial notice, the administrator shall give notice of the hearing to the person requesting the hearing.
- (b) Such hearing shall not be criminal in nature and shall be as summary as due process and orderly procedure allows. At the hearing it is presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. Rules of evidence as in administrative hearings shall be followed. If a respondent appears at the hearing, then, upon finding that such vehicle is a junked vehicle and is in violation of section 30-61 Ingleside Code, the administrator shall order (1) that the respondent immediately, or within such longer time as the administrator deems reasonable, remove the vehicle from the premises and abate such nuisance, and (2) that, if the respondent shall fail to remove the vehicle and abate the nuisance within the time ordered, the chief of police and/or other person designated by the administrator shall take possession of such vehicle and remove it from the premises. If the respondents do not appear at the hearing, then, upon finding that such vehicle is a junked vehicle and is in violation of section 30-61 Ingleside Code, the administrator shall order that the chief of police and/or other person designated by the administrator take possession of such vehicle and remove it from the premises. The administrator's order shall include a description of the vehicle, including, if available at the site, the current motor vehicle identification number and license plate number of the vehicle.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-65. Miscellaneous/junked vehicles.

- (a) No junked vehicle may be reconstructed or made operable after it has been removed by the city.
- (b) Notice identifying the vehicle or the part of the vehicle which was removed, including, if available at the location from which the vehicle was removed, the motor vehicle identification number and license plate number, must be given to the Texas Department of Transportation not later than the fifth day after the date of removal by the city.

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- (c) The administrator may enter private property to examine a public nuisance, to obtain information in order to identify the nuisance, and to remove or direct removal of the nuisance.
 - (d) The relocation of a junked vehicle that is a public nuisance to another location in Ingleside after a proceeding for the abatement and removal of the public nuisance has commenced will have no effect on the proceeding, if the junked vehicle constitutes a public nuisance at the new location.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-66. Disposal of junked vehicles.

A junked vehicle or vehicle part may be disposed of by removal to a scrapyard, a motor vehicle demolisher, or any suitable site, if any, operated by the city or San Patricio County for processing as scrap or salvage.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-67. Effect of division on other sections of Code.

This division does not affect a law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

(Ord. No. 802, § 2, 6-26-01)

Sec. 30-68. Exemptions from junked vehicle regulations.

These provisions regarding junked vehicles do not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner, where it is not visible from the street or other public or private property; a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means, Texas Transportation Code § 683.077.

(Ord. No. 802, § 2, 6-26-01)

Secs. 30-69—30-89. Reserved.

ARTICLE III. WEEDS, TRASH, RUBBISH, DEBRIS, GREEN WASTE, STAGNANT WATER⁴

⁴Editor's note(s)—Section 1 of Ord. No. 956, adopted Oct. 9, 2007, renamed art. III, weeds, trash, rubbish, debris, stagnant water, to read as herein set out.

Cross reference(s)—Housing code, § 18-271 et seq.; streets, sidewalks and other public places, ch. 50; vegetation, ch. 70; supplementary zoning district regulations, § 78-321 et seq.

State law reference(s)—Authority to abate nuisance, V.T.C.A., Health and Safety Code, § 342.001 et seq.

Sec. 30-90. Definitions.

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

Garbage means any and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption; every accumulation of waste, animal, vegetable and/or other matter, that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents; except, in all cases, any matter included in the definitions of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

Green waste is tree and bush trimmings generated from the maintenance of improved residential and/or multifamily properties.

Hazardous waste means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be hazardous as that term is defined by or pursuant to federal or state law.

Non-customary outdoor storage means the accumulation of, but is not limited to vehicle or machinery parts; tires; business supplies or inventory; construction materials not incidental to an active permitted construction project on-site; storage of yard maintenance equipment in excess of what is needed to maintain the property; any item in a visible state of deterioration as reasonably evidenced by rust or other condition, abandoned, discarded, or unused objects or equipment, not customarily stored outside such as indoor furniture, stoves, refrigerators, freezers, washers/dryers or other appliances, electronic equipment, boxes and other types of containers; clothing; or any such item which will rapidly deteriorate outside of a controlled or protected environment.

Rubbish means all waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definitions of bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter.

Store means to park, leave, locate, keep, maintain, deposit, allow to remain or allow to have a physical presence.

Trash means any combination of material as defined by garbage and rubbish but may contain other materials within the scope of section 30-90.

(Ord. No. 918, § 1, 9-12-06; Ord. No. 956, § 1, 10-9-07; Ord. No. 2017-13 , § 1, 5-9-17)

Sec. 30-91. Prohibited accumulations on private property.

- (a) Non-customary outdoor storage. It shall be unlawful to accumulate items in excess of what is reasonable and customarily necessary for the use of the property and/or which, by its placement and/or condition whether reusable or not has the potential to:
- (1) Cause, through visual blight or odor, impairment of the use or enjoyment of neighboring properties.
 - (2) Pose a risk to public health by creating conditions favorable for the harboring of vermin or insects.
 - (3) Pose a risk of environmental contamination through the deterioration of materials not customarily stored outside.

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- (4) Pose a risk to public safety through the creation of an attractive nuisance.
- (b) It shall be unlawful for any person to allow garbage, rubbish, or trash to accumulate on property under his control and within the city. Garbage, rubbish or trash as defined within section 30-90.

(Code 1979, ch. 11, § 4 V.(1); Ord. No. 2017-13 , § 1, 5-9-17)

Sec. 30-92. Depositing garbage, trash and rubbish on public or private property.

- (a) It shall be unlawful for any person to sweep, haul, throw, or deposit any garbage, trash, dirt, concrete, rocks, brick, plaster, tile, stagnant water, dead animals or accumulations of green waste, into, upon, or along any drain, gutter, alley, sidewalk, parkway, street, vacant lots, or upon any public or private property within the city. If handbills are distributed, they must be distributed in a manner prescribed by the city council and written permission from the city manager certifying conformity with the outlined requirements of the city council.
- (1) Exception. Green waste may be placed on an easement directly adjacent to the property owner's property in accordance with section 46-26 of this Code.
- (b) It shall be unlawful to place and/or allow an accumulation of green waste, trash, bulky waste or construction debris in any location that may obstruct public streets, sidewalks, or rights-of-way, obscure the view of traffic, or within the 25-foot traffic sign triangle. No green waste, trash, bulky waste or construction debris shall ever be deposited for collection in any place which may cause interference with the normal flow of surface drainage along and through a drainage ditch.

(Code 1979, ch. 11, § 4 C.; Ord. No. 956, § 1, 10-9-07; Ord. No. 1028, § 1, 3-22-11; Ord. No. 2020-30 , § 1, 8-26-20; Ord. No. 2023-02 , § 1, 1-24-23)

Cross reference(s)—Solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; supplementary zoning district regulations, § 78-321 et seq.

Sec. 30-93. Obligations of owners.

Weeds, grass, brush, and shrubs taller than the maximums listed below are hereby declared a public nuisance. Every owner, lessee, and other person in charge of land, whether or not improved, within the city limits is obligated, jointly and severally, as follows:

- (1) To keep the weeds on the property cut, mowed, and maintained so that the height of weeds located on the property within 100 feet of any building, whether the building is located on the property or the property of another, is less than 12 inches for improved property and 24 inches for unimproved property. For the purpose of this section "improved" property is any manmade changes to the real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (2) To maintain, protect, and preserve the property in such a way as to prevent the accumulation, collection or appearance of carrion, filth, rubbish, trash, debris, or any other unsightly or unsanitary matter on the property and to timely remove from the property and dispose of any and all such material as may appear thereon.
- (3) To maintain, protect, and preserve the property in such a way as to prevent the collection, accumulation or appearance of any matter on the property which constitutes a fire hazard and to timely remove from the property and dispose of any and all such material as may appear thereon.

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- (4) To take such action as is necessary to prevent the accumulation, collection, or appearance of stagnant water on the property and to ensure proper drainage of the property.
 - (5) To keep all weeds located on the property and in public road, alley, and right-of-way adjacent to the property, which weeds are within 25 feet of any public road, alley, right-of-way, or street, cut, mowed, and maintained so that the height of such weeds is less than 12 inches for improved property and 24 inches for unimproved property.

(Code 1979, ch. 7, § 1 A.; Ord. No. 647, § 1, 9-5-95; Ord. No. 848, § 1, 11-12-02; Ord. No. 2023-02 , § 1, 1-24-23)

Sec. 30-94. Penalty for violation of sections 30-91, 30-92 and/or 30-93.

Any failure to perform the obligations or any of the obligations imposed by section 30-91, 30-92 and/or 30-93 shall be unlawful and shall be punishable in accordance with section 1-14. After notice has been given in accordance with section 30-95, code enforcement officials employed by the city may issue citations or file court complaints if the property owner remains non-compliant with this article.

(Code 1979, ch. 7, § 1 B.; Ord. No. 956, § 1, 10-9-07; Ord. No. 2016-17 , § 1, 8-9-16; Ord. No. 2017-13 , § 1, 5-9-17; Ord. No. 2023-02 , § 1, 1-24-23)

Ord. No. 2017-13 , § 1, adopted May 9, 2017, changed the title of § 30-94 from "Penalty for violation of section 30-92 and/or 30-93" to read as herein set out.

Sec. 30-95. Abatement—Notice.

- (a) If any of the conditions set forth in sections 30-91, 30-92 and/or 30-93 exist, the city may serve notice on the owner of the property on which the condition exists to clean up, abate, remedy, and/or correct the condition within 10 days of the notice. Such notice shall be written and shall be delivered to the owner of the property by:
 - (1) Personal service, hand-delivered in writing to the owner or by certified letter, properly addressed to the owner at the most current mailing address of the owner as reflected by the San Patricio County Appraisal District records, postage prepaid; or
 - (2) If neither personal service nor service by mail can be obtained, then by publication two times within ten consecutive days in the official newspaper of the city, or by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates if the property contains no buildings. Notice by personal service is effective on the date of delivery to the owner. Notice by certified letter is effective on the date of deposit into an official depository of the United States post office. Notice by publication is effective on the date of the last publication. Notice by posting is effective on the date of posting.
 - (3) If a notice is mailed to the property owner in accordance with subsection (1), and the notice is returned by the United States Postal Service as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered as delivered, in accordance with V.T.C.A., Texas Health and Safety Code, § 342.006 (c).
- (b) The city in the notice of a violation delivered by personal service or certified mail may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been

informed in writing by the owner of an ownership change, the city without notice may take any action permitted by V.T.C.A., Texas Health and Safety Code, § 342.006 (a) and this article and assess its expenses as provided by V.T.C.A., Texas Health and Safety Code, § 342.007.

(Ord. No. 647, § 2, 2-9-95; Ord. No. 956, § 1, 10-9-07; Ord. No. 1054, § 1, 4-24-12; Ord. No. 2017-13, § 1, 5-9-17; Ord. No. 2023-02, § 1, 1-24-23)

State law reference(s)—Notice, V.T.C.A., Health and Safety Code § 342.006(b), (c).

Sec. 30-96. Failure of owner to abate; city action; expenses; lien.

- (a) If the party served with such notice fails to clean up, abate, remedy, or correct the conditions within ten days after service of such notice, the city may take such action as is reasonably necessary to clean, abate, remedy, or correct the condition. If the city takes such action, it shall be entitled to reimbursement of any and all expenses incurred by it in the performance of such work, and if it performs any of the work itself with its agents, own employees, it shall be entitled to a fee, as established by resolution of the city council and listed in appendix A of this Code, per hour for the services of one employee and a fee, as established by resolution of the city council and listed in appendix A of this Code, per hour per employee thereafter; however, the minimum charge to be assessed shall be a fee, as established by resolution of the city council and listed in appendix A of this Code.
- (b) The city may file a statement of expenses and charges, giving the name of the owner, the legal description of the property, the amount of the expenses and charges, the date on which the work was done or expenses incurred and the nature of the work or expenses. The statement shall be filed with the county clerk. Upon such filing, the city shall have a privileged lien on such lot or real estate upon which the work was done or the improvements made to secure the charges, in accordance with the provisions of V.T.C.A., Health and Safety Code § 342.007 which lien shall be second only to tax liens and liens for street improvements. The amount shall bear interest at the rate of ten percent per annum from the date of payment by the city.
- (c) The city shall have the right of action for recovery of the debt and foreclosure of the lien, together with attorney's fees incurred by the city in collecting the debt and foreclosing the lien. The statement of expenses or a copy shall be prima facie proof of the amount expended in any such work.

(Code 1979, ch. 7, § 1 C.; Ord. No. 647, § 2, 9-5-95)

State law reference(s)—Similar provisions, V.T.C.A., Health and Safety Code § 342.007.

Sec. 30-97. Reserved.

Editor's note(s)—Ord. No. 2023-02, § 1, adopted Jan. 24, 2023, repealed § 30-97, which pertained to establishment of fees and derived from Ord. No. 956, adopted Oct. 9, 2007.

Secs. 30-98—30-115. Reserved.

ARTICLE IV. NOISE⁵

⁵Editor's note(s)—Section 1 of Ord. No. 823, adopted March 26, 2002, deleted §§ 30-116—30-118 in their entirety and enacted similar provisions to read as herein set out. Former §§ 30-116—30-118 derived from ch. 7, § 3, of the 1979 Code.

Cross reference(s)—Barking dogs creating nuisances, § 14-66.

(Supp. No. 21)

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Sec. 30-116. Definitions and standards.

As used in this article the following words and terms shall have the meanings respectively ascribed:

Daytime shall mean the hours between six o'clock a.m. and six o'clock p.m.

Evening shall mean the hours between six o'clock p.m. and ten o'clock p.m.

Nighttime shall mean the hours between ten o'clock p.m. and six o'clock a.m.

(Ord. No. 823, § 1, 3-26-02)

Sec. 30-117. Noise prohibition generally.

Any act, conduct or omission which causes or results in noise, when done or accomplished or carried on in such a manner, or with such volume, intensity, or continued duration, so as to annoy, distress, or disturb the quiet, comfort, or repose of any person of reasonable nervous sensibilities who is on public property or a public street or on private property under separate ownership or occupancy from the property from which the noise originates and who is within the vicinity or hearing of the noise, is prohibited and unlawful and is a noise nuisance, including, but not limited to, the following acts, conduct and omissions:

- (1) The playing or permitting or causing the playing of any radio, television, phonograph, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound.
- (2) Any loud or vociferous language or any soliciting for, or description of, any amusement house, moving picture theater, or other like place of amusement, or for the performance therein, in the entrance thereto, the foyer or lobby thereof, or on the sidewalks adjoining the same.
- (3) The keeping of any animal, fowl, or bird, which makes frequent or long, continued noise.
- (4) The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger signal.
- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, or other motor vehicle or boat, except through a muffler or other device which prevents loud or explosive noises therefrom.
- (6) The crying, calling, or shouting, in person or by a mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker or phonograph with or without an amplifier, hand organ, or other devices or instruments, musical or otherwise, for the purpose of advertising any candidates for elective office, any goods, wares, or merchandise, or for the purpose of attracting attention to or inviting persons to any political rally, meeting or gathering, to any place of amusement, to any performance or show, or to any business or activity whatsoever.
- (7) The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors or any other persons.

(Ord. No. 823, § 1, 3-26-02)

Sec. 30-118. Noise prohibition in quiet zones.

- (1) The following areas are quiet zones:

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- (a) *Schools and other institutions of learning.* All territory embraced within a distance of 250 feet of the real property upon which is situated any public or private school or institution of learning is hereby declared to be "quiet zones" during the period of time the schools and institutions of learning are in session.
 - (b) *Hospitals and sanitariums.* All territory embraced within a distance of 250 feet of the real property upon which is situated any hospital, sanitarium or other like institution for the treatment of sick persons, public and private, shall be held to be, and are declared to be "quiet zones."
 - (2) *Display of signs and placards.* The city shall place and maintain, or cause to be placed and maintained, on lampposts or other such post or object in some conspicuous place on every street, avenue, and alley in the vicinity of every school or other institution of learning, public and private, and every sanitarium, hospital or other like institution, public and private, signs or placards which shall indicate that the same is a "quiet zone." The signs or placards shall be placed on such streets, avenues and alleys at a distance of not less than 250 feet in every direction from the real property upon which is situated, any school or other institution of learning, or any hospital, sanitarium or other like institution for the treatment of sick persons. The signs or placards shall read in a manner similar to, but not restricted to the following: "School—Quiet Zone," or "Hospital—Quiet Zone." Where proper and lawful, the signs or placards designating a quiet zone may also designate the lawful speed limit in such school, or other institution of learning, zone or area in a manner similar to, but not restricted to, the following: "School—Quiet Zone—Speed Limit ____ M.P.H."
 - (3) *Creation of "noise nuisance" in quiet zone.* The making, causing, creating, permitting or allowing to be made, caused, or created, any loud, vexing, irritating or disturbing noise which interferes with the operations or workings of any school, or other institution of learning, public or private, or hospital, sanitarium or other like institution for the treatment of sick persons, public or private, situated within an area designated as a "quiet zone" is hereby declared to be a "noise nuisance," unlawful and prohibited.

(Ord. No. 823, § 1, 3-26-02)

Sec. 30-119. Presumptions.

- (1) It shall be presumed that the noise does in fact annoy, distress, or disturb the quiet, comfort, or repose of persons of reasonable nervous sensibilities, and therefore violates section 30-117, when any of the following exists or occurs:
 - (a) The making of noise on residential zoned property as defined by City Code chapter 78 (R-1, R-2, R-3 and multifamily zoning districts), which exceeds the decibel level hereafter stated, when measured from property under separate ownership or occupancy.
 - 1. 70 decibels in the daytime;
 - 2. 65 decibels in the evening; and
 - 3. 60 decibels in the nighttime.
 - (b) The making of noise on property zoned anything other than residential or industrial as defined by City Code chapter 78, which exceeds the decibel level hereafter stated, when measured from property under separate ownership or occupancy.
 - 1. 85 decibels in the daytime;
 - 2. 85 decibels in the evening; and
 - 3. 80 decibels in the nighttime.

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- (c) The making of noise on industrial zoned property as defined by City Code chapter 78 (L-1 and I zoning districts), which exceeds the decibel level hereafter stated, when measured from property under separate ownership or occupancy.
1. 85 decibels in the daytime;
 2. 85 decibels in the evening; and
 3. 80 decibels in the nighttime.
- (2) It shall be presumed that the noise is, in fact, loud, vexing, irritating or disturbing and that it is otherwise violates section 30-118, if the noise exceeds 60 decibels when measured from any portion of the quiet zone.
- (Ord. No. 823, § 1, 3-26-02; Ord. No. 2015-18, § 1, 8-11-15)

Sec. 30-120. Vibration prohibition.

It shall be unlawful to operate, or to permit or to cause the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at 25 feet from the source if in a public space or public right-of-way. For the purpose of this section, "vibration perception threshold" means the minimum ground-or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch, feel or visual observation of moving objects.

(Ord. No. 823, § 1, 3-26-02; Ord. No. 2015-18, § 1, 8-11-15)

Sec. 30-121. Exceptions.

The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to an emergency; or
- (2) Sound produced by emergency vehicles; or
- (3) Sound produced by a vehicle motor while the vehicle is moving on a public right-of-way, provided said vehicle is equipped with such mufflers and/or other sound deadening devices as may be required by law; or
- (4) Sound produced by any governmental entity in the performance of a governmental or proprietary function; or
- (5) Sound generated at city sponsored or permitted public events, fiestas, and parades; or
- (6) Sound necessarily generated by yard maintenance equipment during daytime or evening hours.
- (7) Sound resulting from any conduct or activity in the interest of public safety, health or welfare when created by the city or other governmental entity or utility or their agents; or
- (8) Sound necessarily generated in construction, excavation, demolition, alteration, repair or drilling work during daytime and evening hours; or
- (9) Sound generated at scheduled stadium events such as school district sports events and sports events sponsored or permitted by the city at city parks and other public properties.

(Ord. No. 823, § 1, 3-26-02)

Sec. 30-122. Method of noise measurement.

Whenever portions of this chapter prohibit noise over a certain decibel limit or provide that noise over a certain decibel limit gives rise to a presumptive violation, measurement of said noise shall be made with a decibel meter meeting the standards prescribed by the American National Standards Institute. The decibel meter is a sound level meter and means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averages, output meter, and weighting network used to measure sound pressure levels. A decibel is a unit for measuring the level or relative loudness of sound. In measuring the number of decibels the frequency weighted network employed hereunder shall be the A-weighting network as specified in American National Standards Institute specifications. Impulsive sound is sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms. Leq is an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same time period, and the time period of monitoring will be continuous over any two hours and will use the A-weighting network reported in decibel units. Decibel meters shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling of noise. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. Measurements may be taken at a point on adjacent private property or on either side of an adjacent public right-of-way at or near the boundary line of the property where the noise is generated.

(Ord. No. 823, § 1, 3-26-02)

Secs. 30-123—30-140. Reserved.***ARTICLE V. AIR POLLUTION******DIVISION 1. GENERALLY*****Secs. 30-141—30-150. Reserved.*****DIVISION 2. SMOKING⁶*****Sec. 30-151. Definitions.**

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

⁶Cross reference(s)—Streets, sidewalks and other public places, ch. 50.

State law reference(s)—Smoking tobacco, V.T.C.A., Penal Code § 48.01.

Employee means any person who is employed by an employer in consideration for monetary compensation or profit.

Employer means any person, partnership, corporation, association or other entity, that employs three or more persons.

Place of employment means any enclosed indoor area under the control of an employer to which employees have access during the course of employment including, but not limited to, work areas, employee lounges, employee restrooms, conference rooms, and employee cafeterias. A private residence is not a place of employment.

Public place means:

- (1) Any enclosed indoor area that is used by the general public, or that is a place of employment and includes, but is not limited to, stores, offices, and other commercial establishments; restaurants; public and private institutions of higher education; health care facilities; nursing and convalescent homes; and government subsidized senior citizen residential facilities; or
- (2) Any public swimming pool owned or operated by the city, inclusive of the entire area within the enclosure device which surrounds such pool.

Service line means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Smoke or *smoking* means and includes the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or device, and the lighting of, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

(Code 1979, ch. 7, § 4 A.)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 30-152. Penalty for violation of article.

The violation of any provision of this article shall be unlawful and a class C misdemeanor offense. Each day a violation of this section continues shall constitute a separate offense.

(Code 1979, ch. 7, § 4 I.)

State law reference(s)—Penalty for violating smoking regulations, V.T.C.A., Penal Code § 48.01.

Sec. 30-153. Prohibited activities.

A person commits an offense if he:

- (1) Knowingly or intentionally smokes in a public place and is not in an area designated as a smoking area under this article;
- (2) Knowingly or intentionally smokes in a taxicab that is not a taxicab in which smoking is permitted;
- (3) Is the owner, lessee or other person in charge of a public place, and knowingly or intentionally permits, or fails to make a reasonable effort to prevent commission, by another, of the offense described in subsection (1) of this section within such place; or
- (4) Is the owner, lessee or other person in charge of a public place and fails to place one of the two kinds of signs required in section 30-154.

(Code 1979, ch. 7, § 4 B.)

Sec. 30-154. Signs.

The owner, lessee or other person in charge of a public place shall place signs, visible at each entrance to the premises, notifying persons entering the premises that smoking is prohibited, or that smoking, other than within designated smoking areas, is prohibited.

(Code 1979, ch. 7, § 4 C.)

Sec. 30-155. Smoking areas.

Smoking areas shall be established under the following guidelines:

- (1) The owner, lessee, or other person in charge of a public place may, but is not required to, designate one or more areas as smoking areas.
- (2) If a smoking area is designated in a public place, each such smoking area shall:
 - a. Be not larger in size than proportionate to the preference of the users normally requesting a smoking area, as can be demonstrated by the owner, lessee, or other person in charge;
 - b. Be situated so that air from the smoking area is not drawn into or across a nonsmoking area;
 - c. Be designated by appropriate signs which are clearly visible to patrons in or entering the area;
 - d. Contain ashtrays, containers, or other facilities for extinguishing smoking materials;
 - e. Be segregated from nonsmoking areas; and
 - f. Not include service line or cashier areas.

(Code 1979, ch. 7, § 4 D.)

Sec. 30-156. Smoking in taxicabs.

Smoking in taxicabs shall be regulated as follows:

- (1) The holder of any franchise to operate a taxicab service within the city may, but is not required to, designate one or more of the taxicabs operated pursuant to the franchise, as taxicabs in which smoking is permitted.
- (2) Each taxicab shall be designated by notices clearly visible to persons entering or in the taxicab as a taxicab in which smoking is permitted, or a taxicab in which smoking is not permitted.

(Code 1979, ch. 7, § 4 E.)

Sec. 30-157. Policies.

Each employer who operates a place of employment in the city shall adopt, implement and maintain a written smoking policy which shall contain, at a minimum, the following provisions and requirements:

- (1) Any nonsmoking employee may object to his employer about smoke in any portion of his place of employment normally frequented by the employee. Using already available means of ventilations, separation or partition, the employer shall attempt to reach a reasonable accommodation, insofar as

possible, between the preferences of nonsmoking and smoking employees. An employer is not required by this section to incur any expense, or make structural or other physical modifications to accommodate the preferences of nonsmoking or smoking employees.

- (2) If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached as to any portion of the place of employment about which complaint has been voiced, the preference of nonsmoking employees shall prevail, to the end that nonsmoking employees may work in a smokefree environment. No such portion of the place of employment shall be designated as a smoking area; provided, however, that the requirements of this subsection shall not apply to nonsmoking employees whose job duties include serving of or routine interaction with members of the working public within designated smoking areas, nor to any private enclosed office workspace occupied exclusively by smokers, even though such office may be visited by nonsmokers.
- (3) The smoking policy shall be announced within three weeks of adoption of all employees working in the place of employment and posted conspicuously in all workplaces under the employer's jurisdiction.

(Code 1979, ch. 7, § 4 F.)

Sec. 30-158. Exemptions.

The following public places are not subject to sections 30-153(3) and 30-155(2), but such public places are encouraged, whenever possible, to follow the guidelines established in section 30-155(2):

- (1) An establishment in which more than 50 percent of its annual gross sales is from alcoholic beverages sold for on premises consumption;
- (2) A separated bar area of a restaurant;
- (3) A tobacco specialty retail shop; and

(Code 1979, ch. 7, § 4 G.; Ord. No. 680, § 1, 6-25-96)

Sec. 30-159. Specific no smoking areas.

A smoking area may not be designated in the following:

- (1) An elevator;
- (2) A school bus;
- (3) A public means of mass transportation;
- (4) A restroom;
- (5) A service line, cashier area, over-the-counter sales area, or common traffic area; or
- (6) A place in which smoking prohibited by the fire marshal or by other law, ordinance, or regulation.
- (7) The interior space of any city building.

(Code 1979, ch. 7, § 4 H.; Ord. No. 680, § 2, 6-25-96)

State law reference(s)—Smoking prohibited in certain public places, V.T.C.A., Penal Code § 48.01.

Secs. 30-160—30-179. Reserved.

ARTICLE VI. EXCAVATIONS⁷

Sec. 30-180. Definitions.

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

Excavation. Any act by which soil or any other similar matter is dug, cut into, quarried, uncovered, removed, displaced, relocated, bulldozed or filled.

Soil. Any earth, sand, clay, loam, caliche, gravel, humus, rock, dirt or any other matter in or upon the ground, without regard to the presence or absence therein of minerals or other organic matter.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 985, § 1, 2-10-09)

Sec. 30-181. Permit required.

It shall be unlawful and a violation of this article for any person acting for himself or acting as an agent, employee, independent contractor or servant of any other person to commence an excavation, to excavate or continue to excavate within the city or to work upon or assist in any way in the execution or operation of any such excavation in excess of ten cubic yards, without an excavation permit having been issued.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-182. Exemptions from provisions of article.

Nothing in this article shall be construed to affect or apply to any person engaged in normal agricultural, horticultural and residential enjoyment and use of property. The provisions of this article shall not apply to an excavation to install, construct or complete a structure, building or facility of any kind when the plans and specifications for such objective have been submitted and approved by the building official or planning and zoning commission of the city or for which a permit has been issued by the building official; provided, that the progress on the facility or project is not delayed for a period of more than two weeks, excepting delays attributable to acts of nature, and further providing, that such excavation is not of a permanent nature and will not be left open and uncovered on the completion of the project without authorization of such permit. The provisions of this article shall not apply to the excavation operations of private utility concerns constructing facilities by virtue of a franchise or a special permit issued by the city; provided, that the progress on the private utility project or facility is not delayed for a period of more than two weeks, excepting delays attributable to acts of nature, and further providing, that such excavation is not of a permanent nature and will not be left open and uncovered on the completion of the facility or project. This article shall not apply to the operations of the United States of America, the State of Texas or any political subdivision of either.

(Ord. No. 673, § 1, 5-14-96)

⁷Note(s)—See definition of "excavation" in § 30-180. It includes basically any movement of soil.

Sec. 30-183. Limitations on locations of excavations.

- (a) No excavation permit shall be issued to commence or continue excavation work where an excavation is located nearer than 150 feet of any residence, building or structure, without the applicant having first secured written permission of the owner thereof. No excavation permit shall be issued to commence or continue excavation work where an excavation is located nearer than 500 feet to any exterior property line boundary of lands utilized for a public or parochial school, a college, a university, a hospital, a church, a public building, or a cemetery or within an area where there is on public record restrictions or covenants prohibiting excavations.
- (b) The city shall have the power and reserves the authority to refuse any application for an excavation permit at any particular location within the city limits, when the excavation at such particular location might constitute a nuisance, be injurious to public health, a public hazard or a disadvantage to the city in its planned growth, or to its inhabitants, or to a substantial number of its inhabitants or visitors, or endanger the lives or property of others.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-184. Duration of permit.

Each excavation permit issued shall be issued for a specific time period with a maximum period of one year, after which period the permit is void and the person to whom the permit was issued must make a new application for a new permit for each succeeding year or portion of a year that an excavation is in operation.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-185. Application for permit.

Permits shall be issued only after an application, in the form of an affidavit, is executed in duplicate and filed with the building official. Each application for an excavation permit must include all of the following information in detail before it can be accepted by the building official:

- (l) The identity and residence address of the applicant.
 - (2) The identity and residence address of the owner of the land.
 - (3) The location and legal description of the land.
 - (4) A positive statement as to whether the land has been platted.
 - (5) A tax certificate stating that city, county, state and school district ad valorem taxes have been paid and are current concerning the land.
 - (6) The purpose or reason for the removing or moving of the soil from or on the land.
 - (7) The quantity in cubic yards of soil to be moved or removed from the land.
 - (8) In the case of removal, the place to which the soil is to be removed.
 - (9) The proposed date of completion of the soil removal or moving.
 - (10) A positive statement that no buildings, residences or structures are within 150 feet of the proposed excavation. If there are buildings, structures or residences within 150 feet of the proposed excavation, then a description of such buildings, structures and residences as are within such distance, stating the distance, providing name, mailing address and telephone number of the owner thereof, stating that

the owner approves of the excavation, and attach the original of the owner's written permission for the excavation.

- (11) A positive statement that the proposed excavation shall not block, encumber or close any public street, way or alley, or disturb the lateral support thereof.
- (12) A positive statement that the proposed excavation shall not be located nearer than 500 feet to any exterior property line boundary of lands utilized for a public or parochial school, a college, a university, a hospital, a church, public building or a cemetery.
- (13) A positive statement that the proposed excavation is not and shall not be located in an area which has on public record restrictions or covenants prohibiting such a use of the property.
- (14) The proposed slopes and lateral supports to be used in the excavation shall be set forth.
- (15) The present and proposed arrangements made for surface water drainage.
- (16) The safety precautions to be installed and maintained at the site, such as fences around the excavation, traffic-control devices and drainage system to keep the excavation from collecting water within it.
- (17) The intended use or condition of land upon completion of the excavation process.
- (18) Such other pertinent data as the building official and planning and zoning commission may hereafter by resolution require.
- (19) A map, survey or drawing showing the location of the excavation.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-186. Original decision on application.

When the excavation involves a volume of soil exceeding ten cubic yards but not in excess of 50 cubic yards the application will be decided by the building official, subject to appeal to the planning and zoning commission and council as hereinafter provided. When the excavation involves a volume of soil in excess of 50 cubic yards, the application will be decided by the city council after planning and zoning commission recommendation.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 769, § 1, 8-8-00)

Sec. 30-187. Public hearing by planning and zoning commission.

Upon receipt by the building official of an application for an excavation permit for a volume of soil exceeding 50 cubic yards, the planning and zoning commission shall set the same down for public hearing. Written notice of such public hearing shall be given to the owners of real property located within 500 feet of the property on which the excavation is proposed. Such notice shall be given at least ten days before the hearing by mailing it to the owners who have rendered their property for city taxes, as the ownership appears on the last approved city tax roll. When a portion of the property located within 500 feet of the property upon which the excavation is proposed is located outside of the city limits or was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, then the published notice required below shall suffice as notice to such owners. In addition to the mailed notice herein provided, notice of such public hearing shall be published once in the official publication of the city, or in any newspaper in general circulation in the city, at least 15 days prior to the date of the hearing. Upon conclusion of the hearing, the planning and zoning commission shall make its recommendation to the council.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 769, § 1, 8-8-00)

Sec. 30-188. Factors to be considered and conditions.

In considering an application for an excavation permit the official or body called upon to make the decision shall consider all relevant facts, including but not limited to, the following:

- (1) Soil and earth erosion by water and wind.
- (2) Surface water drainage and water drainage facilities of the excavation.
- (3) Lateral supports of the excavation.
- (4) Condition in which excavation to be maintained and safeguards to be taken to prohibit creating a nuisance, health hazard, attractiveness to children, and features provided to dispense with the endangering of the lives and property of the public.
- (5) Land values and uses in the area of the excavation.
- (6) Proposed use or condition of land upon completion of excavation process.
- (7) Such other factors as may bear or relate to the coordinated, adjusted and harmonious physical development of the city.

In arriving at its ultimate decision, the official or body rendering the decision may attach such special conditions thereto as may be reasonably necessary to attain the overall purposes of this article.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-189. Permit fee.

Permit fees shall be set by the city council by resolution.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-190. Appeals from permit denial or granting in excavation of 50 cubic yards or less.

- (a) Any person may appeal any decision of the building official concerning excavations of 50 cubic yards or less to the planning and zoning commission, in which event the planning and zoning commission shall make a recommendation to the city council, and the city council shall make the final decision as in cases involving excavations exceeding 50 cubic yards.
- (b) Reserved.
- (c) In order to take an appeal from a decision of the building official in cases involving excavations of 50 cubic yards or less, within ten days after the decision appealed from is made, the appellant must give written notice of appeal to the building official describing the relief requested and the reasons why the decision appealed from is incorrect.
- (d) The building official decision in cases involving excavations of 50 cubic yards or less is not final, until the time for appeal has lapsed and no appeal has been taken. Any decision made by the city council is final on the date said decision is made.
- (e) No excavation permit may be issued by the building official and the right to operate under any such excavation permit shall be suspended until a final decision has been made and then only in accordance with that final decision.

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- (f) In any case where an appeal is taken from the decision of the building official in a case involving an excavation of 50 cubic yards or less, the planning and zoning commission shall set the matter for public hearing, written notice shall be given to the appellant, and notice shall be published no less than five days before the hearing in the official newspaper of the city or in any other newspaper of general circulation in the city.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 769, § 1, 8-8-00)

Sec. 30-191. Issuance of permit.

All excavation permits shall be physically issued by the building official. When a decision is made by the city council, the building official shall act in accordance with the final decision of the superior body by issuing or not issuing the permit.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 769, § 1, 8-8-00)

Sec. 30-192. Form of permit.

The excavation permit shall be in such form and numbered as may be prescribed by the building inspections department and shall contain any and all special conditions set forth in the planning and zoning commission's or the city council's decision.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-193. Transferring, selling, assigning, etc., of permit.

No excavation permit issued under the terms of this article to any person shall ever be transferred, sold, assigned, or otherwise disposed of in any manner to any other person without the written consent of the city council.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-194. Revocation of permit.

Any excavation permit issued under this article may be revoked by the city council after ten days' notice and hearing for:

- (1) Violation of any condition of the excavation permit.
- (2) Violation of any provision of this article or any other applicable ordinance or law relating to excavations.
- (3) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

The right to operate under any excavation permit shall be suspended from the time notice of hearing is given until a final decision has been made.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 769, § 1, 8-8-00)

Sec. 30-195. Cessation of operations after notice to cease.

Whenever the building official observes a condition or conduct justifying revocation of a permit, he may issue a notice to cease operations immediately, in which event, all operations under the permit shall be suspended until such time as the violation has been cured or the final decision is made.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-196. Reserved.

Editor's note(s)—Section 1 of Ord. No. 769, adopted Aug. 8, 2000, deleted § 30-196 which pertained to appeals from permit revocation, and derived from Ord. No. 673, adopted May 14, 1996.

Sec. 30-197. Inspection—Right of entry of the building inspections department.

For the purpose of administering and enforcing this article, employees of the building inspections department shall have the right to enter into and upon any lands within the city limits, in or upon which an excavation exists or on any lands on which operations are being conducted in creating an excavation, to examine and inspect such lands and excavations, to determine whether the excavation itself or the operations in creating an excavation are in violation of this article and to further determine whether an excavation permit has been secured as is required in this article.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-198. Notice of violations.

If the personal inspection provided for above reveals that the excavation is being operated in violation of the excavation permit issued, the building official shall immediately give notice in writing to the person in charge at the site of the excavation to cease operations, setting further therein the exact reason for the issuance of the notice.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-199. Same—Cessation of operations; time limitation for correction of violations; additional inspection.

After issuance of the notice as provided for above, there shall be no further operation of the excavation until the violations complained of by the building official have been remedied. The operator shall have three days from the date of receipt of the complaint notice from the building official to remedy the violations complained of by the inspector and to notify the building inspections department of the city that the violations complained of have been remedied and that the excavation is ready for additional inspection.

(Ord. No. 673, § 1, 5-14-96)

Sec. 30-200. Same—Procedure upon failure to remedy violations.

In the event an operator of an excavation fails to remedy the violations complained of as provided, the building official shall notify the city council of the violations discovered and request that a hearing be set for a revocation of the operator's excavation permit. A continuation of work or operation of the excavation, other than

to remedy the violation complained of, after written notice has been received by the operator to cease the excavation operations shall constitute a violation of this article.

(Ord. No. 673, § 1, 5-14-96; Ord. No. 769, § 1, 8-8-00)

Secs. 30-201—30-209. Reserved.

ARTICLE VII. RECREATIONAL VEHICLES

Sec. 30-210. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings listed in this section, except where the context clearly indicates a different meaning, or where specified:

Boat means a vessel, typically used on water, which can be either powered by an internal combustion engine, wind, or human means (e.g. paddling).

Code official means any person authorized by the city manager or chief of police to enforce this article.

Living quarters/dwelling, as defined commonly, but for the purpose of or in relation to the use of an RV (defined below).

Motor vehicle means any vehicle subject to registration under the Certificate of Title Act, Vernon's Ann. Civ. St. art. 6687-1, and includes motorboats, outboard motors, or vessels subject to registration under V.T.C.A., Parks and Wildlife Code, ch. 31.

Personal watercraft (PWC) means a type of boat designed to be operated by a person or persons from a sitting, standing, or kneeling position on the vessel rather than inside the vessel. This includes but is not limited to jet skis, kayaks, paddleboards, etc.

Recreational vehicles (above and hereafter referred to as an RV) means any vehicles, with or without motor power, designed for human habitation or recreation, including, but not limited to boats, personal watercraft, racing vehicles, off-road vehicles, utility trailers, horse trailers, motor homes, motorcoaches, travel trailers, truck campers, and camping trailers.

(Ord. No. 2022-14 , § 1, 8-9-22)

Sec. 30-211. Storing, parking, or stopping an RV on private property.

- (a) RVs must be parked or stored in a manner which does not obstruct the view of the public roadway from neighboring properties, and cannot block any public sidewalk, alley, or right-of-way, nor block access to any utility meters or public works equipment.
- (b) RVs may not be used as living quarters or dwellings when stored on any property unless they meet any of the exemptions listed below in this article.
- (c) RVs shall not have fixed connections to public water, gas, or sanitary sewer utilities. A temporary connection for filling water tanks or cleaning of the RV shall be permitted. When an RV is connected in any way to water, a backflow prevention device is required between the RV and the water utility.
- (d) RVs may maintain an electrical connection for purposes of interior maintenance or dehumidification. If an RV is connected to electricity, at no time shall the power supply cord/cable/etc. cross a sidewalk or other publicly accessible right-of-way such as an alley or easement. This includes cables/cords/etc. laying on the

ground or suspended in the air by any form of conduit or track to attach it to the RV. Any code official may require that other safety requirements be implemented if the electrical connection is placed in an unsafe manner.

- (e) RVs kept on any property must have any slide outs kept in the retracted position, except temporarily (while cleaning, packing for travel, etc.) or when being used as a dwelling as permitted under this article. Any modifications to any RV that prevent said RV from being mobile (including but not limited to attaching a new roof, attaching a porch that can't be pulled away from, or removing tires and wheels to place the RV on blocks) shall not be permitted.
- (f) RVs shall not be used as storage on any property.
- (g) If an RV (including boats and PWCs) is required to be registered under the laws of this state, and displays a registration that is expired by three or more years, or fails to display a registration, it must be stored in a manner or place where it is not visible from a public right-of-way.
- (h) A boat or PWC must be stored on a trailer, frame, or stands. Boats or PWCs shall not be allowed to lay on the ground except when the craft is small enough (e.g. kayaks, canoes, paddleboards, etc.) to be lifted by a single person and is typically operated by a single person.
- (i) Written complaints from adjacent property owners regarding potential RV violations shall be investigated with the cooperation of the complainant, even if a violation may not be visible from the public right-of-way. Any code official may impose or require additional conditions for the safety and wellbeing of adjacent properties if the placement of an RV creates an unforeseen safety or health concern not covered by this article.

(Ord. No. 2022-14 , § 1, 8-9-22)

Sec. 30-212. Setback requirements.

Setbacks are areas of a property in which permanent and some non-permanent structures are permitted. These setbacks provide a clear fringe around a property and are there to allow emergency personnel unobstructed access to the property.

- (1) Motor vehicles, RVs, or equipment may not be parked in a manner to obscure the front of the main housing unit located on a property.
- (2) In no case may a motor vehicle, RV, or equipment be parked in a manner which extends over the property line into a street, sidewalk area, or public right-of-way.
- (3) At no time should any motor vehicle, RV, or equipment be parked in a manner which obstructs sight or visibility from adjacent driveways or properties.

(Ord. No. 2022-14 , § 1, 8-9-22)

Sec. 30-213. Exemptions from provisions of this article.

It is an affirmative defense to prosecution under this article if the person(s) accused of violation can prove they meet one of these criteria:

- (1) RVs may be used as dwellings within the city limits only if:
 - a. They are being kept in an RV or travel trailer park, in a travel trailer/recreation park-zoned area, or

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- b. If they are kept on a residential-zoned property which has a current and valid new residential building permit, or
 - c. A residential repair-remodel-addition building permit, and the residence is not currently in a livable condition.
- (2) The permits mentioned in sections b. and c. above must be pulled before the RV may be used as a dwelling. Construction must be progressing while the permit is current. These permits are valid for six months, with a possible one-time extension of up to six more months, if a good and valid reason is given as to why construction is ongoing.

(Ord. No. 2022-14 , § 1, 8-9-22)

Sec. 30-214. Inspection; right of entry by city code official.

For the purpose of administering and enforcing this article, a city code official may request the right to enter into and upon any lands within the city limits, in or upon which an RV exists or is suspected to exist, and to inspect such RV to ensure it is not being used as a dwelling and is not connected to public utilities, contrary to this article. A citizen has the right to refuse this request, after which the city official may request an administrative search warrant to inspect the property.

(Ord. No. 2022-14 , § 1, 8-9-22)

Sec. 30-215. Notice of violation.

For a violation under this article, the owner and/or occupant of the property shall be the responsible party. A notice (the "initial notice") shall be given stating the nature of the violation. This notice shall state that the violation must be abated and/or removed not later than the tenth day after the date on which the notice was mailed, left on the RV, or hand delivered, as applicable. If the notice is mailed, it must be by certified mail, with a five-day return requested, to the owner and/or occupant of the property the RV is on, and, if applicable, the last registered owner of the RV. Notice by mail is deemed to be given on the date of deposit into an official depository of the USPS. A notice placed on the RV is deemed to have been given on the date it was placed on the RV. A notice which is hand delivered is deemed to have been given on the date of delivery.

(Ord. No. 2022-14 , § 1, 8-9-22)

Sec. 30-216. Failure to remedy violations; city action; expenses; lien.

- (a) Failure to remedy a violation by the date mentioned in the notice will result in a code official posting a notice on the property for ten consecutive days.
- (b) If the violation continues to exist after all notices have been sent or posted and the allotted time for abatement has ended, the city may create a work order to have the violation abated by a third-party contractor. The owner of the property will be billed for this work.
 - (1) If this bill is not paid within 30 days, the city may file a statement of expenses and charges, giving the name of the owner, the legal description of the property, the amount of the expenses and charges, the date on which the work was done or expenses incurred and the nature of the work or expenses. The statement shall be filed with the county clerk. Upon such filing, the city shall have a privileged lien on such lot or real estate upon which the work was done or the improvements made to secure the charges, in accordance with the provisions of V.T.C.A., Health and Safety Code § 342.007 which lien

shall be second only to tax liens and liens for street improvements. The amount shall bear interest at the rate of ten percent per annum from the date of payment by the city.

- (2) The city shall have the right of action for recovery of the debt and foreclosure of the lien, together with attorney's fees incurred by the city in collecting the debt and foreclosing the lien. The statement of expenses or a copy shall be prima facie proof of the amount expended in any such work.

- (c) Violations of this article may also be punishable under section 1-14 of this code.

(Ord. No. 2022-14 , § 1, 8-9-22)

Chapter 50 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES¹

ARTICLE I. IN GENERAL

Sec. 50-1. Painting on or defacing city property.

It shall be unlawful for any person to paint or write pictures, characters, signs or advertisements or use any other paint or material of any kind upon any of the sidewalks, streets, curbs or pavements of the city or upon any ornamental balustrade, fountain, stairway or other improvements belonging to the city. It shall be unlawful to paint or to write in any manner on or to carve on, or in any way to mutilate, deface or destroy any such property belonging to the city.

(Code 1979, ch. 12, § 3 B.)

Sec. 50-2. Signs, placards, and advertising on public property.

It shall be unlawful for any person to fasten, tack, nail, tie, glue, paste or maintain any placard, poster, banner or any other material anywhere on the streets, sidewalks, curbs, gutters, signal light posts or bases, streetlight posts or bases, telephone poles or electric posts in the city or upon any public right-of-way or to cause the same to be done. This section shall not apply to any officer of the city, the state, or the United States who may place upon such objects, by tying with strings or ties, any posters or placards in the interest of public health and safety.

(Code 1979, ch. 12, § 3 A.)

Sec. 50-3. Obstructions.

- (a) Any grouping or assemblage of persons upon any public street or sidewalk in the city shall not obstruct, prevent or interfere with the free or unobstructed use of the street or sidewalk by other persons.
- (b) Any parade, procession, grouping or assemblage of persons shall be permitted only by the city council.

(Code 1979, ch. 1, § 17 A.)

State law reference(s)—Obstructions of right-of-way, V.T.C.A., Penal Code § 42.03.

¹Cross reference(s)—Possession or consumption of alcoholic beverages in public places prohibited at certain times, § 6-3; animals running at large prohibited, § 14-1; peddlers and solicitors, § 22-111 et seq.; junked, abandoned, lost, stolen and unclaimed property, § 30-26 et seq.; weeds, trash, rubbish, debris, stagnant water, § 30-91 et seq.; depositing garbage and trash on public or private property prohibited, § 30-92; smoking prohibited in certain public places, § 30-151 et seq.; discharge of weapons within the city limits prohibited, § 38-1; curfew for juveniles, § 38-26 et seq.

Sec. 50-4. Barring of entrance/exit during nonviolent demonstration.

The city hereby prohibits the physical barring of any entrance or exit of a facility during a nonviolent civil rights demonstration. The city will enforce all applicable state laws regarding the violations of any provision of this section.

(Res. No. 782, § 1, 12-11-01)

Editor's note(s)—Section 1 of nonamendatory Res. No. 782, adopted Dec. 11, 2001, has been included herein as § 50-4, at the discretion of the editor.

Secs. 50-5—50-25. Reserved.

ARTICLE II. STREETS²

DIVISION 1. GENERALLY

Sec. 50-26. Banners or other similar material over public streets.

It shall be unlawful for any person to build, construct, fasten, tie or maintain any banners, streamers or other similar materials anywhere in the city in such a manner that the same shall be above, over and across any public street within the city. The provisions of this section shall not apply to charitable organizations or any person engaged in promoting a nonprofit civic enterprise who has secured approval from the owner of the poles and from the city manager. Upon presenting to the chief of police evidence of approval by the owner of the poles and the city manager, the chief of police shall issue a permit to such charitable organization or any person engaged in promoting a nonprofit civic enterprise to engage in the activities otherwise prohibited.

(Code 1979, ch. 12, § 3 C.)

Sec. 50-27. Procedure to close streets, alleys, or public ways.

- (a) All persons desiring to have the city council exercise its powers under article II, section 2.01, item D of the city Charter regarding closing of public streets, alleys, or other public ways shall file their requests with the city building official, in writing, directed to the city council.
- (b) The request shall contain an accurate description of the street, alley, or public ways, or portion thereof, to be closed.

²Charter reference(s)—Power and duty regarding streets and other public places, § 2.01D; improvements, § 2.02.

Cross reference(s)—Possession or consumption of alcoholic beverages in public places prohibited at certain times, § 6-3; building numbering, § 18-426 et seq.; subdivision improvements and specifications, § 54-178; specific street regulations, § 62-46 et seq.; truck routes, § 62-101 et seq.

State law reference(s)—Obstructing public ways, V.T.C.A., Penal Code § 42.03; streets, Vernon's Ann. Civ. St. art. 1175.

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- (c) Attached to such request shall be a list of all owners abutting the street or alley and within 450 feet therefrom, together with the last known addresses of all such owners. Unless all such owners of abutting property join in the petition, a statement shall be attached to the petition showing the reason for nonparticipation.
 - (d) Upon the filing of such request with the building official, a fee established by resolution of the city council and listed in appendix A of this Code shall be paid to cover the expense of mailing notices and providing for publication once in the official newspaper of the city.
 - (e) When the conditions of subsections (a)—(d) of this section have been met, the city council will, after a public hearing, determine whether or not the public street, alley, or public way should be closed.

(Code 1979, ch. 1, § 23)

Charter reference(s)—Power to close streets, § 2.01D.

State law reference(s)—Authority to close streets, Vernon's Ann. Civ. St. arts. 1016, 1175, 6556.

Secs. 50-28—50-40. Reserved.

DIVISION 2. NAMES³

Sec. 50-41. Naming procedure.

- (a) All street names within the city are hereby declared public property, subject to change by the city council with or without notice, consistent with the provisions of this division.
- (b) A master street addressing guide (MSAG) shall be maintained by the city secretary.
- (c) Names of new streets created hereafter shall not duplicate the name of any existing street anywhere within the limits of the city.
- (d) Where one street intersects another so as to form a logical joining of the two streets, both streets shall bear the same name and shall become one continuous street.
- (e) Streets following a logical and continuous path from one point to another point shall bear a single name, regardless of changes in direction along the continuous path.
- (f) Street names shall not contain more than 20 characters, exclusive of any prefixes or suffixes.
- (g) Street suffixes, such as street, road, lane, boulevard, drive, parkway, avenue, place, court, cove, trail, way, north, east, west, or south may be used at the discretion of the city council.
- (h) Street suffixes, such as circle, loop, and cul-de-sac shall be used only when a street actually forms a circle, loop, or cul-de-sac.

(Ord. No. 566, § 1, 5-11-93)

³Cross reference(s)—Subdivisions, ch. 54; supplementary zoning district regulations, § 78-321 et seq.

Sec. 50-42. Name signs.

- (a) Street name signs are hereby declared public property and shall be erected and maintained by the city consistent with the provisions of this division.
- (b) Street name signs shall be installed at the intersection of all streets and highways and at other locations deemed necessary by the city council.
- (c) Street name sign plates shall be constructed of aluminum or other suitable material having a thickness of at least .080 inches, with dimensions of six inches high by 24, 30, or 36 inches wide, and shall be faced with a thermo-setting acrylic-backed enamel or other suitable material, with a green background and white reflectorized copy.
- (d) Street name sign copy shall be four-inch, standard alphabet B series with prefixes and suffixes of two-inch, standard alphabet C series.
- (e) Block numbers shall be affixed to all street name signs using two-inch, standard alphabet C series above the suffix abbreviation.
- (f) Street name signs shall be mounted on high strength aluminum alloy or galvanized steel tubing at least 2¾ inches in diameter.
- (g) Street name signs shall be erected a minimum of seven feet above the level of the nearest pavement edge to the bottom of the sign; except, however, if a traffic control sign is mounted below and on the same pole as a street name sign, the bottom of the street sign shall be at least nine feet above the nearest pavement edge, and the bottom of the traffic control sign shall be at least seven feet above the nearest pavement edge.
- (h) The city may, with the approval of the city council, establish street names and erect street name signs at the entrances to private roads or drives when more than one individual residence or building is serviced by the private road. The installation of a street sign in such cases shall be solely for the purpose of aiding in an emergency response and shall not imply that the city assumes any responsibility for maintenance of the private road or drive.

(Ord. No. 566, § 2, 5-11-93)

Sec. 50-43. Developers' responsibilities.

- (a) Developers or other persons who establish new streets and subdivisions shall provide a plat of the new subdivision or street to the city building official on a scale no larger than one inch = 400 feet. The plat may include proposed street names and shall include individual lot designations.
- (b) Developers of subdivisions shall install street signs which meet the requirements established in this division prior to the acceptance of the subdivision by the city.

(Ord. No. 566, § 5, 5-11-93)

Secs. 50-44—50-65. Reserved.

ARTICLE III. PARKS AND RECREATION AREAS⁴

DIVISION 1. GENERALLY

Sec. 50-66. Drilling and mining prohibited in N.O. Simmons Community Park.

- (1) It shall be unlawful to drill a well for the purchase of exploring for or producing oil and/or gas, or to mine for any purpose within the limits of the N.O. Simmons Community Park.
- (2) Drilling for water wells to be used for on-site irrigation and/or other recreational purposes shall be allowed on the project site after approval of such by TPW.

(Ord. No. 856, §§ 1, 2, 1-14-03)

Sec. 50-67. Rules and regulations for public parks, playgrounds, public recreation and community building.

- (a) Public parks, playgrounds, public recreation and community buildings are provided as a community service to clubs, groups, and other nonprofit organizations, or city functions (not involving the conduct of business).
- (b) All special events require prior approval by the parks department including any type of equipment or play structure.
- (c) Commercial functions are not permitted. No dues, fees, donations or solicitations of any kind are permitted with the exception of fund raising activities by nonprofit organizations.
- (d) Reserved.
- (e) A group representative must submit an application to the parks and recreation office for permission to use the facilities (public parks, public playgrounds, and community buildings). A youth group must be sponsored by an adult.
- (f) Group conduct is the responsibility of the presiding officers or the individual making arrangements for use. Parks and recreation may refuse application if the groups intended use will disrupt public parks, and playgrounds. A representative must notify parks and recreation of cancellations as soon as possible.
- (g) If a group distributes publicity concerning the program to be held in the facilities, sponsorship must be clear, and a telephone number of the sponsoring group must be included in the publicity. A copy of all publicity must be given to and approved by the parks and recreation department seven days prior to its distribution.
- (h) Permission to utilize facilities does not constitute an endorsement of the organization or its activities by the parks and recreation department, or the City of Ingleside, Texas.

⁴Cross reference(s)—Possession or consumption of alcoholic beverages in public places prohibited at certain times, § 6-3; restriction on intoxicating beverages in city parks, § 6-4.

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- (i) Notwithstanding anything hereinabove to the contrary, the occasional sale of lemonade or other nonalcoholic beverages from a stand in a public park by an individual younger than 18 years of age is allowed, and the city may not require a license, permit, or fee for same.

(Ord. No. 1075, § 1, 5-28-13; Ord. No. 1107, § 1, 5-13-14; Ord. No. 2019-30, § 1, 9-11-19)

Secs. 50-68—50-75. Reserved.

DIVISION 2. PARK BOARD⁵

Sec. 50-76. Created; membership; terms; compensation; vacancies; removal.

The city park board shall consist of seven members appointed by the city council. The members shall be appointed for one year. The members may be reappointed for an additional term of one year. Under no condition shall any member serve more than three consecutive years or fraction thereof. The one-year term of members shall terminate on October 1 of each year. Members of the board shall serve without compensation. Vacancies on the board caused by death, removal or resignation shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. The members of the board shall be subject to removal by the city council for cause deemed sufficient by the city council and in the interest of the public service.

(Code 1979, ch. 8, § 7 A.)

Sec. 50-77. Powers and duties.

The city park board shall act in an advisory capacity to the city manager and parks and recreation director. It shall have the following powers and duties:

- (1) Hold such meetings as are necessary which shall be open to the public.
- (2) Receive suggestions and recommendations from citizens regarding parks.
- (3) Make recommendations as necessary for the establishment and usage of the parks, and for the manner in which park services may be provided.
- (4) Cooperate with all other public or private groups in advancing the use and services of the parks.
- (5) Promote the facilities, services and programs of the parks.

(Code 1979, ch. 8, § 7 B.; Ord. No. 713, § 1, 4-14-98)

Secs. 50-78—50-90. Reserved.

DIVISION 3. REGULATIONS⁶

⁵Cross reference(s)—Boards, committees, commissions, § 2-61 et seq.

⁶Editor's note(s)—Section 1 of Ord. No. 755, adopted Jan. 25, 2000, deleted § 50-91, which pertained to glass bottles and containers, and derived from the 1979 Code. Said section further enacted more extensive provisions to read as herein set out.

Note(s)—The rules set forth under this division apply within the boundaries of all city parks.

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Sec. 50-91. Firearms.

No firearms are allowed within the park, with the exception of licensees under Chapter 411, Texas Government Code, and licensed peace officers. The discharge of weapons is prohibited.

(Ord. No. 755, § 1, 1-25-00)

Sec. 50-92. Hunting.

No hunting, shooting or striking of wildlife is allowed.

(Ord. No. 755, § 1, 1-25-00)

Sec. 50-93. Motor vehicle types.

Only street legal motor vehicles may be driven in the parks, and they may be driven only on park roads. Parking shall be only in designated areas.

(Ord. No. 755, § 1, 1-25-00; Ord. No. 829, § 1, 4-23-02)

Sec. 50-94. Speed limit.

No vehicle may exceed the speed limit of 15 mph on any park road.

(Ord. No. 755, § 1, 1-25-00)

Sec. 50-95. Clean up of picnic areas.

All persons using the picnic areas must, after use, clean said areas and dispose of garbage, trash and litter properly by placement in containers located within the park for that purpose or by taking said garbage, trash and litter with them when they leave the park.

(Ord. No. 755, § 1, 1-25-00)

Sec. 50-96. Glass containers.

No glass containers are allowed outside of the interior area of motor vehicles.

(Ord. No. 755, § 1, 1-25-00)

Sec. 50-97. Alcoholic beverages.

See section 6-4, of this Code of Ordinances.

(Ord. No. 755, § 1, 1-25-00)

Sec. 50-98. City parks.

- (a) "City park", as used herein, means any officially named city park as well as any other public places supported or maintained in whole or in part at city expense which are devoted to and used for park like purposes, including hiking and nature trails, wildlife observation areas, wilderness areas, and ballfields.
- (b) Hours of operation. City parks are open between the hours of 5:00 a.m. and 11:00 p.m. and closed between the hours of 11:00 p.m. and 5:00 a.m. each day, except "Cove Park and Boat Ramp" which is open 24 hours each day. Hours of operation may be reduced by the city manager at any city park based on the needs of the city for maintenance, cleaning, repairs, construction, reduced staffing or other reasons. Hours of operation may be extended by the city council as part of its approval of a special event.
- (c) City parks are open for public use and admittance only during the hours of operation defined above. No person, except city personnel engaged in the conduct of city business, may go in or upon or use a city park except during said hours of operation. City personnel shall be admitted to all city parks at all times when engaged in the conduct of city business, including during special events.
- (d) Overnight camping in city parks is prohibited, unless approved by the city council as part of its approval of a special event.
- (e) All persons must in the use of city parks comply with city noise ordinances but the city council may relax noise ordinance requirements as part of its approval of a special event; provided that in no event shall any noise level exceed the permissible threshold defined in chapter 30 of the Code of Ordinances after 12:00 midnight.
- (f) In the case of any gathering where the sale, use, possession or consumption of alcoholic beverages will be occurring at a city park, and the city manager in his discretion determines, believes or anticipates that 75 or more people may attend, the event sponsors, organizers and permittees shall provide a minimum of two security personnel, plus a minimum of at least one additional security person for every 500 attendees anticipated to be in actual attendance on the premises for the event. Security personnel must be current licensed peace officers. The city manager may require security personnel even if it is anticipated that 75 people will attend and may require more than the minimum in number of security personnel for any given event in cases where in his/her judgment it is reasonably necessary for the safety and security of the public and/or city property. The sponsors, organizers and permittees are responsible for the cost of all security personnel.
- (g) In the case of any gathering where there is no sale, use, possession or consumption of alcoholic beverages will be occurring at a city park, and the city manager in his discretion determines, believes or anticipates that 250 or more people may attend, the event sponsors, organizers and permittees shall provide a minimum of two security personnel, plus a minimum of at least one additional security person for every 1,000 attendees anticipated to be in actual attendance on the premises for the event. Security personnel must be current licensed peace officers. The city manager may require security personnel even if it is anticipated that less than 250 people will attend and may require more than the minimum in number of security personnel for any given event in cases where in his/her judgment it is reasonably necessary for the safety and security of the public and/or city property. The sponsors, organizers and permittees are responsible for the cost of all security personnel.
- (h) Regarding items (f) and (g) above, the use of certified security officers commissioned through the Texas Board of Private Investigators and Private Security Agencies to help supplement TCOLE officers shall be upon agreeance of both the chief of police and city manager. Any organization wishing to hold an event that meets the above criteria shall file for a permit at least 30 days prior to the event with the city manager or his/her designee.

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- (i) A special event permit may only be granted by the city council and is required if: the requestor wants to extend hours of park operation, wants to be allowed to camp overnight, or wants a relaxation of noise ordinance standards.
- (j) All persons must comply with all applicable city ordinances in the use of city parks. The council may promulgate additional rules governing the use of city parks in connection with its special event permitting process. The city manager may promulgate additional rules governing the use of city parks which rules may vary between the parks. All persons must comply with those additional rules in the use of city parks. Violations of all such ordinances and rules will be punishable as Class C misdemeanors in accordance with the general penalty provisions of the city Code of Ordinances. Such ordinances and rules may be enforced by any city peace officer, the city manager, city code enforcement officer or any designee of the city manager.

(Ord. No. 2016-11 , 6-14-16; Ord. No. 2017-07 , 3-28-17; Ord. No. 2019-14 , § 1, 5-28-19)

Ord. No. 2016-11 , adopted June 14, 2016, repealed § 50-98 and enacted new provisions to read as herein set out. Former § 50-98 pertained to camping overnight, and derived from Ord. No. 755, § 1, adopted Jan. 25, 2000.

Secs. 50-99—50-110. Reserved.

ARTICLE IV. PUBLIC LIBRARY

DIVISION 1. GENERALLY

Sec. 50-111. Creation.

A city library to be known as the Ingleside Public Library is hereby created for the use and benefit of the public.

(Code 1979, ch. 8, § 6 A.)

Sec. 50-112. City manager to appoint librarian.

The Ingleside Public Library shall be under the direction and supervision of the public librarian or director, who shall be appointed by and who shall be responsible to the city manager.

(Code 1979, ch. 8, § 6 B.)

Secs. 50-113—50-125. Reserved.

DIVISION 2. LIBRARY BOARD⁷

⁷Cross reference(s)—Boards, committees, commissions, § 2-61 et seq.

Sec. 50-126. Created; membership; terms; compensation; vacancies; removal.

The city public library board shall consist of seven members appointed by the city council from recommendations provided by the Ingleside Woman's Club. The members shall be appointed for one year. The members may be reappointed for an additional term of one year. Under no condition shall any member serve more than three consecutive years or a fraction thereof. The one-year term of members shall terminate on October 1 of each year. Members of the board shall serve without compensation. Vacancies on the board caused by death, removal, or resignation shall be filled by appointment in the same manner for the remainder of the unexpired term. The members of the board shall be subject to removal by the city council for cause deemed sufficient by the city council and in the interest of the public service.

(Code 1979, ch. 8, § 6 C.)

Sec. 50-127. Powers and duties.

The city public library board shall act in an advisory capacity to the librarian, city manager and city council. It shall have the following powers and duties:

- (1) Hold monthly meetings at regularly stated time and places, which shall be open to the public except that no regular meetings will be held in June, July or August.
- (2) Receive suggestions and recommendations from citizens for development of the Ingleside Public Library.
- (3) Make recommendations as it believes necessary for the establishment and usage of the library, and for the manner in which library services may be coordinated with other libraries which render service to the citizens of the city.
- (4) Cooperate with all other public or private groups in advancing the use and services of the library.
- (5) Furnish minutes of all meetings to the city council and to make such special reports as may be requested by the city council.
- (6) Promote the facilities, services, and programs of the library.

(Code 1979, ch. 8, § 6 D.)

Secs. 50-128—50-140. Reserved.*DIVISION 3. REGULATIONS***Sec. 50-141. Upkeep and replacement of property.**

- (a) Whoever willfully injures or defaces any book, newspaper, magazine, pamphlet, manuscript or other property of the Ingleside Public Library by writing, marking, tearing, breaking, or otherwise mutilation of the same, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in section 1-14.
- (b) Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property of the Ingleside Public Library after expiration of the time which the rules of the library provide such property may be kept, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not greater than that prescribed in section 1-14.

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(Code 1979, ch. 8, § 6)

Secs. 50-142—50-149. Reserved.

ARTICLE V. SKATE PARK

Sec. 50-150. Creation.

A skate park located at N.O. Simmons Community Park (hereby known as "the skate park") is hereby created for the use and benefit of the public. The city manager shall manage the skate park. The city manager may designate anyone to act in his stead in this regard and any reference herein or in the rules and regulations established by the council regarding the skate park shall include his designee. The council shall establish rules and regulations and fees by Resolution. The city manager may establish other rules and regulations provided they do not conflict with the rules and regulations established by the council. Said fees shall be incorporated into the appendix A fee schedule of the Ingleside Code of Ordinances.

(Ord. No. 891, § 1, 12-14-04)

Secs. 50-151—50-199. Reserved.

ARTICLE VI. HUMBLE STATION COMMUNITY CENTER

DIVISION 1. YOUTH PROGRAMS' STANDARDS OF CARE; GENERAL ADMINISTRATION

Sec. 50-200. Compliance with state law.

The following standards of care have been adopted pursuant to Texas Human Resources Code, Section 42.041(b)(14). The standards of care are the minimum standards by which the City of Ingleside's recreation department will operate the city's youth programs.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-201. Organization.

- (a) The governing body of the City of Ingleside's youth programs is the Ingleside city council.
- (b) Implementation of the youth programs' standards of care is the responsibility of the parks and recreation coordinator.
- (c) Youth programs ("program") to which these standards apply are the programs held at the Humble Station Community Center currently operated by the City of Ingleside. Other programs may be subsequently designated by the city council.
- (d) The City of Ingleside's youth program site will have a current copy of the standards of care available for public and staff review.

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- (e) Parents of participants will be provided a current copy of the standards of care during the registration process. Parents of participants will be informed that the City of Ingleside's youth programs are not licensed by the state.
 - (f) Criminal background checks will be conducted on prospective youth program employees. If results of the criminal checks indicate that an applicant has been arrested for any of the following offenses, he or she may not be considered for employment:
 - (1) A felony or misdemeanor classified as an offense against a person;
 - (2) A felony or misdemeanor classified as public indecency;
 - (3) A felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance or any violation of city policy relating to any controlled substance;
 - (4) Any offense involving moral turpitude;
 - (5) Any offense that would potentially put the City of Ingleside or participants of the program at risk.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-202. Definitions.

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

City. City of Ingleside.

City council. City council of the City of Ingleside.

Department. Parks and recreation department of the City of Ingleside.

Employee. A person who has been hired to work for the City of Ingleside and has been assigned responsibility for managing, administering, or implementing any portion of the City of Ingleside's youth programs.

Parent(s). A parent or guardian who has legal custody and authority to enroll a child in the City of Ingleside's youth programs.

Parks and community supervisor. A City of Ingleside's recreation department employee who has been assigned responsibility to directly administer and oversee the daily operations of a youth program to include, but not be limited to: the supervision of staff, safety of participants, and programming.

Parks and recreation coordinator. A City of Ingleside's recreation department employee (full time) who has been assigned responsibility to manage and oversee the planning, administration, and implementation of all City of Ingleside's youth programs.

Participant. A youth whose parent has completed all required registration procedures and who has been determined to be eligible for the City of Ingleside's youth program.

Program manual. A notebook of policies, procedures, required forms, and organizational and programming information relevant to the City of Ingleside's youth programs.

Program site. Any area or facility where the City of Ingleside's youth programs are held.

Recreation specialist. A City of Ingleside's recreation department employee who has been assigned responsibility for or implementing some portion of a youth program that is directed by the parks and community supervisor.

Youth program(s) or program. City of Ingleside's youth programs held at the city's Humble Station Community Center currently operated by the City of Ingleside. Other programs may be subsequently designated by the city council. These programs are not child care facilities.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-203. Inspections; monitoring; enforcement.

- (a) A biannual inspection report will be initiated by the parks and community supervisor of the program to confirm adherence to the standards of care. This report will be approved by the parks and recreation coordinator subsequent to making visual inspection of the facility.
 - (1) Inspection reports will be sent to the parks and recreation coordinator for review and kept on record as required by the city's records retention schedule, but not less than two years.
 - (2) The parks and recreation coordinator will review the report and establish deadlines and criteria for compliance with the standards of care.
- (b) Complaints regarding enforcement of the standards of care will be directed to the parks and community supervisor. The parks and community supervisor will be responsible for taking the necessary steps to resolve the problems. Complaints regarding enforcement of the standards of care and their resolution will be recorded by the parks and community supervisor and forwarded to the parks and recreation coordinator, the complaint and the resolution will be noted.
- (c) The parks and recreation coordinator will provide an annual report to the city council on the overall status of the youth programs and their operation relative to compliance with the adopted standards of care.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-204. Enrollment.

Before a child may be enrolled, a parent/guardian must sign registration forms that contain:

- (1) The name, address, and home telephone number of the child;
- (2) The name and address of parents and telephone numbers during program hours;
- (3) The names and telephone numbers of people to whom the child may be released;
- (4) A statement of the child's special needs;
- (5) Proof of residency, when appropriate; and
- (6) A liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) A medical contact form has to be completed before enrollment.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-205. Suspected abuse.

Program employees will report suspected child abuse in accordance with Texas Family Code and to the parks and recreation coordinator.

Secs. 50-206—50-215. Reserved.

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DIVISION 2. STAFF RESPONSIBILITIES AND TRAINING

Sec. 50-216. Parks and community supervisor.

- (a) The parks and community supervisor will be an employee of the City of Ingleside's parks and recreation department and will be required to have all the same qualifications as outlined in section 50-217 of this division.
 - (b) The parks and community supervisor must meet the minimum education/experience requirements for employment with the City of Ingleside to plan and implement recreation activities.
 - (c) The parks and community supervisor must be able to pass a background investigation, including testing for illegal substances.
 - (d) The parks and community supervisor must successfully complete a course in first aid and cardiopulmonary resuscitation (CPR) offered by the American Red Cross or the American Heart Association within one year prior to employment or within three months of employment and maintain certification without lapse through employment in this position.
 - (e) The parks and community supervisor is responsible for administering the programs' daily operations in compliance with the adopted standards of care.
 - (f) The parks and community supervisor is responsible for hiring, supervising, and evaluating recreation specialists.
 - (g) The parks and community supervisor is responsible for planning, implementing, and evaluating programs.
- (Ord. No. 1033, § 1, 5-10-11)

Sec. 50-217. Recreation specialist.

- (a) The recreation specialist may be full time, part time, or temporary employees of the recreation division.
- (b) The recreation specialist should be able to consistently exhibit competency, good judgment, and self control when working with children and parents.
- (c) The recreation specialist must relate to children with courtesy, respect, tolerance, and patience.
- (d) The recreation specialist must have successfully completed a course in first aid and CPR offered by the American Red Cross or the American Heart Association within one year prior to employment or within three months of employment and maintain [certification] without lapse throughout employment in this position.
- (e) The recreation specialist must pass a background investigation, including testing for illegal substances.
- (f) The recreation specialist will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- (g) The recreation specialist will be responsible for understanding and following all city, departmental, division, and program standards, policies, and procedures that apply to the City of Ingleside's youth programs.

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- (h) The recreation specialist will ensure that participants are released only to a parent or an adult designated by the parent.
 - (i) A recreation specialist must be with participants at all times while participants are participating in the program.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-218. Training; orientation.

- (a) The coordinator is responsible for providing training and orientation to program employees in working with children and for specific job responsibilities. The parks and community supervisor will provide each recreation specialist with a program manual for each youth program.
- (b) Program employees must be competent with the standards of care for youth program operation as adopted.
- (c) Program employees must be competent with the programs' policies, including discipline, guidance, and release of participants as outlined in the program manual.
- (d) Program employees will be trained in appropriate procedures to handle emergencies and providing prescription and over the counter medication to the participant(s) with the appropriately signed release forms.
- (e) Program employees will be trained in areas including city, departmental, and program policies and procedures; provision of recreation activities; safety issues; and organization.

(Ord. No. 1033, § 1, 5-10-11)

Secs. 50-219—50-230. Reserved.

DIVISION 3. OPERATIONS

Sec. 50-231. Staff-participant ratio.

- (a) Ingleside's youth programs will maintain the minimum employee to participant ratio of one to 20 for participants from ages five through 13.
- (b) Each participant should have a program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special needs as identified by the participant's parent during the registration process.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-232. Notification.

- (a) Parents must be notified immediately when program employees are aware of the following:
 - (1) The participant is injured; or
 - (2) The participant has a sign or symptom requiring exclusion from the site (e.g., communicable disease, fever, or illness).

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- (b) All parents must be notified if there is an outbreak of any communicable disease. The disease will be reported to the San Patricio County Health Department.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-233. Discipline.

- (a) Program employees will implement discipline and guidance in a consistent manner, based on the best interests of program participants.
- (b) There will be no cruel, harsh or corporal punishment or treatment.
- (c) Program employees may use brief, supervised separation from the activity if necessary.
- (d) As necessary, as determined by the supervisor, program employees will initiate discipline reports to the parents of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- (e) In the opinion of the supervisor or coordinator, the number and/or severe nature of discipline reports as detailed in the program manual may result in a participant being suspended from the program.
- (f) In instances where there is a danger to other participants or staff, offending participants will be removed from the program site as soon as practical.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-234. Programming.

- (a) Program employees will provide activities for each group according to the participants' ages, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities will also be flexible and designed to promote the participants' emotional, social, and mental growth.
- (b) Program employees will provide activities for participants' age groups to include:
 - (1) Alternating active and passive activities; and
 - (2) Opportunity for individual and group activities.
- (c) Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the program.
 - (1) During trips, program employees supervising participants should have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees should have transportation cards of the participants in the group and must check the roll frequently.
 - (3) Program employees should have first aid supplies and a guide to first aid and emergency care available on field trips.
 - (4) Notice of any field trips will be displayed at a prominent place at the Humble Station Community Center.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-235. Communication.

- (a) The Humble Station Community Center will have a telephone for use in contacting the recreation coordinator or making emergency calls.
- (b) The parks and community supervisor will post the following telephone numbers adjacent to a telephone accessible to all program employees at the Humble Station Community Center:
 - (1) Ambulance or emergency medical services.
 - (2) Ingleside police department.
 - (3) Ingleside fire department.
 - (4) Poison control.
 - (5) The telephone number for the site itself.
 - (6) Parks and recreation coordinator.
 - (7) City secretary.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-236. Transportation.

- (a) First aid supplies and a first aid emergency care guide should be available in all program vehicles that transport children.
- (b) All program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- (c) Transportation cards with the names and telephone numbers of participants' parents and physicians should be available in all program vehicles that transport participants.

(Ord. No. 1033, § 1, 5-10-11)

Secs. 50-237—50-245. Reserved.*DIVISION 4. FACILITY STANDARDS***Sec. 50-246. Safety.**

- (a) Program employees will inspect the Humble Station Community Center daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A weekly inspection report will be completed by the program staff and kept on file by the parks and community supervisor.
- (b) Buildings, grounds, and equipment at the Humble Station Community Center will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- (c) Program equipment and supplies should be safe for the participants' use.
- (d) Program employees should have first aid supplies available at the Humble Station Community Center, during transportation, and for the duration of any off-site activity. Program employees should have first aid supplies

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readily available to staff in a designated location. Program employees should have an immediately accessible guide to first aid and emergency care.

- (e) Program air conditioners, electric fans, and heaters should be mounted out of participants reach or have safeguards that keep participants from being injured.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-247. Fire.

- (a) In case of fire, danger of fire, explosion, or other emergency, program employees' first priority is to evacuate the participants to a designated safe area.
- (b) The program site will have an annual fire inspection by the city fire marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the parks and recreation coordinator who will review and establish deadlines and criteria for compliance. Information from this report will be included in the parks and recreation coordinator's annual report to the city manager.
- (c) The Humble Station Community Center must have at least one fire extinguisher approved by the fire marshal readily available to all program employees. The fire extinguisher is to be inspected monthly by the parks and recreation coordinator, and a monthly report will be forwarded to the parks and recreation coordinator's department manager who will keep the report on file as required by the city's records retention schedule adopted by the city, but not less than two years. All of the City of Ingleside's youth program employees will be trained in the proper use of fire extinguishers.

(Ord. No. 1033, § 1, 5-10-11)

Sec. 50-248. Health.

- (a) *Illness or injury.*
 - (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the program.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
 - (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the program manual.
 - (4) Program employees will follow the recommendation of the department of state health services concerning the admission or readmission of any participant after a communicable disease.
- (b) *Medication.* Program employees will administer medication only if:
 - (1) A parent/guardian completes and signs a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a "hold harmless" clause to protect the city.
 - (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after its expiration date.
 - (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the program. Nonprescription medication must be in the original container. The program staff will administer it only according to label directions as set forth on a medical form.

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- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of program employees. No injections will be administered by the program employees.
 - (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food. For these reasons, a separate lockbox container will be installed on the wall within the staff office at an average adult height.
- (c) *Toilet facilities.*
- (1) The Humble Station Community Center will have inside toilets located and equipped so independently and program employees can supervise as needed.
 - (2) There must be at least one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50 percent of the total number of toilets.
 - (3) An appropriate and adequate number of lavatories will be provided.
- (d) *Sanitation.*
- (1) The Humble Station Community Center must have adequate light, ventilation, and heat.
 - (2) The Humble Station Community Center must have an adequate supply of water, meeting the standards of the department of state health services for drinking water, and ensure that it will be supplied to the participants in a safe and sanitary manner.
 - (3) Program employees must see that garbage is removed from the Humble Station Community Center daily.
- (e) The Humble Station Community Center will have an annual health inspection by the county health department, and the resulting report will detail any health concerns observed. The report will be forwarded to the coordinator who will review and establish deadlines and criteria for compliance. Information from this report will be included in the director's annual report to the city council.
- (Ord. No. 1033, § 1, 5-10-11)

Chapter 62 TRAFFIC AND VEHICLES¹

ARTICLE I. IN GENERAL

Secs. 62-1—62-25. Reserved.

ARTICLE II. ADMINISTRATION²

Sec. 62-26. Police chief to place and maintain traffic control signs and devices.

The chief of police shall cause to be placed and maintained traffic control signs as required in the city and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under this chapter and state law.

(Code 1979, ch. 10, § 6 C.(5); Ord. No. 580, § 1 C.(2), 5-28-93)

Secs. 62-27—62-45. Reserved.

ARTICLE III. SPECIFIC STREET REGULATIONS³

DIVISION 1. GENERALLY

Sec. 62-46. Schedules.

The specific street schedules for stop or yield signs, one-way streets, speed limits, parking and all other traffic regulations adopted by the city council which may be amended by ordinance of the city council shall be maintained by the city secretary and are available in the office of the city secretary.

(Code 1979, ch. 10, § 2 A.—E.)

¹Cross reference(s)—Municipal court fines and fees, § 2-116; junked, wrecked, abandoned motor vehicles, § 30-51 et seq.

State law reference(s)—Uniform traffic control law, Vernon's Ann. Civ. St. art. 6701d.

²Cross reference(s)—Administration, ch. 2.

³Cross reference(s)—Streets, § 50-26 et seq.

Sec. 62-47. School zones.

The city hereby designates school zones on certain streets. A maximum speed limit of 20 miles per hour is hereby established within all designated school zones during the hours of 7:00 a.m. to 8:30 a.m. and 3:00 p.m. to 4:30 p.m. on regularly scheduled school days or, if there is an electrical traffic control device intended to control speed located in a designated school zone, then during any time period when that device is flashing. The designated school zones for the city are described in a traffic schedule on file in the office of the city secretary.

(Code 1979, ch. 10, § 2 F.; Ord. No. 756, § 1, 2-8-00; Ord. No. 838, § 1, 8-13-02; Ord. No. 915, § 1, 8-8-06; Ord. No. 1045, § 1, 9-27-11; Ord. No. 1074, § 1, 5-28-13; Ord. No. 2017-19, § 1, 9-5-17)

State law reference(s)—Changes in speed limits in school zones, Vernon's Ann. Civ. St. art. 6701d, § 169(d).

Sec. 62-48. Through traffic along certain alleyways.

- (a) The city hereby designates the following public alleyways in the city closed to through vehicular traffic and hereby authorizes the chief of police or his designee to cause the placing and maintenance of signs and barricades as may be necessary to give notice of such closure. When such signs and barricades are placed in accordance with this section, through vehicular traffic is prohibited.
- (b) All of that certain alleyway parallel to and one-half block in a general westerly direction from San Angelo Street and being adjacent to block 8, Humble Addition, in the city from the intersection of such alleyway with Mustang Drive to a point approximately 140 feet south of the intersection of such alleyway with Mississippi Avenue, such point being on the dividing line between lots 5 and 6 of block 8.
- (c) All traffic control signs, signals, devices, markings, and barricades placed or erected pursuant to this section and in use for the purpose of regulating vehicular traffic in and along or upon such alleyways are hereby affirmed, ratified and declared to be official traffic control devices.

(Code 1979, ch. 10, § 6 D.; Ord. No. 580, § 1 E., 5-28-93)

Sec. 62-49. Warrants for stop signs.

Because the stop sign causes a substantial inconvenience to motorists, it should be used only where warranted. Also, stop signs are not used for speed control.

(Ord. No. 1041, § 1, 8-23-11)

Sec. 62-50. Multi-way stop.

The "multi-way stop" installation is useful as a safety measure at some locations. It should ordinarily be used only where the volume of traffic on the intersecting roads is approximately equal. Any of the following conditions may warrant a multi-way stop sign installation.

- (1) Where traffic signals are warranted; and urgently needed, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for traffic signal installation.
- (2) An accident problem; as indicated by three or more reported accidents in a 12-month period of a type susceptible to correction by a multi-way stop sign installation. Such accidents include right- and left-angle collisions.
- (3) Minimum traffic volumes;

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- a. The total vehicle volume entering the intersection from all approaches must average at least 25 vehicles per hour for any two hours of an average day, and
 - b. When the 85-percentile approach speed of the minor street traffic exceeds 40 miles per hour, the minimum vehicular volume warrant is 70 percent of the above requirements.

(Ord. No. 1041, § 1, 8-23-11)

Secs. 62-51—62-60. Reserved.

DIVISION 2. STOPPING, STANDING, PARKING

Sec. 62-61. Definitions.

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

Motor vehicle means every vehicle, as herein defined, that is self-propelled.

Park or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or *stopping* when prohibited shall mean halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

Vehicle means every device in, or by which any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks.

(Ord. No. 609, § 1, 8-23-94)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 62-62. Prohibited for certain purposes.

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing, filling with gas or oil or repairing such vehicle, except repairs necessitated by an emergency.

(Code 1979, ch. 10, § 4 C.)

Sec. 62-63. Designation and marking of parking spaces and areas where parking is prohibited or limited.

- (a) The public works director shall cause parking spaces to be maintained and marked off in and on such streets and parts thereof as may be designated by the chief of police, and he shall cause spaces in which parking is prohibited to be maintained and marked off in and on such streets and parts thereof as may be designated

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by the chief of police. The chief of police shall also cause time limit parking areas to be maintained and marked off in and on such parts of streets. All such spaces or areas shall be clearly indicated by appropriate signs or markings on the pavement.

- (b) In areas designated as time limit parking areas, parking may be limited to any period prescribed by the chief of police, the time limit parking area to be designated with clearly distinguishable markings or signs at both ends of the time limit area and at reasonable intervals between the beginning and ending of such time limit area, indicating the time allowed for parking in such area.
- (c) Any time limit on parking established shall apply on such days and between such hours as prescribed by the chief of police.

(Code 1979, ch. 10, § 4 E.)

Sec. 62-64. Parking vehicles on residential streets.

- (a) It is prohibited for anyone to park a vehicle, recreational vehicle, trailer, and/or utility trailer upon a city street longer than 72 consecutive hours. Moving the vehicle, recreational vehicle, trailer, and/or utility trailer but bringing it back to the same or substantially the same location within four hours after moving it shall not constitute a break in the period of parking for purposes of determining whether or not the vehicle, recreational vehicle, trailer, and/or utility trailer was parked in the same location longer than 72 consecutive hours. The vehicle, recreational vehicle, trailer, and/or utility trailer shall be considered to be parked in the same or substantially the same location if it is parked in front of the same property as it was originally parked in front of.
- (b) It is prohibited for anyone to park a vehicle, recreational vehicle, trailer, and/or utility trailer in such a way that it blocks, impedes or substantially interferes with the lawful use by vehicles of any public street, alley, right-of-way or other public property.

(Ord. No. 835, § 1, 6-25-02; Ord. No. 962, § 1, 1-8-08)

Secs. 62-65—62-85. Reserved.

ARTICLE IV. TRUCKS

DIVISION 1. GENERALLY

Sec. 62-86. Load limits on streets not designated as truck routes.

No commercial motor vehicle, truck, truck-tractor, trailer or semitrailer or combination of such vehicles, except recreational vehicles, shall be operated on any street not designated as a truck route within the corporate city limits, having a weight in excess of one or more of the following limitations:

- (1) No such vehicle or combination of vehicles with a weight greater than 20,000 pounds carried on any one axle; or a tandem axle weight greater than 34,000 pounds.
- (2) No such vehicle or combination of vehicles shall have an overall gross weight greater than 54,000 pounds.

(Ord. No. 580, § 1 A., 5-28-93)

Sec. 62-87. Use of certain streets limited to delivery.

No truck or other motor vehicle having a manufacturer's rated carrying capacity greater than 2,000 pounds shall operate upon any of the following streets except for the actual purpose of delivering to a location on or along such portion of such street:

- (1) West Main Street from its intersection with California Street to its intersection with F.M. 1069;
- (2) First Street from its intersection with F.M. 1069 to its intersection with Avenue A;
- (3) Fourth Street from its intersection with F.M. 1069 to its intersection with Avenue A;
- (4) Avenue B from Amarillo Street to 8th; and
- (5) Belaire Avenue from F.M. 1069 to East Wind Drive.

(Ord. No. 580, § 1 B.(1), 5-28-93)

Sec. 62-88. Loading or unloading time limits; exemption.

Any truck, motor vehicle or any other form of vehicle in excess of 1½ tons, according to manufacturer's rated carrying capacity, which is parked within the corporate limits of the city for the purpose of loading or unloading, as authorized in division 2 of this article, shall not remain parked for a period of time greater than 12 hours, unless otherwise authorized by the chief of police or his designee. Recreational vehicles are exempt from the provisions of this section.

(Ord. No. 580, § 1 B.(2), 5-28-93)

Sec. 62-89. Overnight parking.

Overnight parking on any city street within the corporate limits of the city by any truck, motor vehicle or any other form of vehicle in excess of 1½ tons according to manufacturer's rated carrying capacity is prohibited.

(Ord. No. 580, § 1 B.(3), 5-28-93)

Secs. 62-90—62-100. Reserved.*DIVISION 2. TRUCK ROUTES⁴***Sec. 62-101. Use of streets.**

It shall be unlawful for any person to drive, operate or park any truck, motor vehicle, or any other form of vehicle in excess of 1½ tons according to manufacturer's rated carrying capacity on any city street not designated as a truck route, except to arrive or depart from their destination to load or unload. Recreational vehicles are exempt from the provisions of this section.

(Ord. No. 580, § 1 C., 5-28-93)

⁴Cross reference(s)—Streets, § 50-26 et seq.

Sec. 62-102. Established.

The following roads, streets, highways, or portions thereof, by the terms of this section, are hereby designated as truck routes to the exclusion of all other roads, streets, highways or portions thereof:

- (1) Texas Highway 361 within the corporate limits of the city;
- (2) F.M. 1069 (also known as Main Street) within the corporate limits of the city; and
- (3) Sunray Road from a point two-tenths of a mile east of the intersection of State Highway 361, eastward to the city limits near F.M. 2725.

(Code 1979, ch. 10, § 6; Ord. No. 580, § 1 C.(1), 5-28-93; Ord. No. 1063, 8-28-12)

Sec. 62-103. Utilization of shortest and most direct route.

Any truck, motor vehicle or any other form of vehicle in excess of 1½ tons, according to manufacturer's rated carrying capacity, operating on any street not designated as a truck route within the corporate limits of the city shall use the shortest and most direct route, unless otherwise directed by the chief of police or his designee, to arrive and depart from their destination to load or unload.

(Ord. No. 580, § 1 D.(1), 5-28-93)

Secs. 62-104—62-199. Reserved.

ARTICLE V. GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OFF-HIGHWAY VEHICLES

Sec. 62-200. Definitions.

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

All-terrain vehicle (ATV) is, as defined in V.T.C.A., Transportation Code, § 551A.001(1), a motor vehicle that is

- (1) Equipped with a seat or seats for the use of
 - a. The rider; and
 - b. A passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
- (2) Designed to propel itself with three or more tires in contact with the ground
- (3) Designed by the manufacturer for off-highway use;
- (4) Not designed by the manufacturer primarily for farming or lawn care; and
- (5) Not more than 50 inches wide.

Golf cart is, as defined in V.T.C.A., Transportation Code, § 551.401, a motor vehicle designed by the manufacturer primarily for use on a golf course.

Neighborhood electric vehicle (NEV) is, as defined in V.T.C.A., Transportation Code, § 551.301, a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. section 571.500).

Recreational off-highway vehicle (ROV) is, as defined in V.T.C.A., Transportation Code, § 551A.001(5), a motor vehicle that is

- (1) Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
- (2) Designed to propel itself with four or more tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use by the operator only; and
- (4) Not designed by the manufacturer primarily for farming or lawn care.

Sand rail is, as defined in V.T.C.A., Transportation Code, § 551A.001(3), a vehicle that

- (1) Is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;
- (2) Has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and
- (3) Has a gross vehicle weight, as defined by V.T.C.A., Transportation Code, § 541.401, of
 - a. Not less than 700 pounds; and
 - b. Not more than 2000 pounds.

Unique vehicle permit shall mean a certificate to be kept in or with a legally operated golf cart, NEV, ROV, UTV, ATV, or sand rail which authorizes the use of the vehicle on a public street or highway within the corporate boundaries of the City of Ingleside during the year granted. The permit shall also include a sticker with a permit number and the expiration date which must be affixed to and displayed on the vehicle.

Unique vehicle permit fee shall mean a charge imposed as specified in this article for the issuance of a unique vehicle permit.

Utility vehicle (UTV) is, as defined in V.T.C.A., Transportation Code, § 551A.001(6), a motor vehicle that is not a golf cart, as defined by V.T.C.A., Transportation Code, § 551.401, or a lawn mower, and is

- (1) Equipped with side-by-side seating for the use of the operator and a passenger;
- (2) Designed to propel itself with at least four tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use only; and
- (4) Designed by the manufacturer primarily for utility work and not for recreational purposes.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-201. Prohibition.

The City of Ingleside has determined that the unregulated operation of golf carts, NEVs, UTVs, ROVs, ATVs, and sand rails on public streets and highways is unsafe, and, pursuant to V.T.C.A., Transportation Code, §§ 551.401 through 551.405, 551.301 through 551.304, and 551A.053 through 551A.058 prohibits the operation of golf carts, NEVs, UTVs, ROVs, ATVs, and sand rails upon the public streets and highways of the city, except as permitted by this article.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-202. Permit required fee; permit issuance.

- (a) No person may operate a golf cart, NEV, UTV, ROV, ATV, or sand rail upon any public street or highway within the corporate boundaries of Ingleside unless said vehicle is permitted by the City of Ingleside and a permit sticker is affixed to the vehicle as prescribed by this Code.
- (b) Such permit shall be purchased annually for sums to be set by city council by resolution. The permit, regardless of when purchased, shall be valid for one year from date of purchase.
- (c) A separate permit is required for every golf cart, NEV, UTV, ROV, ATV, or sand rail owned by an individual or entity. A unique vehicle permit is valid only for the vehicle that it is issued to and is not transferable from one vehicle to another.
- (d) The city secretary shall issue to each person purchasing a unique vehicle permit a paper certificate showing the name of the vehicle's owner, their address, the address where the vehicle is normally kept parked, the vehicle's description (make, model, color, number of seats) the VIN or serial number, the state-issued license plate number, the city-issued permit number, the date issued and expiration date, the name of the city employee who inspected the vehicle, and the name of the city employee who issued the permit. This certificate must be kept in or with the vehicle and must be shown to any peace officer or code officer of the city upon request, if the vehicle is being operated or is parked on a roadway or public property. A sticker will also be issued, with the permit number and the expiration date, which should be affixed to the vehicle and displayed so that it is readily visible and identifiable from a distance of more than 50 feet.
- (e) The permit shall be issued only upon the owner providing proof of financial responsibility consistent with the requirements of coverages in V.T.C.A., Transportation Code, §§ 601.051 through 601.053 in the minimum coverage amounts required by V.T.C.A., Transportation Code, § 601.072. A copy of said proof of financial responsibility shall be attached to the city "APPLICATION FOR UNIQUE VEHICLE PERMIT."
- (f) An inspection of the vehicle for all required safety equipment must be completed by a police officer or code enforcement official of the city prior to issuance of a permit.
- (g) This section does not apply to a golf cart, NEV, UTV, ROV, ATV, or sand rail used or owned by any governmental entity.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-203. Duplicate permit; fee.

Upon proof that the original unique vehicle permit was lost, stolen, or damaged beyond recognition, a duplicate of the unique vehicle permit issued by the city shall be furnished on payment of a fee to be set by city council by resolution.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-204. Records.

The city secretary shall maintain a record describing each golf cart, NEV, UTV, or ROV, ATV, or sand rail permitted the current and preceding year. The record shall include the name of the vehicle's owner, their address, the address where the vehicle is normally kept parked, the vehicle's description (make, model, color, number of seats) the VIN or serial number, the state-issued license plate number, the city-issued permit number, the date

issued and expiration date, the fee amount paid and method of payment used, the name of the city employee who inspected the vehicle, and the name of the city employee who issued the permit.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-205. Traffic laws and rules of the road apply.

A golf cart, NEV, UTV, ROV, ATV, or sand rail permitted by the City of Ingleside shall be operated in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and by City Code for the operation of a passenger vehicle, except those rules and laws specifically excluded or limited by this article.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-206. Miscellaneous operational provisions.

The following terms and provisions apply to the licensing and operation of any golf cart, NEV, UTV, ROV, ATV, or sand rail permitted by the City of Ingleside.

- (1) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails used while evacuating persons or property during a declared emergency are exempt from permitting by this Code during the declared emergency and for 72 hours after the emergency. All safety equipment requirements and traffic laws still apply.
- (2) Unique vehicle permits may only be sold by the City of Ingleside.
- (3) No person may display a false, fictitious, or facsimile unique vehicle permit.
- (4) No person may alter or display an altered unique vehicle permit.
- (5) Golf carts NEVs, UTVs, ROVs, ATVs, or sand rails may only be operated by persons with a valid driver's license.
- (6) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may only be operated upon a public street or highway with a speed limit of not more than 35 mph.
- (7) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may not be operated on Highway 361 or on Main Street (FM 1069) regardless if the posted speed limit is 35 mph or less in some areas.
- (8) A vehicle may cross a street or highway with a speed limit of more than 35 mph if said crossing occurs at an intersection and said crossing may be done safely and is perpendicular to the street or highway with a posted speed limit of not more than 35 mph.
- (9) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails must move to the right and yield the right-of-way to faster moving vehicles.
- (10) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may not be operated upon any public sidewalk, pedestrian walkway, playground, public park, school ground, or other public recreational areas, not designated for motor vehicle traffic. They may be operated within Live Oak Park and Cove Park, on the paved areas only, as allowed by park rules and regulations.
- (11) All golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails must be equipped with operational headlamps, tail lamps, turn signals (if turn signals are not installed on the vehicle, hand signals must be used), reflectors, parking brakes, rearview mirrors, safety belts for each built-in seat (ATVs not required), and a reflective slow moving vehicle emblem displayed on the rear of the vehicle.

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- (12) Golf carts are required (per V.T.C.A., Transportation Code, § 551.402) to display a golf cart license plate issued by the Texas department of motor vehicles, which can be obtained from a county's tax assessor-collector's office.
 - (13) NEVs are required to be titled and registered, and to display a license plate and registration sticker, to be operated on a roadway in accordance with V.T.C.A., Transportation Code, § 551.303.
 - (14) UTVs, ROVs, ATVs, or sand rails are required (per V.T.C.A., Transportation Code, § 551A.052) to display an off-highway vehicle license plate issued by the Texas department of motor vehicles, which can be obtained from a county's tax assessor-collector's office.
 - (15) Financial responsibility must be established for the vehicle in compliance with V.T.C.A., Transportation Code, § 601.051 or a homeowner's insurance or other liability insurance policy which meets the coverage amounts of V.T.C.A., Transportation Code, § 601.072.
 - (16) The driver and every occupant of a vehicle must remain seated in a seat designed to hold passengers, while the vehicle is in motion.
 - (17) No person may ride in the lap of the driver or any other occupant. Each occupant must be seated in a built-in seat. Safety belts must be worn by all occupants when the vehicle is in motion.
 - (18) a. A person may not operate, ride, or be carried on an off-highway vehicle on public off-highway vehicle land, a beach, or a highway unless the person wears:
 - 1. A safety helmet that complies with United States Department of Transportation standards;
 - 2. Eye protection; and
 - 3. Seat belts, if the vehicle is equipped with seat belts.b. Subsections a.1. and 2. do not apply to a motor vehicle that has four wheels, is equipped with bench or bucket seats and seat belts, and includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of vehicle rollover.
 - c. This section does not apply to a motor vehicle that is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the vehicle.
 - (19) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails may only be operated on city streets during periods of daylight (one-half hour before sunrise—one-half hour after sunset).
 - (20) Golf carts, NEVs, UTVs, ROVs, ATVs, or sand rails owned or operated by a governmental entity are exempt from the requirements of this section.

(Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Sec. 62-207. Penalties; suspension or revocation of permit.

- (a) Any violation of this article is a Class C misdemeanor, and is subject to penalties and/or fines under chapter 1, general provisions, section 1-14 of the Ingleside Code and/or applicable traffic laws.
- (b) In addition to assessment of penalties and/or fines, the chief of police may suspend or revoke a unique vehicle permit if the chief of police or his designee determines that:
 - (1) There is a false statement of a material matter on the application for a unique vehicle permit;
 - (2) The unique vehicle permit holder has in excess of three or more violations of this article during a license year; or

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- (3) The unique vehicle permit holder has failed to make timely payment of a fee or penalty for violation of this article.
 - (c) Any permit holder aggrieved by a decision to suspend or revoke a unique vehicle permit may appeal the decision to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal within ten days after the chief of police or his designated representative notifies the license holder of the decision to suspend or revoke the unique vehicle permit.
 - (d) A unique vehicle permit suspended or revoked by the chief of police remains suspended or revoked until a final appeal decision has been made by the city manager.
 - (e) The city manager or his representative shall serve as a hearing officer at an appeal and may consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The hearing officer shall make his decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within 30 days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the chief of police. The decision of the hearing officer is final as to administrative remedies with the city.
- (Ord. No. 2017-16 , § 1, 5-30-17; Ord. No. 2022-13 , § 1, 8-9-22)

Secs. 62-208—62-220. Reserved.

ARTICLE VI. REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION DEVICES WHILE DRIVING

Sec. 62-221. [Generally.]

- (a) In this section:
 - (1) *Engaging in a call* means talking to, dialing, or listening on a hand-held mobile communications device, but does not include holding a mobile communications device to activate or deactivate the device.
 - (2) *Hand-held mobile communication device* means a text messaging device or other electronic two-way communication device that uses a commercial mobile service, as defined by 47 U.S.C. § 332, that is designed to receive and transmit voice communication, text message or pictorial communication, or both, whether by internet or other electronic means. The term includes a mobile telephone, and a personal digital assistant (PDA).
 - (3) *Hands-free mobile telephone* means a mobile telephone that has an internal feature or function that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of the physically disabled person) whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.
 - (4) *Park or parked* shall mean for the operator to completely cease movement of a motor vehicle in lawful manner and location. For purposes of this section, "parked" does not include or mean a vehicle stopped in a lane of traffic due to either a lawful traffic control device, or the conditions on the roadway, or traffic congestion patterns then existing.
 - (5) *Text message* means a two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered, or received by a method other than by voice and transmitted through either a short message service (SMS) or a

computer network. The term does not include a communication transmitted through a global positioning or navigation system.

- (b) A person commits an offense if the person uses a hand-held mobile communication device to 1) engage in a call, 2) send, read, or write a text message, 3) view pictures or written text whether transmitted by internet or other electronic means, 4) engage in gaming, or 5) engage in any other use of the device while operating a motor vehicle on a public roadway or on school property.
 - (c) This section does not apply to an operator of a motor vehicle using a hand-held mobile communication device:
 - (1) While the vehicle is legally parked or being driven on private property;
 - (2) That is affixed to the vehicle and used as a global positioning device or navigation system;
 - (3) That is used with a hands-free mobile communication telephone or other such device;
 - (4) While operating an authorized emergency vehicle in an official capacity; or
 - (5) Who is licensed by the Federal Communications Commission while operating a radio frequency device other than a hand-held mobile communications device.
 - (d) It shall be an affirmative defense to prosecution under this section that the person was using a hand-held mobile communication device for the purpose of:
 - (1) Executing the persons official duties;
 - (2) Reporting illegal activity to a law enforcement agency;
 - (3) Communicating with an emergency response operator, a fire department, a law enforcement agency, a hospital, a physician's office, or a health clinic regarding a medical or other emergency; or
 - (4) Preventing injury to a person or property.
 - (e) A violation of this section is a Class C Misdemeanor punishable by a fine up to \$500.00.
 - (f) To the extent that this section conflicts with the Texas Transportation Code, this section does not apply.
- (Ord. No. 2019-38 , § 1, 9-25-19)

CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 18-1. - Responsible enforcing officials.

Whenever in the codes adopted by reference in this chapter, reference is made to the duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official in such code shall be deemed to be the responsible official insofar as enforcing the provisions of such code are concerned. In particular, the building official of the city shall be the city official in charge of enforcement, under the city manager. The board of adjustment of the city shall be the entity to which all appeals provided under such codes are taken.

- (1) The building official may delegate authority to other inspectors or other employees of the Development Services Department as may be required to carry out the building official's duties.
- (2) The building official shall be responsible to the city manager, who is authorized to act in lieu of and with the same authority as the building official.
- (3) The building official shall have the following powers:
 - a. Enforce the provisions of all adopted Codes under this Chapter and file complaints in municipal court against persons who violate any of its provisions.
 - b. Order electric or water service to be disconnected where improper or defective conditions create a potential public safety hazard.
 - c. Order compliance with this article where a change of occupancy occurs in a building which requires changes or alteration to an existing building.
 - d. Disconnect electrical service in cases of an emergency where necessary for the safety of persons or property or where electrical equipment may interfere with the work of the fire department.
 - e. Issue an order to a property owner to cease or desist doing any work until a permit is issued where a permit is required or where such work is otherwise being done in violation of this article.

Sec. 18-2. Application.

Forms; plan or diagram. Application for permits shall be made in writing on forms provided by the city for that purpose.

Sec. 18-3. Plans and specifications.

The Building Official, depending on the nature of the work to be performed, may require plans, specifications, and other supporting material. When such plans, specifications, or other materials are requested, they shall be submitted and approved prior to the issuance of a permit.

Sec. 18-4. Application and permit fees.

- (a) Before proceeding with the work, an applicant shall first file with the city an application requesting a permit to carry on such work and pay all fees to the city in accordance with the fee schedule for any work as established by resolution of the city council and listed in appendix A of this Code.
- (b) Registration required. It shall be unlawful for any person to do construction work requiring a permit, unless the person has registered as a contractor with the City of Ingleside, Texas, except as otherwise provided in this article. Every contractor who shall make or sublet contracts for installation or repair for which a permit is required shall be registered and shall pay an annual fee.
- (c) Registration period; fee. All registrations issued under the terms and conditions of this section shall expire each year on December 31, the date following the registration issuance date. The fee for such registration is established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Sec. 18-5. - Penalty for failure to obtain permit.

Where work for which a permit is required by any code adopted or referenced in this chapter is started or proceeded with prior to making arrangements with the building official and obtaining any required permit, the fees specified or referenced in this chapter shall be doubled. The payment of such doubled fees shall not relieve any person from fully complying with the requirements of any code adopted or referenced in this chapter in the execution of the work.

Sec. 18-6. - Permit fees waived due to catastrophic events.

Upon declaration by the mayor of a natural disaster or catastrophic event affecting the citizens to the extent that temporary or permanent displacement from their homes or businesses is the result, the building official may waive the fees for building permits required for the repair or replacement of damaged property, including fees for plumbing, electrical, and mechanical permits for same. Contractor registration fees and required insurance coverage will not be waived; also, windstorm inspection requirements will remain in effect.

Sec. 18-7. - Restrictions on employees.

No employee of the Development Service Department shall be financially interested in the furnishing of labor, material, or equipment for a project or in the making of plans or specifications therefor unless they are the owner of the property on which the installation is located or planned.

Sec. 18-8. – Reduced Permit fees.

All work must have a permit, but agencies of the federal, state, city and county governments are exempt from the payment of fees in connection with the construction or repair of a building used, owned, and located on property owned by the governmental agencies. Permit fees for public

schools and other political subdivisions having ad valorem tax exempt status, and for churches, and all other state constitutionally exempted ad valorem tax entities shall be 50 percent of the regular fee. The permit fee shall not be less than the required minimum fee in all cases.

Sec. 18-9. – Homeowners Permit.

Permits shall be issued to a person performing work with their own hands in a single-family dwelling owned by the applicant and claimed as their homestead on one's own homestead, as determined by San Patricio County Homestead exemption status, performed only by the person owning such homestead. The work must meet code regulations, be inspected, and have all fees paid.

Sec. 18-10. After a fire.

An inspection shall be conducted by the Building Official or Fire Marshall of any building or structure that has been damaged by fire.

Sec. 18-11. For parts of jobs.

- (a) When a Contractor completes work, in whole or in part, on any portion of a building or site, and a second Contractor is called upon to complete the work, in whole or in part, a separate permit is required for which regular fees shall be paid for the work to be done. Each Contractor shall be held responsible only for the work installed by them.
- (b) Before the second Contractor is issued a permit for the completion of the work, the inspector shall first notify the Contractor holding the original or first permit, if they can be found, that the second permit is proposed to be issued.
- (c) The issuance of the second permit shall cancel the first permit, and no refund of fees for such cancelled permit shall be made.

Secs. 18-12—18-25. Reserved.

ARTICLE II. CONSTRUCTION STANDARDS

Sec. 18-26. Building code—Adoption.

The International Building Code 2018 including Appendices C, F, G, H, I, J, and N as published by the International Code Council, is hereby adopted as the building code of the city with certain enumerated additions in section 18-27. A copy of the International Building Code 2018 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-27. Same—Amendments and deletions.

The building code adopted in section 18-26 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Building Code of the City of Ingleside.

Section 1612.3 Establishment of flood hazard areas. The flood hazard and map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Control Study prepared by Naismith Engineering for the San Patricio Drainage District dated December 20, 2019, as amended, or revised with the accompanying Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.

Section 105.1 is amended by adding the following subsection:

105.1a. No building permits shall be issued for work on, no utility connection shall be made for utility service to, and no utilities or utility service may be provided to or for any property which is not in compliance with the zoning regulations of the city.

Section 113.1 is amended to read as follows:

The Board of Adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-26 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 202 is amended by adding the following definitions:

Building contractor means, includes, and shall be construed to mean and include all persons, companies, or corporations, as well as their agents or employees who engage in the business of contracting building work for residential or commercial buildings and installations

in the City of Ingleside, Texas, whether or not such business is a full-time business or a part-time business, and contractors shall be registered.

Commercial construction requirements.

All commercial structures built on sites shall use new materials certified by a nationally recognized agency as being appropriate for their use and must conform to all required codes.

- (1) Existing buildings for commercial use that are to be remodeled shall also use new nationally certified materials.
- (2) Preassembled structures intended for commercial use must also conform to all applicable codes, and the owner or contractor of such structures must secure a permit prior to use or being brought into the city limits of the City of Ingleside.
- (3) Movers of preassembled commercial structures shall provide moving documents including, but not limited to, path of travel, state permit, license and state or city required insurance, but not less than the amount of \$300,000.00 of general liability. All preassembled buildings shall be placed on a permanent foundation engineered by a Texas registered professional engineer.
- (4) All new commercial foundation construction must meet the minimum finished floor elevation of a height of not less than 12 inches above the crown of the road using the center of the foundation for location purposes.
- (5) For all commercial construction or expansion that raises the natural grade 12 inches or more, a drainage plan engineered by a Texas registered professional engineer shall be included in the plan submission that includes a site plan showing existing grade and a site plan showing proposed finish grade with fill.

Sec. 18-28. International Residential Code—Adopted.

The International Residential Code 2018 as published by the International Code Council including Appendices A, B, C, E, G, H, J, M, N, P and T, is hereby adopted as the one- and two-family dwelling code of the city with certain enumerated exceptions in section 18-29. A copy of the International Residential Code 2018 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-29. Same—Amendments and deletions.

The International Residential Code 2018 adopted in section 18-28 is amended to read as follows:

Section 101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family dwellings of the City of Ingleside and shall be cited as such and will be referred to herein as “this code”.

Section P2603.5.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches below grade.

Table R301.2 (1) Climate and Geographic Design Criteria is amended to read as follows.

Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established in Table R301.2(1).

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
Ground Snow Load	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^m	Seismic Design Category	Weathering ⁿ	Frost line depth ^b	Termite ^c	Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
<u>0</u>	<u>147</u>	<u>None</u>	<u>Yes</u>	<u>Yes</u>	<u>A</u>	<u>Negligible</u>	<u>0</u>	<u>Very High</u>	<u>38</u>	<u>No</u>	<u>Yes</u>	<u>5</u>	<u>50</u>
MANUAL J DESIGN CRITERIA"													
Elevation			Latitude	Winter heating	Summer cooling	Altitude correction factor			Indoor design temperature	Design temperature cooling		Heating temperature difference	
<u>13</u>			<u>27° 52' 40.08" N</u>	<u>38</u>	<u>95</u>	<u>NA</u>			<u>70.0</u>	<u>25.0</u>		<u>32</u>	
Cooling temperature difference			Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range			Winter humidity	Summer humidity			
<u>12</u>					<u>77.9</u>	<u>M</u>			<u>50%</u>	<u>50%</u>		<u>12</u>	

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

Section R112 is amended to read as follows:

The Board of Adjustment of the City of Ingleside, which has been established pursuant to Charter Sections 10.05 and 10.06 and which functions as the Board of Adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code, §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-28 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Sec. 18-30. State board of insurance, windstorm resistant construction standards.

The Texas Revisions to the International Building and Residential Codes as adopted by or may be amended by the Texas Department of Insurance are hereby adopted.

Sec. 18-31. Energy Code adopted.

The International Energy Conservation Code 2018 Edition as published by the International Code Council, is hereby adopted. A copy of the International Energy Conservation Code 2018 Edition shall be retained in the office of the city secretary.

Sec. 18-32. Residential construction requirements.

- (1) Movers of preassembled residential structures shall provide moving documents including, but not limited to, path of travel, state permit, license and state or city required insurance, but not less than the amount of \$300,000.00 of general liability. All preassembled buildings shall be placed on a permanent foundation engineered by a Texas registered professional engineer.
- (2) For projects not in a regulated flood zone, all new residential foundation construction must meet the minimum finished floor elevation of a height of not less than 12 inches above the crown of the road using the center of the foundation for location purposes.
 - a. Manufactured homes being installed in subdivisions zoned for such applications (T1-B or T1-C) are exempt from this section.
- (3) For all residential construction or expansion that raises the natural grade 12 inches or more, a drainage plan shall be included in the plan submission that includes a site plan showing existing grade and a site plan showing proposed finish grade with fill.

Secs. 18-33—18-41. Reserved

Article III – Existing Building Code

Sec. 18-42. – Code—Adopted.

The International Existing Building Code 2018 Edition including Appendices B, C, C1, C2, I, as published by the International Code Council, is hereby adopted as the existing building code of the city with certain enumerated additions in section 18-42. A copy of the International Existing Building Code 2018 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-43. – Same—Amendments and deletions.

The International Existing Building Code adopted in section 18-41 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Existing Building Code of the City of Ingleside.

Section 112.1 is amended to read as follows:

The Board of Adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18- 26 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Secs. 18-44—18-50. Reserved.

ARTICLE IV. PLUMBING STANDARDS

Sec. 18-51. Code adopted.

The International Plumbing Code 2018, including Appendices, as published by the International Code Council, is hereby adopted as the plumbing code of the city with certain enumerated exceptions in section 18-52. A copy of the International Plumbing Code 2018 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-52. Amendments and deletions.

The International Plumbing Code adopted in section 18-51 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Ingleside herein after referred to as “this code”.

Section 106.1 is amended by adding the following:

Master, journeyman, and apprentice plumbers must be licensed by the State of Texas. They Master Plumber must register with the department, giving their license type, number, and home address. Only a Responsible Master plumber or their agent may take out a permit to do work as per Texas State Plumbing Board Laws and Regulations.

Section 109.2 is amended to read as follows:

The board of adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-51 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 701.2 is amended to include:

Septic systems must be permitted and inspected by the San Patricio County Health Department. Septic tanks shall be installed according to state department of health guidelines by an installer certified by the state.

Appendix A is amended in its entirety to read as follows:

Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Secs. 18-53—18-75. Reserved.

ARTICLE V. GAS STANDARDS

Sec. 18-76. Code adopted.

The International Fuel Gas Code 2018 including Appendices, as published by the International Code Council, is hereby adopted as the fuel gas code of the city with certain enumerated exceptions in section 18-77. A copy of the International Fuel Gas Code 2018 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-77. Amendments and deletions.

The International Fuel Gas Code adopted in section 18-76 is amended as follows: Section 101.1 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Ingleside, hereinafter referred to as “this code”.

Section 106.1 is amended by adding the following:

106.1.1. Contractors must be Texas licensed plumbers or licensed by the Texas railroad commission L.P.G. Division for installation of L.P. gas.

Section 109.2 is amended to read as follows:

The board of adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-76, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 106.6.2 is amended in its entirety to read as follows:

Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Secs. 18-78—18-100. Reserved.

ARTICLE VI. MECHANICAL STANDARDS

Sec. 18-101. Code adopted.

The International Mechanical Code 2018, including Appendices, as published by the International Code Council is hereby adopted as the mechanical code of the city with certain enumerated exceptions in section 18-102. A copy of the International Mechanical Code 2018 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-102 Amendments and deletions.

Section 101.1 Title is amended to read as follows:

These regulations shall be known as the Mechanical Code of the City of Ingleside, hereinafter referred to as “This Code”.

Section 106.1 is amended by adding the following:

In accordance with the Texas Department of Licensing and Regulation, Section 106.1.1. Occupations Code, Title 8, Regulation of Environmental and Industrial Trades, Mechanical Contractors must be licensed as required by the Air Conditioning and Refrigeration Contractor License Law. Mechanical Contractors and must register with the department. Only a Texas licensed Mechanical Contractor, or their authorized agent may obtain a mechanical permit.

Section 109.2 is amended to read as follows:

The board of adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-101 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Appendix B and Section 106.5.2 Fee schedule is amended in its entirety to read as follows:

Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Secs. 18-103—18-120. Reserved.

ARTICLE VII. ELECTRICAL

DIVISION 1. - GENERALLY

Sec. 18-121. Scope and purpose of article.

- (a) The National Electrical Code 2020 adopted in section 18-246 shall govern all installations of electrical conductors or equipment hereafter made, and all existing installations which are altered, or for which the use has changed. Repair and maintenance work shall be such that if any electrical conductor or equipment is removed and later replaced, the same shall be replaced in accordance with the provisions of this article.
- (b) The purpose of this article is to reduce the personal and fire hazards from electrical causes and to establish licensing, permit, and inspection procedures to ensure quality electrical work. To accomplish this, the requirements set forth in this article are intended to be minimum standards for electrical work.

Sec. 18-122. Definitions.

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

Inspector means the ~~city~~ building official or other employee of the city appointed by the city manager.

Electrical work means any act in connection with the installing, altering, or repairing of electrical wires, conduits, apparatus, or other electrical energy, which act ordinarily requires the use of tools.

Maintenance means the act of keeping in a state of safety inside or outside, attached or connected to any building electrical system by replacement of units or elements, but shall not include additions to or replacement of an existing system or branch.

Readily accessible means, as applied to the service disconnecting mean in Article 230-72(c) of the National Electrical Code, the service disconnecting mean shall be located no farther than 24 inches from the point of entrance of the service and on the outside of the building.

Sec. 18-123. Responsibility for safe work; liability.

This article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, or installing electrical conductor devices, appliances, fixtures, apparatus, motors or equipment for damages to persons or buildings caused by any defect therein, nor shall the city be held liable for any damages by reason of enforcement of this article.

Sec. 18-124. Penalty for violation of article.

It shall be unlawful for any person as owner, agent, lessee, renter or otherwise to violate, disobey or refuse to comply with or resist or oppose the enforcement of this article. It shall be unlawful for any person to occupy or maintain any building or structure in which the electrical

work, wiring or appliances are in violation of this article. Any person who commits any acts declared to be unlawful or fails to perform any act required by this article shall be subject to the provisions of section 1-14. Any electrical installation erected or altered in violation of this article shall be summarily condemned and removed at the expense of the person erecting, altering, or allowing the same.

Sec. 18-125. Electrical service connections.

- (a) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring device or equipment which has been disconnected by order of the electrical inspector or the use of which has been prohibited for reasons set forth in this article until a certificate of approval has been issued by the inspector authorizing the reconnection and use of such wiring devices or equipment. The chief inspector or the authorized agent shall then notify American Electric Power and authorize the permanent service to be connected.
- (b) It shall be unlawful for any unauthorized person to disconnect from any service, except in cases of emergency.

Sec. 18-126. Service of notice.

- (a) If the person to whom any order or notice issued pursuant to the provisions of this article cannot be found after reasonable search has been made for them, then such order or notice may be served by posting it in a conspicuous place upon the premises occupied by them, the premises where the defects recited in the order or notice are alleged to exist or on the premises which are deemed unsafe or dangerous. Such service shall be equivalent to personal serving of such order or notice.
- (b) An order to comply with the term of such order or notice may be sent by mail in a sealed envelope with postage prepaid and directed to the address of the owner, lessee, or occupant of the premises where the effects recited in the order are alleged to exist and shall be equivalent to the personal service of such order.

Secs. 18-127—18-140. Reserved.

DIVISION 2. - RESERVED

Secs. 18-141—18-160. Reserved.

DIVISION 3, - INSPECTORS

Secs. 18-161—18-175. Reserved.

DIVISION 4. - PERMITS

Sec. 18-176. Requirements and exceptions.

- (a) No new meter service shall be connected to the electric distribution system of American Electric Power unless it has been inspected, a permit obtained and fees paid, except in an emergency.

Sec. 18-177. Issuance.

- (a) In accordance with the Texas Department of Licensing and Regulation, Occupations Code, Title 8, Regulation of Environmental and Industrial Trades, Chapter 1305, Electricians must be licensed and must register with the department. Only a Texas licensed Master Electrician, or their authorized agent may obtain an electrical permit.
- (b) When the Building Official finds the application, the diagram or plans and specifications to be correct, the permit may be issued.

Secs. 18-178—18-195. Reserved.

DIVISION 5. - INSPECTIONS

Sec. 18-196. Procedure and requirements.

- (a) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices, or equipment on an installation for which a permit is required, as set forth in this article, until it has been approved by the inspector authorizing such connection and the use of such wiring devices or equipment.

Sec. 18-197. Types.

- (a) The permit holder shall request one or more of the following types of inspections:
 - (1) Temporary or construction service;
 - (2) Any underground electrical work under concrete;
 - (3) Rough-in inspection; or
 - (4) Final inspection.
- (b) It shall be unlawful for any person to have electricity connected to a temporary meter loop or construction meter loop until the chief inspector or his authorized agent shall inspect and give approval. The chief inspector or his authorized agent shall then notify American Electric Power and authorize the connection of the temporary or construction meter loop.

Secs. 18-198—18-215. Reserved.

DIVISION 6. - LICENSES

Sec. 18-216. Classification.

Chapter 1305.101(a)(2) of the Texas Electrical Safety and Licensing Act has mandated the revised National Electrical Code (NEC) as the electrical code for the State of Texas. In accordance with state law, the Texas Commission of Licensing and Regulation adopted the amendments to Chapter 73.100 of the Administrative Rules thereby establishing the 2020 National Electrical Code (NEC) as the "minimum standard" for all electrical work in Texas as covered by the Act. The adoption became effective September 1, 2019.

Sec. 18-217. Reserved.

Sec. 18-218. Requirements and exceptions.

- (a) The following classes of electrical work may be carried out by persons who are not licensed electricians:
 - (1) Electrical work on one's own homestead, as determined by San Patricio County Homestead exemption status, performed only by the person owning such homestead. A permit as provided in section 18-180(b) shall have first been obtained by such a person. They shall have complied with all other requirements of this article except the licensing provisions.

Secs. 18-219—18-245. Reserved.

DIVISION 7. - STANDARDS

Sec. 18-246. National Electrical Code—Adoption.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2020 edition of the National Electrical Code and the whole thereof. One copy of such code has been and is now filed in the office of the city secretary of the city. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling in the construction, alteration, maintenance, or removal of electrical wiring and apparatus within the corporate limits of the city.

Sec. 18-247. Same—Amendments and deletions.

- (a) Due to climatic conditions prevailing in and about the city, certain special rules covering electrical wiring and equipment installations are set forth in this section, and certain exceptions and amendments are taken to the rules and regulations of the current National Electrical Code to raise the safety level of electrical installations and prevent the rapid deterioration of electrical materials and equipment from severe atmospheric and underground

corrosive action.

(b) The following additional amendments shall be met for all new construction:

(1) One spare circuit space shall be available for every five circuits in all buildings. For each panel, a spare one-inch raceway shall be installed from the panel to an accessible location.

(2) Meter and meter loops amendments shall be as follows:

a. Meter and meter loops shall be installed in accordance with American Electric Power specifications by a licensed electrician only. Specifications are contained in their publication entitled "Meter Installation Standards."

b. A readily accessible main disconnect on the outside of each building is required. Such disconnect must be on the outside wall within 24 inches of the meter base.

(3) Dwelling circuit amendments shall be as follows:

a. The kitchen for each dwelling shall have no less than two 20 amperes circuits which shall not extend beyond the kitchen and dining area. Refrigerators and freezers shall each be on a separate circuit.

Secs. 18-248—18-270. Reserved.

ARTICLE VIII. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 18-271. Code adopted.

The International Property Maintenance Code, 2018 Edition, is hereby adopted as the housing code of the city with certain enumerated exceptions in section 18-272. A copy of the International Property Maintenance Code 2018 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-272. Amendments and deletions.

The Property Maintenance code adopted in section 18-271 is amended as follows:

Section 111 is amended to read as follows: The board of adjustment of the city, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-271 of the Ingleside City Code, and any provision in such code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 109.5 is amended by adding the following sentence:

Costs incurred in the enforcement of this code shall be charged to the owner of the premises involved and shall be collected in the manner provided by law, and the cost so incurred shall constitute a valid lien on the property.

Secs. 18-273—18-295. Reserved.

ARTICLE IX. UNSAFE BUILDINGS

Sec. 18-296. Code adopted.

The International Property Maintenance Code 2018 Edition as published by the International Code Council is hereby adopted as the unsafe building code of the city with certain enumerated exceptions in section 18-297. A copy of the International Property Maintenance Code 2018 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-297. Amendments and deletions.

The International Property Maintenance Code adopted in section 18-296 is amended as follows:

Section 190.5 is amended by adding the following sentence:

Costs incurred in the enforcement of this code shall be charged to the owner of the premises involved and shall be collected in the manner provided by law, and the cost so incurred shall constitute a valid lien on the property.

Sec. 18-298. Enforcing organization.

All enforcement of this code shall be carried out by the office of the Code Official or their duly authorized representative. All appeals from decisions made by the Code Official or their duly authorized representative shall be presented to the city council of the city within 30 days from the date of the notice of violation.

Sec. 18-299. Minimum standards for buildings.

All buildings or structures that do not comply with adopted codes or have any or all of the following defects or lack of facilities shall be deemed to be substandard buildings:

- (a) All buildings or structures not in conformity with this code.
- (b) All buildings or structures which have pit privies where the same are not permitted by law, or which are not connected to the city sewer when required by law, or where inadequate and unsanitary pit privies or septic tanks exist.
- (c) All buildings or structures that have become deteriorated through accident or lack of repair or natural causes, or by damage through exposure to the elements, especially winds, hail or rain, and damage through fire, to the extent that the roof, windows and doors or portions of the building or structure which protect from the weather will no longer protect from the weather.
- (d) All buildings or structures which constitute, or in which are maintained fire hazards as that term is defined through the fire prevention code of the city.
- (e) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand winds of hurricane force.

- (f) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease- carrying animals or insects reasonably calculated to spread disease and including such conditions hazardous to safety as inadequate bracing or the use of deteriorated materials.
- (g) All buildings or structures, whether in use or not, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to the existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures set forth in this code.

Sec. 18-300. Procedure for eliminating substandard conditions.

- (a) Whenever the Code Official or their duly authorized representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this code, or of any rule or regulation concerning health, safety or general welfare, adopted by the city, they shall give notice of such alleged violation to the owner and inform them that the existence or the continuation of such alleged violation or violations shall constitute a nuisance. Such notice shall:
 - (1) Be put in writing, stating in detail the defects to be corrected by making appropriate reference to the pertinent code, statutes or ordinances so violated;
 - (2) Further state that if such elimination of defects, repairs, reconstruction, alteration, removal, cleaning up or demolition are not voluntarily completed within the stated time set forth in the notice, the building official or his duly authorized representative shall institute such proceeding as set forth in this code;
 - (3) Also, state that the owner in the alternative shall come forth before the city council of the city and show cause why repairs should not be made, and why orders, requests and directives made by the building official or his duly authorized representative should not be complied with and/or the building, structure or substructure unless repaired or rehabilitated should not be demolished and removed from the premises, and the premises cleaned;
 - (4) Be served by any of the following methods:
 - a. By delivery to the owner or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;
 - b. By depositing the notice in the United States Post Office by certified mail, return receipt requested, addressed to the owner, agent, or person in control of said building or structure at his last-known address, postage prepaid thereon;
 - c. Where the owner is unknown or their whereabouts are unknown, by an official notice in a generally circulated and recognized Ingleside newspaper, to be published twice within a ten-day period.

- (b) Issuance of permits; substandard buildings. The following provisions set forth conditions and regulations to govern issuance of permits for repairs to existing buildings:
- (1) Where it is within the knowledge of the Code Official or their duly authorized representative, or the building official or his duly authorized representative suspects that a building for which a permit is sought is substandard, the building official or his duly authorized representative shall inspect it before the issuance of any permit and inform the owner that the building will be repaired and be occupant ready to the original intended use.
 - (2) If the cost of any alterations or repairs to make a building conform to the minimum requirements of this code as determined by the Code Official or their duly authorized representative is in excess of 50 percent of the physical value as of the moment before such repairs or alterations are proposed or commenced to an existing building, such building shall be made to conform to all of the requirements of the building code, applicable to new buildings and including those pertinent zoning requirements.
 - (3) If an existing building is damaged by a fire or otherwise to the extent that the cost of repair or restoration is in excess of 50 percent of its then physical value before such damage is repaired, the building shall be made to conform to the requirements of the building code for new buildings.
 - (4) If a building is altered or repaired for other causes or damaged by fire or accident and the cost of such alterations or repairs or the amount of such damage is more than 25 percent, but not more than 50 percent of the physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building code for new buildings and to such extent as the Code Official or their duly authorized representative may determine.
 - (5) Repairs and alterations not covered in the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the building code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed so long as the work performed conforms to chapter 18, article II, section 18-33 and section 18-34 of the City of Ingleside Code of Ordinances.
 - (6) The term "then physical value" means, as to property damage by fire or accident or other sudden cause, the physical value of the building immediately before the fire, accident, or other sudden cause. As to deterioration or damage other than fire, accident or other sudden cause, the term "then physical value" shall mean the value as of the date notice was given as per the provisions of this code. For the purpose of this code, the "physical value" or the "then physical value" of a building or structure as hereinafter defined shall be determined by the Code Official or their duly authorized representative.
- (c) Authority of city to demolish and attach lien.
- (1) The following measures shall be taken by the city council in ordering repair, vacation, or demolition:
 - a. If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this code, it shall be

ordered repaired.

- b. If the substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public or lacks illumination, ventilation or sanitation facilities adequate to protect the health and safety of the occupants or the public, it shall be ordered to be vacated and shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code.
 - c. If the building cannot be repaired or is not repaired so that its existence will no longer be a violation of the terms of this code, it shall be demolished and removed from the premises.
- (2) Notification of a public hearing shall be sent to an owner, lienholder, or mortgagee. This notice shall include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this section and the time it will take to reasonably perform the work.
- (3) After the public hearing if the building is found substandard the city council shall order the building to be vacated, secured, repaired, removed, or demolished by the owner within 30 days. The municipality may order that the occupants be relocated within the 30 days. If the owner does not take the ordered action within the allotted time, the city shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The city shall personally deliver or send by certified mail, return receipt requested, to each identified mortgagee and lienholder a notice containing:
- a. An identification, which is not required to be a legal description, of the building and the property on which it is located:
 - b. A description of the violation of city standards that is present at the building: and
 - c. A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within 30 days.
 - d. As an alternative to the procedure prescribed by subsection (c)(3). The municipality may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them notice of and an opportunity to comment at the hearing. In addition, the municipality may file notice of the hearing in the official public records of real property in the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the municipality operates under this subsection, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured,

repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this subsection, the municipality is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

- (4) Within ten days after the date that the order is issued the city shall:
 - a. File a copy of the order in the office of the city secretary; and
 - b. Publish in the official newspaper of the city a notice containing:
 1. The street address or legal description of the property;
 2. The date of the hearing;
 3. A brief statement indicating the results of the order; and
 4. Instructions stating where a complete copy of the order may be obtained.
- (5) After the hearing, the city shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building.
- (6) In a public hearing to determine whether a building complies, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply and the time it will take to reasonably perform the work.
- (7) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the 30 days, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. If the city incurs expenses, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due.
- (8) When the city mails a notice to a property owner, lienholder, or mortgagee 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 delivered.

Sec. 18-301. Penalty for violation.

Any person who shall willfully refuse or fail to leave a building which has been ordered vacated under the terms of this article, or who shall enter a building which has been ordered vacated

under the terms of this article, or who shall enter an area around such building that has been declared to be dangerous and notice of which declaration shall have been posted, or any person who shall interfere with or hinder the vacation, repair or demolition of any building under the terms of this article or who shall procure the violation of any provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined as provided in section 1-14 of this Code; and each and every day's violation shall constitute a separate and distinct offense.

Secs. 18-302—18-320. Reserved

ARTICLE IX. SWIMMING POOLS

Sec. 18-321. Code adopted.

The International Swimming Pool and Spa Code 2018 Edition as published by the International Code Council is hereby adopted as the swimming pool code of the city with certain enumerated exceptions in section 18-322. A copy of the International Swimming Pool and Spa Code 2018 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-322. Amendments and deletions.

The International Swimming Pool and Spa e-Code adopted in section 18-321 is amended as follows:

Section 105.3.1 is amended to add:

Swimming pools shall be a minimum of five (5) ft. from residence or building unless an engineered design is submitted. Swimming pools and equipment shall be a minimum of five (5) ft. from side property lines and shall not encroach into any easement.

Section 105.6.2 is amended to read as follows:

105.6.2 Schedule of fees. Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Section 107.4 is amended to read as follows:

Section 107.4 Violation Penalties shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Section 107.5 is amended to read as follows:

107.5 Stop work order: fine shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Section 320.1 Backwash Water or draining water is amended to add:

All pool drain discharge shall be connected to the sanitary sewer with a P-trap installed to prevent rainwater and objects from entering the sanitary sewer system.

Chapter 1 is amended to amend section 108 to read as follows:

The board of adjustment of the city, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-321 of the Ingleside City Code, and any provision in any of such code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications, and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Secs. 18-323—18-345. Reserved.

ARTICLE XI. FLOODPLAIN MANAGEMENT

Sec. 18-346. Code adopted.

- (a) *Statutory authorization.* The Legislature of the State of Texas has in the Flood Control Insurance Act, V.T.C.A., Water Code, § 16.315 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of City of Ingleside Texas does ordain as follows:
- (b) *Findings of fact.*
 - (1) The flood hazard areas of the City of Ingleside are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
 - (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 18-347. Amendments and deletions.

- (a) The floodplain management code adopted in section 18-346 is amended to include the provisions in this section:
- (b) In all areas of special floodplain hazard where 100-year floodplain base elevation data has been provided, the following provisions are required:
 - (1) Elevation data for the 100-year floodplain are from the maps and the Flood Control Study, prepared by Naismith Engineers, Inc., for the San Patricio Drainage District, revised December 20, 2019, study. This study and maps will determine the need for an elevation certification before a building permit can be issued in the City of Ingleside. This study and maps are on file in the building official's office.
 - (2) New construction or substantial improvements of any residential structure shall have the lowest floor elevated to 12 inches or more above the 100-year floodplain elevation or 12 inches above the crown of the street, whichever gives the highest elevation. If the area floodplain maps show the building site to be in the 100-year floodplain, a registered land surveyor shall submit an Elevation Certificate for review and approval.
- (c) The board of adjustment of the city, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-346 of the Ingleside City Code, and any provision in any of such code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and

authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Sec. 18-348. Statement of purpose.

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

Sec. 18-349. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

Sec. 18-350. Definitions.

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

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar

landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

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

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

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975,

for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See "Flood elevation study."

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

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Floodway. See "Regulatory floodway."

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

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

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. See "Area of special flood hazard."

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building,

including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 18-351. General provisions.

- (a) *Lands to which this article applies.* The article shall apply to all areas of special flood hazard within the jurisdiction of the City of Ingleside.
- (b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study" (FIS) for San Patricio County and Incorporated Areas within San Patricio County, effective date December 20, 2019, Revised, with accompanying flood insurance rate maps dated December 20, 2019, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.
- (c) *Establishment of development permit.* A floodplain development permit shall be required to ensure conformance with the provisions of this article.
- (d) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.
- (e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and

another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- (f) *Interpretation.* In the interpretation and application of this article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- (g) *Warning and disclaimer or liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article, or any administrative decision lawfully made hereunder.

Sec. 18-352. Administration.

- (a) *Designation of the floodplain administrator.* The building official is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.
- (b) *Duties and responsibilities of the floodplain administrator.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
 - (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
 - (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
 - (3) Review, approve or deny all applications for development permits required by adoption of this article.
 - (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
 - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article 3, Section B [subsection 18-351(b)], the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5[section 18-353].
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(c) *Permit procedures.*

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2) [subsection 18-353(b)(2)];
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - e. Maintain a record of all such information in accordance with Article 4, Section (B)(1) [subsection 18-352(b)(1)];
- (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the

effect of such damage on the individual owner;

- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) *Variance procedures.*

- (1) The appeal board, as established by the community, shall hear, and render judgment on requests for variances from the requirements of this article.
- (2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) [subsection 18-352(c)] of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (Article 1, Section C [section 18-348]).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- b. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)—(9)[subsections 18-352(d)(1)—(9)] are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 18-353. Provisions for flood hazard reduction.

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

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (b) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 18-351(b), section 18-352(b)(8), or section 18-353(c)(3), the following provisions are required:
- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to 12 inches above the base flood elevation (BFE) or the crown of the road, whichever is highest. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 18-352(c)(1) a., is satisfied.
 - (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to 12 inches above the base flood elevation (BFE) or the crown of the road, whichever is highest, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
 - (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one-foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (4) *Manufactured homes.*
 - a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse,

or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 12 inches above the base flood elevation (BFE) or the crown of the road, whichever is highest, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 18-352(c)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(c) *Standards for subdivision proposals.*

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 18-347, section 18-348, section 18-349 of this article.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of section 18-351(c); section 18-352(c); and the provisions of section 18-353 of this article.
- (3) Base flood elevation data shall be generated for subdivision proposals and other

- proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 18-351(b) or section 18- 352(b)(8) of this article.
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in section 18-351(b), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - (2) All new construction and substantial improvements of non-residential structures:
 - a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 18-352(c) are satisfied.
 - (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) *Coastal high hazard areas.* Located within the areas of special flood hazard established in section 18-351(b), are areas designated as coastal high hazard areas (zones V1-30, VE, and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:
- (1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural

member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.

- (2) All new construction shall be located landward of the reach of mean high tide.
- (3) All new construction and substantial improvements shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (3) a. and b. of this section.
- (4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- (5) Prohibit the use of fill for structural support of buildings.
 - (6) Prohibit manmade alteration of sand dunes and mangrove stands that increase potential flood damage.
 - (7) Manufactured homes. Require that manufactured homes placed or substantially

improved within zone V1-30, V, and VE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (1) through (6) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the community's FIRM meet the requirements of subsection 18-353(b)(4) of this article.

- (8) **Recreational vehicles.** Require that recreational vehicles placed on sites within zones V1-30, V, and VE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the requirements in section 18-351(c) of this article and paragraphs (1) through (6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (f) *Severability.* If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.
- (g) *Floodways* — located within areas of special flood hazard established in section 18-351 (b), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - (1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) If section 18-353(g)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 18-353.
 - (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
- (h) *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of chapter 18, article X of the City of Ingleside Code of Ordinances and other applicable regulations. Violation of the provisions of this Code by failure to comply with any of its requirements (including

violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall upon conviction be subject to fines as provided in section 1-14 of the City of Ingleside Code of Ordinances for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Ingleside from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 18-354—18-370. Reserve

ARTICLE XII. FENCES

DIVISION 1. - GENERALLY

Sec. 18-371. Definitions.

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

Approved means approved by the building official or the city council.

Corner lot means a lot situated at the intersection of two (2) streets, the interior angle of such intersection not to exceed one hundred thirty-five (135) degrees.

Fence means any type of construction designed to enclose any area or part of an area either to limit or restrict ingress and egress, regardless of the type of material used in its construction.

Front yard means an open, unoccupied space on a lot facing a street and extending from the building or the required building line across the front of a lot.

Height (of fence) means measured from ground level at the base of the fence to the uppermost part of the fence.

Interior lot means a lot other than a corner lot.

Interior lot line means the side yard lot line that is adjacent to a corner lot or an interior lot's side yard line.

Rear yard means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal buildings.

Restricted areas mean the infrastructures or locations identified in an area, vessel, or facility security assessment or by the operator that require limited access and a higher degree of security protection. The entire facility may be designated the restricted area, as long as the entire facility is provided with the appropriate level of security. 33 CFR § 105.260 - Security measures for restricted areas.

Reverse frontage corner lot means a corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.

Side yard means an open unoccupied space on the same lot with the building, extending from the building or the required building line and the same [side] lot line.

Street means for the purpose of this article, shall refer to public and private streets.

Through lot (double frontage lot) means a building lot not a corner lot, where both the front and rear lot lines adjoin street lines. For the purpose of this section, both street lines shall be deemed front lot lines.

Vision triangle means that imaginary area created by measuring along two (2) intersecting property lines a distance as indicated below, then drawing a line diagonally. A fence or fences in these vision triangles shall not exceed four (4) feet in height.

(1) *Street-street intersections* means the vision [triangle] is determined by measuring back from the intersecting point of the two property lines parallel to the intersecting streets a distance of twenty (20) feet and drawing an imaginary line across these two (2) points. (See Figure 5 at the end of this article)

(2) *Alley intersections.* The vision triangle is determined by measuring back from the intersecting point of the two (2) property lines parallel to the intersecting alley a distance of ten (10) feet and drawing an imaginary line across the two (2) points. (See Figure 5 at the end of this article)

Sec. 18-372. Compliance with article required.

It shall be unlawful for any person to install any type of fence whatsoever in the city without first conforming to the provisions of this article, the city building code, and obtaining a permit as required by section 18-386.

Sec. 18-373. Nonconforming use.

Except as otherwise provided in this article, any fence existing at the time the ordinance from which this article was derived was adopted may be continued, provided such fence shall not be enlarged, extended, reconstructed, or altered. Any such fence which is damaged by fire, explosion, flood, wind, earthquake, or other cause to the extent that 50 percent or more of its reasonable use is depleted shall not be rebuilt without complying with the terms and conditions of this article, and consistent with the requirements of Section 211.019 of the Texas Local Government Code.

Secs. 18-374—18-385. Reserved.

DIVISION 2. – ADMINISTRATION AND ENFORCEMENT

Sec. 18-386. Permit ~~and license~~ required.

All persons who desire to install any fence shall obtain the approval of such construction and a permit in advance of the construction of the fence. Such application shall contain the names and addresses of the persons desiring to install such fence; a description of the fence, including the size; the purpose for the fence, the exact location, including the address, street, lot, block and

subdivision; and a plot plan and any other information required by the building official. A homeowner who is installing the fence does not have to have a contractor's registration but must take out a permit for the fence. The fees for licenses and permits required in this article shall be established by resolution of the city council and printed in appendix A of this Code.

Sec. 18-387. Standards for issuance of permit.

Before issuing a permit as required in this article, the ~~city~~ building official shall find that the fence complies with all of the applicable building codes, with this article, and does not constitute an unreasonable risk or harm to the safety, well-being, and welfare of the public in general, property belonging to the public in general and the abutting property owners at the location of the proposed fence. The property owner must be able to show that the proposed fence is on his property.

Sec. 18-388. – Application.

Any person making application for a fence permit shall sign an application which shall contain the following information:

- (1) Applicant's name and address, and if the applicant represents a corporation, the name and address of the registered agent of the corporation, and if the applicant represents an association, the name and address of the higher manager or agent of the association.
- (2) Name of the owner of the property.
- (3) Address where the fence is proposed to be erected.
- (4) Type of fence construction to be utilized.
- (5) Height of fence.
- (6) Site plan showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines, easements, and public rights-of-way.

Sec. 18-389. – Encroachment on public property

No fence, guy wires, braces or any post of such fence constructed pursuant to this article shall be constructed upon or caused to extend or otherwise encroach over public property that the city or the general public has dominion and control, owns or has a right of access over, under, around or through, except upon utility easements which are permitted to be fenced.

Sec. 18-390. – Construction within easements.

- (a) Permission to build a fence upon a utility easement does not remove the obligation of the owner to remove the fence upon demand of the utility company. Removal of any fence and any rebuilding of any fence shall be the responsibility of the owner and at the owner's expense.
- (b) Fences shall be designed, constructed, and maintained so as not to interfere with utility lines.
- (c) Fences shall be designed, constructed, and maintained so as not to interfere with normal drainage.
- (d) Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences or shrubs. Shrubs and other screening materials shall be kept the minimum distance away from the hydrant as required by the fire code.

Sec. 18-391. - Drainage and floodway easements.

No fences shall be constructed within any drainage or floodway easement in the corporate limits of the city unless the property owners engineer shall have first determined and advised the building official, in writing, that such fences shall, in all probability, not interfere with or impair the natural flow of water across the drainage or floodway easement.

Sec. 18-392. – Inspection.

When any fence for which a permit has been issued under this article is completed, it must be inspected. The development services office shall be notified upon completion of fences. The Inspector will issue notice of approval if fences comply with the provisions of this article or will disapprove the fence indicating corrections must be made to be in compliance with approved plans or city ordinances.

Sec. 18-393. – Maintenance.

All fences shall be maintained by the owners of the property so as to comply with the requirements of this article and shall also be maintained in good condition; such condition shall not deviate from the maintenance standards as follows:

- (1) The fence shall not be out of vertical alignment more than twenty (20) degrees.
- (2) Any and all broken, damaged, removed, or missing parts of said fence shall be replaced within ten (10) days of receiving notification by regular mail, or notice

delivered in person by the code official or his authorized representative. The building official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as necessary.

Sec. 18-394 Enforcement.

The building official shall cause all fences for which permits have been issued and regulated by this article to be inspected from time to time for compliance with this article. In case of noncompliance, the building official shall notify the permit holder to correct the condition within ten days. In the event of failure, or the refusal of the permit holder to comply as requested, the building official shall revoke the permit. However, upon a showing of hardship or other circumstances warranting such action, the building official shall have the authority to grant an extension not to exceed 30 days to make the correction or to finish the fence.

Sec. 18-395. Appeals.

Whenever the ~~city~~ building official shall refuse to grant any permit authorized under this article or shall issue an order requiring compliance with this article, or revoke a permit issued under this article, the person aggrieved shall have the right to appeal to the board of adjustment created pursuant to Charter §§ 10.05 and 10.06, as provided in the zoning regulations, chapter 78 of this Code.

- (a) Upon denial of a fence permit application by the building official, an applicant may appeal in writing to the zoning board of adjustment for consideration of variances. Whenever the applicant can show that a strict application of the terms of this article will impose an unusual or practical difficulties, the zoning board of adjustment may consider such variances when the board is satisfied that granting of such variation will not merely serve as a convenience but will alleviate some demonstrable and unusual hardship or difficulty to warrant a variance and, at the same time, the surrounding property will be properly protected.
- (b) Factors which warrant a hearing before the zoning board of adjustment include fence materials, fence setbacks and overall height of the fence. These are the only areas that may be considered for a variance by the zoning board of adjustment.
- (c) An appeal fee as provided for in the fee schedule shall accompany such application.

Secs. 18-396—18-400. Reserved.

DIVISION 3. - STANDARDS

Sec. 18-401. Solid fences.

Solid fences must be constructed of wood, stone, or masonry and may be erected to a height of six feet with the addition of no more than one, two by eight rot board at the base, measured within 18 inches adjacent to the fence and on the owner's side of the fence along the boundaries of the lot behind the lot's front building line. A fence can be built on side street property lying behind the property's front building line with the same height requirements as above. The front yard can be fenced but shall be no more than four feet high and meet the requirements of section 18-403. It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing a reasonable means of access to such alley or easement. Gates must swing inward toward private property and are not allowed to swing outward across property lines into public rights- of-way. Gates shall not open onto another private property without an easement agreement.

Sec. 18-402. Wire fences, barbed wire or electrically charged fences.

Wire fences and any other fences in which the open space between the construction material represents more than 70 percent of the total fence area may be erected to a height of seven feet, but not in a front yard. A wire fence height of ten feet for exotic breeding may be erected on land greater than two and one-half acres under single ownership.

- (a). No fences that continuously conduct electrical current may be constructed or maintained in residential zoning districts.
- (b). A battery charged fence, not to exceed twelve (12) volts, shall be allowed in commercially zoned districts. No permit shall be required for the erection and maintenance of a battery charged fence.
- (c). Only fences as part of an agricultural or farming or ranching or commercial related activities erected, maintained or permitted shall be electrically charged in any manner or form.
- (d). No fence erected, maintained, or permitted shall be made with barbed wire unless as part of an agricultural or farming or ranching related activities.
- (e). No fence erected, maintained, or permitted shall be made with concertina wire, razor wire or anything capable of causing significant harm to the general public.
- (f). Any barbed wire portion of a fence for a commercial application must be on that portion of the fence over six (6) feet in height. The barbed arms shall not extend over public rights-of-way or easements or over private property of another person. When adjoining property is zoned or used for residential purposes or public rights- of-way, barbed arms shall extend inward. (See

figure 4 at the end of this article.)

Sec. 18-403. Height restrictions.

In a residential property zone, between the front property line and the property's building line, no person shall erect any wall, fence, or other structure to a height greater than four feet measured within 18 inches adjacent to the fence and on the owner's side of the fence; maintain or permit the existence of any such wall, fence, or other structure of a height greater than four feet with at least fifty (50) percent through vision measured within 18 inches adjacent to the fence and on the owner's side of the fence; plant any hedge or tree shrub as a fence having a growth of a height greater than four feet measured within 18 inches adjacent to the fence and on the owner's side of the fence; or maintain or permit the existence of any such wall, fence or other structure of a height greater than four feet measured within 18 inches adjacent to the fence and on the owner's side of the fence upon his property or on property under his control. Where such property is bounded on two adjacent sides by public rights-of-way for road, street, boulevard, or other public way, the area so restricted, being the area of the corner of such property, more particularly described as being that area of two intersecting boundaries of the public rights-of-way, the fence must stop back a distance of 20 feet back on each of the boundaries from the point of intersection, and will be connected by the drawing of a straight line from the two points that are back 20 feet of the intersection point. However, the existence of a tree shall not be unlawful so long as such tree is free of branches and foliage for a height of at least seven feet above the level of the adjacent grade. (See figure 6 at the end of this article.)

- (a). Height limitation in rear and side yards – It shall be unlawful to erect, maintain, suffer or permit a fence at a height exceeding six (6) feet with the addition of no more than one, two by eight rot board at the base in any rear yard or along any rear yard lot line, or in any side yard or along any side yard line, except by appeal to the zoning board of adjustment board and by favorable vote from same.
- (b). Height limitation in front yards – Front yard fences shall be constructed within the required front yard according to the following:
 - (1) The fence is four (4) feet or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See Figure 1 at the end of this article.)
 - (2) In the case of a corner lot, the fence is four (4) feet or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See Figure 2 at the end of this article.)

Sec. 18-404. – Reverse frontage lots.

- (a). On all reverse frontage lots located on property zoned for residential use, or used for residential use, it shall be unlawful to construct, maintain, or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than ten (10) feet of the side property line.

- (b). It shall be an affirmation of defense to subsection (a) above that the fence is four (4) feet or less in height and the fence allows at least fifty (50) percent through vision. (See Figure 3 at the end of this article.)
- (c). Nothing herein shall be construed to prohibit the complete removal of fences, except fences enclosing a swimming pool or spa as to comply with all other local, state, and federal laws.

Sec. 18-405. Screening.

Screening in the form of a solid fence or landscaping shall be required to protect neighboring residences from all commercial establishments or required parking lots. The area between the property line and the fence must be incorporated into the overall landscaping of the property, including sufficient landscaping screening materials to mitigate the visual impacts.

Sec. 18-406. Fencing material.

All fencing, whether solid or wire, must be constructed of new material certified by a nationally recognized agency as being appropriate for their use and conform to all required codes.

- (1) Fences shall not be constructed of damaged or unsafe materials.
- (2) No fence may contain razor wire, electrical current, broken glass, or other hazardous material, except low voltage household pet containment systems are permitted.

Sec. 18-408. – Exemptions.

The following fence and wall types are exempt from the specified provisions of this code:

- (a). City- or state-required sound attenuation walls are exempt if so, recommended by a noise attenuation study and first approved by the building official.
- (b). Fences installed by the city inside of or on the perimeter of a public park shall be exempt.
- (c). Fences installed by a public or private school inside of or on the property boundary of the school grounds shall be exempt.
- (d). Fences around public baseball diamonds, and sports fields shall be exempt
- (e). Temporary construction fences as part of an approved project.
- (f). Fences or walls in association with an approved temporary use permit.

(g). Fences legally constructed prior to the adoption of the ordinance.

(h). Fences that are installed for security measures for restricted areas. - 33 CFR § 105.260 - Restricted infrastructures or locations identified in an area, vessel, or facility security assessment or by the operator that require limited access and a higher degree of security protection are exempt from fence height restrictions. The entire facility may be designated the restricted area, as long as the entire facility is required to be provided the appropriate level of security.

Secs. 18-409—18-425. Reserved

ARTICLE XIII. BUILDING NUMBERING

Sec. 18-426. Numbering generally.

- (a) Address number ranges are hereby declared public property and shall, consistent with this article, be subject to change by the city council, with or without notice.
- (b) All addresses within the city shall be based upon measurements that begin at the southeast geographic corner of the city and continue north and west.
- (c) House and building numbering shall be assigned at 25-foot intervals beginning at the center point of the nearest intersection south or east of the house or building and then measured north or west to the center of the lot upon which the house or building lies.

Sec. 18-427. City addressing map; issuance of addresses; basis of numbering.

The building official shall maintain the official city addressing map with established block number assignments and shall, when requested, issue a corresponding address number to new houses and buildings based upon measurements described in this article, such that all numbers lying on the left side of the street are odd and all numbers lying on the right side of the street are even.

Sec. 18-428. Requirements of owners/occupants.

- (a) The owner or occupant of every house, building, or address location shall maintain a properly assigned address number in a conspicuous place clearly visible from the street.
- (b) Address numbers shall be affixed to the house or building, except that when a house or building is situated with more than a 100-foot setback from the roadway, or when vegetation or fencing visually obscures the house or building, then the owner or occupant shall affix the address numbers at a location near and in view of the roadway.
- (c) Address character numbers shall be at least four inches high with a minimum stroke width of ½ inch (12.7 mm). Address identification characters shall be of a contrasting color to the background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.
- (d) It shall be unlawful for any person to alter, deface, or take down address numbers placed on any property, except for the repair or replacement of such numbers.
- (e) No certificate of occupancy shall be issued for any house or building until the owner or occupant has procured an address number from the ~~city~~-building official and affixed that number to the property as required by this section.
- (f) Address numbers for apartments, trailer parks, and motels shall be a single address number assigned to the main entrance followed by a suffix letter or number to designate a specific

building or lot location.

- (g) Owners or managers of apartments, trailer parks, and motels shall assign suffix numbers or letters to individual tenants in units, buildings, or lots, consistent with this section.
- (h) Individual owners or occupants of apartments, trailers or motels shall install assigned suffix numbers or letters consistent with the requirements of homeowners and building owners as described and established in this section.
- (i) Condominiums and townhouses developed on any named street may, at the discretion of the city council, be treated as individual residences for the purpose of addressing so long as the condominiums or townhouses are situated along the named street in a fashion similar to individual homes. Condominiums and townhouses that are located on and accessible only by a private drive shall be numbered consistent with requirements of apartments, trailer parks and motels, as described and established in this section.

Sec. 18-429. Authority for resolution of conflicts.

Any issue or condition in conflict or not addressed in this article shall be resolved using guidelines established in either: the latest edition of the Addressing Handbook for Local Governments produced by the state commission on state emergency communication, the latest federal addressing standards guidelines, or the latest Texas Handbook on Uniform Traffic Control Devices.

Secs. 18-430—18-449. Reserved.

ARTICLE XIV. INDUSTRIAL HOUSING AND BUILDINGS

Sec. 18-450. General.

To the extent not prohibited by Texas Occupations Code Ch. 1202, the city may regulate industrialized housing and buildings, as defined at Texas Occupations Code §§ 1202.002 and 1202.003.

Sec. 18-451. Definitions.

As used herein:

- (1) *Council* means the Texas Industrialized Building Code Council.
- (2) *Commission* means Texas Commission on Licensing and Regulation.
- (3) *Department* means Texas Department of Licensing and Regulation.
- (4) *Mandatory building codes* means those codes approved by the council under Texas Occupations Code Ch. 1202.
- (5) *Industrialized housing* is defined at Texas Occupations Code § 1202.002 and refers to residential structures.
- (6) *Industrialized building* is defined at Texas Occupations Code § 1202.003 and refers to commercial structures.

Sec. 18-452. Requirements for industrialized housing and buildings.

The following requirements apply to all industrialized housing and buildings:

- (1) A complete set of designs, plans, and specifications bearing the stamp of approval of the council for each installation of industrialized housing and buildings must be filed with the building official and approved ~~by him~~ for compliance with all mandatory building codes before installation of any industrialized housing or buildings or any site work preparatory to installation of same.
- (2) All applicable city permits and licenses must be obtained before construction begins on a building site.
- (3) In accordance with commission rules, all modules or modular components must bear an approved decal or insignia indicating inspection by the department.
- (4) The building official shall inspect:
 - (a) The erection and installation of industrialized housing and buildings to ensure compliance with mandatory building codes and commission rules; and
 - (b) All foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications, including the foundation system and the erection and installation of the modules or modular components on the foundation.
- (5) Before occupancy, a final inspection or test in accordance with mandatory building codes shall be required.

- (6) Correction of any deficiency identified by the test or discovered in the final inspection shall be required before final approval.
- (7) The building official shall enforce all other appropriate city ordinances, rules, and regulations, unless and except to the extent prohibited by Texas Occupations Code Ch. 1202.

Sec. 18-453. Requirements for single-family and duplex industrialized housing.

The following requirements, in addition to the requirements of section 18-452, apply to all single-family and duplex industrialized housing:

- (1) Single-family and duplex industrialized housing must:
 - (a) Have all local permits and licenses that are applicable to other single-family or duplex dwellings;
 - (b) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located (said comparison group of other single-family dwellings to include any house any portion of which is within said 500 feet);
 - (c) Comply with city building setbacks, side and rear yard offsets, subdivision control, square footage, and other site requirements applicable to single-family dwellings; and
 - (d) Be securely fixed to a permanent foundation engineered by a Texas Windstorm Insurance approved engineer to the same standard and wind load capacity as is applicable to site-built dwellings.
- (2) Single-family and duplex industrialized housing must have a taxable value equal to or greater than the median taxable value for single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. Such other single-family dwellings within said 500-foot area are hereinafter referred to as "comparison group" or "comparison dwelling".
 - (a) The taxable value of industrialized housing shall include the industrialized house and the land upon which it is located. The taxable value of each comparison dwelling shall include the dwelling and the land upon which it is located. The taxable values shall be as determined by the most recent certified tax appraisal roll for each county in which the properties are located as of the date of installation of the industrialized housing.
 - (b) Taxable values shall be as determined by and on the certified tax appraisal rolls of said San Patricio County. However, if either the industrialized house or the land upon which it is located is not on the certified appraisal rolls as of the said installation date, the value for that property shall be the value of land and house as reflected on the certified tax rolls next following the installation, or, in the alternative, owner, at his option and cost, may file his own appraisal with the building official for the purpose of establishing the taxable value of the industrialized house and land, provided:
 - 1. Owner must file with the building official a survey of the land upon which the industrialized house is to be located, which survey must depict the location where the house and all other improvements will be placed on the land and said survey must be prepared and bear the seal of a licensed land surveyor or professional

engineer.

2. Owner must file with the building official a full set of plans and specifications of the house including, but not limited to, an engineered foundation plan prepared by and bearing the seal of a professional engineer approved by the Texas Windstorm Insurance Association.
 3. Owner must file with the building official an appraisal which must state the opinion of the appraiser as to taxable value immediately after installation and assuming installation within six months after the appraisal in accordance with the survey and plans and specifications filed with the building official. The appraiser must be a state certified general real estate appraiser.
 4. The survey plans and specifications, and appraisal must be filed with the building official and approved before installation.
 5. If the owner fails to file all required documents within the time aforesaid it will be deemed that he has waived the option herein provided and the taxable value of his industrialized house will therefore be determined from the tax roll after installation.
- (c) The comparison group shall include each dwelling, any portion of which is located within 500 feet of the lot on which the industrialized dwelling is located on the date of its installation.
- (d) If the taxable value of the industrialized housing is less than the median value of the comparison group, as determined in accordance with the above and foregoing rules, the industrialized housing must be removed within 60 days after demand made for removal by the building official, provided that the owner shall be entitled to appeal the decision of the building official to the board of adjustment in accordance with the same procedures as are applicable to appeal alleging error of the building official in the making of a decision concerning the enforcement of building codes. If the owner is ultimately, by final order of the building official or by the board of adjustment, required to remove the house and he fails to do so, the city may do the work at the cost of the owner who shall be obligated to reimburse the city its costs of removal and the city shall have a lien on the land upon which the house is located to secure said costs.
- (e) If the value of the industrialized house has not been determined before the date of installation, then prior to installation of any industrialized housing notice must be filed by the owner in the real property records of San Patricio County, Texas, that the industrialized house may be required to be removed if it fails to comply with the value requirements of section 18-450 et seq., Ingleside Code of Ordinances. Said notice must contain a true and correct legal description of the land on which the industrialized housing is proposed to be located.

Secs. 18-454—18-470. Reserved.

ARTICLE XIV. WIND ENERGY CONVERSION SYSTEMS

DIVISION 2. – GENERALLY

Sec. 18-471. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word “shall” in this article is mandatory and not discretionary.

Accessory Facilities or Equipment. Structure other than a wind turbine, related to the use and purpose of deriving, collecting, or distributing energy from such wind turbines located on or associated with a wind energy facility.

Building code. The adopted building code of the City of Ingleside and all amendments thereto.

Electronic control and conversion devices are any electrical components in line between the turbine and the main breaker panel.

Fall zone is the area that would be affected by the wind energy conversion system if collapse occurs from any failure. The fall zone is 125 percent of the tower height and not encroaching on power lines or poles.

Foundation is the structure that supports the tower of the wind generation system.

Large Wind Energy Conversion System. A Wind Energy Conversion System (“WECS”) consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity greater than [150] kilowatts and is intended to supply some portion of its produced electrical power for sale to a power grid.

Mounting brackets are the equipment used to attach a wind turbine or tower to a structure.

Overspeed control. A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

Small Wind Energy Conversion System. A WECS consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity of greater than (10) kilowatts but not more than (150) kilowatts and a total height of greater than 50 feet but not more than (125) feet.

Site. The plot of the land where the WECS is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.

Swept area. The largest area of the WECS extracts energy from the wind stream. In a

conventional propeller-type WECS, there is a direct relationship between the swept area and the rotor diameter.

Total height. The height of the tower and the furthest vertical extension of the WECS.

Tower is the vertical component of a wind energy conversion system that elevates the wind turbine above the ground.

Very Small Wind Energy Conversion System. A WECS consists of one wind turbine, one tower (or other mounting system), and associated control or conversion electronics which are smaller than (50 feet) the minimum size or rated capacity limits for Small Wind Energy Conversion Systems.

Wind energy conversion system is a system used to convert wind energy into electrical power including grid- tied and non-grid-tied systems. A system consists of a turbine, tower, mounting brackets, foundations, and associated electronic control and conversion devices. A wind energy conversion system which has a rated capacity of not more than 10kw and which is intended primarily for on-site consumption of electrical power, except that when on a parcel on which the system is installed also receives electrical power supplied by a utility company (grid- tied), excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Wind Energy Facility. Any WECS or wind measurement tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures that are under common ownership or operating control.

Wind turbine is a device used to convert wind energy into electrical power.

Sec. 18-472. Compliance with article required.

It shall be unlawful for any person to install any type of wind energy conversion system whatsoever in the city without first conforming to the provisions of this article, the city building code, and obtaining a permit as required by section 18-480.

Secs. 18-473—18-479. Reserved.

DIVISION 2. – ADMINISTRATION AND ENFORCEMENT

Sec. 18-480. - Applicability.

- A. The substantive and procedural requirements of this section shall apply to all wind energy facilities that are not governed by Texas State Public Service Law which are proposed, operated, modified, or constructed after the effective date of this article.
- B. Wind energy facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this article shall not be required to meet the requirements of this section, however:
 1. Any such preexisting wind energy facility which does not provide energy for a

continuous period of 12 months shall meet the requirements of this section prior to recommencing production of energy.

- c. No modification or alteration, excluding regular maintenance and repair, to an existing wind energy facility shall be allowed without full compliance with this section.

Sec. 18-481. Permit and license required.

It is an offense to construct, maintain or operate a WECS without first having obtained a permit from the city. All persons who desire to install any wind energy conversion system shall obtain the approval of such construction and a permit in advance of the construction of the wind energy conversion system from the building official. Such application for a permit from the ~~city~~ building official shall contain the names and addresses of the persons desiring to install such wind energy conversion system; a description of the wind energy conversion system, including the size, the exact location, the address, street, lot, block, and subdivision; and a plot plan and any other information required by the ~~city~~ building official. A homeowner who is installing the wind energy conversion system does not have to have a contractor's license but must take out a permit for the wind energy conversion system. The fees for licenses and permits required in this article shall be established by resolution of the city council and printed in appendix A of this Code.

- A. No wind energy facility shall be constructed, reconstructed, or modified in the City of Ingleside except in compliance with this article.

- 1. Notwithstanding the preceding sentence, where a WECS has been granted necessary permits, variances, or other land use authorizations pursuant to the City of Ingleside and has been built and is operating under such authorizations, such existing use(s) may be continued under the terms of such authorization so long as the use is not changed, extended, enlarged, or structurally altered.

B. Very Small Wind Energy Conversion Systems

- 1. Very Small WECS are allowed as accessory uses in all zoning districts.
 - 2. Very Small WECS may be constructed, reconstructed, or modified without being issued a special use permit.
 - 3. A building permit is required for the installation of all Very Small WECS.
 - 4. Very Small WECS must comply with the following safety standards:
 - a. The minimum distance from the ground to the rotor blade tips shall not be less than 10 feet.
 - b. Each Very Small WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. Manual

electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No Very Small WECS shall be permitted which lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.

5. Very Small WECS must otherwise comply with setback, nuisance, environmental and visual effects, and operation and maintenance standards.

C. Small Wind Energy Conversion Systems

1. Small WECS are only allowed in agricultural AG or R-1 zoning districts over two acres in size.
2. No Small WECS shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to site plan approval from the City of Ingleside and a special use permit from the City of Ingleside issued in accordance with this article.
3. No Small WECS wind energy facility shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to a building permit from the Development Services Department].
4. Small WECS must comply with all other provisions of this article.

D. Large Wind Energy Conversion Systems

1. Large WECS are only allowed in agricultural (AG districts. Requires discussion.
2. No Large WECS shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to site plan approval from the City of Ingleside and a special use permit from the City of Ingleside issued in accordance with this article.
3. No Large WECS wind energy facility shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to a building permit from the Development Services Department.
4. Large WECS must comply with all other provisions of this article.

Sec. 18-482. Standards for issuance of permits.

Before issuing a permit as required in this article, the ~~city~~-building official shall find that the wind energy conversion system complies with all of the applicable building codes, with this article,

and does not constitute an unreasonable risk or harm to the safety, well-being, and welfare of the public in general, property belonging to the public in general and the abutting property owners at the location of the proposed wind energy conversion system. The property owner must be able to show that the proposed wind energy conversion system is on his property. A permit will only be issued when the following conditions are met:

Site plan required – drawn with sufficient detail to clearly describe the following:

- (1) Property lines and physical dimensions of the site;
 - (2) Location, approximate dimensions, and types of major existing structures and uses on-site;
 - (3) Locations and elevation of the proposed WECS;
 - (4) Location of all aboveground utility lines on-site or within one radius of the total height of the WECS.
 - (5) The zoning designation of immediate and adjacent sites as set forth in the zoning ordinances of the city.
- (a). General conditions.

Installation of all wind energy conversion systems shall comply with the following requirements:

- (1) Water pumpers. Nonelectrical windmills used for pumping water will be exempted from the provisions of subsections (3) through (12).
- (2) Compliance with building code. The building permit application shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including support structures, tower, base, and footings, in sufficient detail to allow for a determination that the structure conforms to the building code of the city. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer and shall affirmatively state that the proposed system will comply with the building code. Where the structural components or installation varies from the standard design or specification, the proposed modifications shall be certified by a registered professional engineer for compliance with the seismic and structural design provisions of the building code.
- (3) Compliance with zoning ordinance. Wind energy conversion systems shall only be constructed and used pursuant to and in compliance with the city zoning ordinance.
- (4) Compliance with National Electrical Code. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system

to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a statement from a registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

- (5) Rotor safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices.
- (6) Guy wire. Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any aboveground electric transmission or distribution line.
- (7) Tower access. Towers shall have either:
 - (a). Tower-climbing apparatus located no closer than twelve (12) feet from the ground;
 - (b). A locked anti-climb device installed on the tower; or
 - (c). The tower shall be completely enclosed by a locked protective fence at least six (6) feet high.
- (8) Noise. The WECS shall meet the requirements of the performance standards which pertain to noise level as set forth in the city zoning ordinance.
- (9) Sign. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. Sign size shall not exceed two (2) square feet.
- (10) Setbacks. The following setback requirements shall apply: WECS shall be set in from any and all property lines a distance equal to the height of the tower plus the furthest vertical extension of the blade, rotor, or propeller assembly, except as noted in subsection (11) where an additional five-foot setback is required for separation from overhead utility lines.
- (11) Additional locational requirements. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure would not cause any portion of it to fall within five (5) feet of the lines.
- (12) Utility notifications (for those WECS which will be interconnected to a utility grid). No

WECS shall be installed until evidence has been given that the utility company has been notified in writing.

Sec. 18-483. Enforcement.

The city building official shall cause all wind energy conversion systems for which permits have been issued and regulated by this article to be inspected from time to time for compliance with this article. In case of noncompliance, the building official shall notify the permit holder to correct the condition within ten days. In the event of failure, or the refusal of the permit holder to comply as ordered, the building official shall revoke the permit. However, upon a showing of hardship or other circumstances warranting such action, the building official shall have the authority to grant an extension not to exceed 30 days to make the correction or to finish the wind energy conversion system. Any person who commits any acts declared to be unlawful or fails to perform any act required by this article shall be subject to the provisions of section 1-14.

- (a). Maintenance; abatement of hazardous conditions. If a wind energy conversion system is not maintained in operational condition or in any way poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the city determines that the WECS has been abandoned and poses a safety hazard, the system shall be removed within forty-five (45) days of written notice to the owner or operator of the system.
- (b). Reinspection and recertification. Reinspection and recertification of the WECS shall be done by qualified inspection personnel once a year. Within ten (10) days of the inspection being made, a written report of this inspection shall be submitted to the building official. Any significant change or modification of a WECS will require recertification by a registered professional engineer within forty-five (45) days.

Sec. 18-484. Appeals.

Whenever the building official shall refuse to grant any permit authorized under this article or shall issue an order requiring compliance with this article, or revoke a permit issued under this article, the person aggrieved shall have the right to appeal to the board of adjustment created pursuant to Charter sections 10.05 and 10.06, as provided in the zoning regulations, chapter 78 of this Code.

- (a). Any person who is required to remove or modify a WECS as a result of this article may, within a seven-day period after the service of notice is given, request, in writing, a hearing to determine whether he or she is in violation of this article. If a person does request the hearing, it will be held (after notice is given to the person appealing) before the building official within five (5) days of the date the request is received, at a time to be determined by the building official.
- (b). If the building official, after considering the evidence, decides that the WECS in question is in fact in violation of this article, then the WECS shall be removed or brought into

compliance within thirty (30) days from the time the building official's decision is rendered.

- (c). This section shall not in any way negate the right of the city to immediately remove any WECS creating a real and immediate danger to life or property.

Secs. 18-485—18-489. Reserved.

DIVISION 3. - STANDARDS

Sec. 18-490. Property size and number per property.

Permits shall be granted for wind energy conversion systems on lots of one-half acre or larger and shall be considered a permitted use in all zoning classifications where structures of any sort are allowed. The wind energy conversion system maximum tower height of one-half acre to two acres shall be 45 feet with only one system allowed. Clearance from blade tip to ground shall not be less than 20 feet. Any request for a wind energy conversion system not in compliance with this section shall be approved by special permit as adopted in chapter 78 of this Code.

Sec. 18-491. Construction.

The wind energy conversion system shall be rated for a minimum survival wind speed of 150 mph or site specific using ASCE 7. No portion of a wind system shall extend over any adjacent property lines or be permitted within any lot setback requirements for structures as contained in other parts of the city ordinances or be located any closer to adjacent property lines than the required fall zone. No part of a wind energy conversion system, including guy wires, may be located closer than ten feet of an adjacent property line. No part of a wind energy conversion system shall be located in the front yard or side yard as defined in section 78-3 of this Code. The proposed wind energy conversion system shall include an engineering analysis of the tower and foundation system for the soil type and wind loading. Compliance with the city electricity code and an electrical permit shall be required. Wind energy conversion systems shall be equipped with a disconnect switch between the main breaker box and the turbine that is clearly marked, visible from the main breaker box, and accessible. A wind energy system will not substantially affect adversely the use of adjacent properties.

Sec. 18-492. Utility connected.

Any grid-tied system connected to the electric utility company will require notification from the utility company with the intent to install an interconnected customer-owned power generator. Wind turbines shall be equipped with automatic overspeed controls and grid-tied systems shall meet the automatic shutdown requirements of the utility company in case of grid shutdown.

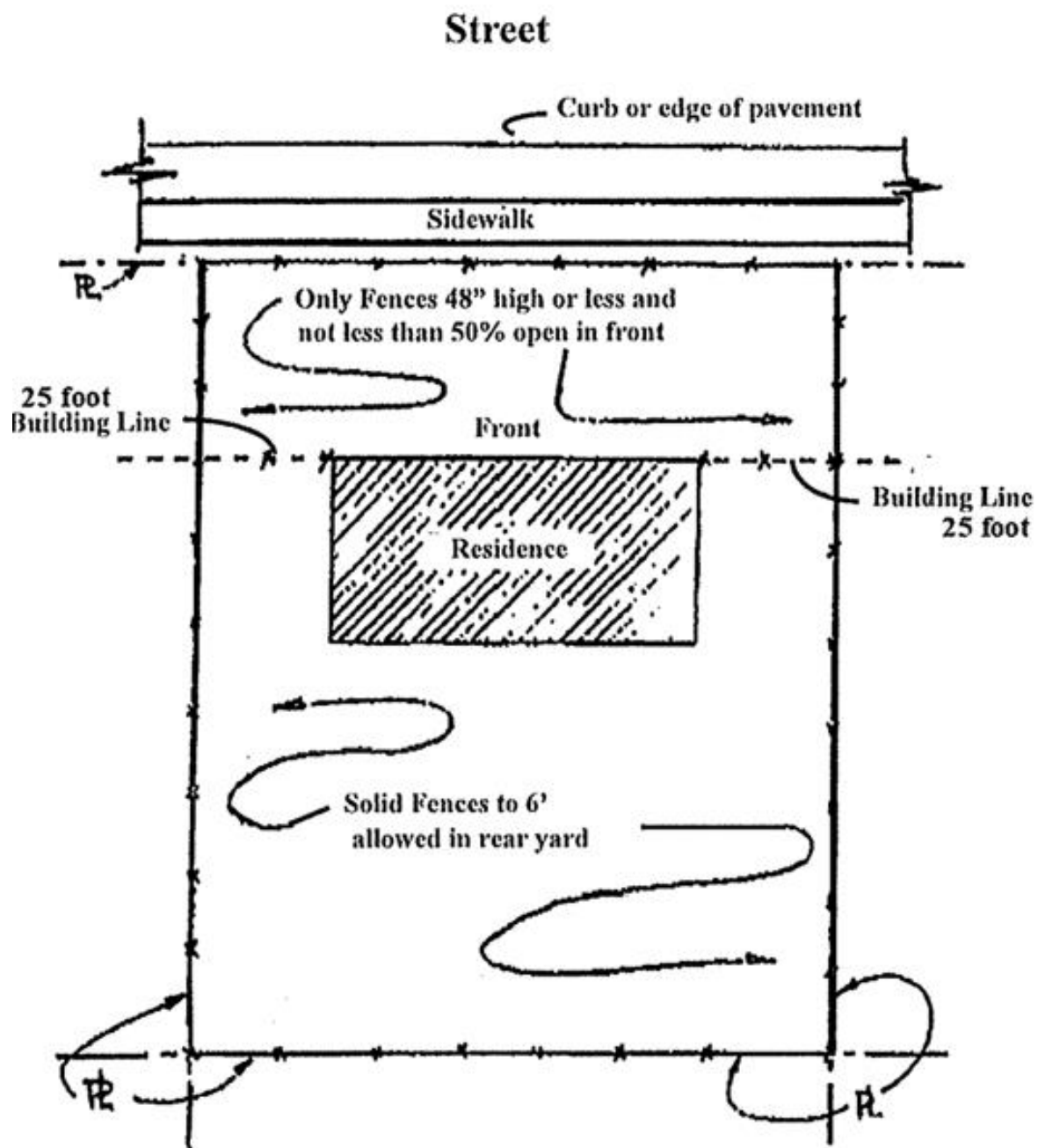


Figure 1 — Interior Lot

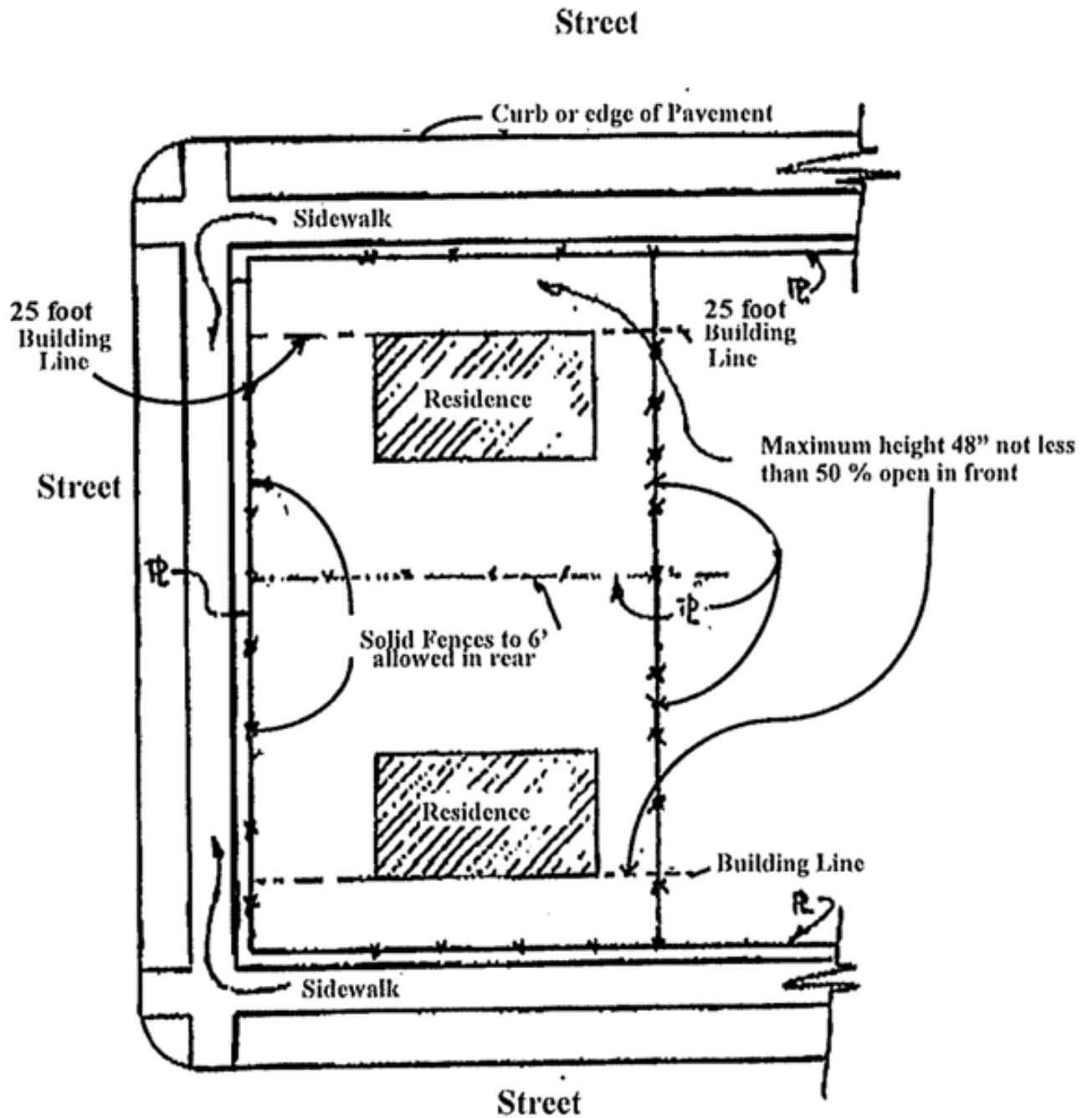


Figure 2 — Corner Lot

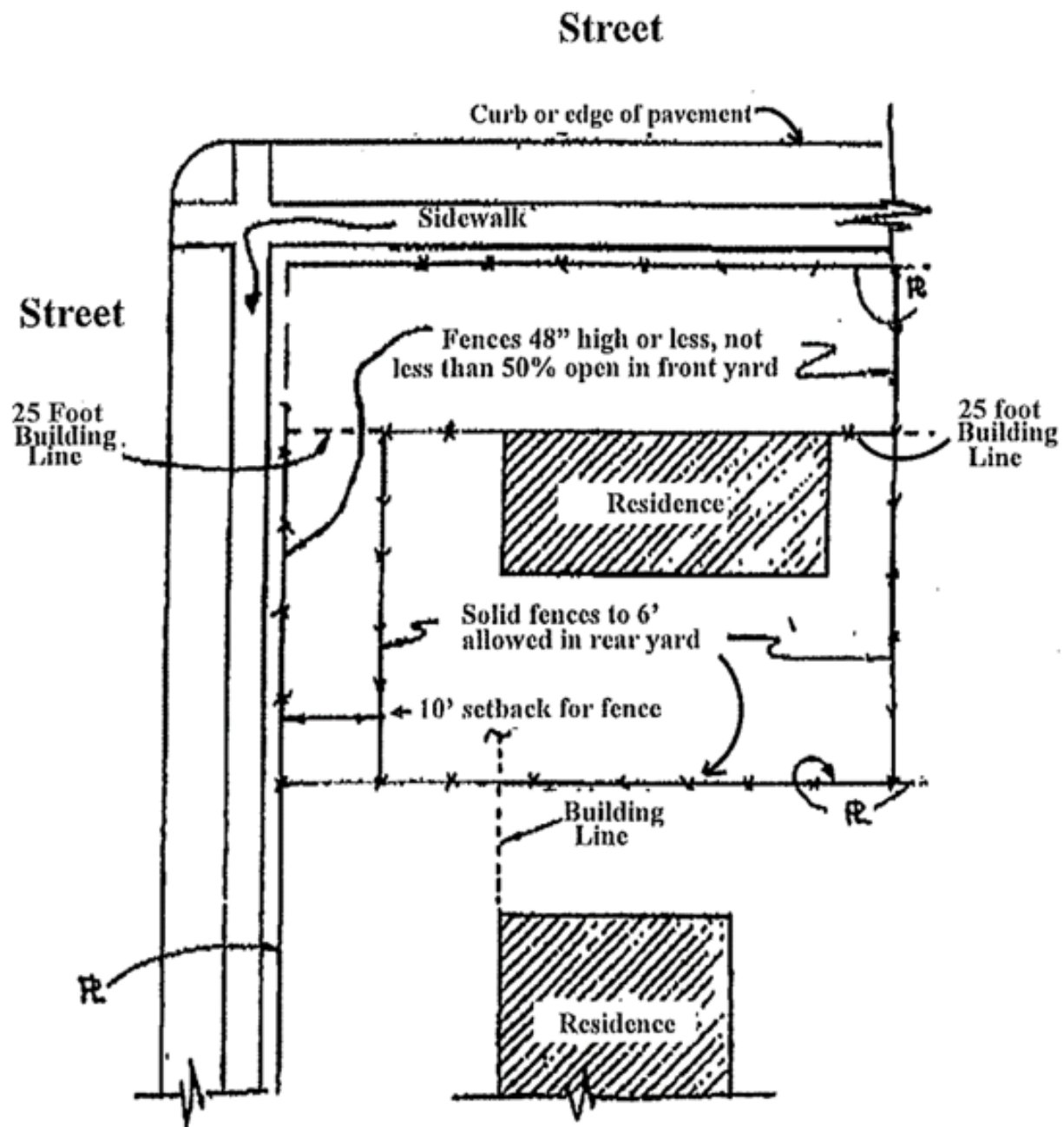


Figure 3 — Reverse Corner Lot

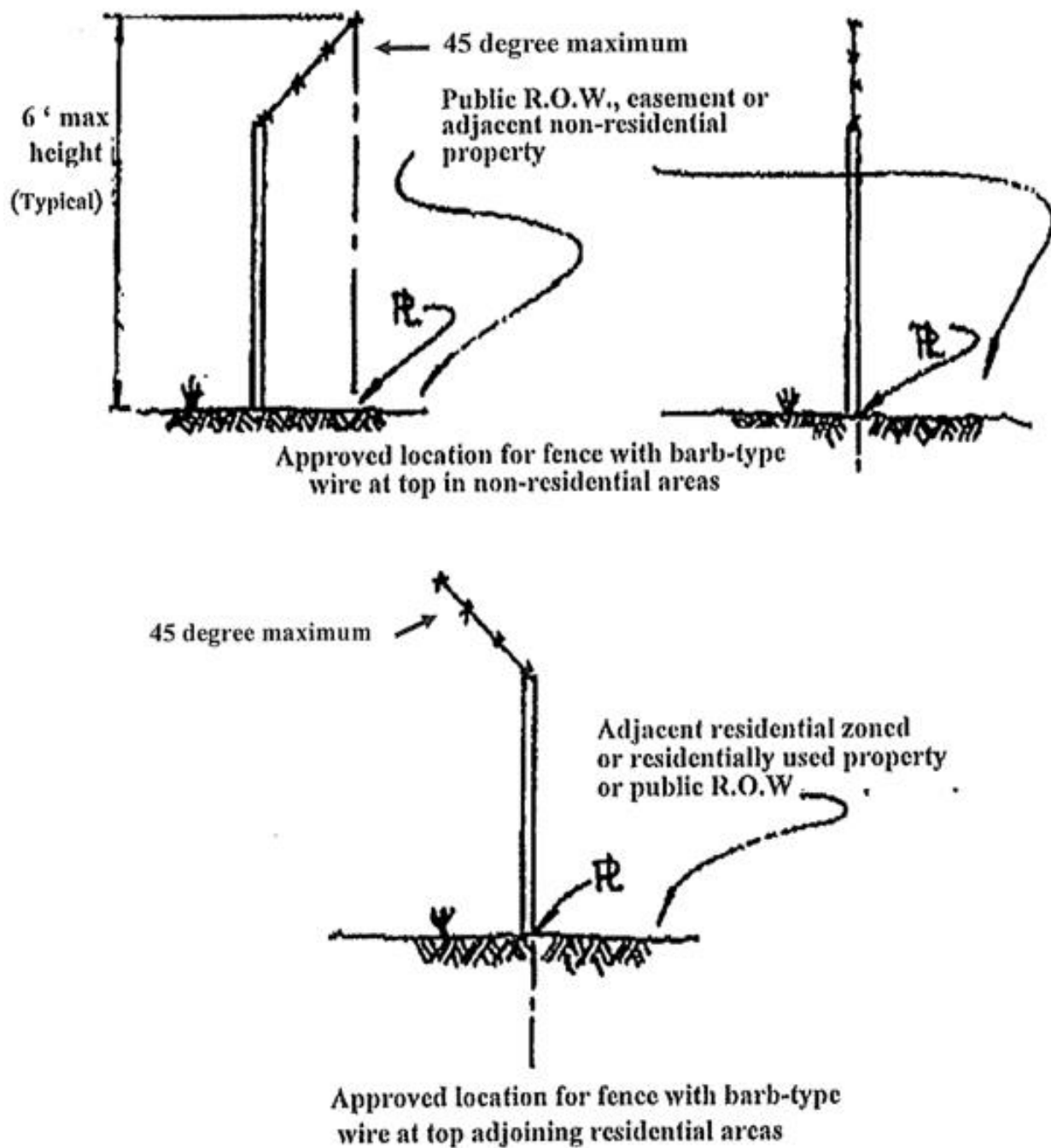


Figure 4 — Barb-Wire Fences

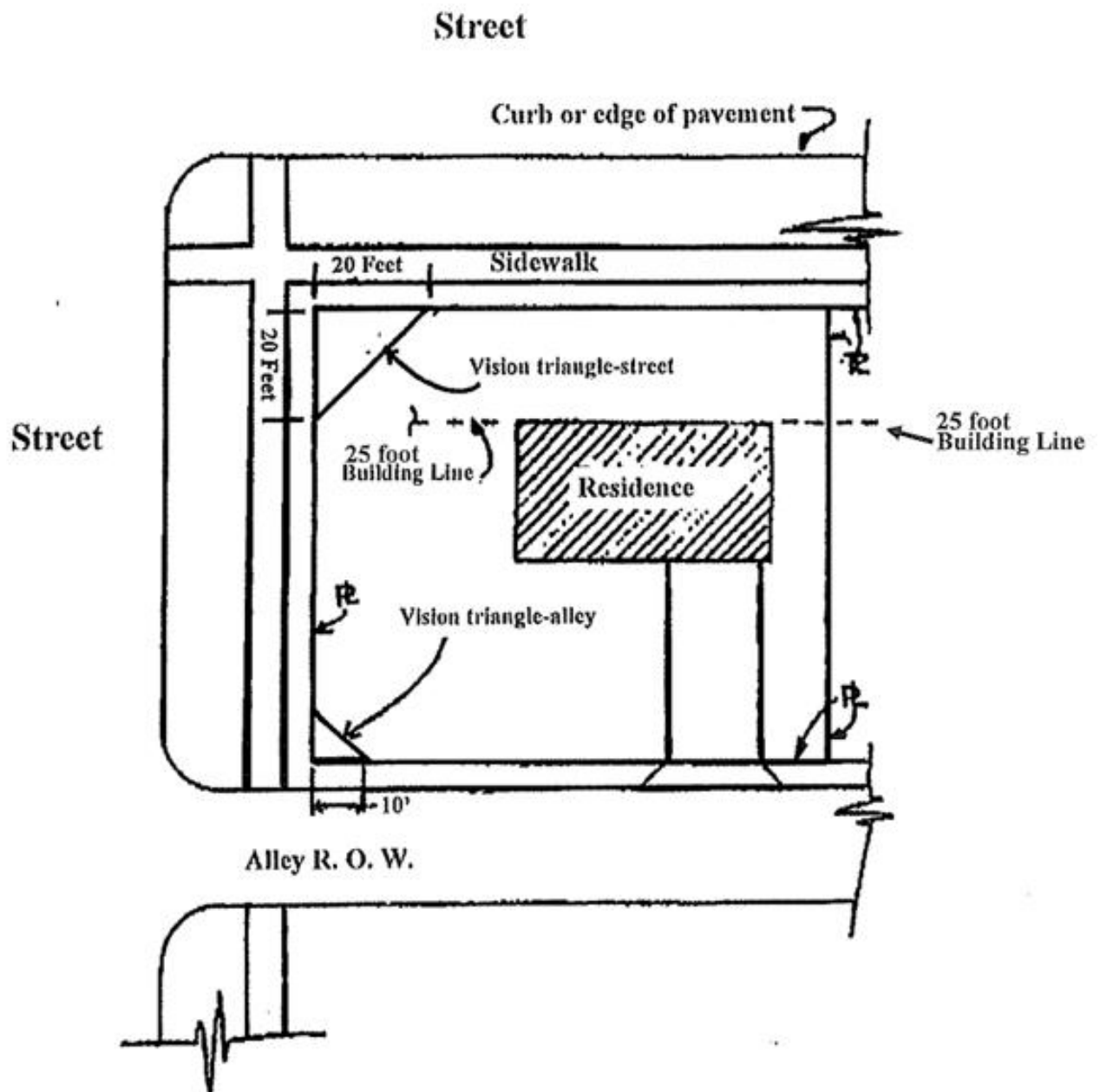


Figure 5 — Vision Triangle

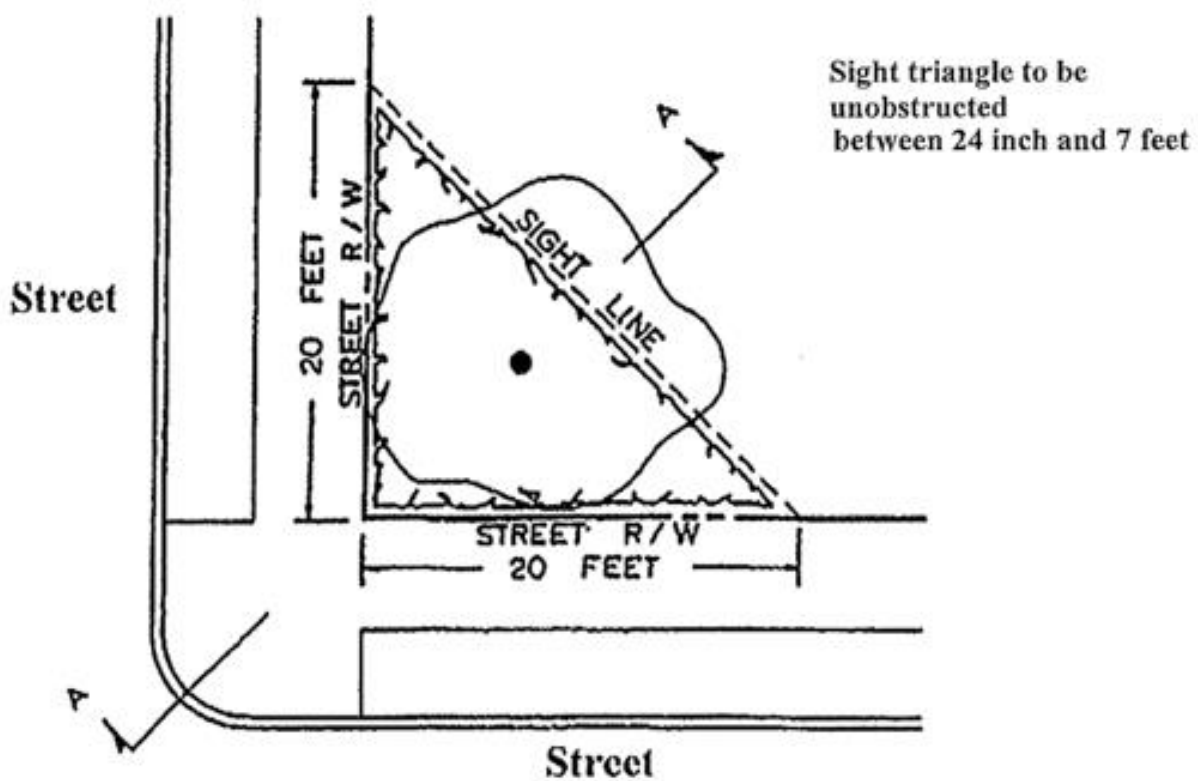
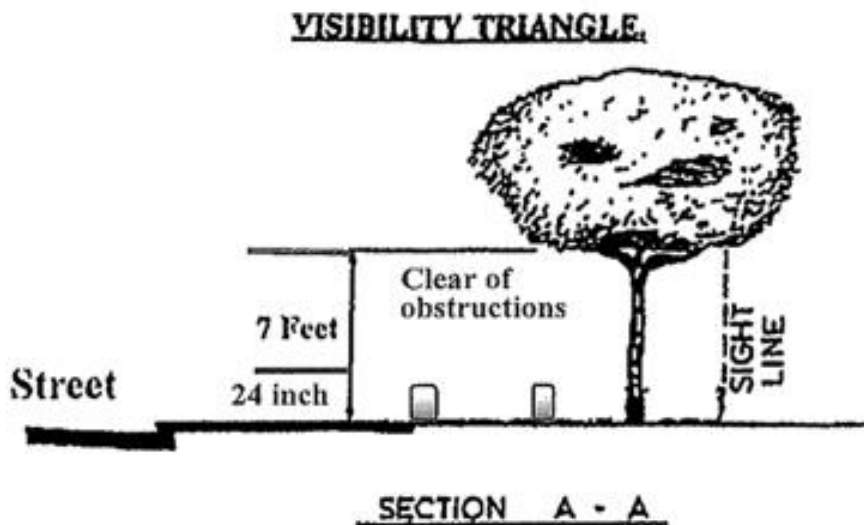


Figure 6 — Visibility Triangle

CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 13

Deliberate and take appropriate action on the final pay application for the Faith Park Multipurpose Ballfields.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The Faith Park Multipurpose Ballfields were contracted to be rebuilt entirely. The City entered into a contract with Hellas Construction for a design build of the complex. The contract was entered into on February 3rd, 2022. Construction has been completed and the attached closing documents signify such.

FISCAL ANALYSIS:

The original contract with Hellas Construction was on November 24th, 2021 for \$2,682,740.00. The remaining Final Pay Application is for \$135,081.01, which is the retainage for the contract. The overall cost is \$2,735,883.00. This pay application will be processed once Hellas Construction provides As-Built drawings.

RECOMMENDATION:

The staff recommends approval of Final Pay App to Hellas Construction in the amount of \$135,081.01, and to withhold processing the pay application until the City is in receipt of the final As-Built drawings.

ATTACHMENTS:

1. Ephesus 10yr Warranty
2. Executed Warranties - Ingleside Faith Park
3. Faith Park Pay App #14 Retention

Project Number: Ingleside Faith ParkDate of Shipment: 3/23/2023

Ephesus Fixture 10-Year Limited Warranty

I. What the Warranty Covers

Cooper Lighting, LLC ("Cooper Lighting") warrants to the purchaser ("You" or "User") of the new Ephesus fixtures from Cooper Lighting or an authorized distributor for the original installation location ("Covered Products") that the Covered Products shall, **for a period of ten (10) years from the date of original shipment (the "Warranty Period"), be free from defects in material and workmanship.** During the Warranty Period, Cooper Lighting's sole obligation, and User's sole remedy, shall be, at Cooper Lighting's discretion, to repair or replace for Covered Products to restore the operation of the Covered Products to original design criteria as necessitated by failure of the Covered Products during normal usage. This obligation is triggered only after You experience failure of 10% of the Covered Products.

If there is any conflict between the terms of this Warranty and information communicated either orally or in writing by Cooper Lighting employees or agents, including any statements made by distributors or re-sellers, this Warranty controls.

II. Warranty Activation / Service Claims

You must make a valid claim to Cooper Lighting to receive coverage under the Warranty. Warranty claims can be serviced by contacting Cooper's customer service and sales center:

Phone: (315) 579-2873

Email: ephesuswarranty@cooperlighting.com

If you are unsure whether a situation exists that is covered by the Warranty, please contact Cooper's customer service and sales center at the phone number or email address listed above for assistance.

III. What Is Not Covered Under the Warranty

This Warranty does not cover:

- a) cosmetic defects;
- b) damage, defects, or failure caused by:
 - i. acts of God (including but not limited to floods, tornadoes, lightning or earthquakes);
 - ii. accident, theft, vandalism, abuse, animal or insect infestation, or negligence;
 - iii. sport or other related activity or other regular use of the installation location;
 - iv. misuse, misapplication, or modification of any part of the Covered Product;
 - v. improper storage, installation, repair, operation, inspection or maintenance;
 - vi. the use of unauthorized components, parts, accessories, or other materials or by equipment or products manufactured by someone other than Cooper Lighting;
 - vii. wrong or inadequate electrical current, connection or supply;
 - viii. conditions that do not meet IEEE Emerald Book standards for grounding of sensitive electronics; or
 - ix. transit.
- c) other equipment or products manufactured by someone other than Cooper Lighting, including but not limited to control system components (hub, DMX wiring, control cards, gateway), poles/crossarms/other structures, mounting gear or other non-

product related material.

This Warranty does not cover and Cooper Lighting will not be responsible for the costs of labor relating to the de-installation of any Covered Product or re-installation of any replacement Product; the shipment of Products; or post-installation testing of any Product for purposes of this Warranty. This Warranty also does not cover and Cooper Lighting will not be responsible for costs associated with lift/crane rental, wiring, pole installation, and existing infrastructure.

IV. What Voids the Warranty

This Warranty is void, and Cooper Lighting shall have no liability hereunder, with respect to a Covered Product if You or any person other than an employee, independent contractor, or subcontractor of Cooper Lighting: (a) install or use a Covered Product in a manner that is not in accordance with the applicable specifications and instructions, including, but not limited to, over/under voltage or current conditions, excessive switching cycles, operating hours, or outside any applicable operating conditions; (b) without the prior written consent of Cooper Lighting, modify, tamper, or disassemble a Covered Product, including, without limitation, alter serial numbers or removes factory supplied stickers or labels of a Product; or (c) use unauthorized components, parts, accessories, or other materials to repair a Covered Product.

V. Replacement of or Repair to Product

Cooper Lighting, in its discretion, may use new, reconditioned, refurbished, repaired or remanufactured products or parts to repair or replace a Covered Product that meets the conditions of this Warranty. Repaired or replaced Covered Products are warranted for the remainder of the original Warranty Period.

VI. Limitation of Warranty

THIS IS YOUR SOLE EXPRESS WARRANTY WITH RESPECT TO THE COVERED PRODUCTS. COOPER LIGHTING DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

VII. Limitation of Liability

THE AGGREGATE LIABILITY OF COOPER LIGHTING ARISING FROM OR RELATED TO THIS WARRANTY, SHALL BE LIMITED TO THE ORIGINAL PURCHASE PRICE OF THE COVERED PRODUCTS FROM COOPER LIGHTING. THE REMEDIES OF THE USER SET FORTH IN THIS WARRANTY ARE EXCLUSIVE AND ARE USER'S SOLE REMEDIES FOR ANY FAILURE OF COOPER LIGHTING TO COMPLY WITH ITS OBLIGATIONS HEREUNDER. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, IN NO EVENT SHALL COOPER LIGHTING BE LIABLE IN CONTRACT (INCLUDING WARRANTY), IN TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY) OR OTHERWISE FOR DAMAGE TO PROPERTY OR EQUIPMENT OTHER THAN PRODUCTS TO WHICH THIS WARRANTY RELATES, LOSS OF PROFITS OR REVENUE, LOSS OF USE OF PRODUCTS, COST OF CAPITAL, CLAIMS OF CUSTOMERS OF THE USER OR ANY SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES WHATSOEVER, REGARDLESS OF WHETHER SUCH POTENTIAL DAMAGES ARE FORESEEABLE OR IF USER HAS BEEN ADVISED OF SUCH DAMAGES.

VIII. Severability

If any term or provision of this Warranty is held invalid or unenforceable, the

remainder of this Warranty shall not be effected, and every other term and provision of this contract shall be deemed valid and enforceable to the extent permitted by law.

IX. Modifications

This Warranty is effective for the purchases of Covered Products on or after the effective date set forth herein. Cooper Lighting reserves the right to modify this Warranty at any time, and any modifications will be effective for all orders placed on or after the effective date of such revised Warranty.

X. Transfer

This Warranty cannot be transferred without the prior written consent of Cooper Lighting.

XI. Choice of Law

The Warranty shall be construed and enforced in accordance with the laws of the state of Georgia.



WARRANTY FOR CONSTRUCTION

BETWEEN the Owner: City of Ingleside

2671 San Angelo St
Ingleside Texas 78362

And Contractor:

Hellas Construction, Inc (HCI)
12000 West Parmer Lane
Austin, TX. 78613

Telephone: 512-250-2910
Fax: 512-250-1960

Project -

Ingleside Faith Park Multipurpose Fields

Warranty Effective Date: June 3, 2023

Upon receipt of full payment for the value of this contract, HCI will warrant its workmanship against defects for a period of one (1) year from the effective date. This warranty shall apply only to conditions caused by defective workmanship furnished by Hellas Construction, Inc.

DISCLAIMER OF IMPLIED WARRANTIES

THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE WARRANTY DESCRIBED IN THE PRECEDING SECTION. ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXCLUDED AND DISCLAIMED.

Hellas Construction, Inc.

By: _____

Signature

Date: _____

3/4/2024

Ty Valadez

Print

Title: _____

Project Manager

OWNER hereby accepts this contract and authorizes Contractor to complete the work and agrees to the payments terms as set forth herein.

By: _____

Signature

Date: _____

Print

Title: _____

HELLAS CONSTRUCTION, INC

Contractor Initials _____ Owner Initials _____

LED MESSAGE CENTER AND SCOREBOARD WARRANTY AND LIMITATION OF LIABILITY

This Warranty and Limitation of Liability (the "Warranty") sets forth the warranty provided by Daktronics with respect to the Equipment. By accepting delivery of the Equipment, Purchaser agrees to be bound by and accept these terms and conditions. Unless otherwise defined herein, all terms within the Warranty shall have the same meaning and definition as provided elsewhere in the Agreement.

DAKTRONICS WILL ONLY BE OBLIGATED TO HONOR THE WARRANTY SET FORTH IN THESE TERMS AND CONDITIONS UPON RECEIPT OF FULL PAYMENT FOR THE EQUIPMENT.

1. Warranty Coverage

A. Except as otherwise provided herein, Daktronics warrants to the original end-user that the Equipment will be free from Defects (as defined below) in materials and workmanship for a period of:

- **Five (5) years for permanently mounted LED Message Centers and Scoreboards (including radio components)**
- One (1) year for portable scoreboards and digit-based price, time, and rate displays.
- One (1) year for battery-packs, handheld control consoles/units, speakers and solar powered equipment

The period of time defined by the type of Equipment shall be called the Warranty Period. The Warranty Period shall commence on the earlier of: (i) four weeks from the date that the Equipment leaves Daktronics' facility; or (ii) Substantial Completion as defined herein. The Warranty Period shall expire on the anniversary of the commencement date.

"Substantial Completion" means the operational availability of the Equipment to the Purchaser in accordance with the Equipment's specifications, without regard to punch-list items, or other non-substantial items which do not affect the operation of the Equipment.

B. Daktronics' obligation under this Warranty is limited to, at Daktronics' option, replacing or repairing, any Equipment or part thereof that is found by Daktronics not to conform to the Equipment's specifications. Unless otherwise directed by Daktronics, any defective part or component shall be returned to Daktronics for repair or replacement. This Warranty does not include on-site labor charges to remove or install these components. Daktronics may, at its option, provide on-site warranty service. Daktronics shall have a reasonable period of time to make such replacements or repairs and all labor associated therewith shall be performed during regular working hours. Regular working hours are Monday through Friday between 8:00 a.m. and 5:00 p.m. at the location where labor is performed, excluding any holidays observed by either Purchaser or Daktronics.

C. Daktronics shall pay ground transportation charges for the return of any defective component of the Equipment. All such items shall be shipped by Purchaser DDP Daktronics; designated facility per Incoterms® 2020. If returned Equipment is repaired or replaced under the terms of this warranty, Daktronics will prepay ground transportation charges back to Purchaser and shall ship such items DDP Purchaser's designated facility per Incoterms® 2020; otherwise, Purchaser shall pay transportation charges to return the Equipment back to the Purchaser and such Equipment shall be shipped Ex Works Daktronics designated facility per Incoterms® 2020. All returns must be pre-approved by Daktronics before shipment. Daktronics shall not be obligated to pay freight for any unapproved return. Purchaser shall pay any upgraded or expedited transportation charges.

D. Any replacement parts or Equipment will be new or serviceably used, comparable in function and performance to the original part or Equipment, and warranted for the remainder of the Warranty Period. Purchasing additional parts or Equipment from the Seller does not extend the Warranty Period.

E. Defects shall be defined as follows. With regard to the Equipment (excepting LEDs), a "Defect" shall refer to a material variance from the design specifications that prohibit the Equipment from operating for its intended use. With respect to LEDs, "Defects" are defined as LED pixels that cease to emit light. The limited warranty provided by Daktronics does not impose any duty or liability upon Daktronics for partial LED pixel degradation nor does the limited warranty provide for the replacement or installation of communication methods including but not limited to, wire, fiber optic cable, conduit, trenching, or for the purpose of overcoming local site interference radio equipment substitutions.

EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS WARRANTY, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, DAKTRONICS DISCLAIMS ANY AND ALL OTHER PROMISES, REPRESENTATIONS AND WARRANTIES APPLICABLE TO THE EQUIPMENT AND REPLACES ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ACCURACY OR QUALITY OF DATA. NO ORAL OR WRITTEN INFORMATION, OR ADVICE GIVEN BY THE COMPANY, ITS AGENTS OR EMPLOYEES, SHALL CREATE A WARRANTY OR IN ANY WAY INCREASE THE SCOPE OF THIS LIMITED WARRANTY.

THIS LIMITED WARRANTY IS NOT TRANSFERABLE.

2. Exclusion from Warranty Coverage

The limited warranty provided by Daktronics does not impose any duty or liability upon Daktronics for:

- A. Any damage occurring, at any time, during shipment of Equipment unless otherwise provided for in the Agreement. When returning Equipment to Daktronics for repair or replacement, Purchaser assumes all risk of loss or damage, and agrees to use any shipping containers that might be provided by Daktronics and to ship the Equipment in the manner prescribed by Daktronics;
- B. Any damage caused by the improper installation, adjustment, repair or service of the Equipment by anyone other than personnel of Daktronics or its authorized repair agents;
- C. Damage caused by the failure to provide a continuously suitable environment, including, but not limited to: (i) neglect or misuse, (ii) a failure or sudden surge of electrical power, (iii) improper air conditioning, humidity control, or other environmental conditions outside of the Equipment's technical specifications such as extreme temperatures, corrosives and metallic pollutants, or (iv) any other cause other than ordinary use;

D. Damage caused by fire, flood, earthquake, water, wind, lightning or other natural disaster, strike, inability to obtain materials or utilities, war, terrorism, civil disturbance or any other cause beyond Daktronics' reasonable control;

E. Failure to adjust, repair or replace any item of Equipment if it would be impractical for Daktronics personnel to do so because of connection of the Equipment by mechanical or electrical means to another device not supplied by Daktronics, or the existence of general environmental conditions at the site that pose a danger to Daktronics personnel;

F. Any statements made about the product by any salesperson, dealer, distributor or agent, unless such statements are in a written document signed by an officer of Daktronics. Such statements as are not included in a signed writing do not constitute warranties, shall not be relied upon by Purchaser and are not part of the contract of sale;

G. Any damage arising from the use of Daktronics products in any application other than the commercial and industrial applications for which they are intended, unless, upon request, such use is specifically approved in writing by Daktronics;

H. Any performance of preventive maintenance;

J. Third-party systems and other ancillary equipment including without limitation front-end video control systems, audio systems, video processors and players, HVAC equipment, batteries and LCD screens;

K. Incorporation of accessories, attachments, software or other devices not furnished by Daktronics; or

L. Paint or refinishing the Equipment or furnishing material for this purpose.

3. Limitation of Liability

Daktronics shall be under no obligation to furnish continued service under this Warranty if alterations are made to the Equipment without the prior written approval of Daktronics.

It is specifically agreed that the price of the Equipment is based upon the following limitation of liability. In no event shall Daktronics (including its subsidiaries, affiliates, officers, directors, employees, or agents) be liable for any special, consequential, incidental or exemplary damages arising out of or in any way connected with the Equipment or otherwise, including but not limited to damages for lost profits, cost of substitute or replacement equipment, down time, lost data, injury to property or any damages or sums paid by Purchaser to third parties, even if Daktronics has been advised of the possibility of such damages. The foregoing limitation of liability shall apply whether any claim is based upon principles of contract, tort or statutory duty, principles of indemnity or contribution, or otherwise.

In no event shall Daktronics be liable to Purchaser or any other party for loss, damage, or injury of any kind or nature arising out of or in connection with this Warranty in excess of the purchase price of the Equipment actually delivered to and paid for by the Purchaser. The Purchaser's remedy in any dispute under this Warranty shall be ultimately limited to the Purchase Price of the Equipment to the extent the Purchase Price has been paid.

4. Assignment of Rights

The Warranty contained herein extends only to the original end-user (which may be the Purchaser) of the Equipment and no attempt to extend the Warranty to any subsequent user-transferee of the Equipment shall be valid or enforceable without the express written consent of Daktronics.

5. Governing Law

The rights and obligations of the parties under this warranty shall not be governed by the provisions of the United Nations Convention on Contracts for the International Sales of Goods of 1980. Both parties consent to the application of the laws of the State of South Dakota to govern, interpret, and enforce all of Purchaser and Daktronics rights, duties, and obligations arising from, or relating in any manner to, the subject matter of this Warranty, without regard to conflict of law principles.

6. Availability of Extended Service Agreement

For Purchaser's protection, in addition to that afforded by the warranties set forth herein, Purchaser may purchase extended warranty services to cover the Equipment. The Extended Service Agreement, available from Daktronics, provides for electronic parts repair and/or on-site labor for an extended period from the date of expiration of this warranty. Alternatively, an Extended Service Agreement may be purchased in conjunction with this warranty for extended additional services. For further information, contact Daktronics Customer Service at 1-800-DAKTRONICS (1-800-325-8766).

Hellas Construction, Inc.

By: _____

Signature

Date: 3/4/2024

Ty Valadez

Print

Title: Project Manager

OWNER hereby accepts this contract and authorizes Contractor to complete the work and agrees to the payments terms as set forth herein.

By: _____

Signature

Date: _____

Print

Title: _____



APPLICATION AND CERTIFICATE FOR PAYMENT

Page 1

To (OWNER): City of Ingleside
2671 SAn Angelo St.
Ingleside, TX 78362

Project: Ingleside Faith Park Multi Fld
2576 Filberto Villa Dr
Ingleside, TX 78362

Application No: 14
Invoice No: 30774
Period To: 5/31/2023

From: Hellas Construction, Inc.
12000 W Parmer Ln
Cedar Park, TX 78613

Via (Architect):

Architect's 20220064
Project No:

Contract Date:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Approved previous months	65,737.25	100,000.00
Approved this month	0.00	0.00
TOTALS	65,737.25	100,000.00
Net change by change orders	-34,262.75	

1. ORIGINAL CONTRACT SUM	\$	2,735,883.00
2. Net change by Change Orders	\$	-34,262.75
3. CONTRACT SUM TO DATE (LINE 1+/-2)	\$	2,701,620.25
4. TOTAL COMPLETED & STORED TO DATE (Column G on Continuation Sheet)	\$	2,701,620.25
5. RETAINAGE	\$	0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5)	\$	2,701,620.25
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	2,566,539.24
8. SALES TAX	\$	0.00
9. CURRENT PAYMENT DUE	\$	135,081.01
10. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	0.00

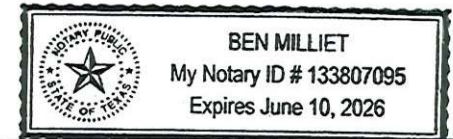
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payment received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Hellas Construction, Inc.

By: [Signature]

Date: 5/26/23

State of: Texas County of: Bexar
Subscribed and sworn to before me this 26 day of May 2023
Notary Public: BM
My Commission expires: 6/10/2026



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$

(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT:

By _____ Date _____
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 14
 Application Date: 5/31/2023
 Period To: 5/31/2023
 Architect's Project No: 20220064

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK BILLED FROM PREV APPLICATION (D+E+F)	WORK BILLED THIS PERIOD	MATERIALS STORED THIS PERIOD	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
1	General Conditions - Construction	58,655	58,655	0	0	58,655	100	0	0
2	Mobilization - Construction	267,274	267,274	0	0	267,274	100	0	0
3	Insurance	25,767	25,767	0	0	25,767	100	0	0
4	Design	53,143	53,143	0	0	53,143	100	0	0
5	Demolition - Labor	5,955	5,955	0	0	5,955	100	0	0
6	Demolition - Equipment/Misc	23,333	23,333	0	0	23,333	100	0	0
7	Excavation - Labor	7,082	7,082	0	0	7,082	100	0	0
8	Excavation - Equipment	10,213	10,213	0	0	10,213	100	0	0
9	Foul Pole Install - Labor	4,610	4,610	0	0	4,610	100	0	0
10	Foul Pole Install - Material	16,480	16,480	0	0	16,480	100	0	0
11	Field Curb - Labor	10,988	10,988	0	0	10,988	100	0	0
12	Field Curb - Material	40,710	40,710	0	0	40,710	100	0	0
13	Concrete Flatwork/Site - Labor	12,980	12,980	0	0	12,980	100	0	0
14	Concrete Flatwork/Site - Material	56,930	56,930	0	0	56,930	100	0	0
15	Dugouts - Labor	18,565	18,565	0	0	18,565	100	0	0
16	Dugouts - Material	83,018	83,018	0	0	83,018	100	0	0
17	Backstops - Labor	18,740	18,740	0	0	18,740	100	0	0
18	Backstops - Material	85,360	85,360	0	0	85,360	100	0	0
19	Batting Cages/Bullpens - Labor	5,030	5,030	0	0	5,030	100	0	0

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 14
 Application Date: 5/31/2023
 Period To: 5/31/2023
 Architect's Project No: 20220064

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK BILLED FROM PREV APPLICATION (D+E+F)	WORK BILLED THIS PERIOD	MATERIALS STORED THIS PERIOD	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
20	Batting Cages/Bullpens - Material	22,914	22,914	0	0	22,914	100	0	0
21	Bases/Plates/Rubbers - Labor	5,055	5,055	0	0	5,055	100	0	0
22	Bases/Plates/Rubbers - Material	12,980	12,980	0	0	12,980	100	0	0
23	Infield Mix Install - Labor	40,562	40,562	0	0	40,562	100	0	0
24	Infield Mix Install - Material	211,235	211,235	0	0	211,235	100	0	0
25	Flex Base - Building Pad - Labor	2,870	2,870	0	0	2,870	100	0	0
26	Flex Base - Building Pad - Material	2,856	2,856	0	0	2,856	100	0	0
27	Bleachers - Labor	31,532	31,532	0	0	31,532	100	0	0
28	Bleachers - Material	136,538	136,538	0	0	136,538	100	0	0
29	Shade Structures - Labor	11,948	11,948	0	0	11,948	100	0	0
30	Shade Structures - Material	69,894	69,894	0	0	69,894	100	0	0
31	Shade Structures at Backstops - Labor	8,716	8,716	0	0	8,716	100	0	0
32	Shade Structures at Backstops - Material	31,224	31,224	0	0	31,224	100	0	0
33	Fencing - Labor	26,556	26,556	0	0	26,556	100	0	0
34	Fencing - Material	119,467	119,467	0	0	119,467	100	0	0
35	Electrical/Lighting - Labor	76,290	76,290	0	0	76,290	100	0	0
36	Electrical/Lighting - Material	339,487	339,487	0	0	339,487	100	0	0
37	Scoreboards - Labor	10,972	10,972	0	0	10,972	100	0	0

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 14
 Application Date: 5/31/2023
 Period To: 5/31/2023
 Architect's Project No: 20220064

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK BILLED FROM PREV APPLICATION (D+E+F)	WORK BILLED THIS PERIOD	MATERIALS STORED THIS PERIOD	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
38	Scoreboards - Material	18,840	18,840	0	0	18,840	100	0	0
39	Landscaping - Labor	41,703	41,703	0	0	41,703	100	0	0
40	Landscaping - Material	181,874	181,874	0	0	181,874	100	0	0
41	Building - Labor	69,385	69,385	0	0	69,385	100	0	0
42	Building - Material	358,152	358,152	0	0	358,152	100	0	0
43	Owners Contingency	34,263	34,263	0	0	34,263	100	0	0
44	CO #1 - Lighting & Pole Removal	11,198	11,198	0	0	11,198	100	0	0
45	CO #2 - Hose Quick Disconnects	1,786	1,786	0	0	1,786	100	0	0
46	CO #3 Rd Base at Building	14,075	14,075	0	0	14,075	100	0	0
47	CO #3 Sewer Line Extension	21,327	21,327	0	0	21,327	100	0	0
48	CO #3 Spray for Weeds	2,200	2,200	0	0	2,200	100	0	0
49	CO #4 - Weed Removal	15,151	15,151	0	0	15,151	100	0	0
9009	Contingency Return	-34,263	-34,263	0	0	-34,263	100	0	0
		2,701,620	2,701,620	0	0	2,701,620	100	0	0

PROJECT:
Ingleside Faith Park Multi Fld
2576 Filberto Villa Dr
Ingleside, TX 78362

On receipt by the undersigned of a check from City of Ingleside in the sum of ONE HUNDRED THIRTY FIVE THOUSAND EIGHTY ONE DOLLARS AND 01 CENT (135,081.01) payable to Hellas Construction, Inc., and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any Mechanic's Lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position, the undersigned has on the above referenced project to the following extent.

This release covers the final payment for all labor, services, equipment and materials furnished to the project site or to City of Ingleside. Before any recipient of this document relies on it, that person should verify evidence of payment to the undersigned.

The undersigned warrants that they either have already paid or will use the monies they receive from this final payment to promptly pay in full all their laborers, subcontractors, materialmen and suppliers for all work, materials, equipment or services provided for or to the above referenced project.

5/26/23
(Date)

[Signature]
(Signature)

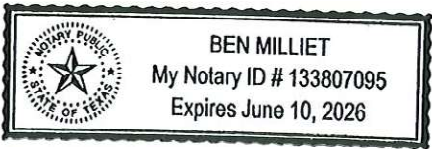
Ty Valadez - Project Manager
(Title)

State of Texas

County of Bexar

Subscribed and sworn to me by the said Ty Valadez, who further acknowledged to me that he/she is the person executing this CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT and that he/she is authorized to do so on behalf of Hellas Construction, Inc. on this 26 day of May, 2023, to certify which witness my hand and seal of office.

[Signature]
My Commission Expires: 6/10/2026



CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 14

Deliberate and take appropriate action to request the Ingleside Development Corporation take on as a Project funding for the purchase of a digital sign located at N.O. Simmons Park.

SUBMITTED BY: Jodi Carr, Director of Economic Development

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Staff has been researching different avenues to provide information to the citizens and visitors. The availability of a City-owned digital sign would enhance the quality of life in Ingleside. The information on the sign would be readily available to the citizens 24 hours/day.

FISCAL ANALYSIS:

A TIPS Bid for \$42,480.36 has been received. However, because of the time frame for various approvals, staff is recommending a not to exceed budget of \$50,000. The Ingleside Development Corporation Board of Directors would need to approve the City Council's request as a Project.

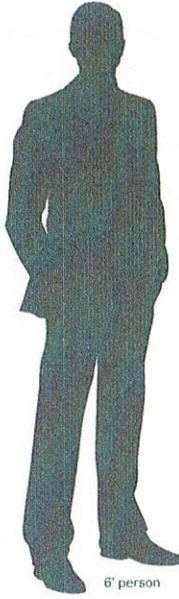
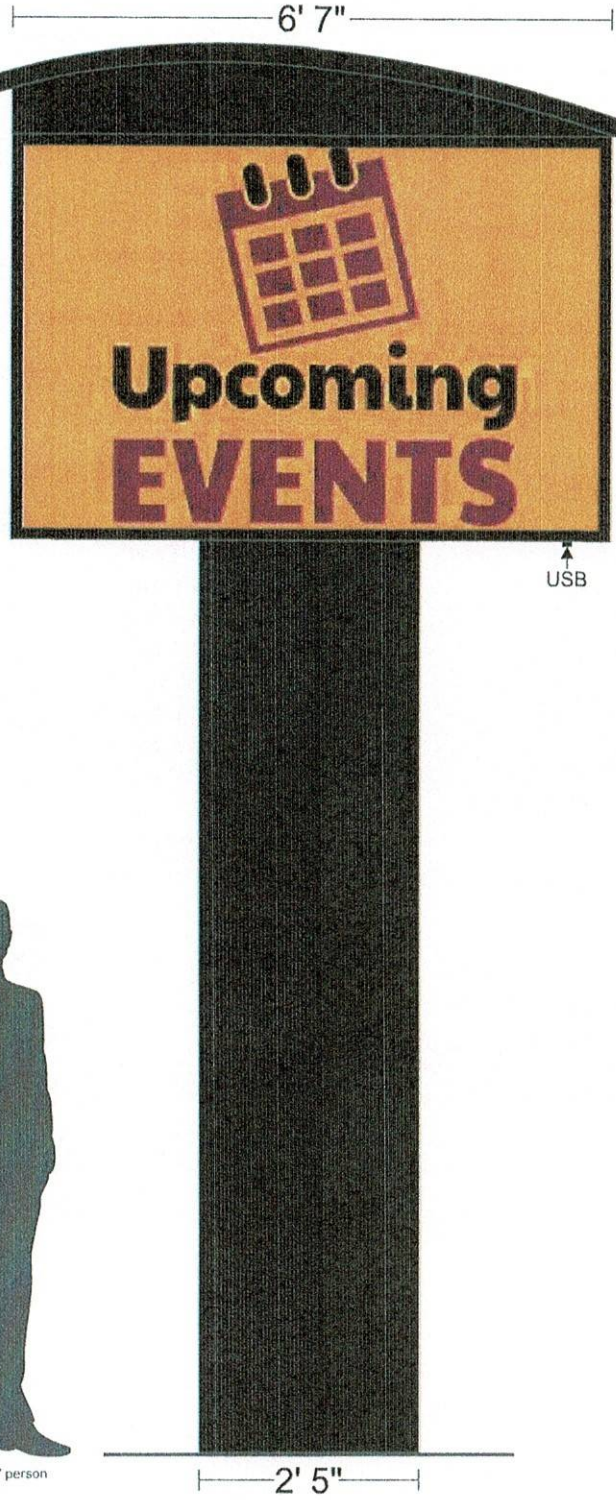
RECOMMENDATION:

Staff recommends City Council approval to request the Ingleside Development Corporation accept the Project request to fund the purchase of a digital sign for N.O. Simmons Park.

ATTACHMENTS:

1. Bid for Digital Sign

Custom Sized Trim #8



IDC

Stewart Signs
ONE SIGN, ONE COMPANY
1-800-237-3928 stewartsigns.com

POLARIS COLOR 10.66mm 120x180
LED CABINET: 4' 5" x 6' 7"
Sk: 1030488-1a Cust: 3186309
1/11/2024 CgO/aVasquez PROPOSAL
Scale: 1/2"=1' Paint Color: Black

Signature _____
Date _____

Please confirm that all lettering, colors and graphics are correct before signing. Changes to artwork after signature is received will incur a \$200 art change fee.



This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. **Original design, do not duplicate.**

LED Display Specifications

Model:	Polaris
Color:	Full Color
Pixel Pitch:	10.66mm (0.42")
Matrix - pixel height:	120
Matrix - pixel width:	180
Sides:	Double Sided*
* Two single sided cabinets in a master/master relationship.	
Cabinet Type:	Hinged
Modular Design:	No
Communication Method:	Cellular Data Modem with Lifetime Verizon Unlimited Data Plan**

** Wireless Data Modem with no restrictions on distance. Wireless data plan provided for 10 years. By signing the customer affirms and agrees to the terms and conditions listed at <https://www.signcommand.com/data-plan>.

Controller:	Industrial PC
Total pixels:	43,200
Total LEDs:	129,600
Brightness:	Up to 10,000 nits
Horizontal/vertical viewing angle:	140/70
Software:	SignCommand.com
Frames per second:	60
Auto or manual dimming:	Included

Electrical Requirements (Estimated)

Circuit:	1 circuit at 20 amps
Voltage:	240 volts

LED Display Electrical Use (Estimated)

Typical use (daytime):	571 watts per side
Typical use (nighttime):	114 watts per side
Maximum use:	1,141 watts per side
Max draw:	5 amps per side

Operating cost is approximately \$30 per month per side, assuming the average of daytime and nighttime use and a price of \$0.12 per kWh.

LED Display Dimensions

Nominal dimensions - final dimensions are provided on mechanical drawings.

Active display height:	4'-2.25" (50.25")
Active display width:	6'-3.5" (75.5")
Active display sq.ft.:	26.3 sq.ft. per side
Cabinet height:	4'-5.25" (53.25")
Cabinet width:	6'-6.5" (78.5")
Individual cabinet depth:	6.5"
Cabinet sq.ft.:	29 sq.ft. per side
Cabinet weight (approximate):	392 lbs. per side

Cabinet Options

Cabinet color:	Black (Glossy)
Ventilation:	Rear
Mounting and finishing package	Not included

Text Capabilities

15 rows of 2.9" text
12 rows of 3.8" text
10 rows of 4.2" text
7 rows of 5.5" text
6 rows of 8.4" text *
5 rows of 10.1" text *
4 rows of 12.6" text *
3 rows of 16.8" text *
2 rows of 25.2" text *
1 row of 50.4" text *
* Using regular text.

Supported Formats

AVI, BMP, GIF, JPG, MOV, MP4, MPG, PNG, TIF, WMV

Prepared for

City of Ingleside
2671 San Angelo Ave
Ingleside, TX 78362

Prepared by

Alejandro Vasquez
avasquez@stewartsigns.com
1.888.237.3928 x2440

DESCRIPTION

POLARIS+ 10.66mm CLR 120x180 DS OTDR LED

For larger and higher resolution displays, a separate weather-resistant LED cabinet is top-hinged for easy front access to internal components. Our flagship LED sign.

LED display

- 10.66mm full color at 120 pixels high by 180 pixels wide (21,600 total pixels per side)
- Active display area 4'2" x 6'4" (26.4 square feet per side)
- Double sided LED cabinet, size 4'5" x 6'7"
- 1 to 15 rows of text and use your own images and video clips
- 10-year parts availability guarantee (see warranty for info)
- Entire sign UL Listed and FCC Part 15 compliant

[See full display capabilities](#)

Communication method

Communication provided by cellular modem and LIFETIME Cell Connect data plan.

[See full specifications](#)

Sign structure

- TCI® industrial powder coat finish, color: Teal Green
- Dual leg mount with cowling (creates pedestal appearance), stub leg connection method
- Leg height: 10', Leg width: 2'5", Overall sign height: 14'5"
- Minimum wind load rating: 120mph, exposure B
- Lifetime warranty on structure, including vandalism (see warranty for info)

Electrical specifications

- One 20 amp circuit at 240 volts, Max draw: 8.8 amps

Custom options

- Top trim 8
- Install
- One Set of Three (3) Engineer Drawings & Calcs, Sealed

Software

SignCommand.com Cloud-based LED Sign Software FREE for the lifetime of the product. Control your sign from anywhere using any device. No monthly fees. [Learn more.](#)

PRICE

~~\$41,782.00~~

Special Price: \$40,946.36

Freight: \$1,534.00

Total: \$42,480.36

BuyBoard Contract #690-23

Contract Expires 03/31/2024



Included

Total: \$42,480.36

+ any applicable sales tax and freight

Payment terms: Net 30 with Purchase Order Issued to
Stewart Signs



Capabilities for a 10.66mm 120x180 Full Color LED Display

Want More?

We make LED displays to fit every budget and need.
Upgrade to a higher resolution display for even more amazing clarity and increased capabilities!

This Display

43,200
total pixels
\$36,566 investment
\$0.85 per pixel
15 rows of text

8.88mm 144x216

62,208
total pixels
\$38,330 investment
\$0.62 per pixel
18 rows of text

44% increase in resolution
(19,008 more pixels) for 5%
more investment than 10.66mm
120x180
[View this sign](#)

Prepared for: City of Ingleside • Ingleside, TX

Prepared by: Alejandro Vasquez • avasquez@stewartsigns.com • 1.888.237.3928 x2440

SHIPPING INFORMATION

All items not specified here will be shipped to:
City of Ingleside
2671 San Angelo Ave
Ingleside, TX 78362

Shipping terms: FOB Origin. Storage and other freight services may be added to your invoice should they be required. Unless managed installation services are included, customer is responsible for unloading of sign upon delivery. Signs greater than 6 feet wide are not eligible for lift gate services.

TERMS & CONDITIONS (*unless noted elsewhere in this quote)

TAX: Any applicable sales tax will be added to your invoice. Organizations exempt from sales tax must include exemption certificate with order.

PERMITS: Permits and zoning are the responsibilities of the buyer. Check with your city or county zoning office for proper permitting procedures in your area. Sealed engineer drawings available at additional cost.

INSTALLATION: Installation of footers, erection, electrical service to sign site, electrical hook-up, removal and/or disposal of any existing signage, and any decorative masonry are the responsibilities of the buyer. Managed installation services are available at additional cost.

CANCELLATION: Any cancellation may be subject to cancellation, return, and/or restocking fees. A late fee of 1.5% per month will be charged on any overdue balances. In the event of a payment default, customer will be responsible for all of Stewart Signs' costs of collection, including but not limited to court costs, filing fees and attorney fees.

SUPPORT: US-based phone and internet support are provided FREE for the lifetime of the product. A premier service warranty is available at additional cost.

SOFTWARE: By purchasing the SignCommand.com software product, you are agreeing with the Website Terms of Use (<https://www.signcommand.com/terms>) and Software End User License Agreement (<https://www.signcommand.com/eula>).

COMMUNICATION: Connectivity requires cell service at sign site. Must be within the United States (including Puerto Rico) with 4G LTE coverage shown on the Verizon Coverage Map (<https://www.stewartsigns.com/verizon-map>).

DATA PLAN: By purchasing the Cell Connect Data Plan, you are agreeing with the Data Plan Terms and Conditions (<https://www.signcommand.com/data-plan>).

I have read and understand the Terms & Conditions above.

INITIALS

ORDERING INSTRUCTIONS

1. Review this quote for accuracy. Initial the Terms & Conditions box. Sign and date the quote here.
2. Review any corresponding artwork provided with this quote. Check all spelling and colors. Sign and date the artwork.
3. Submit both documents along with your deposit payment to your sign consultant. Speak with your consultant about payment method options.

Customer's authorized signature for quote #1030488-2

SIGNATURE

PRINT NAME

DATE

Alejandro Vasquez

1/11/2024

Alejandro Vasquez, Sign Consultant

Limited Product Warranty ("Limited Warranty")

Prepared for: City of Ingleside • Ingleside, TX

Prepared by: Alejandro Vasquez • avasquez@stewartsigns.com • 1.888.237.3928 x2440

Definition of Warranty Coverage:

- 1) Stewart Signs (the "Company") expressly warrants to the original purchaser ("You" or "Buyer" or "Owner" or "Customer") that, for a period of five (5) years from the date of shipment (the "Warranty Period"), the electronic displays and the associated Company products (the "Product") will be reasonably free of material defects in materials and workmanship impacting Product fit, form and/or function. During the Warranty Period, the Company will, at its discretion, repair or replace any defective covered Product. The Owner will be responsible for removing and reinstalling any and all repaired or replacement parts. This Limited Warranty only applies to the Company's Product if installed, used, and maintained in the manner recommended by Company, and this Limited Warranty is conditioned upon compliance with all such instructions. Lifetime telephone support for the Product is provided, as needed.
- 2) In the event the Product is damaged during shipping, it is the responsibility of the Buyer to refuse delivery, causing the Product to be returned to the manufacturer for repair. Title to the Product passes to the Buyer upon the Company's delivery to the freight carrier. The Company assumes no liability for damage caused by careless handling or poor installation, except for work completed by employees of the Company.
- 3) Any information or suggestion by the Company with respect to the Product concerning applications, specifications or compliance with zoning, codes and standards is provided solely for your convenience and without any representation as to accuracy or suitability. You must verify and test the suitability of any information with respect to the Product for your specific application.
- 4) Sign Structure and Sign Face: In the event the sign structure or identification/changeable copy portion of the sign malfunctions under normal use and service thereof DURING THE LIFE OF THE SIGN due to material defects in workmanship or materials, the Company will, at its option, repair or replace any defective materials.
- 5) Vandalism to Sign Faces: This Limited Warranty covers polycarbonate faces against breakage due to vandalism DURING THE LIFE OF THE SIGN. Warranty protection does not extend to these surfaces if damaged by gunshots, or when damaged coincident with damage to the sign cabinet in which the faces are installed. LED panels are also covered from vandalism for the duration of the electronics portion of the Limited Warranty (5 years). Excludes Cornerstone monument signs and other Cornerstone components.
- 6) Failed electronic parts or assemblies will be repaired or replaced, at the sole discretion of the Company. Replacement or repaired parts are warranted to be free from material defects in material or workmanship for ninety (90) days, or for the remainder of the Warranty Period of the Product they are replacing or in which they are installed, whichever is longer.
- 7) The Company will repair failed LED pixels if greater than one quarter of one percent (0.25%) of the total number of pixels in the sign have failed in one (1) calendar year, provided the sign is installed with the recommended ventilation system for its location. The definition of pixel failure is when all LEDs in the pixel will no longer emit light. Pixel repair is performed at the Company Repair Center. It is common knowledge within the sign industry that all LEDs degrade and produce less light as they age. Eventually the LEDs will require replacement even though the LEDs will still emit light. This Limited Warranty does not cover normal LED degradation.
- 8) Customer Obligations:
Failure by the Customer to properly maintain the Product will void coverage for affected components. The Customer shall notify the Company immediately of equipment failure and allow the Company full and free access to the Product when required. Waiver of liability or other restriction shall not be imposed as a site access requirement. The Customer is responsible for all costs and management oversight associated with providing the Company access to the Product, providing the necessary machines, communication facilities and other equipment, inclusive of but not limited to lifting equipment. Should on-site repair be required, Customer is required to have a responsible individual on-site to provide access to the Product as well as sign off on a completed work order.
- 9) Exclusions and Restrictions:
The Company reserves the right to restrict service, limit replacement parts, or invalidate this Limited Warranty to Customers whose account balance is past due.
This Limited Warranty specifically excludes any on-site labor required to service the covered Product, including diagnosis, removal, and installation of parts and/or products. Any on-site service required by the Customer of Company technicians or a local Company-authorized service provider is billable to the Customer based on an agreed-upon written quote.
This Limited Warranty does not apply to software. Software is covered by a separate agreement, which appears in the Company's software license agreement.
ID cabinet LED illumination and power supply are covered for two (2) years, when purchased as a system.
- 10) This Limited Warranty specifically does not cover the following:
 - a) Third-party communication devices such as wireless devices and modems, which are covered by a separate electronic communication warranty. This includes the Ubiquiti wireless radios provided by Stewart Signs, which carry a one (1) year warranty from ship date when purchased with a new sign.
 - b) Damage to Product that has been moved from its original installation location or is mounted in a mobile structure.
 - c) Cosmetic damage to the Product (including but not limited to scratches and dents that do not otherwise affect the fit, form or functionality of the Product or materially impair its use).
 - d) Recovery or transfer of any data or software stored on the Product not originally installed on the Product by the Company.
- 11) This Limited Warranty specifically does not cover conditions, defects or damage caused by or resulting from the following:
 - a) Defects caused by: unreasonable or unintended use of Product; improper or unauthorized handling; accident; omission; neglect; vandalism (unless otherwise noted in this Limited Warranty); misuse; physical abuse; installation, use and/or fabrication, and maintenance of the Product by

Prepared for: City of Ingleside • Ingleside, TX

Prepared by: Alejandro Vasquez • avasquez@stewartsigns.com • 1.888.237.3928 x2440

any party other than the Company.

- b) Damage (not resulting from manufacturing defects) that occurs while the Product is in the Owner's control and/or possession, unless otherwise noted in this Limited Warranty.
 - c) Extreme physical or electrical stress or interference; environmental conditions beyond the Company's control, such as man-made or naturally occurring salt air/fog, electrochemical oxidation or corrosion and/or metallic pollutants. Also not covered is normal wear and tear; inadequate, improper, or surges of electrical power; lightning, floods, fire, acts of God, war, terrorism, or other external causes, including Force Majeure.
 - d) Unauthorized modification, including installation of third-party software on the Product.
 - e) Product modification or service by anyone other than: (a) the Company, (b) a Company-authorized service provider, or (c) Customer's own installation of Company approved parts with instruction from the Company. Service to damaged or malfunctioning Product which has not been ordered or authorized by the Company's Customer Satisfaction Department is not covered under this Limited Warranty and will automatically invalidate this Limited Warranty.
 - f) Computer viruses, Trojan horses, worms, self-replicating code or like destructive code which was not included in the Product by the Company.
 - g) Products installed with known or visible manufacturing defects at the time of installation.
- 12) The Company will provide and be responsible for the cost of shipping parts from the Company to the Customer, with the exception of sign faces replaced due to vandalism. Standard shipping via the United States Postal Service or other commercial parcel delivery company is the default method of delivery. Expedited delivery is available to the Customer at his or her expense.
- 13) Warranty claims must be registered with the Company within thirty (30) days of damage or malfunction. To register a claim, the Customer must contact the Company at the location specified below and provide (a) his or her name and any other required contact information, (b) Product and purchase descriptions, and (c) the nature of the defect. The Company reserves the right (at its sole discretion) to require proof of original purchase (e.g. paid invoice, receipt) and to visit the site of the installation or to require documentation of the claim before assuming any responsibility under the provisions of this Limited Warranty.
- 14) THE LIMITED WARRANTIES SET FORTH HEREIN ARE THE ONLY WARRANTIES MADE BY THE COMPANY IN CONNECTION WITH THE PRODUCT. THE COMPANY CANNOT AND DOES NOT MAKE ANY IMPLIED OR EXPRESS WARRANTIES WITH RESPECT TO THE PRODUCT, AND DISCLAIMS ALL OTHER WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE COMPANY'S SOLE OBLIGATION UNDER THIS LIMITED WARRANTY SHALL BE TO REPAIR OR REPLACE MALFUNCTIONING OR DEFECTIVE PARTS OF THE PRODUCT. BUYER ASSUMES ALL RISK WHATSOEVER AS TO THE RESULT OF THE USE OF THE PRODUCT PURCHASED, WHETHER USED SINGULARLY OR IN COMBINATION WITH ANY OTHER PRODUCTS OR SUBSTANCES.
- 15) NO CLAIM BY BUYER OF ANY KIND, INCLUDING CLAIMS FOR INDEMNIFICATION, SHALL BE GREATER IN AMOUNT THAN THE PURCHASE PRICE OF THE PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL COMPANY BE LIABLE TO BUYER IN TORT, CONTRACT OR OTHERWISE, FOR ANY SPECIAL, INDIRECT, INCIDENTAL, CONSEQUENTIAL, RELIANCE, PUNITIVE OR EXEMPLARY DAMAGES, OR FOR LOSS OF PROFIT, REVENUE OR USE, IN CONNECTION WITH, ARISING OUT OF, OR AS A RESULT OF, THE SALE, DELIVERY, SERVICING, USE OR LOSS OF USE OF THE PRODUCT SOLD HEREUNDER, OR FOR ANY LIABILITY THAT BUYER HAS TO ANY THIRD PARTY WITH RESPECT THERETO.

10-Year Parts Guarantee - Stewart Signs provides a 10-year parts guarantee for our LED signage. While hardware can change year over year, we will have available suitable hardware to allow the continued use of your signage for 10-years from the ship date of the sign. Changes in hardware include but are not limited to: visual hardware changes, software changes, or control system upgrades.

Contact Information:

Stewart Signs Customer Satisfaction

2201 Cantu Court, Suite 215

Sarasota, FL 34232

Phone: 855-841-4624

Web: www.stewartsigns.com/support/

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- any party other than the Company.
- b) Damage (not resulting from manufacturing defects) that occurs while the Product is in the Owner's control and/or possession, unless otherwise noted in this Limited Warranty.
 - c) Extreme physical or electrical stress or interference; environmental conditions beyond the Company's control, such as man-made or naturally occurring salt air/fog, electrochemical oxidation or corrosion and/or metallic pollutants. Also not covered is normal wear and tear; inadequate, improper, or surges of electrical power; lightning, floods, fire, acts of God, war, terrorism, or other external causes, including Force Majeure.
 - d) Unauthorized modification, including installation of third-party software on the Product.
 - e) Product modification or service by anyone other than: (a) the Company, (b) a Company-authorized service provider, or (c) Customer's own installation of Company approved parts with instruction from the Company. Service to damaged or malfunctioning Product which has not been ordered or authorized by the Company's Customer Satisfaction Department is not covered under this Limited Warranty and will automatically invalidate this Limited Warranty.
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- 14) THE LIMITED WARRANTIES SET FORTH HEREIN ARE THE ONLY WARRANTIES MADE BY THE COMPANY IN CONNECTION WITH THE PRODUCT. THE COMPANY CANNOT AND DOES NOT MAKE ANY IMPLIED OR EXPRESS WARRANTIES WITH RESPECT TO THE PRODUCT, AND DISCLAIMS ALL OTHER WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE COMPANY'S SOLE OBLIGATION UNDER THIS LIMITED WARRANTY SHALL BE TO REPAIR OR REPLACE MALFUNCTIONING OR DEFECTIVE PARTS OF THE PRODUCT. BUYER ASSUMES ALL RISK WHATSOEVER AS TO THE RESULT OF THE USE OF THE PRODUCT PURCHASED, WHETHER USED SINGULARLY OR IN COMBINATION WITH ANY OTHER PRODUCTS OR SUBSTANCES.
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7. Electrical: Customer provided

- Electrical circuit wiring to within 3 feet of the sign is the responsibility of the customer.
- All electrical work must be completed by a licensed electrician and meet all state and local electrical codes.
- The recommended voltage and amperage for each dedicated circuit is printed on the Sign Quote Form.
- If electric/data is not at the sign at the scheduled installation, the customer assumes responsibility for connectivity.

8. If Your Sign is Wi-Fi Wireless, Customer Provided Cabling Requirements and Building Penetration

- Wireless communication between the building's network and the LED sign requires mounting a wireless device on the outside of the building in line-of-sight between **the antenna** on the sign and the **wireless device on the building**. The installer will connect the building antenna if it is 10' or less from the ground level and there at the time of the scheduled installation, provided that the Cat5 cable has been penetrated through building wall, otherwise the customer assumes responsibility for connectivity. The customer is responsible for internal wiring and connections to their network device.
- Wall penetration is governed by local building and fire codes. Building membranes and other wall construction designs may require special consideration and inspecting for wiring, plumbing, ductwork, etc. before penetrating any wall.
- **Stewart Signs does not perform building penetrations as part of the sign installation process.** The wireless device weighs approximately 3 ounces and is attached to the building using mounting brackets and the hole sealed with silicone.
- Contact Stewart Signs at 855-841-4624 for any programming concerns or questions.

9. Post Agreement Changes: Circumstances may change during the installation process.

- Stewart Signs will inform the customer of any additional costs when unforeseen conditions occur. The install will stop until the additional cost receives written approval.

10. Installation onto existing structures: IF APPLICABLE TO THE EXTENT PERMITTED BY STATE LAW:

- Customer shall agree to defend, indemnify, and hold harmless Stewart Signs and the installer from liability and claim as new sign is being installed onto existing structure and footer. Stewart Signs and installer are NOT responsible for the integrity of the existing structure or footer.

Scope of work to include:

Acquire any necessary permits. Dig, form and pour new footer. Connect to customer supplied electric which will be within 3' of sign. Power up and test sign. Remove all shipping and installation debris. Take final pics of working sign and send to SS.

ADDENDUMS

- Electric provided by customer must be within 3 feet of the install location at the time of installation for final connection to be made by installer. If electric is **NOT** available at the time of installation final connection becomes the customer responsibility.
- Permit and acquisition fees are **NOT** included. Permit and Sealed engineered drawings, if required by local jurisdiction will be billed to the customer. All costs will be itemized and invoiced to the customer at project completion.

***** Any change to this agreement requires signed approval by both the customer and Stewart Signs.***

Installation price: Included in quote

Price valid until: 04-11-2024

Sign type and size: POLARIS+ 10.66mm CLR 120x180

OAH: 14'5"

Quote #: 1030488-2

Communication Method: Cellular Modem

INTERNAL USE ONLY

Installation Coordinator: JER

Approval Date: 01-11-2024

The foregoing agreement is exclusive and in lieu of all other agreements whether written, oral, or implied.

I understand and agree to the above standards and conditions.

Responsible person's signature: _____

Title: _____

Date: ____/____/____

Print name: _____

Organization name: _____

Phone: (____) ____-____

7. Electrical: Customer provided

- **Electrical** circuit wiring to within 3 feet of the sign is the responsibility of the customer.
- All electrical work must be completed by a licensed electrician and meet all state and local electrical codes.
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INTERNAL USE ONLY

Installation Coordinator: JER

Approval Date: 01-11-2024

The foregoing agreement is exclusive and in lieu of all other agreements whether written, oral, or implied.

I understand and agree to the above standards and conditions.

Responsible person's signature: _____

Title: _____

Date: ____/____/____

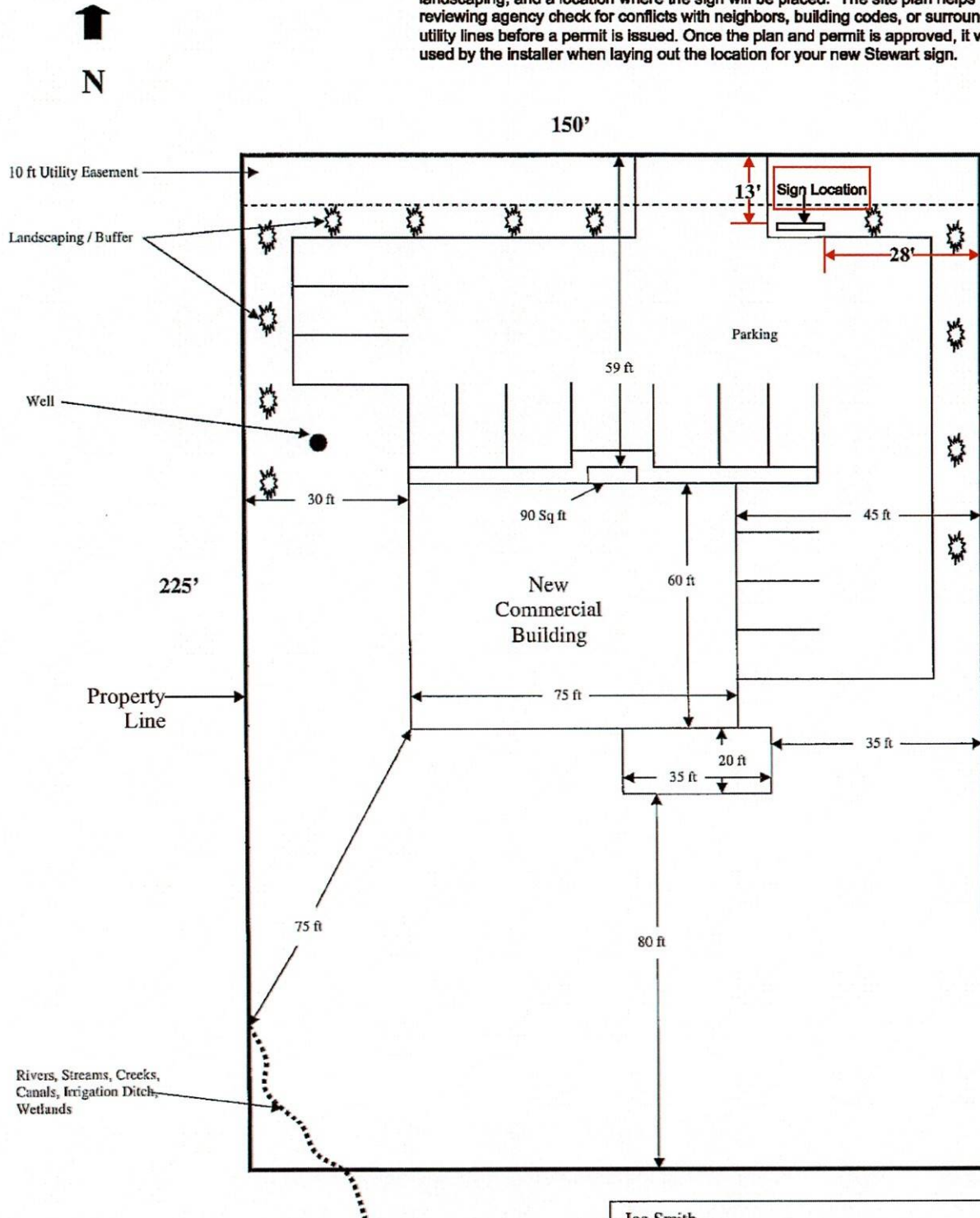
Print name: _____

Organization name: _____

Phone: (____) ____-____

What is a Site Plan?

A key component in getting a sign project approved is a property site plan. Many jurisdictions will require one before moving forward in the permitting and installation process. A site plan usually shows measurements along with a building footprint, roadways, parking, drainage facilities, sewer lines, water lines, trails, lighting, landscaping, and a location where the sign will be placed. The site plan helps the reviewing agency check for conflicts with neighbors, building codes, or surrounding utility lines before a permit is issued. Once the plan and permit is approved, it will be used by the installer when laying out the location for your new Stewart sign.



SAMPLE SITE PLAN

NOTE: All easements must be shown and identified.

Joe Smith
100 W. Anywhere Street
Parcel # 55-55-55-5555
Ph. 555-555-5555
Scale: 1" = 30'
Put Drawing Scale Here

CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 15

Deliberate and take appropriate action on a Request for Qualifications (RFQ) for city employee's Health Benefits.

SUBMITTED BY: Leticia Mejia, Director of Human Resources

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Council requested staff research and advertise for RFQ's for broker services to research other major medical plans. Staff did advertise for broker services, and the Human Resources department sent out an Employee Survey requesting response to questions about the current health benefits. The City has 90 employees who are enrolled in health benefits including Medical, Dental, and Vision. We had 55 out of 90 employees complete the survey. 7 out of 55 employees commented they are not satisfied with the coverage for various reasons. After reviewing the employee survey results it shows that the majority of our employees are satisfied with our current Health Benefits Plan. A major concern voiced by respondents is if the City change's insurance providers, will the employee be forced to change medical providers to remain in the network? In addition, because of the participation in the pool, the City has a \$275,000 threshold established, which enables costs to be spread out through the pool.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the City remain with the current provider Health Benefits of Texas (TML) and continue with the annual renewal procedures.

ATTACHMENTS:

1. Ingleside - Out to Bid
2. Final Employee Survey_ Satisfaction with Health and Dental Insurance

Ruby Beaven

From: Leticia Mejia
Sent: Thursday, February 8, 2024 12:24 PM
To: Brenton B. Lewis
Subject: Ingleside - Out to Bid

Importance: High

Good Afternoon Mr. Lewis,

Below is the information from Victor Diaz with Texas Health Benefits.

Thank you,
Lettie

From: Victor Diaz <Victor.Diaz@txhb.gov>
Sent: Thursday, February 8, 2024 12:03 PM
To: Leticia Mejia <LMejia@inglesidetx.gov>
Subject: Ingleside - Out to Bid - Question
Importance: High

Hi, Letty.

Here is the breakdown of the underwriting process, cost to the city and current employee benefits -

Our renewal underwriting begins several months before the rates are released to the group, and a lot can change between the time we initially pull the data and when you decide to go out to bid. If you do issue an RFP, we want to be sure that our underwriting is based on the same data as all other bidders. That can change your rates negatively based on what your recent claims data shows. That is how we make sure that we are on level footing with any other bidders.

Secondly, the pool takes a lot of steps to spread claims costs across the entire pool and we look at 2 years of data. We look at 2 years because it insulates the city from having a really high rate increase just because of 1 bad year. So, if the city decides to go out to bid/RFP, then again, we want to look at the data again and respond to your RFP.

The city currently has a \$275K pooling threshold. Which means, any claims over the \$275K threshold are spread among the pool and will not affect your rates during underwriting. This would no longer apply during re-underwriting as we would treat the city as a new group and by doing so, we would use the True Loss Ratio -vs- Adjusted Loss Ratio.

If the city does move to a different carrier? The city cannot come back to the pool for at least 2 years. It does not mean we can bring you back automatically after 2 years. City's claim utilization must meet our underwriting standards at the time of review.

YOUR RENEWAL QUOTE INCLUDES PROPRIETARY INFORMATION THAT SHOULD NOT BE SHARED WITH OTHER COMPETITORS TO CIRCUMVENT THE REQUIREMENTS OF TEXAS COMPETITIVE BIDDING LAWS. IN THE EVENT YOU RECEIVE A RENEWAL QUOTE AND DECIDE TO ISSUE AN RFP, THE RENEWAL QUOTE MAY NOT BE SHARED WITH ANY OTHER COMPETITORS AS DOING SO WOULD DISADVANTAGE TX HEALTH BENEFITS POOL IN THE COMPETITIVE PROCESS. TX HEALTH BENEFITS POOL ALSO RESERVES THE RIGHT TO REVISE PREVIOUSLY ISSUED RATES IN RESPONSE TO YOUR RFP.

Not to mention the cost and loss of benefits.

- Expense to pay the Broker/Agent (TXHB does not pay commissions as we are a government/pool entity and not insurance) Any commissions paid would come out of the city expense.
- Time spent putting an RFP together and the cost of the review.
- Possible Network disruption
- Possible Benefit disruption
- On-site Circle Wellness (\$150 incentive) we would no longer be able to offer this benefit or set up annual screenings through Circle Wellness.
 - Out of 101 eligible employees & spouses that could have received the incentive – 36 received it (\$150) for 2023. (35.60%)

City currently offers their employees the following benefits through Texas Health Benefits (TXHB). If city moves, they will need to place all benefits with new carrier and some benefits would not be able to be replaced as they are only offered through TXHB. Ex: Surgery Plus, Incentive.

- Medical – Dual Plan's
- Prescription
- Dental
- Vision
- Basic Life
- Additional Life
- Dependent Life
- LTD
- STD
- Pre-Sixty-Five Retiree Benefits (Medical, Dental & Vision)
- Cobra Administration
- Wellness Incentive - \$150
- Surgery Plus – Waives Deductible & Out of Pocket.

If you would like to discuss in more detail? Please let me know and we can visit in person and go over the above details with you and city manager. I'm only an email or phone call away.

Respectfully,



Victor Diaz

Account Executive

Call: 512-719-6793

1821 Rutherford Lane, STE 300, Austin, Texas 78754

[Sign Up for Weekly Benefit Coordinator Updates!](#)

TX Health Benefits Pool will be closed February 29th starting at 2PM through March 1st for annual employee required training.

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that you may not disclose, print, copy, or disseminate this information. If you have received this transmission in error, please reply to the sender and delete or destroy the message. Unauthorized interception of this transmission may be a violation of criminal law.

Id	Start time	Completion time	Email
1	2/23/24 15:57:18	2/23/24 15:57:46	lmejia@Inglesidetx.gov
2	2/23/24 15:59:39	2/23/24 16:02:25	ncanales@Inglesidetx.gov
3	2/26/24 16:39:54	2/26/24 16:40:51	anonymous
4	2/26/24 16:39:24	2/26/24 16:40:57	anonymous
5	2/26/24 16:39:25	2/26/24 16:41:47	anonymous
6	2/26/24 16:41:20	2/26/24 16:42:03	anonymous
7	2/26/24 16:41:16	2/26/24 16:42:28	anonymous
8	2/26/24 16:39:29	2/26/24 16:42:50	anonymous
9	2/26/24 16:39:31	2/26/24 16:43:06	anonymous
10	2/26/24 16:42:39	2/26/24 16:43:33	anonymous
11	2/26/24 16:45:06	2/26/24 16:46:10	anonymous
12	2/26/24 16:47:59	2/26/24 16:50:20	anonymous
13	2/26/24 16:52:31	2/26/24 16:57:30	anonymous
14	2/26/24 16:58:32	2/26/24 17:01:50	anonymous
15	2/26/24 17:55:22	2/26/24 17:56:07	anonymous
16	2/27/24 7:18:56	2/27/24 7:19:41	anonymous
17	2/27/24 7:39:06	2/27/24 7:40:38	anonymous
18	2/27/24 8:00:36	2/27/24 8:01:26	anonymous
19	2/27/24 8:01:53	2/27/24 8:02:42	anonymous
20	2/27/24 8:13:41	2/27/24 8:14:36	anonymous
21	2/27/24 8:27:34	2/27/24 8:29:15	anonymous
22	2/26/24 16:43:24	2/27/24 8:31:56	anonymous
23	2/27/24 10:59:46	2/27/24 11:02:56	anonymous
24	2/27/24 11:00:21	2/27/24 11:03:48	anonymous
25	2/27/24 9:21:31	2/27/24 12:20:47	anonymous
26	2/27/24 12:21:20	2/27/24 12:23:23	anonymous
27	2/27/24 14:39:42	2/27/24 14:43:45	anonymous
28	2/27/24 15:03:35	2/27/24 15:22:58	anonymous
29	2/27/24 15:22:33	2/27/24 15:23:33	anonymous
30	2/27/24 15:35:24	2/27/24 15:39:11	anonymous
31	2/28/24 4:19:43	2/28/24 4:21:08	anonymous
32	2/28/24 8:13:21	2/28/24 8:18:18	anonymous
33	2/28/24 8:38:32	2/28/24 9:20:07	anonymous
34	2/28/24 10:55:28	2/28/24 11:00:12	anonymous
35	2/28/24 14:14:57	2/28/24 14:23:42	anonymous
36	2/28/24 19:53:36	2/28/24 19:59:22	anonymous
37	2/28/24 23:02:05	2/28/24 23:05:44	anonymous
38	2/29/24 8:05:14	2/29/24 8:07:07	anonymous
39	2/29/24 11:44:03	2/29/24 11:45:25	anonymous
40	2/29/24 11:45:47	2/29/24 11:47:04	anonymous
41	3/1/24 8:06:09	3/1/24 8:08:44	anonymous
42	3/1/24 10:51:22	3/1/24 10:58:51	anonymous

43	3/4/24 8:24:38	3/4/24 8:25:17 anonymous
44	3/8/24 9:43:13	3/8/24 9:43:47 anonymous
45	3/8/24 9:43:14	3/8/24 9:44:13 anonymous
46	3/8/24 9:44:12	3/8/24 9:45:08 anonymous
47	3/8/24 9:44:48	3/8/24 9:46:02 anonymous
48	3/8/24 9:46:49	3/8/24 9:47:43 anonymous
49	3/8/24 9:53:06	3/8/24 9:55:33 anonymous
50	3/8/24 9:55:40	3/8/24 9:56:18 anonymous
51	3/8/24 10:44:22	3/8/24 10:46:16 anonymous
52	3/8/24 11:02:09	3/8/24 11:09:40 anonymous
53	3/8/24 11:42:42	3/8/24 11:43:23 anonymous
54	3/8/24 13:32:11	3/8/24 13:33:24 anonymous
55	3/8/24 16:29:02	3/8/24 16:29:52 anonymous

[illegible]

Yes	Employee only
Yes	Employee only
Yes	Employee + Children
No	I have coverage elsewhere.
Yes	Employee only
Yes	Employee only
Yes	Employee + Spouse
Yes	Employee only
Yes	Employee + Spouse
Yes	Employee only
Yes	Employee + Children
Yes	Employee only
Yes	Family

Plan selected:	Are you currently enrolled?	If no, please complete the Health/Dental Insurance
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	No	I have coverage elsewhere
☐ Option 2= Copay 3k-6k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	No
Option 1= Copay 1k-3k	Yes	Yes
	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	No
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
Option 1= Copay 1k-3k	Yes	No
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
	Yes	No
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes

Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	Yes
	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	No
Option 1= Copay 1k-3k	Yes	Yes
☐ Option 2= Copay 3k-6k	Yes	No
Option 1= Copay 1k-3k	Yes	No
Option 1= Copay 1k-3k	Yes	No
Option 1= Copay 1k-3k	Yes	Yes
Option 1= Copay 1k-3k	Yes	Yes

[illegible]

Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
No	Yes	Yes	No
Yes	Yes	Yes	Yes
Yes	No	No	Yes
No	No	Yes	No
No	No	No	No
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes

If No, please provide comment

The only issue I can really complain about is the co-pay. When multiple children/people (in my family) are

I wish dental covered more.

AMOUNTS TO PAY FOR PROCEDURES SUCH AS MRI'S OR ANY TYPES IN THE DOCTORS OFFICE, YOU HAVE TO
the co pays and deductibles are ridiculous.

I think there are more reliable carriers plus would like to have the function of FSA to help to pay for co-pay

The deductibles are too high. I can only afford to have myself on the coverage, not my children or spouse.

I am satisfied with the current health/dental insurance carrier. I worry that if you change carriers will my |

Costs for certain procedures or tests such as MRI are outrageous. Cost for the ER is outrageous. Although

1. Does not allow you
to use the pharmacy of
your choice - had to
change pharmacies
because our current
insurance stopped using
Walgreens...

2. No longer offers
weight loss coverage...

I am extremely satisfied with the current plan. I have located my medical providers that are in network, and

I am dissatisfied with the dental coverage not covering orthodontics for anyone over the age of 21 years old
a little expensive

I think the current insurance provider should remain as it is very difficult to change medical providers and
Fortunately, I don't have many medical issues. But, I know there has to be better coverage, less co-pay for

a lot of noncoverage meds and procedures

The plans are expensive, the out of pocket is expensive and there's not enough in-network providers.

When I am sick at the same time the co-pay is outrageous.

TO MEET THE DEDUCTIBLE BEFORE THEY ARE COVERED AND ARE VERY EXPENSIVE, ALSO THE ER COPAY

for x-rays, prescriptions, and medical bills to plan for a surgery.

My primary care doctor and my specialist doctors be in the network or will I be required to re-establish by consulting with them. I appreciate the City covering the monthly premium for employees and the majority of the premium for

and I am concerned to change insurance providers could jeopardize my use of my current providers. I do not want to. Some employees never had adequate dental coverage/finances to cover orthodontics early in life and

to verify they are in network. I do not want to. Prior to this I had Obamacare. My monthly premium was a little over \$1.00 and

IS TOO HIGH AT \$500, THE PRESCRIPTION COVERAGE IS TERRIBLE, NAVITUS DETERMINES WHAT YOU CAN

changing doctors.

for families, I don't think the coverage we are provided is very good.

not believe that the City should pursue another insurance company.

and are being singled out when it comes to these services. Orthodontics are incredibly expensive, especially

many times my Rx's were free. There has to be something better for a large group of city employees.

AN USE AND WHAT YOUR DOCTOR REQUESTS MEANS NOTHING, YOU HAVE TO GO THRU SEVERAL AUTH-

lly on a local government salary, and it would be beneficial to raise the bi-weekly dental benefit cost if it

ORIZATION PROCESSES TO HAVE THEM PAY FOR WHAT IS PRESCRIBED, THEY SHOULD NOT TELL THE PA

: would cover some of the costs of orthodontics.

ALTERNATIVE WHAT YOU SHOULD USE INSTEAD OF WHAT IS PRESCRIBED BY A DOCTOR.

CITY COUNCIL AGENDA

Regular Meeting: March 26, 2024

AGENDA ITEM: 16

Deliberate and take appropriate action on a Resolution establishing the Beautification Committee, outlining duties, and appointing members.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Council has recently expressed the desire to reinstate the Beautification Committee. Through research, staff has found over the years where there was discussions and established budgets for the Beautification Committee going back since 1990. The two most recent findings with City Council action were as follows:

On May 14, 2013, City Council appointed three (3) members to serve on the Beautification Committee with two (2) being Council Members and (1) Citizen. Discussion at this time was for maintaining the Right of Ways within our city limits.

On May 10, 2016, the Beautification Committee requested \$20,000 for upgrades to the Humble Center. City Council authorized the requested additional funding from the Council Reserve Funds.

The staff were not able to find where there was a Resolution outlining guidelines for the Beautification Committee. Please see the attached resolution establishing the Beautification Committee, outlining duties, and appointing members.

FISCAL ANALYSIS:

There is no financial impact on this resolution at this time. The City Manager will bring forward a suggested budget amendment to allocate funds for a Beautification Committee line item.

RECOMMENDATION:

Staff recommends the adoption of the Resolution establishing the Beautification Committee, outlining duties, and appointing members.

ATTACHMENTS:

1. Resolution - Beautification Committee

RESOLUTION NO. 2024-____

**DELIBERATE AND TAKE APPROPRIATE ACTION ON A RESOLUTION
ESTABLISHING THE BEAUTIFICATION COMMITTEE, OUTLINING
DUTIES, AND APPOINTING MEMBERS.**

WHEREAS, the City Council of the City of Ingleside expressed the desire to reinstate the Beautification Committee; and

WHEREAS, the purpose of a Beautification Committee is to serve in an advisory capacity to the City Council to make recommendations on projects designed to maintain and improve the appearance of landscape areas within the City; and

WHEREAS, the City Council wishes to have the Beautification Committee consist of six (6) members consisting of one (1) Council Member, two (2) staff members being the City Manager or designee and Director of Infrastructure Services or designee, and three (3) citizens; and

WHEREAS, the City Council realizes other staff members may be included for support; and

WHEREAS, the Beautification Committee shall have the authority to establish guidelines regarding frequency of meetings and attendance by committee members.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE:

Section One: City Council does hereby create a Beautification Committee.

Section Two: The Beautification Committee shall consist of six (6) members with one (1) Council Member, two (2) staff members being the City Manager or designee and Director of Infrastructure Services or designee, and three (3) citizens who shall be appointed by the City Council.

Council Member:

City Council Member _____

Staff Members:

City Manager or designee

Director of Infrastructure Services or designee

Citizens:

Citizen (1) _____

Citizen (2) _____

Citizen (3) _____

Section Three:

Duties of the Beautification Committee

- A. The Committee shall work to improve the landscape of the City's properties including the areas around public buildings, along the streets by planting flowering plants, bushes and other vegetation and helping to keep these areas free from litter.
- B. In March of each year, the Committee shall make recommendations to the Council for beautification projects for the upcoming fiscal year.
- C. It shall be the duty of the Committee to organize and promote an annual cleanup month for April of each year.

Section Four:

The Beautification Committee shall have the authority to establish guidelines regarding frequency of meetings and attendance by members and will serve only as a committee.

PASSED AND APPROVED this 26th day of March, 2024 by 00 (ayes) to 00 (nays) with 00 abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary