
CITY OF RICHLAND, TEXAS

**2002
CODE OF ORDINANCES**

GENERAL ORDINANCES OF THE CITY

PUBLISHED BY THE ORDER OF THE CITY COUNCIL

CITY OF RICHLAND, TEXAS

ORDINANCE NO. 43

"ORDINANCE ADOPTING CODE OF ORDINANCES"

AN ORDINANCE OF THE CITY OF RICHLAND, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES, ESTABLISHING THE SAME AND PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN SUCH CODE AS WELL AS PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE DESIGNATION OF SUCH CODE AND HOW IT MAY BE CITED; PROVIDING FOR CATCHLINES USED IN THE NEW CODE; PROVIDING FOR CERTAIN DEFINITIONS AND RULES OF CONSTRUCTION FOR THE NEW CODE; PROVIDING FOR AMENDMENTS OR ADDITIONS TO THE NEW CODE; PROVIDING FOR THE SUPPLEMENTATION OF THE NEW CODE; PROVIDING FOR SEVERABILITY OF ALL PARTS OF THE NEW CODE; PROVIDING A GENERAL PENALTY FOR VIOLATIONS OF THE NEW CODE; DESIGNATING CORSICANA NATIONAL BANK AS THE OFFICIAL DEPOSITORY; ESTABLISHING THE CITY SEAL; ESTABLISHING THE FISCAL YEAR AS JANUARY 1 TO DECEMBER 31; AUTHORIZING THE CONTRACTING OF TAX COLLECTION AND ASSESSMENT FUNCTIONS FOR CITY TAXES; PROVIDING FOR ARRESTS WITHOUT WARRANT; ESTABLISHING RECORDS MANAGEMENT PROGRAM AND RESPONSIBILITIES; ESTABLISHING EMERGENCY MANAGEMENT PROGRAM AND RESPONSIBILITIES; ESTABLISHING RABIES VACCINATION REQUIREMENTS AND CONTROL PROCEDURES; ESTABLISHING DOG AND CAT RESTRICTIONS AND PROHIBITING CERTAIN DOGS FROM RUNNING AT LARGE; REGULATING LARGE ANIMALS, POULTRY AND SWINE; DEFINING VICIOUS ANIMALS AND PROVIDING FOR THEIR REGULATION; PROVIDING FOR IMPOUNDMENT, REDEMPTION AND DISPOSITION PROCEDURES FOR ANIMALS; ADOPTING THE 1997 EDITION OF THE UNIFORM PLUMBING CODE, ADMINISTRATIVE CODE, FIRE CODE, BUILDING CODE, MECHANICAL CODE, AND DWELLING CONSTRUCTION UNDER THE MECHANICAL CODE, REQUIRING ALL BUILDINGS TO BE NUMBERED; REGULATING BILLBOARD AND OFF-PREMISE SIGNS; PROHIBITING MOBILE HOMES MANUFACTURED PRIOR TO JUNE 15, 1976 WITHIN THE CITY; ESTABLISHING REGULATIONS FOR MOVING HOUSES AND BUILDINGS INTO AND THROUGH THE CITY; REGULATING RADIO, TELEVISION AND COMMUNICATION TOWERS; REGULATING DANGEROUS AND SUBSTANDARD BUILDINGS IN THE CITY AND PROVIDING PROCEDURES FOR THEIR ABATEMENT; REGULATING SEXUALLY ORIENTED BUSINESSES IN THE CITY; REGULATING JUNK

DEALERS AND JUNKYARDS IN THE CITY; PROHIBITING THE MANUFACTURE AND STORAGE OF FIREWORKS IN THE CITY; PROHIBITING THE MANUFACTURE AND STORAGE OF EXPLOSIVES IN THE CITY; REGULATING OUTDOOR BURNING IN THE CITY; DEFINING NUISANCES AND REGULATING NOISE NUISANCES, OFFENSIVE ODOR NUISANCES, ACCUMULATIONS OF TRASH, RUBBISH, AND DEBRIS; PROHIBITING DUMPING AND LITTERING OF TRASH RUBBISH AND DEBRIS; RESTRICTING THE TYPES OF CONTAINERS FOR STORAGE OF GASOLINE AND KEROSENE; REQUIRING ALL ELECTIONS TO BE CONDUCTED IN COMPLIANCE WITH STATE ELECTION LAWS; ESTABLISHING THE TERMS OF OFFICE FOR THE MAYOR AND COUNCILMEMBERS; PROHIBITING CITY CONTRACTS WHERE CITY OFFICIALS HAVE FINANCIAL INTEREST; CREATING A MUNICIPAL COURT AND ESTABLISHING COURT PROCEDURES AND OFFICERS; ADOPTING \$3.00 FEE FOR MUNICIPAL COURT SECURITY; ADOPTING \$4.00 FEE FOR MUNICIPAL COURT TECHNOLOGY FUND; ESTABLISHING A POLICE DEPARTMENT FOR THE CITY; CREATING THE OFFICE OF CITY SECRETARY AND ESTABLISHING DUTIES; ADOPTING PLATTING AND SUBDIVISION REGULATIONS INCLUDING DEVELOPMENT STANDARDS AND SPECIFICATIONS AND MINIMUM CONSTRUCTION STANDARDS; ESTABLISHING A GENERAL SPEED LIMIT OF 30 MPH ON ALL CITY STREETS AND 15 MPH IN ALLEYS UNLESS OTHERWISE POSTED; ADOPTING THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS AND THE STATE MOTOR VEHICLE LAWS; PROVIDING FOR TRAFFIC CONTROL DEVICES WITHIN THE CITY; RESTRICTING TRUCKS TO CERTAIN ROUTES WITHIN THE CITY; PROHIBITING PARKING ON PUBLIC STREETS, ALLEYS OR OTHER PUBLIC PLACES LONGER THAN 48 HOURS; AND REQUIRING PROPERTY OWNERS TO MOW THEIR PROPERTIES AND ESTABLISHING CITY MOWING CHARGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND, TEXAS:

SECTION 1

That the Code of Ordinances, consisting of Chapters 1 through 10,~ provided with and attached to this Ordinance, each inclusive, is hereby adopted and enacted as the Code of Ordinances of the City of Richland, Texas, and shall be treated and considered as a new and original comprehensive ordinance, which shall supersede all other general and permanent ordinances passed by the City Council on or before September 30, 2001, to the extent provided herein in this Ordinance. "Code of Ordinances" or "Code" shall refer to that new code adopted under the provisions herein.

SECTION 2

That all provisions of such Code shall be in full force and effect from and after the 14th day of February, 2002, and all ordinances of a general and permanent nature of the City of Richland, Texas, enacted on or before and not included in this Code or recognized and continued in force by reference herein, are hereby repealed from and after the 14th day of February, 2002, except as hereinafter provided.

SECTION 3

- (a) That the repeal provided for in Section 2 above shall not affect any of the following:
- (1) Any events or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date of this Code.
 - (2) Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness.
 - (3) Any contract or obligation assumed by the City.
 - (4) Any franchise granted by the City and their amendments.
 - (5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, or affecting the right-of-way of any street or public way in the City.
 - (6) Any ordinance relating to municipal street maintenance agreements with the State of Texas.
 - (7) Any appropriation ordinance or ordinance providing for the levy of taxes or for adoption of an annual budget.
 - (8) Any ordinance relating to local improvements and assessments therefor.
 - (9) Any ordinance annexing territory to the City including their related service plans, or any ordinance discontinuing territory as a part of the City.
 - (10) Any ordinance dedicating or accepting any plat or subdivision in the City.
 - (11) Any ordinance pertaining to the calling of municipal elections, appointing of election officers, or ratifying the results of any election.

(12) Any ordinance establishing rates to be charged by privately or semi-publicly owned utility companies.

(13) Any ordinance enacted on or after September 30, 2001.

(b) The repeal provided for in Section 2 shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Ordinance.

SECTION 4

(a) That whenever in the Code of Ordinances or any ordinance of the City previously adopted by the City Council, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of such Code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for:

- (1) violations of municipal ordinances that govern fire safety, zoning and public health and sanitation including dumping of refuse, in which case the maximum fine shall be two thousand dollars (\$2,000.00) for each offense; and for
- (2) violations of traffic laws and ordinances which are punishable as a Class C misdemeanor, in which case the maximum fine shall not exceed two hundred dollars (\$200.00).

(b) Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day any violation of such Code of Ordinances or any ordinance shall continue shall constitute a separate offense unless otherwise designated. Any violation of any provision of such Code of Ordinances which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purposes.

SECTION 5

That any and all amendments and additions to such Code of Ordinances, when passed in such form as to indicate the intention of the City Council to make the same a part of the Code of Ordinances, shall be deemed to be incorporated in such Code of Ordinances so that reference to the "Code of Ordinances of the City of Richland, Texas," shall be understood and intended to include such additions and amendments.

SECTION 6

That in case of the amendment of any article or section of the Code of Ordinances for which a penalty is not provided, the general penalty as provided in Section 4 hereof shall apply to the article or section as amended, or, in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided, the penalty so provided in existing article or section shall be held to relate to the article or section so amended, unless the penalty is specifically repealed therein.

SECTION 7

That a copy of the Code of Ordinances shall be kept on file in the office of the City Secretary in looseleaf form. It shall be the express duty of the City Secretary, or someone authorized by the City Secretary, to insert in the designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code of Ordinances when the same has been printed or reprinted in page form by the codifier designated by the City Council and to extract from such Code all provisions which may be from time to time repealed by the City Council. Such copy of such Code shall be available for all persons desiring to examine the same at any time during regular business hours.

SECTION 8

That it shall be an offense for any person to change or amend, by additions or deletions, any part or portion of this Code of Ordinances, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause a law of the City of Richland to be misrepresented thereby. Any violation of this section shall be punished as a misdemeanor offense.

SECTION 9

That the following provisions included and as printed in this Code of Ordinances are hereby adopted by the City Council by reference for inclusion therein:

- (1) Chapter 1, Article 1.100 pertaining to the designation and citation of the Code of Ordinances, providing for the use of catchlines in the Code, providing for definitions and general rules of construction for the Code, providing for amendments or additions to the Code, providing for supplementation of the Code, providing that parts of the Code are severable and providing a general penalty for violations of the Code.
- (2) Chapter 2, providing for the regulation of animals within the city.
- (3) Chapter 3, providing for building and construction regulations including the adoption of the Uniform codes, requiring buildings to be numbered; regulating

billboard signs, prohibiting mobile homes manufactured before June 15, 1976; and regulating the moving of houses and buildings into and through the city.

- (3) Chapter 4, Article 4.400 regulating sexually oriented businesses within the city.
- (3) Chapter 4, Article 4.500 regulating junk dealers and junkyards.
- (4) Chapter 5, restricting the manufacture and storage of fireworks and explosives in the city and regulating outdoor burning.
- (5) Chapter 6, Article 6.200 defining nuisances and regulating noise nuisances, offensive odor nuisances, and accumulations of trash, rubbish, and debris; prohibiting dumping on city streets, alleys, sidewalks, creeks, ditches, and gutters; prohibiting littering; regulating types of containers for storage of gasoline and kerosene; and providing for the filing of nuisance complaints.
- (6) Chapter 7, regulating elections; establishing the terms of office of the Mayor and City Council; prohibiting the financial interest of city officials in city contracts; creating a municipal court and officers; and establishing fee for municipal court building security fund and the municipal court technology fund; creating a police department for the city; and establishing the office of the City Secretary.
- (7) Chapter 8, adopting platting and subdivision regulations including development standards and specifications and minimum construction standards.
- (8) Chapter 9, establishing 30 mph speed limit on all streets and 15 mph in all alleys unless otherwise posted; adopting the Uniform Act or Regulating Traffic on Highways and the State Motor Vehicle laws; regulating traffic control devices in the city; prohibiting truck traffic to certain routes; and restricting the parking of vehicles on city streets, alleys or other public places longer than 48 hours.
- (4) Chapter 10, Article 10.500, requiring property owners to keep premises mowed and providing fee for mowing if done by city.

SECTION 10

That whenever in such Code provisions, adopted in Section 9 of this Ordinance, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code provisions the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of

any such provision shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for violations of municipal ordinances that govern fire safety, zoning and public health and sanitation including dumping of refuse, in which case the maximum fine shall be two thousand dollars (\$2,000.00) for each offense and for violations of traffic laws and ordinances, in which the maximum fine shall be two hundred dollars (\$200.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day any violation of such Code provisions shall continue shall constitute a separate offense unless otherwise designated. Any violation of any provision which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purposes.

SECTION 11

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of the Code of Ordinances hereby adopted are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 12

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 13

That this Ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Richland, Texas, on the 14th day of February, 2002.

APPROVED:

/s/ Delores Baldwin
Mayor, City of Richland

ATTEST:

/s/ Alice Brown
City Secretary, City of Richland

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Chapter 1

CHAPTER 1

GENERAL PROVISIONS

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ARTICLE 1.100 CODE OF ORDINANCES*

Sec. 1.101 Designation and Citation of Code

The ordinances embraced in this and the following chapters, articles and sections shall constitute and be designated the “City of Richland, Texas Code of Ordinances,” and may be so cited.

Sec. 1.102 Catchlines of Articles and Sections

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

Sec. 1.103 Definitions and Rules of Construction

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

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

City. The words “the city” or “this city” shall be the City of Richland, the County of Navarro and the State of Texas.

City Commissioner, City Councilmember. As used herein, shall refer to a member of the governing body of the City of Richland, Texas. The terms “City Commissioner” and “City Councilmember” shall be interchangeable herein.

City Council. Shall refer to the governing body of the City of Richland. The terms “governing body” “City Commission” and “board of aldermen” shall mean the City Council of the City of Richland, Texas.

City Secretary. Shall be construed to mean the City Secretary appointed by the City Council of the City of Richland, Texas. The term “City Clerk” shall be interpreted to mean the City Secretary of the City of Richland, Texas.

Computation of Time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

* **State Law reference**—Authority of municipality to codify ordinances, V.T.C.A., Local Government Code, Chapter 53.

Council. Whenever the term “Council,” “this Council,” or “the Council” is used, it shall mean the City Council of the City of Richland, Texas.

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

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

Month. Shall mean a calendar month.

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

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

Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the city.

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

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

Preceding and Following. Shall mean next before and next after, respectively.

Sidewalk. Shall mean that portion of a street between the curblineline or the lateral line of a roadway, and the adjacent property line intended for the use of pedestrians.

Signature or Subscription. Shall include a mark when a person cannot write.

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

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

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

VTC.S., VTP.C., VT.C.C.P. Refer to the divisions of Vernon's Texas Statutes Annotated.

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

Year. Shall mean a calendar year.

Sec. 1.104 Amendments to Code

(a) All ordinances passed subsequent to the adoption of this code, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, section or subsection or any portion thereof, such repealed portions may be excluded from the code by omission from reprinted pages. The subsequent ordinances as numbered and printed or omitted in the case of repeal, shall be prima facie evidence on such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the City Council.

(b) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the article and section number of this code in the following language:

"That Chapter __, Article __, Section __, of the Code of Ordinances of the City of Richland, Texas, is hereby amended to read as follows:

The new provisions shall then be set out in full as desired.

(c) In the event a new article or section not heretofore existing in the code is to be added, the following language shall be used:

"That Chapter __, of the Code of Ordinances of the City of Richland, Texas, is hereby amended by adding a section, to be number Article __, Section __, which said article and/or section shall read as follows:..."

The new article or section shall then be set out in full as desired.

(d) It is hereby provided, however, that any subsequent ordinance which fails to amend this code in the manner provided for above shall not be deemed invalid as a result of such failure to follow the procedure outlined in this section.

Sec. 1.105 Supplementation of Code

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

be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

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

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

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

Sec. 1.106 General Penalty for Code Violations*

(a) Whenever in this code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for:

- (1) violations of municipal ordinances that govern fire safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be two thousand dollars (\$2,000.00) for each offense, and

* **State Law reference**—Authority of municipality to assess fines, V.T.C.A., Local Government Code, Sec. 54.001.

- (2) violations of traffic laws and ordinances which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed two hundred dollars (\$200.00).

However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

(b) Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the city for such purposes.

Sec. 1.107 Severability of Parts of Code

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

(Ordinance adopting Code)

**ARTICLE 1.200 ADOPTING POWERS OF TYPE A
GENERAL-LAW MUNICIPALITY**

(a) The City of Richland hereby adopts all powers set forth by statute with regard to Type A general-law municipalities, including but not limited to those powers set forth in Chapters 1 through 10 of Title 28 (including Articles 1111 through 1118, Texas Revised Civil Statutes).

(b) It is officially found and determined that at least two-thirds of the governing body of the city at a regular meeting has voted to make the change, with such vote having been recorded in the journal of the proceedings of this City Commission.

(c) A copy of the record of these proceedings has been signed by the Mayor.

(d) A copy of the record of these proceedings has been attested by the City Secretary under the corporate seal of the city; and a copy of the record of these proceedings shall be filed and recorded in the office of the County Clerk in Navarro County, Texas, the county in which the city is located.

(e) It is officially found and determined that this meeting is open to the public as required by law, and that notice of the time, place, and subject matter of this meeting has been posted as required by law.

(Ordinance No. 91295-15 adopted September 12, 1995)

ARTICLE 1.300 OFFICIAL DEPOSITORY

(a) The Corsicana National Bank is hereby designated and named as the official depository for all monies of the general fund of the City of Richland, Texas.

(b) The City of Richland, Texas, shall from and after, the effective date of this article deposit, and keep, all monies of its general fund in the Corsicana National Bank located in Corsicana, Texas.

(Ordinance adopting Code)

ARTICLE 1.400 OFFICIAL SEAL

The City of Richland shall have a seal, having engraved thereon a star of five points in the center, and the words “Richland, Navarro County, Texas”, the impress of which shall be attached to all proceedings except corporation court proceedings, and shall be used to authenticate the official acts of the Mayor and City Council where they are authorized and required to use the seal of office.

(Ordinance adopting Code)

ARTICLE 1.500 FISCAL YEAR*

The fiscal year for the City of Richland is from January 1 of each year until December 31 of the following year.

(Ordinance adopting Code)

ARTICLE 1.600 TAX ASSESSOR-COLLECTOR

(a) The City Council hereby authorizes to contract with the Tax Assessor-Collector of Navarro County, Texas to provide for the collection of city taxes rendered for and on behalf of Richland; and, upon approval of a contract by the City Council, the Mayor is authorized to enter into such contract after its approval upon the terms and conditions of said contract as approved by the City Council.

* **State Law reference**-Authority of municipality to prescribe fiscal year, V.T.C.A., Local Government Code, Sec. 101.042.

(b) The Tax Assessor-Collector of this jurisdiction is hereby directed to cause to be mailed, as expeditiously as possible, notices to all delinquent taxpayers, where addresses are available, of the additional penalty to be imposed, as hereinafter set forth, on all taxes delinquent as of February 1; the Tax Assessor-Collector is further directed to annually mail notices during the month of May to all current year delinquent taxpayers advising them of the additional penalty, as hereinafter set forth, to be imposed as of July 1 on all unpaid current year delinquent taxes.

(c) Effective thirty-one (31) days after the Tax Assessor-Collector has mailed the hereinabove referenced notices, with respect to taxes delinquent as of February 1, an additional penalty of 15% of the taxes, penalty and interest shall be incurred; furthermore, taxes becoming delinquent during the tax year and thereafter shall not incur this additional penalty until July 1 of the year in which they become delinquent.

(Ordinance adopting Code)

ARTICLE 1.700 CLAIMS FOR DAMAGES

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

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

witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.

- (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

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

(c) All notices required by this ordinance shall be effectuated by serving them upon the City Secretary at the following location: City of Richland, 103 West Main, Richland, Texas, and all such notices shall be effective only when actually received in the office of the person named above.

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

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

(Ordinance No. 61396-24 adopted June 13, 1996)

ARTICLE 1.800 ARREST WITHOUT WARRANT†

(a) The City Council of Richland hereby authorizes the law enforcement officers of the City of Richland, Texas to arrest, without warrant, persons found in suspicious places, and under circumstances which reasonably show that such persons have been guilty of some felony, or breach of the peace, or threatened, or are about to commit some offense against the laws of this state or ordinance of this city.

(b) All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as the same are in conflict with the provisions hereof.

† **State Law reference**-Authority to make arrest without warrant, V.T.C.A., Code of Criminal Procedure.

(c) It is hereby made the duty of such officer to take such persons into custody, or if necessary for their safe keeping, to put them in the Navarro County Jail, and at the earliest time practicable, bring them, with all the evidence and proof applicable to their case, before the Corporation Court for investigation and a hearing.

(Ordinance adopting Code)

ARTICLE 1.900 ELECTION OFFICIALS

By the authority of the City Commission of the City of Richland on May 9, 1995, the Mayor is hereby given the authority to appoint the presiding judge and hire clerks to serve as the Early Voting Board for all future elections.

(Ordinance No. 5995-120)

ARTICLE 1.1000 RECORDS MANAGEMENT*

Sec. 1.1001 Definition of City Records

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

Sec. 1.1002 Additional Definitions

Department head. Means the officer, who by ordinance, order, or administrative policy, is in charge of an office of the City of Richland that creates and receives records.

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

Permanent record. Means any record of the City of Richland, Texas, for which the retention period on a records control schedule is given as permanent.

* **State Law reference**-Local Government Records Act, V.T.C.A., Local Government Code, Chapter 201.

Records control schedule. Means a document prepared by, or under the authority of the Records Management Officer listing the records maintained by the City of Richland, Texas, their retention periods, and other records disposition information that the records management program may require.

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

Records liaison officers. Mean the persons designated under Section 1.1007 of this article.

Records management officer. Means the person designated in Section 1.1005 of this article.

Records management plan. Means the plan developed under Section 1.1006 of this article.

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

Sec. 1.1003 City Records Declared Public Property

All city records as defined in Section 1.1001 of this article are hereby declared to be the property of the City of Richland, Texas. No city official or employee has, by virtue of his or her position, any personal or property right to such records, even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

Sec. 1.1004 Policy

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

Sec. 1.1005 Designation of Records Management Officer

The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of Richland, Texas. As provided by State law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty (30) days of the initial designation or of taking office, as applicable.

Sec. 1.1006 Records Management Plan to be Developed; Approval of Plan; Authority of Plan

(a) The Records Management Officer shall develop a records management plan for the City of Richland, Texas, for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city, and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by State law and this article effectively.

(b) Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Richland, Texas, and records shall be created, maintained, stored, microfilmed or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department heads care from the application of this article and the Records Management Plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

Sec. 1.1007 Duties of Records Management Officer

(a) In addition to other duties assigned in this article, the Records Management Officer shall:

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

- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city.
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies.
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Richland, Texas.
- (7) Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation.
- (8) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records schedules are in compliance with State regulations.
- (9) Disseminate to the city and department heads information concerning State laws and administrative rules relating to local government records.
- (10) Appoint and instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program.
- (11) Direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by State law and this article.
- (12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of city records is carried out in accordance with the policies and procedures of the records management program and the requirements of State law.
- (13) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition.
- (14) Report annually to the City Council on the implementation of the records management plan in each department of the City of Richland, Texas, including summaries of the statistical and fiscal data compiled under Subsection (13) above.

- (15) Bring to the attention of the City Council non-compliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act.

Sec. 1.1008 Duties and Responsibilities of Department Heads

- (a) In addition to other duties assigned in this article, department heads shall:
 - (1) Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Richland, Texas, for the efficient and economical management of records and in carrying out the requirements of this article.
 - (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible.
 - (3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

Sec. 1.1009 Records Control Schedules to be Developed; Approval; Filing With State

- (a) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department by department basis, listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.
- (b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the State and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City of Richland, Texas.
- (c) Before its adoption, a records control schedule, or amended schedule, for a department must be approved by the Records Management Officer and the City Council.
- (d) Before its adoption, a records control schedule must be submitted to, and accepted, for filing by the director and librarian as provided by State law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

Sec. 1.10 10 Implementation of Records Control Schedules; Destruction of Records Under Schedule

(a) A records control schedule for a department that has been approved and adopted under Section 1.1006 shall be implemented by department heads and the Records Management Officer according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed, unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the Records Management Officer that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the City Council.

Sec. 1.1011 Destruction of Unscheduled Records

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

Sec. 1.1012 Records Center

A records center, developed pursuant to the plan required by Section 1.1006, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 1.1006.

(Ordinance adopting Code)

ARTICLE 1.1100 EMERGENCY MANAGEMENT*

Sec. 1.1101 Organization

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

- (1) An Emergency Management Coordinator may be appointed by and serve at the will of the Mayor. However, the Fire Chief of the Richland Volunteer Fire

* **State Law reference**-Local and interjurisdictional emergency management, V.T.C.A., Government Code, Chapter 418.

Department shall serve as the Emergency Management Coordinator until the Mayor has appointed his or her successor.

- (2) The Director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. The Director may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.
- (3) The operational emergency management organization of the City of Richland shall consist of the officers and employees of the city so designated by the Director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

Sec. 1.1102 Emergency Management Director – Powers And Duties

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

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

- (5) Direction and control of the operations of the City of Richland emergency management organization as well as the training of Emergency Management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the City.
- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshalling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the county-wide coordination of emergency management efforts.
- (10) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.
- (11) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided herein.
- (13) Other requirements as specified in Texas Disaster Act 1975 (V.T.C.S. Article 6889-7).

Sec. 1.1103 Emergency Management Plan

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

their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster.

Sec. 1.1104 Interjurisdictional Program

The Mayor is hereby authorized to join with the County Judge of the County of Navarro and the mayors of the other cities in said county in the formation of an Emergency Management Council for the County of Navarro and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Richland.

Sec. 1.1105 Override

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

Sec. 1.1106 Liability

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

Sec. 1.1107 Commitment of Funds

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

public funds of the city when deemed prudent and necessary for the protection of health, life, or property.

Sec. 1.1108 Offenses; Penalties

(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.

(b) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City of Richland, unless authority to do so has been granted to such person by the proper officials.

(c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning signal, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.

(d) Convictions for violations of the provisions of this article shall be punishable by fine in accordance with the general penalty provision found in Section 1.106 of this code.

(Ordinance adopting Code)

Chapter 2

CHAPTER 2

ANIMAL CONTROL*

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* **State Law reference**—Authority of governing body to regulate animals, V.T.C.A., Local Government Code, Sec. 215.001, et se4.

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ARTICLE 2.100 RABIES CONTROL*

Sec. 2.101 Vaccination Requirements

(a) Vaccinations Required: Every owner of a dog and cat four (4) months of age or older shall have such animal vaccinated against rabies. All said animals vaccinated at four (4) months of age or older shall be revaccinated at one year of age and annually thereafter.

(b) Certificate of Vaccination: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog, cat or other animal strongly susceptible to contracting rabies, as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

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

(c) Rabies Tags: Concurrent with the issuance and delivery of the certificate of vaccination referred to in subsection (b) of this section; the owner of the dog, cat or other animal strongly susceptible to contracting rabies shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance, the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his animal at all times.

Vaccination certificates and tags shall be valid only for the animal for which it was originally issued.

(d) Duplicate Tags: In the event of loss or destruction of the original tag provided in subsection (c) of this section, the owner of the animal shall obtain a duplicate tag.

(e) Compliance by New Residents: Persons moving into the city~shall comply with the provisions of this subsection within ten (10) days after having moved into the city.

* **State Law reference**—Authority of municipalities to establish rabies control programs, V.T.C.A., Health & Safety Code, Sec. 826.015.

Sec. 2.101a Penalty for Violations

Any person who does not comply with the rabies vaccination requirement shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances.

Sec. 2.102 Quarantine, Vaccination Required and Rabies*

(a) Authority to quarantine. The Animal Control Officer shall have the authority to order the quarantine of animals responsible for bite incidents, or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

(b) Animals subject to quarantine; conduct of quarantine. Every animal that bites a human or attacks another animal in an unnatural manner, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify the Animal Control Officer of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to the Animal Control Officer on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter or a veterinary hospital, or by any other method of adequate confinement approved by the Animal Control Officer.

(c) Quarantine method and testing.

(1) When a dog or cat which has bitten a human has been identified, the owner will be required to place the animal in quarantine. The ten-day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the local health authority for home quarantine if the following criteria can be met:

(A) Secure facilities must be available at the home of the animal’s owner, and must be approved by the local health authority;

(B) The animal is currently vaccinated against rabies;

(C) The local health authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the local health authority must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing;

* **State Law reference**—Rabies reports and quarantine, V.T.C.A., Health & Safety Code, Chapter 826, Subchapter E; Quarantine and impoundment facilities, generally, V.T.C.A., Health & Safety Code, Chapter 826, Subchapter F.

- (D) The animal was not in violation of any laws at the time of the bite;
 - (E) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a State Department of Health certified laboratory for rabies diagnosis.
- (2) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a State Department of Health certified laboratory for rabies diagnosis.
- (d) Public and private entities that operate a quarantine facility. Quarantine procedures are as follows:
- (1) Biting animal and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.
 - (2) The unowned animal may be destroyed for rabies diagnosis prior to the end of the quarantine period.
 - (3) The local health authority may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of this agreement.
- (e) Violation of quarantine, cause for seizure and impoundment. The violation of quarantine by any person shall be just cause of seizure and impoundment of the quarantined animal by the Animal Control Officer. It shall be unlawful for any person to interrupt the observation period.
- (f) Investigation of animal bite reports; killing of biting animals prohibited. All animal bite reports shall be investigated by the Animal Control Officer. Without permission of the Animal Control Officer, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal.
- (g) Authority to direct disposition of suspected rabid animals. The local health authority shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human being.
- (h) Surrender of carcasses of dead animals suspected of rabies. The carcass of any dead animal exposed to rabies or suspected of having been rabid shall, upon demand, be surrendered to animal control.

(i) Manner of disposing of animals exposed to rabies. Every animal that had been bitten by another animal shall be immediately confined by the owner, who shall promptly notify the Animal Control Officer of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies or exposed to bites from any wild animal which has been determined to be rabid, or any wild animal that is not available for rabies testing for any reason thereof, shall be handled in one of the following manners:

- (1) Humane destruction, with notification to or under supervision of animal control;
- (2) If not currently vaccinated, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for six (6) months and given a booster vaccination one (1) month prior to release from isolation; or
- (3) If currently vaccinated, immediate revaccination and quarantine for at least ninety (90) days immediately following the date of exposure.

(j) Refusal to surrender animal, on demand, for rabies control purposes. No person shall fail to refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when demand therefore is made by the Animal Control Officer.

(k) Notification to animal control upon escape, sickness or death or quarantined animal. Any person having possession of or responsibility for, any quarantined animal shall immediately notify the Animal Control Officer if such animal escapes, or becomes or appears to become sick, or dies, and in case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control for diagnostic purposes.

(1) Quarantine fee. The owner of any animal held in quarantine for observation purposes shall be charged at a rate consistent with the current SPCA standards but no less than five dollars (\$5.00) for every day or fraction of a day an animal is at the animal shelter; this fee is in addition to any impoundment fee. Such fees shall be paid in advance by the owner of any animal to be held in quarantine.

(Ordinance adopting Code)

ARTICLE 2.200 DOGS AND CATS; RUNNING AT LARGE PROHIBITED*

(a) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the city limits. Such dog must be under the control of the owner, a member of the owner's immediate family or the owner's servant or agent, by means of a leash consisting of a material of sufficient strength and length to control the actions of the dog or under the visual control of the owner. At all other times the dog shall be confined to the premises of the owner by a substantial fence of sufficient strength

* **State Law reference**—Animals at large, V.T.C.A., Local Government Code, Sec. 214.026; Authority of city to regulate the capture and impoundment of animals, V.T.C.A., Local Government Code, Sec. 215.026(c).

and height to prevent the dog from escaping there from, inside of a building or secured on the premises by a leash consisting of a material of sufficient strength to prevent the dog from escaping from the premises when the leash is stretched to full length.

(b) It shall be unlawful to release or allow any wild or vicious animal to run at large.

(c) The Animal Control Officer is authorized to impound such animals running at large, other than a cat, and may impound a cat under conditions specified in Article 2.500 of this chapter or when she has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.

(d) It shall be unlawful for any person to keep or any household to have more than three (3) adult dogs and one (1) litter within the city limits. The provisions of this subsection shall not be applicable to any properly operated and licensed veterinarian hospital, veterinarian clinic, or kennel.

(e) It shall be unlawful for any persons to harbor or keep on his premises or in or about his premises, or premises under his control, any dog which by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or any of the occupants of adjacent premises to be disturbed.

(f) No female dog in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or any public place within the city.

(g) It shall be unlawful for any person to keep or household to have more than three (3) adult cats and one (1) litter within the city limits. However, the provisions of this subsection shall not be applicable to any properly operated and licensed veterinary hospital, clinic or kennel.

(h) No person shall willfully or knowingly harbor or keep on such person's premises, or elsewhere, any cat that makes or creates an unreasonable disturbance or the peace of any persons living in the immediate vicinity, or suffer or permit such cat to make or create frequent or long continued noise by meowing or wailing or otherwise.

Sec. 2.201 Penalty for Violations

Any person who violates any part of the Article shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances.

(Ordinance adopting Code)(Amended 4/12/18 Ordinance # 143 – Added Penalty for Violations)(Amended 3/10/22 Ordinance 176 – replacing “chain” and “metal chain” with “a leash consisting of material of sufficient strength”.)

ARTICLE 2.300 LARGE ANIMALS, POULTRY AND SWINE

Sec. 2.301 Large Animal Regulations

- (a) It shall be unlawful for any person to keep more than one adult cow, bull, goat, sheep, or other large animal per acre of land within the City of Richland. This subsection shall not apply to horses, dogs, cats, poultry or swine which are otherwise regulated in this chapter.
- (b) It shall be unlawful for any person to keep more than one adult horse on one half-acre of land within the City of Richland.
- (c) It shall be unlawful for any person to feed, breed or keep any cow, bull, goat, horse, sheep or other large animal, excluding dogs and cats, in any lot, pen, building, stable or other enclosure within the limits of the city, any part of which lot, pen, building, stable or other enclosure is nearer than one hundred feet (100') to any building occupied and used by human beings.
- (d) The following minimum dimensions for lots, pens, buildings, stables or other enclosures for keeping of livestock and other large animals, excluding dogs and cats, shall be required:
 - (1) Size of Pens for Cows, Bulls, Horses, Sheep and Goats: Not less than six hundred (600) square feet for one animal; not less than four hundred (400) square feet for each additional animal.

Sec. 2.302 Poultry, Fowl and Swine

- (a) It shall be unlawful for any person to own, manage, keep or control any chickens, geese, turkeys or other fowl within the city limits of the City of Richland, Texas except as kept in conjunction with a school, club, or educational institution or non-profit organization project or activity. Also, any person keeping chickens for their own personal consumption of the chicken meat and eggs shall be allowed unless they are kept in a manner which is a nuisance.
- (b) It shall be unlawful for any person to own, manage, keep or control any swine within the city limits of the City of Richland, Texas unless it is part of a school, club, or educational institution or non-profit organization project or activity.
- (c) No swine, poultry or other fowl shall be kept in any enclosure, any part of which is nearer than one hundred feet (100') to any building or dwelling occupied and used by human beings.

Sec. 2.303 Penalty for Violations

Any person who violates any part of the Article shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances.

ARTICLE 2.400 VICIOUS ANIMALS***Sec. 2.401 Definition**

As used in this article, the term “vicious animal” means any animal, except a dog assisting a peace officer engaged in law enforcement duties, which without provocation attacks or bites any human being or any domestic animal or which has a known history of attacking or biting human beings or animals, including a dangerous dog as defined in V.T.C.A. Health and Safety Code, Chapter 822, Subchapter D, but not including an animal attack or bite human beings or animals, including a dangerous dog as defined in V.T.C.A. Health and Safety Code, Chapter 822, Subchapter D, but not including an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured, or exhibited cruelty to such animal.

Sec. 2.402 Generally

(a) No fierce, dangerous, or vicious animal or dog, whether licensed or not, shall be allowed in the city; provided, however, that dogs used by law enforcement authorities or approved by the Animal Control Officer as watch dogs for business; establishments and securely confined thereto shall not be deemed within this provision.

(b) A peace officer or the Animal Control Officer may use such force as is reasonably necessary to protect members of the public from any dangerous or vicious dog or other animal wherein the actions of such animal reasonably appears to constitute an imminent threat of injury to any human being or domestic animal, including, when necessary, taking such animal’s life.

(c) When the Animal Control Officer has determined upon the criteria set forth herein that an animal or dog is vicious or dangerous and is being kept and harbored in the city he may, in addition to the criminal sanctions imposed by operation of the laws of Texas Health & Safety Code, take the following steps to abate such violation which is herein declared to be a nuisance:

- (1) Give written notice to the owner or person having control over the vicious animal or the property upon which the animal is kept or harbored to cease and assist the keeping and harboring of a vicious animal in the city within twenty-four (24) hours. A notice provided for in this section is properly served when it is delivered to the owner of the animal or custodian in charge, or when it is sent by Regular Mail or Hand-delivered, to the last known address of the owner or custodian of the animal.
- (2) Upon failure of the owner or person in control of the vicious animal or in control of the property wherein the animal is kept or harbored to comply with the notice, the Animal Control Officer may make affidavit setting forth the facts indicating that such animal is vicious and constitutes an imminent threat to the life and safety of the public by reason thereof and

make application to the judge of the municipal court for a warrant to go upon the premises and secure and impound such vicious animal to be held by animal control pending a hearing if requested by the owner or person having control over the animal or over the property wherein the animal was seized. If no request for hearing has been made within eleven (11) days, the animal may be disposed of as in other cases but shall not be let for adoption. Provided, however, that the owner or person from whom the animal was seized may reclaim the animal at any time upon assurance satisfactory to the Animal Control Officer, or in case of dispute between the parties, a cash escrow deposit set by the Municipal Judge, that said party will comply with said order of the Animal Control Officer until such time as it may be determined that the order was issued in error and that the keeping of such animal in the city poses no threat or hazard of injury to a human being.

- (3) The hearing provided for in this section shall be conducted before the Municipal Court as provided for in V.T.C.A. Health and Safety Code, Section 822.042, as amended.

Sec. 2.403 Penalty for Violations

The owner of a vicious or dangerous animal or dog shall be held strictly liable for any violation of this article shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances and for any damages caused hereby.

(Ordinance adopting Code) (Amended 4/12/18 Ordinance # 143 – Added Penalty for Violations)(Amended 12/13/18 Ordinance #155 – Changing Mail)

ARTICLE 2.500 IMPOUNDMENT, REDEMPTION AND DISPOSITION PROCEDURE

Sec. 2.501 Impoundment and Redemption Procedures

- (a) The following animals may be impounded:
 - (1) Any unlicensed and/or untagged dog, cat or other animal strongly susceptible to contracting rabies found within the city.
 - (2) Cats, dogs and other animals strongly susceptible to contracting rabies not exhibiting evidence of being vaccinated as described in this chapter.
 - (3) Any animal infected or kept under conditions which could endanger the public or animal health.
 - (4) Any animal that creates a nuisance.
 - (5) Any animal running at large.

- (6) Any animal treated in a manner determined by the Animal Control Officer to be cruel or inhumane.
 - (7) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by the Health Officer.
 - (8) Any animal violating any provision of this chapter.
- (b) The Mayor shall select and establish a place for impounding all animals impounded under any provision of this chapter.
- (c) If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify the Animal Control Officer to come and impound such animal.
- (d) Reasonable effort shall be made by the Animal Control Officer to contact the owner of any animal impounded which is wearing a current vaccination tag; however, final responsibility for location of an impounded animal is that of the owner.
- (e) The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinary bills incurred by animal control for the welfare of the animal and upon compliance with the vaccination provision of this chapter, except where otherwise prohibited.
- (f) If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

Sec. 2.502 Fees

- (a) The impoundment fee shall be ten dollars (\$10.00) per animal.
- (b) If proof of surgical sterilization is provided within fifteen (15) days from the date an animal is impounded, the difference in impoundment and other fees between sterilization and unsterilization will be refunded. Dogs and cats under the age of one year shall be exempted from the sterilization upon written recommendation from a licensed veterinarian that such alternative would be harmful or dangerous to the animal. Owners of these animals are to be subject to the impoundment fee.
- (c) A daily handling fee of five dollars (\$5.00) shall be charged for every day or fraction thereof that an animal is at the animal shelter.

Sec. 2.503 Disposition of Impounded Animals

- (a) Animals Treated Cruelly: Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(b) Vicious or Wild Animals: Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the Animal Control Officer.

(c) Euthanization:

- (1) Animals Generally: Any animal, except vicious or wild animals, not reclaimed by the owner, may be humanely euthanized after being impounded for seventy two (72) hours; except, that any animal wearing a vaccination tag shall be impounded for ninety six (96) hours. Ownership of the animal will automatically transfer to the City after the impoundment wait time has passed.
- (2) Nursing Animals: Any nursing animal impounded without the mother or where the mother cannot or refuses to provide nutritious milk may be immediately euthanized to prevent further suffering.
- (3) Authorization by Owner: An owner who no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition may sign a written waiver supplied by the Animal Control Officer allowing the animal to be immediately euthanized in a humane manner; provided, that no dog or cat that has bitten a human being shall be euthanized before expiration of the ten (10) day quarantine period.
- (4) Critically Ill or Injured Animals: Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the Animal Control Officer.

(d) Adoption: The city shall be authorized to place for adoption animals, impounded by the city under the following conditions:

- (1) Authority: The city shall be the sole judge as to whether an animal is healthy enough for adoption. However, such decision by the city to permit adoption of a particular animal shall not constitute warranty, expressed or implied, of the health or age of the animal.
- (2) Animals Four (4) Months of Age or Older:
 - (A) The adoption fee for adoption of an animal four (4) months of age or older shall be twenty-five dollars (\$25.00).
 - (B) Failure to obtain the required vaccination of the adopted animal within three (3) days of the adoption date shall authorize the reimposition of the animal.
- (3) Animals Under Four Months of Age:
 - (A) The adoption fee for adoption of an animal under four (4) months of age shall be twenty-five dollars (\$25.00).

- (B) In addition to the adoption fee, if said animal has not been vaccinated for rabies, a rabies vaccination shall not be required until the animal becomes of age to receive such vaccination as determined by a licensed veterinarian. The animal to be adopted must be presented to a licensed veterinarian within three (3) days of the adoption date for such determination. Further, the adopting person shall present to the city a receipt showing: (i) that a licensed veterinarian has been paid the full fee to have the animal to be vaccinated against rabies, and (ii) the approximate date when said vaccination shall be performed by the licensed veterinarian.

- (C) Failure to obtain the required vaccination of the animal within four (4) months of the date of adoption shall authorize the reimposition of the animal.

(Ordinance adopting Code) (Ordinance #127 passed June 9, 2016)

Chapter 3

CHAPTER 3

BUILDING & CONSTRUCTION

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ARTICLE 3.100 ADOPTION OF INTERNATIONAL CODES

Sec. 3.101 International Plumbing Code

(a) The International Plumbing Code, 2021 Edition, including any present and all future supplements are hereby adopted as the plumbing code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Plumbing Code, 2021 Edition, and its supplements are necessary and appropriate to meet the unique construction need of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the plumbing code.

(c) A copy of the adopted code can be accessed online at [2021 International Plumbing Code \(IPC\) | ICC Digital Codes \(iccsafe.org\)](#)

Sec. 3.102 Uniform Administrative Code

(a) The Uniform Administrative Code, 1997 Edition, including any present and future supplements are hereby adopted as the administrative code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the Uniform Administrative Code, 1997 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the administrative code.

Sec. 3.103 International Fire Code*

(a) The International Fire Code, 2021 Edition, including any present and future supplements are hereby adopted as the fire code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Fire Code, 2021 Edition and its supplements are, necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the fire code.

* **Cross reference**—Chapter 5, Fire Protection.

(c) A copy of the adopted code can be accessed online at [2021 International Fire Code \(IFC\) | ICC Digital Codes \(iccsafe.org\)](#).

Sec. 3.104 National Electrical Code

(a) The National Electrical Code, 2020 Edition, including any present and future supplements are hereby adopted as the electrical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the National Electrical Code, 2020 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at [NFPA 70®: National Electrical Code®](#).

Sec. 3.105 International Building Code

(a) The International Building Code, 2021 Edition, including any present and future supplements are hereby adopted as the building code of the City of Richland for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures. One (1) copy of the code shall be on file in the office of the City Secretary.

(b) The City of Richland, Texas may from time to time determine that local modifications to the International Building Code, 2021 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the building code.

(c) A copy of the adopted code can be accessed online at [2021 International Building Code \(IBC\) | ICC Digital Codes \(iccsafe.org\)](#)

Sec. 3.106 International Mechanical Code

(a) The International Mechanical Code, 2021 Edition, including any present and future supplements are hereby adopted as the mechanical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Mechanical Code, 2021 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at <https://codes.iccsafe.org/content/IMC2021P1>

Sec. 3.107 International Residential Code

(a) The International Residential Code, 2021 Edition, including any present and future supplements are hereby adopted as the mechanical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Residential Code, 2021 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at [2021 International Residential Code \(IRC\) | ICC Digital Codes \(iccsafe.org\)](https://www.iccsafe.org/2021-international-residential-code-irc/)

Sec. 3.108 International Swimming Pool and Spa Code

(a) The International Swimming Pool and Spa Code, 2021 Edition, including any present and future supplements are hereby adopted as the mechanical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Swimming Pool and Spa, 2021 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at [2021 International Swimming Pool and Spa Code \(ISPSC\) | ICC Digital Codes \(iccsafe.org\)](https://www.iccsafe.org/2021-international-swimming-pool-and-spa-code-ispac/)

Sec. 3.109 International Fuel Gas Code

(a) The International Fuel Gas Code, 2021 Edition, including any present and future supplements are hereby adopted as the mechanical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Fuel Gas Code, 2021 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at [2021 International Fuel Gas Code \(IFGC\) | ICC Digital Codes \(iccsafe.org\)](https://www.iccsafe.org/2021-international-fuel-gas-code-ifgc/)

Sec. 3.110 International Fuel Gas Code

(a) The International Fuel Gas Code, 2021 Edition, including any present and future supplements are hereby adopted as the mechanical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Fuel Gas Code, 2021 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at [2021 International Fuel Gas Code \(IFGC\) | ICC Digital Codes \(iccsafe.org\)](#)

Sec. 3.111 International Energy Conservation Code

(a) The International Energy Conservation Gas Code, 2018 Edition, including any present and future supplements are hereby adopted as the mechanical code of the City of Richland.

(b) The City of Richland may from time to time determine that local modifications to the International Energy Conservation Code, 2018 Edition and its supplements are necessary and appropriate to meet the unique construction needs of the City of Richland. To effectuate these local modifications, the City Council shall enact individual ordinances amending this section fully setting forth the change to be made in the standard code.

(c) A copy of the adopted code can be accessed online at [2021 International Energy Conservation Code \(IECC\) | ICC Digital Codes \(iccsafe.org\)](#)

(c) A copy of the adopted code can be accessed online at www.publiccodes.cyberregs.com/icc.boca/index.htm.

(Amended by Ordinance #91 adopted January 20, 2011; and Ordinance #104 adopted July 11, 2013)(Amended by Ordinance #124 adopted March 10, 2016; Amended by Ordinance #175 adopted September 9, 2021)

ARTICLE 3.200 BUILDING NUMBERING REQUIREMENTS

(a) With the implementation of the 911 emergency access in Richland, Texas, it is necessary in order for proper response by fire department, police department or other emergency assistance, that the numbers of the residence or business buildings be clearly visible to the street on which they are facing.

(b) The numbers placed on buildings or houses shall be placed as close to the main entrance of said structures facing the street directly in front of them and that said numbers shall each be in minimum of three (3) inches by a minimum of one (1) inch wide and shall be of a material that is reflective when it is illuminated by light.

(c) A business building or a residence may place the street number of its address on the mail box if said mail box is located in front of said structure, and said mail box is on the street directly in front of said house or business building. The minimum size for the

numbers showing the numerical location of the house or business building shall be two (2) inches high by one (1) inch wide and shall be of a material that is reflective when it is illuminated by light.

(d) The property owner or the person occupying said business building or residence shall be governed by the requirements of this article.

(e) Any person, firm, corporation or agent who violates or causes to be violated any provision of this article or fail to comply herewith or with any of the requirements hereof shall be guilty of a misdemeanor, and upon conviction shall be punishable by fine. Any person, firm, corporation or agent shall be deemed guilty of a separate offense for each day during which any violation of any of the provisions of this article is committed or continued.

(Ordinance adopting Code)

ARTICLE 3.300 BILLBOARD AND OFF-PREMISE SIGNS

Sec. 3.301 Billboard and Off-Premise Sign Defined

An outdoor advertising display sign having one or more spaces to display advertising copy which is leased or rented and does not advertise the principal business located on such premises.

Sec. 3.302 Application and Application Fee

Before any billboard or off-premise sign may be erected an application must be filed with the Mayor. Along with the application a nonrefundable application fee of \$50.00 shall be submitted with the application. Upon receipt of the application and fee, the Mayor shall submit the application to the City Council at the next regular scheduled meeting for consideration. The City Council may authorize the issuance of a permit to erect the billboard sign if it finds that the billboard or off-premise sign will be erected in accordance with all applicable ordinances and regulations of the City of Richland and other governmental entities that may have jurisdiction. Any billboard or off-premise sign located within 660 feet of State highway must have a State outdoor advertising permit issued by the Texas Department of Transportation before the billboard or off-premise sign can be erected. This State permit must be submitted with the application for a billboard or off-premise sign.

Sec. 3.303 General Requirements

All billboards located within the city limits and extraterritorial jurisdiction must adhere to the following requirements. The city's regulations herein governing billboards in the extraterritorial jurisdiction hereby supersede the regulations imposed by or adopted under Chapter 394 of the Texas Transportation Code. Billboards may

be up to 42.5 feet in height, measured from the highest point of the sign to ground level. Billboards must not be located so as to create a safety hazard, or to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct the driver's view of approaching, merging, or intersecting traffic, or to be likely to cause a driver to be unduly distracted in any way. Billboards may not be located within 1,500 feet of any public park, public forest, public playground or scenic area, designated as such by the city or any other governmental agency. Billboard faces may not contain any flashing, fluttering, undulating, swinging, rotating, or other moving elements or any reflective material such as foil, that may simulate movement or that is intended to distract drivers or passers-by.

Sec. 3.304 Penalty for Violations

Any person erecting a billboard or off-premise sign from the effective date of this Code of Ordinances without approval from the City Council of the City of Richland shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances.

(Ordinance adopting Code; Amended August 7, 2014)

ARTICLE 3.400 HUD-CODE MANUFACTURED HOME OUTSIDE OF PARKS

Sec. 3.401 Generally

It shall be unlawful to place a mobile home for any use within the city limits. It shall be unlawful to place a HUD-code manufactured home for use as a dwelling within the city limits except as hereinafter provided.

Sec. 3.402 Definitions

Building official. A person authorized by the city to perform the duties described herein.

HUD-code manufactured home. As defined by Texas Occupations Code. Means a structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. section 3282.8(g).

Licensee. A person to whom a license for construction and/or operation and maintenance of a manufactured home/housing park has been issued.

Manufactured housing. Either a mobile home or a HUD- manufactured home.

Mobile home. As defined by Texas Occupations Code. Means a structure constructed before June 15, 1976; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

Mobile home/HUD-code manufactured home space. The ground area allocated for occupancy by one (1) mobile home or one (1) HUD-code manufactured home in the layout of a park.

Nonconforming use. A use of land or structures, lawful before enactment of this article but not in compliance with the regulations herein contained.

Off-street parking space. An unobstructed area of minimum nine (9) feet by eighteen (18) feet dimensions, allocated for parking a vehicle in the layout of a park.

Park. A plot of ground upon which two (2) or more mobile homes or HUD-code manufactured homes, occupied as dwellings, are located.

Permittee. A person to whom a nonconforming use permit for operation and maintenance of a park has been issued.

Person. Any natural individual, corporation or legal entity.

Sec. 3.403 Application for permit

(a) Written application for exception shall be submitted to the city secretary. It shall state:

- (1) The name and address of the applicant.
- (2) The size, year of manufacture, model and original cost of the HUD-code manufactured home.
- (3) The legal description of the property upon which it is proposed to place the HUD-code manufactured home and the name and address of the property owner, if other than the applicant.

(b) The application shall be accompanied with written consent to placement of the HUD-code manufactured home by a majority of all property owners within two hundred feet (200') of the proposed placement property. A picture of the HUD-code manufactured home shall be attached to the application. A site plan required by the zoning ordinance shall also be attached to the application to show compliance with the setback requirements, and other applicable requirements. The application shall be reviewed by the fire marshal and city building inspector.

Sec. 3.404 Permit conditions; installation requirements

The following regulations shall be permit requirements to locate a HUD-code manufactured home outside a HUD-code manufactured home park within the city limits:

- (1) All HUD-code manufactured homes will be double wide. No HUD-code manufactured home manufactured prior to five years from date of application shall be occupied as living quarters within the city limits.
- (2) All HUD-code manufactured homes occupied as living quarters shall be equipped with operable smoke detectors and a five-pound carbon dioxide fire extinguisher.
- (3) All HUD-code manufactured homes shall be located and placed on separate lots with the front door parallel to the street in the same manner as other residential structures in the area. A front building setback line of at least twenty-five (25) feet shall be maintained. A side yard of at least ten feet (10') shall be maintained on each side of the lot on which the HUD-code manufactured home is placed. A rear yard of at least ten feet (10') shall be maintained. A site plan shall be prepared and submitted with the permit application showing compliance with these setback requirements, as well as other zoning ordinance requirements.
- (4) No HUD-code manufactured home permit will be issued for placement on Fordyce Street from Grady to Lone Cedar Pike, on Kerr Street from Grady to Castle Circle, or on Hinckley Street from College to Granger Street.
- (5) All rules will be in compliance before water and sewer, electric, and gas connections will be connected.
- (6) All HUD-code manufactured homes located outside of HUD-code manufactured home parks shall be tied down in accordance with state regulations and skirted with a fire-resistant material within thirty (30) days of placement. All wheels and towing materials shall be removed immediately upon placement on a permanent type foundation.

Sec. 3.405 Issuance of permit

On approval by the fire marshal, building inspector, and city council, and upon payment of the appropriate fee, the city secretary will issue a permit.

Sec. 3.406 Fees

- (a) If the HUD-code manufactured homeowner is placing the HUD-code manufactured home on property other than their own, a fee of one percent (1%) of the value of the HUD-code manufactured home will be assessed.

(b) If the HUD-code manufactured homeowner is placing the HUD-code manufactured home on property owned by themselves, a fee of one percent (1%) of the value of the HUD-code manufactured home will be assessed.

Sec. 3.407 Exception for temporary storage of HUD-code manufactured home or travel trailer

The temporary parking of a mobile home is not permitted within the city limits. The temporary parking of only one (1) HUD-code manufactured home or travel trailer belonging to the owner or tenant or a nonpaying guest of the owner or tenant of the property on which the HUD-code manufactured home or travel trailer is placed may be permitted behind the main dwelling in the rear yard of the lot, provided no living quarters shall be maintained in such HUD-code manufactured home or travel trailer while such HUD-code manufactured home or travel trailer is parked or stored. The HUD-code manufactured home or travel trailer so stored shall not be closer than twenty feet (20') to an occupied residential structure. Foundation requirements shall not be applicable to such temporarily stored, unoccupied HUD-code manufactured home or travel trailers. No connections for utility service shall be made to such temporarily [stored] HUD-code manufactured home or travel trailer. No permit shall be required for such temporarily stored non-occupied HUD-code manufactured home or travel trailer.

Sec. 3.408 Existing nonconforming HUD-code manufactured home

Existing HUD-code manufactured home located outside HUD-code manufactured home parks and not in compliance with the requirements of this division shall be considered nonconforming. The continued use of a nonconforming HUD-code manufactured home shall be permitted. Existing singlewides may be upgraded to another singlewide but must meet all other codes before services may be connected.

However, if the nonconforming HUD-code manufactured home is destroyed or moved from the property on which it is located, a new HUD-code manufactured home shall not be placed on the property without obtaining a permit and complying with all provisions of this division.

Sec. 3.409 Revocation of permit

A permit issued under the terms of this division may be revoked by the city council when the permittee is found to be in violation of any provision of this division, or the terms under which the permit was granted, after a hearing is held before the city council according to written notice given to the permittee at least ten (10) days prior to such hearing.

Sec. 3.410 Mobile home/HUD-code manufactured home sales lots and manufacturing prohibited

Mobile home/HUD-code manufactured home sales lots and mobile home/HUD-code manufactured home manufacturing plants are hereby prohibited within the city limits.

Sec. 3.411 Liability of city

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

Sec. 3.412 Jurisdiction

The city council has final authority on all HUD-code manufactured home permits and is the only authority to make any exceptions to the permit conditions.

(Ordinance #170 passed September 10, 2020)

ARTICLE 3.413 RECREATIONAL VEHICLES**Sec. 3.143 Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

Recreational vehicle means any of the following:

- (1) *Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and factory equipped for the road. It shall have a body width not exceeding 102 inches and a body length not to exceed 45 feet as required by the Texas Traffic Laws, state department of public safety.
- (2) *Pick-up coach* means a structure designed to be mounted on a truck chassis for use as a temporary dwelling to be used for travel, recreation and vacation.
- (3) *Motor home* means any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) *Dependent trailer* means a trailer which is dependent upon a service building for toilet and lavatory facilities.
- (5) *Self-contained trailer* means a trailer which can be operated independent of connections to sewer, water and electric systems. It contains a water flushed toilet, lavatory, shower and/or kitchen sink, which are connected to water storage and sewage holding tanks located within the trailer.
- (6) *Boat* means any vehicle designed or used for travel on water.

Temporary, as used in this article, means for a limited time.

Sec. 3.414 Recreational vehicles outside of designated recreational vehicle parks.

- (a) A person may not stay, reside, occupy or connect to utilities a recreational vehicle on private property other than a designated recreational vehicles park, unless such person has obtained a permit for a period not to exceed five days. The permit fee is as established or as hereafter adopted by the city council from time to time and kept on file in the office of the city secretary. Six, five day permits will be allowed each year.
- (b) A person may place a recreational vehicle on private property other than a designated recreational vehicle park if a building permit has been issued by the building official for construction on the property. The recreational vehicle must be removed when construction is completed or the building permit expires. Construction must begin on the property within one week or be in progress when placing recreational vehicle on property.
- (c) A resident who owns a recreational vehicle may park at their residence for parking purposes only and the recreational vehicle shall at no time be used as a dwelling.
- (d) No person may camp in a recreational vehicle in a park or on the public beach within the city limits.
- (e) No person shall hook up a recreational vehicle permanently to electric lights, water, septic systems, telephone, or place a receptacle for receiving mail or any other service or device which could be considered permanent installation of a recreational vehicle.
- (f) Any recreational vehicle shall, at all times, be on wheels and must further be capable of being legally towed upon the public streets and highways of the state by a passenger car or truck.
- (g) Property owners are responsible for recreational vehicles placed on their property regardless of the ownership of the recreational vehicle.

Sec. 3.415 Method of monitoring arrival and departure.

- (a) The police department will document the arrival date of recreational vehicles parked on private property other than designated recreational vehicle parks.
- (b) Permits for recreational vehicles issued prior to the effective date of the ordinance from which this article is derived shall expire 180 days from date of issue.

(Ordinance 174, adopted 9/9/21)

ARTICLE 3.500 HOUSE MOVING REGULATIONS**Sec. 3.501 Definitions**

As used in this article, the following terms shall be defined and used as shown:

Building inspector. The Mayor, or his or her duly authorized designee.

Building. Any residence, house, commercial or industrial building of such *a size* that the moving thereof would cause a hazard or inconvenience to any person.

Street. Any public street, alley or driveway within the corporate limits of Richland.

Interfering structure. Any wire, cable, conduit, pipe, tree, pole, curb, sidewalk, pavement or other structure located in or about a street, which must be temporarily relocated or otherwise altered in order to facilitate passage of *a* building.

Over. Shall include on, across and upon.

Person. The person, firm or corporation to whom a permit is issued hereunder.

Sec. 3.502 Permit Required

No person shall move a building over any street within the corporate limits of the City of Richland without first obtaining a permit therefor. Permits issued hereunder shall not be assignable or transferable and shall not be used by any person other than the permittee or his employees.

Sec. 3.503 Requirements for a Permit

(a) Any person desiring to obtain a permit authorizing the moving of a building over a street within the city shall make written application therefore to the City Secretary. Such written application shall provide the following information:

- (1) Name and address of applicant.
- (2) Destination of the building to be moved, by lot and block number as well as the street address.
- (3) The route proposed to be used in moving such building.
- (4) Dimensions of the building.
- (5) Type of construction of the building.
- (6) Approximate time the building will be moved upon the city streets.
- (7) Applicant's signature.

(b) This application shall be accompanied by a cashier's check, money order, or certified check in the sum of two thousand five hundred dollars (\$2,500) and payable to City of Richland. Such amount to be a bond, to indemnify the city for damages and claims that may arise from moving such building. Upon completion of moving a building, the city shall ascertain what damage or claims may have arose during such move, and refund the entire amount, or portion thereof, to the person furnishing such bond.

Sec. 3.504 Fees

No permit hereunder shall be issued to any applicant until the permit fee of \$50.00 has been paid to the city.

Sec. 3.505 Interfering Structures

Each person granted a permit hereunder shall remove and replace any and all interfering structures that may, in any way, impede, hinder or otherwise obstruct the movement of a building through the city. In the event utility lines must be moved, the person granted ~i permit hereunder shall so notify the utility company involved, and follow that company's requirements, charges, and fees for moving and replacing any utility line.

Sec. 3.506 Time of Moving Buildings

No person shall move a building through the city at any time, except during daylight hours.

Sec. 3.507 Route

The permit hereunder shall state the route over which the applicant shall move any building to which this article applies. The route shall not be changed unless the permit is amended.

Sec. 3.508 Trees

No tree shall be cut or trimmed by the permittee without the prior written consent of the owner of such tree.

Sec. 3.509 Small Buildings --Exemption

Small buildings moved on motor trucks or trailers, such as pump houses, construction buildings, dog houses, portable storage sheds, etc., shall be exempt from this article, only as to the requirements of Sections 3.503, 3.504, and 3.506 relating to a bond, permit fees, and time, but from no other section or provision.

Sec. 3.510 Dilapidated Buildings

No dilapidated, substandard, dangerous or unsafe building may be moved over any city street.

Sec. 3.511 Inspections

All buildings placed or set upon any parcel of land within the city shall comply with all applicable ordinances, inspections and codes, and shall be inspected by the appropriate city inspectors. It shall be the duty of the owner of each building moved into the city to secure the applicable permits to comply with all applicable ordinances, and to cause said building to be inspected, if required, and pay any and all fees necessary to comply with such ordinances or inspections.

Sec. 3.512 Penalty for Violations

Any person, firm or corporation violating any provision of this article shall, upon conviction, be fined in accordance with the general penalty provision found in Section 1.106 of this Code of Ordinances and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Upon determination of a building being moved into or through the city without the required permits and without other requirements being met, the owner shall be deemed as committing a violation of this article and upon committing shall be fined in accordance with the general penalty provision found in Section 1.106 of this Code of Ordinances.

(Ordinance #170 Adopted 9/10/20)

ARTICLE 3.600 RADIO, TELEVISION AND COMMUNICATION TOWERS

Sec. 3.601 Permit Required

No person, firm, corporation or entity shall construct or install any radio, television, or communications tower taller than twenty (20) feet in height without first submitting an application to the City of Richland. The application shall be accompanied by a non-refundable application fee of fifty dollars (\$50.00). Upon receipt of the application, the City Council shall consider the location, the general vicinity and surrounding area, public safety considerations and the proposed construction in determining whether to approve or deny such application. The decision of the City Council shall be final.

Sec. 3.602 Penalty for Violations

Any person, firm, corporation or entity violating any provision of this article shall, upon conviction, be fined in accordance with the general penalty provision found in Section 1.106 of this Code of Ordinances and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ordinance adopting Code)

ARTICLE 3.700 DANGEROUS AND SUBSTANDARD BUILDINGS***Sec. 3.701 Purpose and Scope**

(a) Purpose. It is the purpose of this article to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the building code, or otherwise available at law, whereby buildings, as defined herein, which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants and may be required to be repaired, vacated, demolished, removed or secured.

(b) Scope. The provisions of this article shall apply to all buildings which are hereinafter defined as dangerous or substandard buildings whether now in existence or whether they may hereafter become dangerous.

Sec. 3.702 Definitions

Building. Means and includes any building, fence, awning, canopy, sign, shed, garage, house, tent or other structure whatsoever and the enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

Building Code. Means the International Building Code promulgated by the International Conference of Building Officials, as adopted by the city.

Fire Code. Means the International Fire Code promulgated by the International Fire Code Institute as adopted and amended by the city.

Sec. 3.703 Enforcement

(a) General.

- (1) Administration. The Mayor or his or her authorized representative is authorized to enforce the provisions of this article. The Mayor shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.
- (2) Inspections. The Mayor and the Fire Marshal or their designees are authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
- (3) Right of Entry. When it is necessary to make an inspection to enforce the provisions of this article, or when the Mayor, Fire Marshal or their designees have a reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this article which

makes the building or premises unsafe, dangerous or hazardous, the Mayor, Fire Marshal or their designees may enter the building or premises at reasonable times to inspect or perform the duties imposed by this article, provided, that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Mayor, Fire Marshal or their designees shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Mayor or the Fire Marshal shall have recourse to the remedies provided by law to secure entry.

(b) Abatement of Dangerous or Substandard Buildings. All buildings or portions thereof which are determined after inspection to be dangerous or substandard as defined by this article are declared to be public nuisances and shall be abated by repair; vacation, demolition, removal or securing in accordance with the procedures specified in this article.

(c) Unlawful to Violate Article. It shall be unlawful for any person, firm or corporation to erect, construct, or use, occupy or maintain any building or cause or permit the same to be done in violation of this article.

(d) Inspection Authorized. All buildings within the scope of this article and all construction or work for which a permit is required shall be subject to inspection.

* **State Law reference**—Authority of municipality to regulate unsafe and substandard structures, V.T.C.A., Local Government Code, Chapter 214.

Sec. 3.704 Substandard Buildings Declared

For the purposes of this article, any building, regardless of the date of its construction, which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building:

- (1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare;
- (2) Any building that, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- (3) Any building that is boarded up, fenced or otherwise secured in any manner if:
 - (A) The building constitutes a danger to the public even though secured from entry; or

- (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) of this section;
- (4) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (5) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;
- (6) Whenever the stress in any materials, or members or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location;
- (7) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;
- (8) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (9) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings;
- (10) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
- (11) Whenever the building, or any portion thereof, because of (A) dilapidation, deterioration or decay; (B) faulty construction; (C) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (D) the deterioration, decay or inadequacy of its foundation; or (B) any other cause, is likely to partially or completely collapse;
- (12) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (13) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base;

- (14) Whenever the building, exclusive of the foundation, shows thirty-three (33%) percent or more damage or deterioration of its supporting member or members, or fifty percent (50%) or more damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;
- (15) Whenever the building has been so damaged by fire, wind, earthquake, flood or other causes, or has become so dilapidated or deteriorated as to become (A) an attractive nuisance to children; or, (B) a harbor for vagrants, criminals or immoral persons;
- (16) Whenever any building has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building regulations of this jurisdiction, as specified in the building code, or of any law or ordinance of this State or jurisdiction relating to the condition, location or structure of buildings;
- (17) Whenever any building which, whether or not erected in accordance with all applicable laws and ordinance, has in any non-supporting part, member or portion less than fifty (50%) percent, or in any supporting part, member or portion less than sixty-six (66%) percent of the (A) strength, (B) fire-resisting qualities or characteristics, or (C) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;
- (18) Whenever a building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Mayor, Fire Marshal or their designees to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness, or disease for reasons including, but not limited to, the following:
 - (A) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house,
 - (B) Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel,
 - (C) Lack of, or improper kitchen sink in a dwelling unit,
 - (D) Lack of hot and cold running water to plumbing fixtures in a hotel,
 - (E) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house,
 - (F) Lack of adequate heating facilities,
 - (G) Lack of, or improper operation of, required ventilating equipment,

- (H) Lack of minimum amounts of natural light and ventilation required by this code,
 - (I) Room and space dimensions less than required by this code or the building code,
 - (J) Lack of required electrical lighting,
 - (K) Dampness of habitable rooms,
 - (L) Infestation of insects, vermin or rodents,
 - (M) General dilapidation or improper maintenance,
 - (N) Lack of connection to required sewage disposal system,
 - (O) Lack of adequate garbage and rubbish storage and removal facilities;
- (19) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard;
- (20) Whenever any building is in such a condition as to make a public nuisance known to the common law or in equity jurisprudence;
- (21) Whenever any portion of a building remains on a site after the demolition or destruction of the building;
- (22) Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;
- (23) Any building constructed and is still existing in violation of any provision of the International Building Code or International Fire Code of the city to the extent that the life, health or safety of the public or any occupant is endangered.

Sec. 3.705 Determination by Mayor

When the Mayor or his designee has inspected or caused to be inspected any building and has found and determined that the building is substandard, the Mayor may take any or all of the following actions, as he or she deems appropriate:

- (1) Issue notice to the record owner that the building is substandard and dangerous and must be repaired or demolished; or
- (2) Issue citation(s) for violation(s) of this article; or
- (3) Secure the building if permitted by Section 3.7 12(b); or

- (4) Recommend to abatement proceedings be commenced pursuant to Section 3.706.

Sec. 3.706 Public Hearing for Abatement of Substandard Buildings

(a) Commencement of Proceedings. When the Mayor has found and determined that a building is a substandard building, the Mayor shall commence proceedings to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building.

(b) Public Hearing to be Held. Except when the City Council finds that a building is likely to immediately endanger persons or property, a public hearing before the City Council shall be held to determine whether a building complies with the standards set out in Section 3.704. If the City Council determines that the building constitutes an immediate danger, the procedures set forth in Section 3.7 12 shall be followed.

(c) Notice. Not less than ten (10) days prior to the date on which the hearing is set, the Mayor shall issue a notice of the public hearing directed to the record owner of the building, and to all mortgagees and lienholders. The Mayor shall use his or her best efforts to determine the identity and address of any owner, lienholder or mortgagee of the building through the records of the County Clerk and through any other source available to the city. The notice shall contain:

- (1) The name and address of the record owner;
- (2) The street address or legal description sufficient for identification of the premises upon which the building is located;
- (3) A statement that the building is substandard and/or dangerous, with a brief and concise description of the conditions found to render the building dangerous or substandard under the provisions of Section 3.704;
- (4) 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 article, and the time it will take to reasonably perform the work;
- (5) Notice of the time and place of the public hearing; and
- (6) A statement that if the building is found to be in violation of this article, the City Council may order that the building be vacated, secured, repaired, removed or demolished within a reasonable time.

(d) Additional Notice of Public Hearing. Prior to the public hearing, the Mayor may file a copy of the notice mailed pursuant to Section 3.706(3) in the official public records of real property in the county in which the property is located. If such notice is not filed of record, each identified mortgagee and lienholder must be notified of any abatement order issued by the City Council at the public hearing, prior to any remedial action by the city.

- (e) Burden of Proof. At the public hearing, the owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the city's building codes, and the time it will take to reasonably perform the work.
- (f) Conduct of Public Hearing. At the public hearing, the owner of the building, and all other interested persons may make their appearance and be heard. Any evidence may be received and considered by the City Council. The hearing may be adjourned from day to day or continued upon a majority vote of the Council.

Sec. 3.707 Order of Building Board of Appeals

- (a) Findings. If the City Council, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in Section 3.704, the City Council may order that the building be repaired, vacated, removed or demolished, secured, or the occupants relocated, by the owner, mortgagee or lienholder within a reasonable time as provided herein.
- (b) Time Allowed to Complete Work.
 - (1) The order must require the owner, lienholder or mortgagee of the building within thirty (30) days to:
 - (A) Secure the building from unauthorized entry; and/or
 - (B) Repair, remove or demolish the building unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.
 - (2) If the City Council allows the owner, lienholder or mortgagee more than thirty (30) days to repair, remove or demolish the building, the City Council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the City Council.
 - (3) The City Council may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
 - (A) Submits a detailed plan and time schedule for the work at the hearing; and
 - (B) Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.
 - (4) If the City Council allows the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building, the City Council shall require the owner, lienholder

or mortgagee to regularly submit progress reports to the Mayor to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the City Council or the Mayor to demonstrate compliance with the time schedules.

- (c) Contents of Order. The order of the City Council must contain at minimum:
- (1) An identification which is not required to be a legal description, of the building and the property on which it is located; and
 - (2) A description of the violation of minimum standards present in the building; and
 - (3) A description of the ordered actions, including a statement that the owner may repair, if feasible, or demolish or remove at his option; and
 - (4) 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 the time allowed and charge the cost to the property; and
 - (5) If the City Council has determined that the building will endanger persons or property, or if the building is a dwelling with ten (10) or fewer dwelling units, a statement that the city may repair the building and charge the costs to the property if the ordered action is not taken within the time allowed.

Sec. 3.708 Notice of Order

- (a) Order Shall be Mailed. After the public hearing, the Mayor shall promptly mail, by Certified Mail, return receipt requested, a copy of the order to the record owner of the building, and each identified lienholder and mortgagee of the building.
- (b) Order Shall be Filed with City Secretary. Within ten (10) days after the date that the order is issued by the City Council, the Mayor shall file a copy of the order in the office of the City Secretary.
- (c) Order Shall be Published. Within ten (10) days after the date the order is issued by the City Council, the Mayor shall publish or cause to have published in a newspaper of general circulation within the city a notice containing:
- (1) The street address or legal description of the property; and
 - (2) The date the hearing was held; and
 - (3) A brief statement indicating the results of the order; and
 - (4) Instructions stating where a complete copy of the order may be obtained.

Sec. 3.709 Enforcement of the Order

(a) If Order Not Complied With, City May Take Action. If the building is not vacated, secured, repaired, removed or demolished within the time specified by the order, the city may vacate, secure, repair, remove or demolish the building or relocate the occupants at its own expense, provided however:

- (1) The city may not act to remove or demolish a building until after it has found:
 - (A) That such defects or conditions exist to the extent that the life, health, property or safety of the public or the occupants of the building are endangered; and
 - (B) The building is infeasible of repair; or
 - (C) There is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given.
- (2) The city may only repair a building as provided herein to the extent necessary to correct the conditions which render the building dangerous, and may not act to repair a building unless:
 - (A) The City Council has made a determination that the building is likely to endanger person or property; and
 - (B) The building is a residential dwelling with ten (10) or fewer dwelling units.

(b) Posting of Notice to Vacate Building. If the order requires vacation or if compliance is not had with the order within the time specified therein, the Mayor or his or her designee is authorized to require that the building be vacated. Notice to vacate shall be mailed by Regular Mail or Hand-delivered, to the occupant of the building and it shall be posted at or upon each entrance to the building and shall be in substantially the following form:

SUBSTANDARD BUILDING

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

By Order of the Mayor

City of Richland, Texas

- (c) Remedial Action by City. Any repair or demolition work, or securing of the building shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided. Any surplus realized from the sale of such building, or from the demolition thereof, over and above the cost of demolition and cleaning of the lot, shall be paid over to the person or persons lawfully entitled thereto.
- (d) Failure to Obey Order. Any person to whom an order pursuant to Section 3.708 is directed who fails, neglects or refuses to comply with such order shall be guilty of a misdemeanor and may be prosecuted in Municipal Court in addition to any other remedies available to the city provided herein.
- (e) Interference Prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city or with any person who owns or holds any estate or interest in the building which has been ordered repaired, vacated, demolished, removed or secured under the provisions of this article; or with any person to whom such building has been lawfully sold pursuant to the provisions of this article, whenever such officer, employee, contractor or authorized representative of the city, person having an interest or estate in such building, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing, removing or securing any such building pursuant to the provision of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.
- (f) Permit Required. Any work of closure, repair, removal or demolition by the property owner or any lienholder or mortgagee or their agents must be performed pursuant to valid unexpired permits issued by the city. All permits issued pursuant to an order of the City Council shall expire upon expiration of the time for compliance set forth in the order.

Sec. 3.710 Performance of Work by the City

- (a) Procedure. When any work of repair, removal, demolition or securing is to be performed by the city pursuant to the provisions of any order of the City Council, the work may be accomplished by city personnel or by private contract as may be deemed necessary. Rubble and debris shall be removed from any premises and the lot cleaned if removal or demolition is ordered. The building or building materials may be sold if removal or demolition is ordered, and the proceeds shall be used to offset other costs of the work.
- (b) Costs. The cost of such work shall be paid from city funds and shall constitute a special assessment and a lien against such property to secure payment thereof, together with ten (10%) percent interest on such amount from the date on which the work is performed.
- (c) Repair to Minimum Standards Only. The city may repair the building at its own expense and assess the expense on the land on which the building stands or is attached~ to only to the extent necessary to bring the building into compliance with minimum standards.

Sec. 3.711 Recovery of Cost of Securing, Repair, Removal or Demolition

(a) Itemized Account and Notice of Lien. The Mayor or his or her designee shall keep an itemized account of the expenses incurred by the city in the securing, repair, removal or demolition of any building pursuant to this article. Upon completion of the work, the Mayor or his or her designee shall prepare and file with the City Secretary a sworn account and notice of lien containing the following information:

- (1) The name and address of the owner if that information can be determined with a reasonable effort;
- (2) A legal description of the real property on which the building is or was located;
- (3) The type of work performed; and
- (4) The amount of expenses incurred by the city in performing the work and the balance due.

(b) Notice Filed in County Records. The City Secretary shall file the notice of lien along with a copy of the order of abatement issued by the City Council in the deed records of the county in which the premises are located.

(c) Personal Obligation of Property Owner. The expenses incurred by the city as set forth in the sworn account of the Mayor shall be a personal obligation of the property owner in addition to a priority lien upon the property. The City Attorney may bring an action in any court of proper jurisdiction against the owner or property to recover the costs incurred by the city.

(d) Lien Shall be Valid and Privileged. Upon filing of the notice of lien in the deed records of Navarro County, Texas, the lien shall be valid against the property so assessed. The lien shall be privileged and subordinate only to tax liens, existing special assessment liens, and shall be paramount to all other liens. The lien shall continue until the assessment and all interest due and payable thereon has been paid.

(e) Assessment Must be Paid. No utility service, building permit or certificate of occupancy shall be allowed on any such property until the assessment is paid and such lien is released by the city.

(f) Release of Lien. After the expenses incurred by the city, as set forth in the sworn account of the Mayor, have been fully paid with interest often (10%) percent per annum from the date the work was performed, the building official shall execute a release of lien which shall be filed in the deed records of Navarro County, Texas.

Sec. 3.712 Additional Authority to Secure Certain Substandard Buildings Prior to Public Hearing and Secure, Demolish, Repair or Remove Certain Dangerous Buildings

(a) Securing of Unoccupied, Substandard Building. Notwithstanding any other provisions of this article, the city may secure a building if the Mayor determines:

- (1) That the building violates the minimum standards set forth in Section 3.704;
- (2) That the building is unoccupied or is occupied only by persons who do not have the right of possession to the building.

(b) If Building Creates Immediate Danger. Notwithstanding any other provisions of this article, if the City Council finds that a building is likely to immediately endanger persons or property the City Council may:

- (1) Order the owner of the building, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the dangerous part of the structure, within a specified time; or
- (2) Repair, remove, or demolish the structure, or the dangerous part of the structure, at the expense of the municipality, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure was located.

(c) Before the eleventh day after the date the building is secured pursuant to Section 3.707(a), or action is ordered pursuant to Section 3.707(b)(1)(A), or the building is repaired, removed or demolished pursuant to Section 3.707(b)(1)(B), the Mayor shall give notice to the owner by:

- (1) Personally serving the owner with written notice; or
- (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or
- (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in the county in which the building is located, if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown; and
- (5) In addition to the above, depositing notice in the United States mail to all lienholders and mortgagees who can be determined from a reasonable search of instruments on file in the office of the County Clerk.

(d) The notice must contain:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of the minimum standards present in the building;

- (3) A statement that the city will secure or has secured, as the case may be, the building, or that the city has taken or will take the action ordered pursuant to. Section 3.707(b);
 - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the city's securing, removing, demolishing or repairing of the building.
- (e) The City Council shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing, repairing, removing or demolishing of the building, if, within thirty (30) days after the date the city has taken action pursuant to Section 3.707(a) or (b), the owner files with the city a written request for the hearing. The hearing shall be conducted within twenty (20) days after the date the request is filed.
- (f) If the city incurs expenses under this subsection, such expenses incurred shall be a personal obligation of the property owner in addition to a priority lien upon the property, and costs shall be recovered as provided by Section 3.710.
- (g) It shall be unlawful to fail to comply with an order issued pursuant to this article.

Sec. 3.713 Civil Penalty

- (a) Civil Penalty Authorized. In addition to any other enforcement authority provided for by law, the City Council may, by order, at an administrative hearing assess a civil penalty against a property owner as provided for herein for failure to comply with an order issued by the Council pursuant to Section 3.707.
- (b) Showing Required. The civil penalty may be assessed if it is shown at the administrative hearing that:
- (1) The property owner was notified of the contents of the order issued pursuant to Section 3.707; and
 - (2) The property owner committed an act in violation of the order or failed to take any action necessary for compliance with the order.
- (c) Amount of Penalty. The civil penalty may be assessed in an amount as provided for in the general penalty provision found in Section 1.106 of this code for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount as provided for in the general penalty provision found in Section 1.106 of this code.
- (d) Notice of Administrative Hearing. Not less than ten (10) days prior to the date on which the administrative hearing is set, the property owner shall be sent a notice of the hearing by Regular Mail or Hand-delivered. The notice shall contain:
- (1) A copy of the order issued by the City Council pursuant to Section 3.707;

- (2) A statement that the Mayor or his or her designee has determined that the property owner committed an act in violation of that order, or failed to take any action necessary for compliance with that order;
- (3) A statement that at the administrative hearing the City Council may assess a civil penalty as provided for in the general penalty provision found in Section 1.106 of this Code of Ordinances for each violation or, if the owner shows that the property is the owners' lawful homestead, in an amount as provided for in the general penalty provision found in Section 1.106 of this Code of Ordinances; and
- (4) Notice of the time and place of the hearing.

(e) Copy of Order Filed with District Clerk. After the civil penalty is assessed, the City Secretary shall file with the District Clerk of Navarro County, a certified copy of the order assessing the civil penalty stating the amount and duration of the penalty.

(f) Enforcement. The civil penalty may be enforced by the city in a suit brought by the city in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty. A civil penalty under this subsection is final and binding and constitutes prima facie evidence of the penalty in any suit.

Sec. 3.714 Authority Not Limited

Notwithstanding all other provisions of this article, nothing herein shall be deemed a limitation on the duty of the city to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the protection of life, property or general welfare of the people in the city.

Sec. 3.715 Penalty for Violations

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined as provided for in the general penalty provision found in Section 1.106 of this Code of Ordinances for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 3.716 Savings Clause

All rights and remedies of the city are expressly saved as to any and all violations of the provisions of this article, or any other ordinances affecting dangerous substandard buildings which have accrued at the time of the effective date of this article; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this article but may be prosecuted until final disposition by the courts.

(Ordinance adopting Code) (Amended 12/13/18 Ordinance #155 – Changing Mail)

Article 3.800 Shipping Containers

Section 3.801 Definitions

As used in this article, the following terms shall be defined and used as shown:

Shipping Container Standardized re-sealable transportation box for unitized freight handling with standardized equipment. Two most common sizes used in ground and sea (surface) transportation are (1) Twenty-footer and (2) Forty-footer. The typical dimensions of a 20-foot container are: internal length 19 feet 4 inches, internal width 7 feet 9 inches, internal height 7 feet 10 inches. Of a 40-foot container they are: internal length 39 feet 6 inches, internal width 7 feet 9 inches, internal height 7 feet 10 inches.

City Hall The building which houses the City offices, including but not limited to City Secretary, Police Department, Fire Department and Civic Center.

Section 3.802 Prohibiting the Placement of Shipping Container

No Shipping Container as described in Section 3.801 shall be placed within 500 feet of City Hall.

Section 3.803 Penalty for Violations

Any person, firm or corporation violating any provision of this article shall, upon conviction, be fined in accordance with the general penalty provision found in Section 1.106 of this Code of Ordinances and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Upon determination of a shipping container being moved within 500 feet of City Hall, the owner shall be deemed as committing a violation of this article and upon committing shall be fined in accordance with the general penalty provision found in Section 1.106 of this Code of Ordinances.

(Ordinance #150 Adopted 6/14/18)

Chapter 4

CHAPTER 4

BUSINESS & COMMERCE

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**ARTICLE 4.100 GRANTING JURISDICTION OVER
ELECTRIC RATES TO PUC**

- (a) The city does hereby elect to have the Public Utility Commission (PUC) of Texas exercise exclusive original jurisdiction over electric utility rates, operations, and services within the existing and future incorporated limits of the city.
- (b) The city hereby expressly retains the exclusive original jurisdiction over the rates, operations, and services of water and sewer utilities within the existing and future incorporated limits of the city.
- (c) This article shall become effective, and the Public Utility Commission of Texas shall exercise the exclusive original jurisdiction over said electric utility rates, operations, and services on and after January 22, 1980.
- (d) The City Secretary shall give notice of this article to the Public Utility Commission of Texas by forwarding a certified copy of Ordinance No. 312280-3 adopted January 22, 1980 to the Public Utility Commission of Texas upon the passage of this article.

(Ordinance No. 312280-3 adopted January 22, 1980)

ARTICLE 4.200 FAIR HOUSING REGULATIONS

Sec. 4.201 Definitions

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

- (a) “Discriminatory housing practice” means an act that is unlawful under Sections 4.203, 4.204, or 4.205 of this article.
- (b) “Age” means the calendar age of an individual eighteen (18) years of age or over.
- (c) “Creed” means any set of principles, rules, opinions and precepts formally expressed and seriously adhered to or maintained by a person.
- (d) “Dwelling” means any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

- (e) “Family” includes a single individual or a group of individuals living together under one common roof.
- (f) “Major life activities” means functions such as, but not limited to, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (g) “Marital status” means an individual’s status as a single, married, divorced, widowed or separated person.
- (h) “Parenthood” means a person’s status as a parent or legal guardian of a child or children under the age of eighteen (18).
- (i) “Person” includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.
- (j) “Physical or mental disability” means any physical or mental impairment which substantially limits one or more major life activities.
- (k) “Physical or mental impairment” shall include:
 - (1) Any physiological disorder, or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or,
 - (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (l) “To rent” includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (m) “Senior adult” means a person fifty-five (55) years of age or older.

Sec. 4.202 Interpretation and Effect

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

Sec. 4.203 Discrimination in the Sale or Rental of Housing

Except as exempted by Section 4.206, it shall be unlawful for any person to:

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

Sec. 4.204 Discrimination in the Financing of Housing

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

(a) The race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age of such person or of any person associated with him in connection with such loan or other financial assistance; or

(b) The race, color, creed, sex, religion or national origin, physical or mental disability, marital status, parenthood or age of the present or prospective owner, lessees, tenants, or occupants of the dwelling or dwellings for which such a loan or other financial assistance is to be made or given.

Sec. 4.205 Discrimination in the Provision of Brokerage Services

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

Sec. 4.206 Exemptions and Exclusions

(a) There shall be exempted from the application of Section 4.203 hereof all transactions involving:

- (1) The rental of units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains and occupies one of such units as his residence.
- (2) The rental of a single room in a dwelling containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered.
- (3) The sale or rental of any single house by a private individual who owns such house provided that:
 - (A) The sale or rental is made without the use in any manner of the sales or rental facilities or the sale or rental services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman, or person; and
 - (B) The sale is made without the publication, posting or mailing of any advertisement or written notice in violation of this article (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title); and
 - (C) The owner does not own more than three single family houses at the time of the sale; and

- (D) The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental or more than three such single family houses at any one time.
- (E) If the owner does not reside in the house at the time of sale or was not the most recent resident of such house prior to the sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period.

(b) Nothing in this article shall prohibit a religious organization, association, or society or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious association, or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, sex, mental or physical disability, marital status, parenthood or age.

(c) Nothing in this article shall prohibit a bona fide private club, not in fact open to the public, which as an incidental to its primary purpose provides lodging which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(d) Nothing in this article shall bar any person from owning and operating a housing accommodation in which a room or rooms are leased, subleased or rented only to persons of the same sex, when such housing accommodation contains common lavatory, kitchen or similar facilities available for the use of all persons occupying such accommodation.

(e) Nothing in this article shall prohibit the sale, rental, lease or occupancy of any dwelling designed and operated exclusively for senior adults and their spouses, unless the sale, rental, lease or occupancy is further restricted on account of race, color, creed, religion, sex, national origin, physical or mental handicap and marital status.

(f) Nothing in this article shall bar a person who owns, operates or controls rental dwellings whether located on the same property or on one or more contiguous parcels of property, from reserving any grouping of dwellings for the rental or lease to tenants with a minor child or children; provided however, in the event that said reserved area is completely leased or rented, the person owning, operating or controlling said rental dwelling may not refuse to rent or lease any other available dwelling to the prospective tenant on the basis of the tenant's status as a parent or any other of the protected classification set forth in this article.

Sec. 4.207 Fair Housing Administrator

The Mayor shall appoint and the City Council shall confirm a Fair Housing Administrator who shall have the responsibility for implementing this article. The Fair

Housing Administrator may delegate his authority to investigate and conciliate complaints to other city employees under his direction.

Sec. 4.208 Complaints

(a) Only the person who claims to have been injured by a discriminatory housing practice who believes he or she will be irrevocably injured by a discriminatory housing practice that has occurred or is occurring (hereinafter referred to a “person aggrieved”) may file a complaint with the Fair Housing Administrator. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The Fair Housing Administrator shall prepare complaint forms and furnish them without charge to any person upon request.

(b) A copy of all complaints filed with the city shall also be forwarded to the Fair Housing and Equal Opportunity Division of the Region VI Office of the Department of Housing and Urban Development.

(c) The Fair Housing Administrator shall provide free administrative counseling to those complainants who wish to file a private suit for relief in the local, State, or Federal court.

(d) If at any time the Fair Housing Administrator shall receive or discover credible evidence and shall have probable cause to believe that any person or persons have committed or are committing a discriminatory housing practice as to which no complaint has been filed, the Fair Housing Administrator may prepare and file a complaint upon his or her own motion and in his or her own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

(e) The Fair Housing Administrator shall receive and accept notification and referral complaints from the U. S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to paragraph (a) of this section.

(f) All complaints shall be filed within the sixty (60) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the Fair Housing Administrator shall provide notice of the complaint by furnishing a copy of such complaint to the person named therein who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The accused may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.

(g) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

Sec. 4.209 Investigation

(a) Upon the filing or referral of a complaint as herein provided, the Fair Housing Administrator shall cause to be made a prompt and full investigation of the matter stated in the complaint.

(b) If the Fair Housing Administrator determines that there is not probable cause to believe that a particular alleged discriminatory housing practice has been committed, the Fair Housing Administrator shall take no further action with respect to that alleged offense.

(c) During or after the investigation, but subsequent to the mailing of the notice of complaints, the Fair Housing Administrator shall, if it appears that discriminatory housing practice has occurred or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this article. Nothing said or done in the course of such informal endeavors may be made public by the Fair Housing Administrator, by the complainant or by any other party to the proceedings without written consent of all persons concerned.

(d) Upon completion of the investigation and informal endeavors at conciliation by the Fair Housing Administrator, but within thirty (30) days of the filing of the complaint with the Administrator, if the efforts of the Fair Housing Administrator to secure voluntary compliance have been unsuccessful, and if the Fair Housing Administrator has made a determination that a discriminatory housing practice has in fact occurred, the Fair Housing Administrator shall recommend to the City Attorney that such violations be prosecuted in the Municipal Court. With such recommendations, the Fair Housing Administrator shall refer his entire file to the City Attorney. The City Attorney shall, within thirty (30) days after such referral, make a determination as to whether to proceed with prosecution of such complaint in Municipal Court. If the City Attorney determines to prosecute, he shall institute a complaint and prosecute same to conclusion within thirty (30) days after such determination or as soon thereafter as practicable.

Sec. 4.210 Cumulative Legal Effect

This article is cumulative in its legal effect and is not in lieu of any and all other legal remedies which the person aggrieved may pursue.

Sec. 4.211 Unlawful Intimidation

It shall be unlawful for any person to harass, threaten, harm, damage or otherwise penalize any individual, group, or business because he or they have complied with the provisions of this article, because he or they have exercised his or their rights under this article, or enjoyed the benefits of this article, or because he or they have made a charge, testified or assisted in any investigation or in any proceeding hereunder or have made any report to the Fair Housing Administrator.

Sec. 4.212 Cooperation with the Secretary of Housing and Urban Development

The Fair Housing Administrator and the City Attorney are authorized to cooperate with the Secretary of Housing and Urban Development and the U. S. Attorney General pursuant to the provisions of Title VII, Fair Housing Act of 1968, Public Law 90-284, and may render such services to the Secretary as they shall deem appropriate to further the policies of this article.

Sec. 4.213 Education and Public Information

In order to further the objectives of this article, the Fair Housing Administrator may conduct educational and public information programs.

Sec. 4.214 Penalty

(a) Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be fined in accordance with Section 1.106 of Chapter 1 of this Code of Ordinances. Each day a violation continues after passage of seventy-five (75) days from date of the filing of the initial complaint with the Fair Housing Administrator shall constitute a separate and distinct offense.

(b) Any person, firm or corporation violating any provision of this article may be enjoined by order of a court of competent jurisdiction, and this remedy is in addition to any other penalty provision.

(Ordinance No. 6 13960-23 adopted June 13, 1996)

ARTICLE 4.300 CERTAIN BUSINESSES PROHIBITED

Within the city limits of the City of Richland it shall be unlawful to locate or operate such business if it includes any of the following:

- (a) a slaughtering establishment;
- (b) a hide house;
- (c) an establishment for making soap;
- (d) an establishment for steaming or rendering lard, tallow, offal, or any other substance that may be rendered; and
- (e) any other establishment or place at which any nauseous, offensive, unwholesome business may be conducted.

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

(Ordinance No. 25 adopted July 11, 1996)

ARTICLE 4.400: SEXUALLY ORIENTED BUSINESSES***Sec. 4.401 Findings**

Based on public testimony and other evidence before it, including information, studies and court decisions from other jurisdictions, the City of Richland makes the following legislative findings and statement of purpose:

The Council recognizes that some activities which occur in connection with sexually oriented businesses are protected as expression under the First Amendment to the United States Constitution. The Council further recognizes that First Amendment rights are among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights. The Council is aware, however, that sexually oriented businesses may and do generate secondary effects which are detrimental to the public health, safety, and welfare. Among these secondary effects are (1) prostitution and other sex related offenses (2) drug use and dealing (3) health risks through the spread of AIDS and other sexually transmitted diseases and (4) infiltration by organized crime for the purpose of drug and sex related business activities, laundering of money and other illicit conduct. This article is not intended to interfere with legitimate expression but to avoid and mitigate the secondary effects enumerated above. Specifically, the Council finds that licensing of persons who operate and manage sexually oriented businesses and persons who provide adult services will further the goals of the ordinance by enabling the city to ascertain if an applicant is underage or has engaged in criminal or other behavior of the sort the ordinance is designed to limit. This information will enable the city to allocate law enforcement resources effectively and otherwise protect the community. The Council finds that limiting proximity and contact between adult service providers and patrons promotes the goal of reducing prostitution and other casual sexual conduct and the attendant risk of sexually transmitted diseases. The Council finds the foregoing to be true with respect to places where alcohol is served and where it is not. Council finds that individual and interactive sexual activities in adult video facilities pose a risk of sexually transmitted disease, especially AIDS, and that the booth configuration options of the ordinance will reduce that risk. The Council finds that the harmful secondary effects of sexually oriented businesses are more pronounced when conducted continuously or during late night hours. The fees established for licenses and permits in this article are based on the estimated cost of implementation, administration, and enforcement of the licensing program.

Sec. 4.402 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:

* **State Law reference**—Authority of municipality to regulate sexually oriented businesses, V.T.C.A., Local Government Code, Sec. 215.032.

Adult Service. Means dancing, service of food or beverages, modeling, posing, wrestling, singing, reading, talking or listening, or other performances or activities conducted for any consideration in an adult service business by a person who is nude or partially nude during all or part of the time that the person is providing the service.

Adult Service Business. Means a business establishment or premises where any adult service is provided to patrons in the regular course of business and as one of its principal business purposes.

Adult Service Provider or "Provider". Means any person who provides any adult service.

Adult Video Facility. Means a commercial establishment where, for any consideration, films, motion pictures, video cassette projections, slides, or other visual media characterized by depiction of "specified sexual activities" or "specified anatomical area" are shown in the regular course of business as a principal business purpose of the establishment.

Booth. Means a partitioned area, in which coin or token operated video machines, projectors or other electronically or mechanically controlled devices are used in the regular course of business to produce still or moving picture images characterized by depiction of specified sexual activities or specified anatomical areas.

Cabaret. Means a sexually oriented business licensed to provide alcoholic beverages pursuant to a license described in Texas Alcoholic Beverage Code.

Employee. Means any person hired, engaged or authorized to perform any service on the premises of an adult service business including an adult service provider, whether denominated as an employee, independent contractor or otherwise.

Enterprise. Means a corporation, association, labor union or other legal entity, as provided in Texas Local Government Code, Sec. 243.001.

License. Means the license required by this article as a condition to conducting a sexually oriented business.

Licensee. Means a person or enterprise holding a sexually oriented business license issued under this article, including those persons required to provide information under Section 4.405(c).

Manager's Station. Means a permanently designated area marked accordingly within a sexually oriented business where a sexually oriented business manager is located in the normal course of operations.

Mayor. Means the chief elected official of the City of Richland, Texas.

Nude. Means without opaque non-flesh colored fabric fully covering the genitals, pubic hair, vulva, mons veneris, anus, cleft of the buttocks, the areola, and the part of the female breast directly below the areola.

Patron. Means a person invited or permitted to enter and remain upon the premises of a sexually oriented business, whether or not for a consideration.

Permit. Means the permit required by this article to engage in the activities of an adult service provider or sexually oriented business manager.

Sexually Oriented Business. Means an adult service business, adult cabaret or an adult video facility.

Sexually Oriented Business Manager or "Manager". Means a person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business.

Specified Anatomical Areas. Mean human genitals, pubic hair, vulva, mons veneris, anus, cleft of the buttocks, female breasts below the top of the areola or human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Means actual or simulated sexual intercourse, masturbation, fellatio, cunnilingus, sodomy, flagellation, bestiality, fondling or touching of human genitals, pubic region, buttocks or the female breast, or any combination of the foregoing.

Sec. 4.403 Administration

(a) The administration of this article, including the duty of prescribing forms, is vested in the Mayor, except as otherwise specifically provided. The City Secretary, the Chief of Police or any other persons designated by the Mayor shall render such assistance in the administration and enforcement of this article as may be requested by the Mayor.

(b) License or permit applications made pursuant to this article shall be submitted to the Mayor who shall grant, deny, suspend, or revoke licenses or permits in accordance with the provisions of this article.

(c) Licenses issued pursuant to this article shall be valid for a period of one (1) year from date of issuance.

(d) Permits issued pursuant to this article shall be valid for a period of two (2) years from date of issuance.

Sec. 4.404 Sexually Oriented Business License Required

(a) A person or enterprise may not conduct a sexually oriented business without first obtaining a sexually oriented business license pursuant to this article. The license shall

state the name of the license holder, the name, address and phone number of the licensed premises, and the dates of issuance and expiration of the license

(b) A sexually oriented business for which a license has been issued pursuant to this article may conduct business only under the name or designation specified in the license.

(c) A licensee shall conduct business only at the address shown on the license. Each additional place of business shall require a separate license.

(d) A sexually oriented business license shall be displayed on the premises in such a manner as to be readily visible to patrons.

Sec. 4.405 Application for Sexually Oriented Business License

(a) An applicant for a sexually oriented business license shall file in person at the office of the City Secretary an application, signed under oath by the applicant and notarized, accompanied by the fee required under Section 4.4 19. An applicant or other person whose fingerprints and photograph are required under subsection (c) may, at his or her option, be photographed and fingerprinted by the City Secretary, the Mayor or any person designated by the Mayor. An application shall be deemed complete when the required fees, all information required in subsection (c), photograph and fingerprints of the applicant and, in the case of a corporation or other business organization, photograph and fingerprints of all persons for whom information is required under subsection (c) of this section has been submitted to and received by the City Secretary. Upon receipt of the application and all other required information, the City Secretary shall immediately notify the Mayor about the receipt of the application.

(b) Fingerprints and photograph, if not taken by a city official, may be taken by any law enforcement agency.

(c) The application shall include the information called for in paragraphs (1) through (9) below. If the applicant is an enterprise, it shall designate an officer or partner as applicant. In such case, in addition to the information required in paragraphs (1) through (9) for the applicant, the application shall include the State and date of formation of the organization and the information called for in paragraphs (2) through (6) of this section with respect to each officer, director, general partner, and all other persons with authority to participate directly and regularly in management of the business, provided that such information need not be provided with respect to attorneys, accountants and other persons whose primary function is to provide professional advice and assistance to the licensee.

(1) The name, business location, business mailing address and phone number of the proposed sexually oriented business establishment.

(2) The full true name and any other names, aliases or stage names used in the preceding five (5) years.

- (3) Current residential mailing address and telephone number.
 - (4) Written proof of age, in the form of a birth certificate, current driver's license with picture, or other picture identification document issued by a governmental agency.
 - (5) The issuing jurisdiction and the effective dates of any license or permit relating to a sexually oriented business or adult service, whether any such license or permit has been revoked or suspended, and, if so, the reason or reasons therefore.
 - (6) All criminal charges, complaints or indictments in the preceding three (3) years which resulted in a conviction or a plea of guilty or no contest for an "organized crime and fraud" offense under Texas Penal Code, "prostitution offense" under Texas Penal Code, a "drug offense" under Texas Penal Code, or a "sexual offense" under Texas Penal Code, or for conduct in another jurisdiction which if carried out in Texas would constitute an offense under one of the statutory provisions enumerated in this paragraph.
 - (7) The name and address of the statutory agent or other agent authorized to receive service of process.
 - (8) The names of the sexually oriented business manager or managers who will have actual supervisory authority over the operations of the business.
 - (9) An accurate, to scale, but not necessarily professionally drawn, floor plan of the business premises, and, in an application for an adult service business license, also clearly indicating the location of one or more manager's stations.
- (d) The information provided pursuant to paragraphs (5) and (6) of subsection (c) of this section shall be supplemented in writing by certified mail to the Mayor within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

Sec. 4.406 Sexually Oriented Business Manager Permit

- (a) A person may not serve as a sexually oriented business manager unless the person has first secured a sexually oriented business manager permit under this article.
- (b) Application for a sexually oriented business manager permit shall be made in the same manner as application for a sexually oriented business license, except that the applicant need provide only the information called for in paragraphs (2) through (6) of Section 4.405(c).

Sec. 4.407 Confidentiality

The information provided by an applicant in connection with the application for a license or permit under this article shall be maintained by the Mayor on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with a law enforcement or public safety function.

Sec. 4.408 Grant or Denial Of License or Permit

(a) Within sixty (60) days after receipt of an application for a sexually oriented business license, the Mayor shall mail to the applicant a license or a notice of intent to deny the issuance of the license. If the Mayor fails to do so, the license shall be deemed granted.

(b) Upon receipt of an application for a sexually oriented business manager permit, payment of the required fees and completion of photograph and fingerprinting requirements of this article, the Mayor shall issue to the applicant a temporary permit. Within thirty (30) days after issuance of a temporary permit, the Mayor shall mail to the applicant a regular permit or a notice of intent to deny the issuance of the permit.

(c) The issuance of any license or permit does not waive any right of revocation or denial the City of Richland may have at the time of issuance.

(d) The Mayor shall grant the license or permanent permit to an applicant who has completed all requirements for application, unless the Mayor finds any of the following conditions. For purposes of this paragraph, a person required to submit information pursuant to Section 4.405(c) shall be deemed an applicant.

- (1) The application is incomplete or contains a misrepresentation, false statement or omission.
- (2) The applicant has failed to comply with any zoning or other land use ordinance or regulation of the City of Richland relating to the business or activity to be carried out under the license or permit, or is delinquent in payment of any city taxes, fees or other payments due in connection with such business or activity.
- (3) The applicant is not at least eighteen (18) years of age.
- (4) The applicant, or other person required to provide information under Section 4.405(c) in the past three (3) years has been convicted, or plead guilty or no contest with respect to a felony violation or two misdemeanor violations of one or more offenses in the categories stated in Section 4.405(c)(6).
- (5) Within the past two (2) years, a license or permit under this article held by an applicant, or other person required to provide information pursuant to Section

4.405(c) has been revoked, or a similar license in another jurisdiction has been revoked on the basis of conduct which would be a ground for revocation of a license permit issued under this article if committed in the City of Richland.

Sec. 4.409 Licenses and Permits are Non-Transferable

Licenses and permits issued under this article are nontransferable.

Sec. 4.410 Inspection of Premises and Records

The owner or manager shall permit law enforcement officers of the city to inspect the premises upon request during regular business hours.

Sec. 4.411 Adult Service Business Operating Requirements

(a) A person employed or acting as a sexually oriented business manager shall have a valid permit issued pursuant to the provisions of this article. A permit or a certified copy thereof for each manager shall be maintained on the premises in the custody of the manager at all times during which a person is serving as a manager on the premises. Such permits shall be produced by the manager for inspection upon request by a law enforcement officer or other city official.

(b) An adult service business shall maintain a daily log of all persons providing adult services on the premises. The log shall cover the preceding twelve (12) month period and shall be available for inspection upon request by a law enforcement officer during regular business hours.

(c) A person below the age of eighteen (18) years may not observe or provide an adult service.

(d) A person may not provide an adult service in an adult service business except upon a stage elevated at least eighteen (18) inches above floor level. All parts of the stage, or a clearly designated area thereof within which the adult service is provided, shall be a distance of at least three (3) feet from all parts of a clearly designated area in which patrons may be present. The stage or designated area thereof shall be separated from the area in which patrons may be located by a barrier or railing the top of which is at least three (3) feet above floor level. A provider or patron may not extend any part of his or her body over or beyond the barrier or railing.

(e) An adult service provider, in the course of providing an adult service, may not perform a specified sexual activity.

(f) Adult services may not be provided between the hours of 2:00 a.m. and 6:00 a.m. or between 2:00 a.m. and 12:00 noon on Sunday.

(g) An adult service may not be provided in any location which is not visible by direct

line of sight at all times from a manager's station located in a portion of the premises which is accessible to patrons of the adult service business.

(h) A sexually oriented business manager shall be on the premises of an adult service business at all times during which any adult service is provided on the premises.

(i) An employee may not touch the breast, buttocks, or genitals of a patron, nor may a patron touch the breast, buttocks, or genitals of an employee.

(j) A sign, in a form to be prescribed by the director summarizing the provisions of paragraphs (c), (e), (i) and (k) of this section shall be posted near the entrance of an adult service business in such a manner as to be clearly visible to patrons upon entry.

(k) A patron may not place any money on the person or in or on the costume of an adult service provider while the adult service provider is nude.

(m) A manager or licensee may not knowingly permit or tolerate a violation of any provision of this section.

(n) With respect to a cabaret, the requirements of this section shall apply to the extent that they are not in conflict with specific statutory or valid regulatory requirements applicable to persons licensed to dispense alcoholic beverages.

Sec. 4.412 Adult Video Facility Operating Requirements

(a) An adult video facility shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle, as measured at the floor level.

(b) Each booth shall either: (1) be configured in such a way that allows persons patrolling the area outside the booth to observe from outside the booth the activities of any occupant in the interior of the booth, or (2) if not so configured, be equipped with a mirror or other device which allows persons patrolling the area outside the booth to observe from outside the booth the activities of any occupant in the interior of the booth.

(c) A sexually oriented business manager shall be on the premises of any adult video facility at all times that the facility is open for business.

(d) A patron may not engage in specified sexual activities on the premises of an adult video facility.

(e) A booth or viewing area shall not have any hole or aperture in any wall separating that booth or viewing area from another.

(f) A manager or licensee may not knowingly permit or tolerate a violation of any provision of this section.

Sec. 4.413 Location of Sexually Oriented Business

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

Sec. 4.414 Suspension of License or Permit

The Mayor shall suspend a license or permit for a period of ten (10) days if the licensee or permittee is convicted of violating a provision of this article.

Sec. 4.415 Revocation of License or Permit

The Mayor shall revoke a license or permit issued pursuant to this article if the licensee or permittee:

- (1) Is convicted of three (3) or more violations of this article in any twelve (12) month period.
- (2) Is convicted or pleads guilty or no contest to an offense stated in Section 4.405(c)(6).

Sec. 4.416 Procedure for Denial, Revocation or Suspension; Appeal

If the Mayor determines that grounds exist for denial, suspension, or revocation of a license or permit under this article, he or she shall notify the applicant, licensee or permittee (respondent) in writing of his intent to deny, suspend, or revoke, including a summary of the grounds therefore. The notification shall be by certified mail to the address on file with the Mayor. Within ten (10) working days of receipt of such notice, the respondent may provide to the Mayor in writing a response which shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked and may include a request for a hearing before the City Council. If a response is not received by the Mayor in the time stated, the notification shall be final administrative action of denial, suspension or revocation and notice of such will be sent to the permittee

or licensee within five (5) working days after expiration of the period for submitting a response. Within five (5) working days after receipt of a response, the Mayor shall either withdraw the intent to deny, suspend, or revoke, and send notification of the withdrawal to the respondent in writing by certified mail, or shall schedule a hearing before the City Council and shall send notification to the respondent in writing by certified mail of the date, time and place of the hearing. If the Mayor fails to send a timely notification either withdrawing the intent or scheduling a hearing, the intent to deny, suspend or revoke shall be deemed withdrawn. The hearing, if requested, shall be scheduled not less than fifteen (15) nor more than twenty (20) working days after receipt by the Mayor of the request for a hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. The rules of evidence shall not apply. The City Council shall render a written decision within five (5) working days after completion of the hearing and shall mail a copy of the decision by certified mail to the address of the respondent on file. If more than forty-five (45) days elapse between receipt by the Mayor of a request for a hearing and the mailing of a final decision by the City Council to the respondent a decision in favor of the applicant, licensee or permittee shall be deemed to have been rendered. In the case of an intent to revoke, suspend or non-renew a license or permit, or to deny a regular permit, the permittee or licensee may continue to function under the license or permit pending receipt of the final decision of the City Council. The decision shall be final at the end of five (5) working days after it is mailed and shall constitute final administrative action.

Sec. 4.417 Judicial Appeal

Final administrative action to deny, revoke, or non-renew a license or permit may be appealed to the Superior Court by special action or other available procedure within thirty five (35) days after receipt of written notice of the decision. The city shall consent to expedited hearing and disposition. If a permittee or licensee pursues a judicial appeal from a final administrative action, that permittee or licensee may continue to function under the license or permit pending completion of judicial review.

Sec. 4.418 License and Permit Renewal

(a) A license or permit may be renewed by filing an application for renewal in writing with the Mayor. The application shall contain the information required to be submitted with an original application, including fingerprints and a photograph, provided that a renewal application need not contain any other information that has been provided in a previous application and has not changed since the time of the most recent application. An application for license renewal shall be received by the Mayor not less than forty-five (45) days before the expiration of the license. An application for permit renewal shall be received by the Mayor before expiration of the permit.

(b) The Mayor may deny an application for renewal for the reasons and in accordance with the procedures set forth in Section 4.408.

Sec. 4.419 License and Permit Fees

(a) An original application for a sexually oriented business license shall be accompanied by a non-refundable application fee of one thousand dollars (\$1,000.00). An application for renewal shall be accompanied by the same amount as the original license fee.

(b) An application for issuance or renewal of an adult service provider permit shall be accompanied by a non-refundable fee of five hundred dollars (\$500.00). An application for renewal shall be accompanied by the same amount as the original permit fee.

(c) An application for issuance or renewal of a sexually oriented business manager permit shall be accompanied by a non-refundable fee of five hundred dollars (\$500.00). An application for renewal shall be accompanied by the same amount as the original permit fee.

(d) A duplicate or certified copy of a license, permit or identification card shall be issued by the city upon payment of a fee of one hundred dollars (\$100.00).

Sec. 4.420 Other Regulations

A license or permit required by this article is in addition to any other licenses or permits required by the city, the county, or the State of Texas to engage in such business or occupation. Persons engaging in activities described in this article shall comply with all other ordinances and laws, as may be required, to engage in a business or profession.

Sec. 4. 421 Penalty of Violations

(a) Violation of any requirement or prohibition stated in this article is a Class C misdemeanor, punishable upon conviction by a fine of not more than two thousand dollars (\$2,000.00) or by imprisonment for not more than one (1) year. With respect to a violation that is continuous in nature, each day that the violation continues shall constitute a separate offense.

(b) In addition to other penalties, a sexually oriented business which operates without a valid license shall constitute a public nuisance which may be abated by a suit for injunctive relief.

Sec. 4.422 Applicability of Regulations

This article shall apply to all persons engaging in the activities described herein, whether or not such activities were commenced prior to the effective date of this article. Persons so engaged as of the effective date of this article shall be in full compliance with this article, including receipt of any required license or permit, within one hundred eighty (180) days after the effective date of this article.

(Ordinance adopting Code)

ARTICLE 4.500 JUNK DEALERS AND JUNKYARDS

Sec. 4.501 Definitions

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this article:

Person. Shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

Junk. Shall mean any scrap metal such as iron, steel, brass, copper, tin, lead, or other such metals; old bottles or other glass; bones; wastepaper and other waste or discarded materials which might be used again in some form; and motor vehicles or parts thereof, no longer used as such and to be used for scrap metal or stripping of parts.

Junkyard. Shall mean a yard, lot, or place, covered or uncovered, outdoors, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

Junk dealer. Shall mean a person who operates a junkyard, as defined above, within the city.

Business premises or premises. Shall mean the area of a junkyard as described in a junk dealer's license or application for license, as provided in this article.

Sec. 4.502 Enforcement of Regulations

The Mayor shall enforce this article. The Chief of Police, the Mayor or his or her designee, shall have authority to enter upon any premises licensed under this article or upon premises upon which an application for a license hereafter has been filed or granted at any reasonable time.

Sec. 4.503 Junk Dealer's License

(a) License Required. It shall be unlawful for any person to act as a junk dealer in the City of Richland, whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefor from the Mayor, or his designee, in accordance with the provisions of this article. A junk dealer who operates more than one (1) junkyard within the city shall be required to have a separate license for each junkyard.

(b) Application for License. An applicant for a license under this article shall file with the Mayor, or his or her designee, a written application signed by the applicant, by all

partners, if a partnership, or by the president and secretary of a corporation. The fee hereinafter prescribed shall be submitted with the application. Each application shall be sworn to before a notary public or other officer authorized by law to administer oaths. Each application shall include the following information:

- (1) Name, residence address, and telephone number of each individual or other organization, each officer and director;
- (2) The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.
- (3) The exact address or location of the place where the business is or is proposed to be carried on, plus sketch of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings, and uses.
- (4) A description of the materials with which any buildings to be used in connection with the licensed business are to be constructed; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls.
- (5) Such other information as the Mayor, or his or her designee, shall find reasonably necessary to effectuate the purposes of this article.

(c) Issuance by Mayor. Upon receipt of an application, the Mayor, or his or her designee, shall determine if the requirements of this article have been met by the applicant. Additionally, the Mayor, or his or her designee, shall determine if the junkyard is a legal use in the zone in which it is located. If all requirements are met he or she shall, within thirty (30) days of the date of the application, issue a junk dealer's license to the applicant.

(d) Duration and Renewal of Licenses. All licenses shall be for a one-year period commencing on the date of issuance. Licenses may be renewed for a one-year period. An applicant for a renewal license shall file a written application with the Mayor, or his or her designee, providing the same information as the original application and complying with all requirements of this article.

(e) License Fee. The annual fee for any license or renewal license issued hereunder shall be one hundred dollars (\$100.00).

(f) License is Nontransferable. No license issued under this article shall be transferred or assigned or used by any person other than the one to whom it was issued, and no junk dealer's license shall be used at any location other than the one described in the application upon which it was issued.

(g) Revocation of License.

- (1) The Mayor, or his designee, prior to revocation of any junk dealer's license, shall give written notice to the holder of said license. Such notice shall contain the reason for the proposed revocation, and provide that the revocation shall be effective fifteen (15) days after notice unless an appeal is filed.
- (2) Licenses shall be revoked for any of the following reasons:
 - (A) The licensee has violated any provision of this article.
 - (B) The licensee has obtained his license through fraud, misrepresentation, or misstatement.
 - (C) The licensed business or activity is being conducted in a manner detrimental to the health, safety, or general welfare of the public, or is a nuisance, or is being operated or carried on in any unlawful manner.
 - (D) The licensed business or activity is no longer being operated on the licensed premises.

(h) Appeals for Revocation or Refusal of License. Appeal of the revocation, refusal to grant, or refusal to renew a junk dealer's license shall be made to the City Council within fifteen (15) days after notice of revocation or refusal to grant or renew permit. The City Council shall hear said appeal if such request was timely. Revocation shall be suspended pending hearing by the City Council and such hearing shall be held within thirty (30) days of the date of receipt of the request for hearing. The substantial evidence rule shall apply, and the decision of the City Council shall be final.

Sec. 4.504 General Junkyard Regulations

- (a) License to be Displayed on Premises. The license issued pursuant to this article shall be plainly displayed on the business premises.
- (b) Sanitary Conditions of Junkyards. The junkyard, together with all things kept therein shall at all times be maintained in a sanitary condition.
- (c) Use of Unauthorized Space. No space not covered by the license shall be used in the licensed business.
- (d) Standing Water Prohibited in Junkyards. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
- (e) Tall Weeds Prohibited in Junkyards. Weeds and other uncultivated growth on the premises, other than trees, shrubs, and bushes, shall be kept at a height of not more than twelve inches (12").

- (f) Junk Not to Protrude. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
- (g) Arrangement of Junk for Firefighting. Junk shall be arranged so as to permit easy access to all such junk for firefighting purposes.
- (h) Combustible Material Prohibited in Junkyards. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
- (i) Gasoline and Oil To Be Removed from Junked Vehicles. Gasoline, oil and freon shall be removed from any junked engines or vehicles on the premises.
- (j) Burning Prohibited in Junkyard. No burning of hazardous materials, tires, or electrical wiring insulation, that will create a toxic or obnoxious smoke shall be permitted.
- (k) Fence Enclosure Required for Premises. The area on the premises where junk is kept shall be enclosed with an opaque, vertical wall or fence with a minimum height of eight feet (8') measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. Entrances shall be constructed so that they may be closed and secured with an opaque gate.

(Ordinance adopting Code)

ARTICLE 4.600 GARAGE SALE AND SOLICITOR/PEDDLER PERMITS

- (A) Application for Permit. An applicant for a permit under this article shall file with the City Secretary, a written application signed by the applicant. The fee hereinafter prescribed shall be submitted with the application. Each application shall include the following information:
- (1) Name, residence address, and telephone number of each individual;
 - (2) The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.
 - (3) The exact address or location of the place where the business is or is proposed to be carried on.
 - (4) A description of the type of permit requested.

- (B) Issuance by City Secretary. Upon receipt of an application, the City Secretary shall determine if the requirements of this article have been met by the applicant. If all requirements are met he or she shall issue a permit to the applicant.
- (C) Duration and Renewal of Permit. All permits shall be for 2 days commencing on the date of issuance. An applicant for a renewal license shall file a written application with the Mayor, or his or her designee, providing the same information as the original application and complying with all requirements of this article.
- (D) Permit Fee. The fee for any permit or renewal issued hereunder shall be:
- a. Garage Sale – Resident \$2.00
 - b. Garage Sale – Nonresident \$10.00
 - c. Solicitor/Peddler \$10.00

Sec. 4.601 Penalty for Violations

Any person violating the provisions of this article shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances and for any damages caused hereby.

(Ordinance 94 adopted May 12, 2011) (Amended 4/12/18 Ordinance # 143 – Added Penalty for Violations)

ARTICLE 4.700 BUSINESS PERMITS

- (a) Permit Required. It shall be unlawful for any person to operate a business in the City of Richland, whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a permit from the Mayor, or his designee, in accordance with the provisions of this article. A business owner who operates more than one (1) business within the city shall be required to have a separate permit for each business.
- (b) Application for Permit. An applicant for a permit under this article shall file with the Mayor, or his or her designee, a written application signed by the applicant, by all partners, if a partnership, or by the president and secretary of a corporation. The fee hereinafter prescribed shall be submitted with the application. Each application shall be sworn to before a notary public or other officer authorized by law to administer oaths. Each application shall include the following information:
- (1) Name, residence address, and telephone number of each individual or other organization, each officer and director;
 - (2) The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.

- (3) The exact address or location of the place where the business is or is proposed to be carried on, plus sketch of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings, and uses.
- (4) A description of the materials with which any buildings to be used in connection with the business are to be constructed; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls.
- (5) Such other information as the Mayor, or his or her designee, shall find reasonably necessary to effectuate the purposes of this article.

(c) Issuance by Mayor. Upon receipt of an application, the Mayor, or his or her designee, shall determine if the requirements of this article have been met by the applicant. Additionally, the Mayor, or his or her designee, shall determine if the business is a legal use in the zone in which it is located. If all requirements are met he or she shall, within thirty (30) days of the date of the application, issue a business permit to the applicant.

(d) Duration and Renewal of Permit. All permits shall be for a one-year period commencing on the date of issuance. Permits may be renewed for a one-year period. An applicant for a renewal permit shall file a written application with the Mayor, or his or her designee, providing the same information as the original application and complying with all requirements of this article.

(e) Permit Fee. The annual fee for any permit or renewal permit issued hereunder shall be one hundred dollars (\$100.00).

(f) Permit is Nontransferable. No permit issued under this article shall be transferred or assigned or used by any person other than the one to whom it was issued, and no business permit shall be used at any location other than the one described in the application upon which it was issued.

(g) Revocation of Permit.

- (1) The Mayor, or his designee, prior to revocation of any business permit, shall give written notice to the holder of said permit. Such notice shall contain the reason for the proposed revocation, and provide that the revocation shall be effective fifteen (15) days after notice unless an appeal is filed.
- (2) Permits shall be revoked for any of the following reasons:
 - (A) The business has violated any provision of this article.

- (B) The business has obtained his permit through fraud, misrepresentation, or misstatement.
- (C) The business or activity is being conducted in a manner detrimental to the health, safety, or general welfare of the public, or is a nuisance, or is being operated or carried on in any unlawful manner.
- (D) The business or activity is no longer being operated on the premises.

(h) Appeals for Revocation or Refusal of Permit. Appeal of the revocation, refusal to grant, or refusal to renew a permit shall be made to the City Council within fifteen (15) days after notice of revocation or refusal to grant or renew permit. The City Council shall hear said appeal if such request was timely. Revocation shall be suspended pending hearing by the City Council and such hearing shall be held within thirty (30) days of the date of receipt of the request for hearing. The substantial evidence rule shall apply, and the decision of the City Council shall be final.

Sec. 4.601 Penalty for Violations

Any person violating the provisions of this article shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances and for any damages caused hereby.

(Ordinance 77 Adopted August 6, 2009) (Amended 4/12/18 Ordinance # 143 – Added Penalty for Violations)

Chapter 5

CHAPTER 5

FIRE PROTECTION

Article 5.100: Fireworks	5-3
Article 5.200: Explosives	5-3
Article 5.300: Outdoor Burning	5-3

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ARTICLE 5.100 FIRE WORKS*

Sec. 5.101 Fireworks Defined

The term “fireworks” shall mean and include any firecracker, torpedo, skyrocket, roman candle, sparkler, spit devil or other similar thing.

Sec. 5.102 Manufacture or Storage of Fireworks Prohibited

It shall be unlawful for any person, association of persons, firm or corporation to manufacture or store fireworks within the corporate limits of the City of Richland, Texas. However, the temporary storage of fireworks being sold at retail to the general public shall be exempt from the provisions of this article.

(Ordinance adopting Code)

ARTICLE 5.200 EXPLOSIVES

Sec. 5.201 Storage of Explosives Prohibited

It shall be unlawful for any person, association of persons, firm or corporation to store or keep any dynamite, gunpowder in bulk, high explosive shells, bombs, grenades, gun cotton, nitroglycerin, liquefied petroleum gas (for the purpose of sale) or any other kind of high explosive, within the corporate limits of the City of Richland, Texas; provided, however, that liquefied petroleum gas may be stored on private premises when actually used on such premises for domestic purposes.

Sec. 5.202 Manufacture of Explosives Prohibited

It shall be unlawful for any person, association of persons, firm or corporation to manufacture any high explosives within the corporate limits of the City of Richland, Texas.

(Ordinance adopting Code)

ARTICLE 5.300 OUTDOOR BURNING

No person may cause, allow, or permit any outdoor burning within the city limits unless done in accordance with the regulations of the Texas Natural Resources Conservation Commission. The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with

* **State Law reference**— Authority of municipality to regulate the use of fireworks, V.T.C.A., Local Government Code, Sec. 342.003.

all other applicable laws or ordinances, and orders of governmental entities having jurisdiction (e.g. temporary bans on burning), even though the burning is otherwise conducted in compliance with this regulation.

(Ordinance adopting Code and Resolution #39)

CHAPTER 6

OFFENSES & NUISANCES*

Article 6.100: Junked Motor Vehicles	6-3
Article 6.200: General Nuisance Regulations	6-6

* **State Law reference**—Authority of governing body to adopt ordinance, rule or police regulation for the good government, peace or order of the municipality, V.T.C.A., Local Government, Section 5 1.001; Authority of city to define and declare nuisance, V.T.C.A., Local Government Code, Section 2 17.002.

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ARTICLE 6.100 JUNKED MOTOR VEHICLES

Sec. 6.101 Definitions

The following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Junked Motor Vehicle". A junked motor vehicle shall mean any vehicle which does not have lawfully affixed there to both an un-expired license plate or plates and a valid motor vehicle safety inspection certificate, and the condition of which is one or more of the following:

- | | |
|--------------------------|-----------------|
| (1) Wrecked | (4) Inoperative |
| (2) Dismantled | (5) Abandoned |
| (3) Partially dismantled | (6) Discarded |

EXCEPTIONS: The provisions hereof shall not apply to:

- (A) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
- (B) Any motor vehicle retained by the owner for antique collection purposes rather than for salvage or for transportation.
- (C) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(b) "Person". When the word "person" is used, said term shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.

Sec. 6.102 Declared Public Nuisance

The presence of any junked motor vehicle on any private lot, tract or parcel of land or unimproved, within the city, shall be deemed a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle on the real property of another or to suffer, permit or allow any junked motor vehicle to be parked, left or maintained on his own real property; provided, that this section shall not apply with regard to:

- (a) Any junked motor vehicle in an enclosed building.
- (b) Any junked motor vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise.

(c) Any junked motor vehicle in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the city.

Sec. 6.103 Notice to Abate Nuisance When on Occupied Premises

Whenever any such public nuisance exists on occupied premises within the city in violation of Section 6.102, the Mayor or his duly authorized agent shall order the owner of the premises whereon such public nuisance exist, to abate or remove the same. Such order shall:

- (a) Be in writing.
- (b) Specify the public nuisance and its location.
- (c) Specify the corrective measures required.
- (d) Provide for compliance within ten days from service thereof.

Such order shall be served upon the owner of the premises or the occupant by serving him personally or by sending such order by Regular Mail or Hand-delivered, to the address of the premises. If the owner or occupant of the premises fails or refuses to comply with the order of the Mayor or his duly authorized agent within the ten (10) day period after service thereof, as provided herein, the Mayor or his duly authorized agent shall take possession of such junked motor vehicle and remove it from the premises. The Mayor or his duly authorized agent shall thereafter dispose of such junked motor vehicle in such manner as the City Council may provide. However, if the owner or occupant of such premises so desires, he or she may, within such ten (10) day period after service of notice to abate the nuisance, request of the Secretary of the City Council of the city, either in person or in writing and without the requirement of bond, that a date and a time be set when he or she may appear before the Council for a trial to determine whether or not he or she is in violation of this article; and such trial shall be set as provided in Section 6.105.

Sec. 6.104 Notice to Abate Nuisance When on Unoccupied Premises

Whenever any such public nuisance exists on unoccupied premises within the city in violation of Section 6.102, and the owner thereof can be found, the Mayor or his duly authorized agent shall order the owner of the premises whereon such public nuisance exists, to abate or remove the same Such order shall

- (a) Be in writing.
- (b) Specify the public nuisance and its location.
- (c) Specify the corrective measures required.
- (d) Provide for compliance within ten (10) days from service thereof.

The order shall be served upon the owner of the premises by serving him personally or by sending such order by Regular Mail or Hand-delivered, to his address as shown on the current mail rolls of the city. If the owner of the premises fails or refuses to comply with the order of the Mayor or his duly authorized agent within the ten (10) day period

after service thereof, as provided herein, the Mayor or his duly authorized agent shall take possession of such junked motor vehicle and remove it from the premises. The Mayor or his duly authorized agent shall thereafter dispose of such junked motor vehicle in such manner as the City Council may provide. However, if the owner of such premises so desires, he or she may within such ten (10) day period after service of notice to abate the nuisance, request of the City Secretary, either in person or in writing and without the requirement of bond, that a date and a time be set when he or she may appear before the City Council for trial to determine whether or not he or she is in violation of this section and such trial shall be set as provided in Section 6.105.

Sec. 6.105 Trial by City Council Preliminaries

Upon receiving a request for trial, made pursuant to Section 6.103 or Section 6.104, the Secretary of the City Council shall set a date and a time for such trial. The City Secretary shall notify the City Attorney of the date and time of such hearing. The City Attorney shall cause to be prepared, filed and served on the defendant, a written complaint charging that the owner or occupant of the premises, as the case may be, has violated this section. After service, such complaint shall be on file with the City Secretary not less than ten (10) days prior to the date of trial.

Sec. 6.106 Trial by City Council Findings of Council

The City Council shall hear any case brought before it, as set out herein, and shall determine whether or not the defendant is, in fact, in violation of this section, such defendant shall be deemed guilty of a misdemeanor and subject to a fine. The Mayor of such city shall further order such defendant to remove and abate such nuisance within ten (10) days, the same being a reasonable time. If the defendant shall fail and refuse, within such ten (10) days, to abate or remove the nuisance, the Mayor of the city may issue an order directing that same be removed, and the Mayor or his duly authorized agent shall take possession of such junked motor vehicle and remove it from the premises. The Mayor or his duly authorized agent shall thereafter dispose of such junked motor vehicle in such manner as the City Council may provide.

Sec. 6.107 Removal With Permission of Owner

If, within ten (10) days after receipt of notice from the Mayor, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the Mayor, or his duly authorized agent, for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this section.

Sec. 6.108 Removal from Unoccupied Premises by Court Order

If there is a junked motor vehicle, as herein defined, on premises that are unoccupied, and neither the owner of the premises nor the owner of such vehicle can be found and notified to remove same, then, upon a showing of such facts to the Mayor, the City Council may

issue an order directing the Mayor to have the same removed, and the Mayor or his duly authorized agent shall take possession of such junked motor vehicle and remove it from the premises. The Mayor or his duly authorized agent shall thereafter dispose of such junked motor vehicle in such manner as the City Council may provide.

Sec. 6.109 Evidence of Abandonment

If a junked motor vehicle, as defined in this section, has been situated on the private property of another, without such person's permission, for a period of sixty (60) days or longer, this fact shall be prima facie evidence that the owner of such vehicle has abandoned the same.

Sec. 6.110 Cost to be Assessed and Charged to Owner

Any person owning a junked vehicle, as defined herein, shall be liable to the City of Richland, Texas, for all expenses, charges, costs of removal and/or storage incurred by the Mayor, in removing such junked vehicle, as authorized and directed under Section 6.103 and Section 6.104 hereof, and if the owner of such junked vehicle shall be the owner of the land upon which same is located, all such costs, expenses, and storage charges shall constitute a valid lien against the property where located, collectible and enforceable in the same manner as taxes, against such property.

Sec. 6.111 Enforcement

The City Council shall have all power under the laws of the State of Texas to seek the proper relief in the District Court for the enforcement of this article and the elimination of junked motor vehicles within the city limits of Richland, Texas.

(Ordinance adopted June, 1979)(Amended 12/13/18 Ordinance #155 – Changing Mail)

ARTICLE 6.200 GENERAL NUISANCE REGULATIONS*

Sec. 6.201 General Definition of Nuisance

Whatever is dangerous to human life or health, or whatever renders the ground, the water, the air or food a hazard or injury to human life or health, or that is offensive to the senses or that is or threatens to become detrimental to the public health, is hereby declared to be a nuisance, and the following specific acts, conditions, and things are, among others, each and all of them, hereby declared to be nuisances and against the general welfare, and the same are hereby prohibited and made unlawful.

* **State Law reference**— Authority of city to define and declare nuisance, V.T.C.A., Local Government Code, Sec. 217.002.

Sec. 6.202 Noise Nuisances†

- (a) (1) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.
- (2) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereby prohibited.
- (b) The following acts, among others, are declared to be noise nuisances in violation of this article, but said enumerations shall not be deemed to be exclusive, to-wit:
- (1) Radios, Musical Instruments: The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between ten o'clock P.M. and seven o'clock A.M., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.
- (2) Speakers, Amplifiers, or Musical Instruments: (A) The use of any stationary loud-speaker or amplifier or any other musical instrument in such manner or with such volume, particularly between ten o'clock P.M. and seven o'clock A.M., that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; (B) or the operation of such loud-speaker or amplifier or other musical instrument at any time on Sunday; (C) provided, however, that upon application by the user of such devices, the City Council may make special exemption or exception to this clause for such time or times as the said City Council feels will serve the public welfare.
- (3) Animals: The keeping of any animal, dog, cat or bird, which by causing frequent or long continued noise shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
- (4) Whistles: The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of danger or the blowing of any other loud of far reaching steam whistle within the city limits.
- (5) Compressed Air: The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

†**State Law reference**— Authority of municipality to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code, Sec. 217.003.

- (6) Building and Construction: (A) The erection, including excavation, demolition, alteration, or repair work on any building at any time other than between the hours of seven o'clock A.M. and seven o'clock P.M., on weekdays, except in case of urgent necessity in the interest of public safety and convenience; (B) and then only by permit from the City Council, which permit may be renewed by the City Council during the time the emergency exists.
- (7) Noise Near Schools: (A) The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions; (B) provided conspicuous signs or other evidence are displayed in such manner as to indicate that such is a school or hospital street, or that such institutions are schools or hospitals.
- (8) Shouting of Peddlers: The raucous shouting and crying of peddlers, hawkers, and vendors, which disturbs the peace and quiet of the neighborhood.

Sec. 6.203 Offensive Odors

- (a) Any unreasonably noxious, unpleasant, or strong odor, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, is hereby declared to be a nuisance, and is hereafter prohibited.
- (b) Any odor, stench, or smell of such character, strength, and continued duration which interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.
- (c) The following things are, among others, declared to be offensive odors and odor nuisances in violation of this article, but said enumerations shall not be deemed to be exclusive, to-wit:
 - (1) Offensive odors from cow lots, hog pens, and other similar places where animals are kept or fed, which shall disturb the comfort and repose of persons of ordinary sensibilities.
 - (2) Offensive odors from septic tanks and privies.
 - (3) Offensive odors from the use or possession of chemicals, or from industrial processes or activities which shall disturb the comfort and repose of persons of ordinary sensibilities.
 - (4) Offensive odors from smoke from the burning of rubbish, trash, rubber, chemical substances, or other things or substances.

- (5) Offensive odors from stagnant pools allowed to remain on any premises, or from rotting garbage, refuse, offal, or dead animals on any premises.

Sec. 6.204 Accumulations of Trash, Rubbish and Debris; Dumping; Littering

The following acts and things, among others, are hereby declared to be trash and rubbish nuisances in violation of this article, but said enumeration shall not be deemed to be exclusive, to-wit:

- (a) No person may cause, suffer, allow, or permit any accumulations of
 - (1) lumber, junk, trash, rubbish or debris.
 - (2) abandoned, discarded or unused objects such as furniture, stoves, refrigerators, freezers, cans or containers.
 - (3) abandoned, discarded or unused automobile and vehicle parts and accessories such as engine parts, chassis, tires or other vehicle body parts.
- (b) The dumping, placing, throwing or depositing of any trash, rubbish, garbage, tin cans, refuse, grass, weeds, scrap material, offal, dead animals, or junk, in or upon any street, alley, sidewalk, branch, creek, ditch, or gutter, or along or upon the sides thereof, in the City of Richland, Texas, or the leaving of the carcasses of any dead animal on any property in such a way that same is or becomes an unsanitary condition or a danger to public health.
- (c) The operator or manager of each and every business establishment in the City of Richland, Texas is hereby required to maintain suitable closed containers for the purpose of depositing trash and refuse therein, which shall be kept closed at all times except when refuse is being deposited or taken therefrom.

Sec. 6.205 Containers for Gasoline Or Kerosene

It shall be unlawful for, any person, association of persons, firm or corporation to sell, offer for sale, dispense or offer to dispense any quantity of gasoline or kerosene in any type of container other than an approved metal or plastic container or to fill any container other than a metal container with gasoline or kerosene in selling or dispensing same.

Sec. 6.206 Filing of Complaints

- (a) Any person wishing to file a complaint regarding a violation of this article should contact the Court Clerk of the Municipal Court or his or her designated representative. Information regarding alleged violations shall be given to the Court Clerk or her designated representative, including the nature of the alleged violation, the date, time and location of the same and any other information as shall be required by the Court Clerk. Upon receiving the information, a formal complaint shall be filed with the City Secretary as required by State law. The standard procedure established by the Municipal Court and as established by State law will then take effect.

(b) When a complaint of violation of Section 6.202 is received by the city, upon verification by the Mayor or his or her designee, the Mayor will send a certified letter to the offender indicating the nature of the complaint which shall become a written warning. A repeated offense will result in the issuance of written complaint for disturbing the peace which shall be filed with and prosecuted in the Municipal Court.

(c) When a complaint of violation of Section 6.203, 6.204, or 6.205 is received by the City Secretary, upon verification by the Mayor or his or her designee of the complaint, the Mayor or his designee will send a certified letter to the offender indicating the nature of the complaint and the offender will have fourteen (14) calendar days to correct the offense. Failure to correct the problem within the specified time will result in the complaint being filed with and prosecuted in the Municipal Court.

Sec. 6.207 Penalty for Violations

Any person violating the provisions of this article shall be guilty of a misdemeanor and said offense shall be punishable by a fine in the amount as provided for in Section 1.106 of this Code of Ordinances and for any damages caused hereby.

(Ordinance adopting Code) (Amended 4/12/18 Ordinance # 143 – Added Penalty for Violations)(Amended by Ordinance #149 adopted 5/17/18)

CHAPTER 7

PERSONNEL & ADMINISTRATION

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ARTICLE 7.100 ELECTIONS*

All elections pertaining to affairs of the city shall be governed by and conducted in accordance with the election laws of the State of Texas, specifically, V.T.C.A., Election Code.

(Ordinance adopting Code)

ARTICLE 7.200 COUNCIL TERMS OF OFFICE

(a) The Mayor and each Councilmember shall be elected for a two (2) year term, and until their successors have qualified. The term of office of the members of the City Council of the City of Richland, Texas shall be staggered so that at each annual election either three (3) Councilmembers, or a Mayor and two (2) Councilmembers shall be elected.

(b) In order to stagger the terms of offices, each Councilmember will draw lots for the one year terms effective May, 2003. Councilmembers drawing lots to one-year terms, shall only serve for one year. The other Councilmembers shall serve two year terms.

(Ordinance adopting Code)

ARTICLE 7.300 FINANCIAL INTERESTS OF CITY OFFICIALS

(a) No officer or employee of the City of Richland shall have a financial interest, direct or indirect, in any contract with the city, or shall be financially interested, directly or indirectly, in the sale to the city or to a contractor supplying the city, of any land, materials, supplies, or services, except on behalf of the city as an officer or employee. A financial interest, direct or indirect, by any person who is related within the first degree of affinity or consanguinity to an officer or employee of the city shall be considered a financial interest of that officer or employee. Any willful violation of this article shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall forfeit their office or position. A violation of this article shall be a Class C misdemeanor, and in addition shall render the contract voidable by the City Council.

(b) It shall be an offense for any person to purchase, rent, lease, or acquire any financial interest in any land, materials, supplies, or service in the name of the City of Richland when the land, materials, supplies, or service was obtained for personal use by that person or resale by that person.

(c) It shall be an offense for any person to use land, materials, or equipment owned or possessed by the City of Richland for any purpose other than authorized municipal purposes.

* **State Law reference**—Provisions regarding elections, generally, V.T.C.A., Election Code.

(d) This article shall not prohibit any purchases or contracts made pursuant to Texas Local Government Code § 171.005. It is intended that this article supplement Chapter 171 of Texas Local Government Code, and compliance with those provisions shall be required.

(Ordinance adopting Code)

ARTICLE 7.400 MUNICIPAL COURT*

Sec. 7.401 Creation

(a) The Municipal Court heretofore created and established pursuant to Article 1194, Vernon's Annotated Civil Statutes shall be known as the Municipal Court of the City of Richland, Texas. The Municipal Court shall have the jurisdiction, and shall be conducted in the manner prescribed and authorized by the laws of the State of Texas. All fines imposed by the Municipal Court shall be paid into the treasury for the use and benefit of said city.

(b) The Mayor of the City of Richland shall be ex-officio Recorder of the Municipal Court and shall have the powers and duties prescribed by the laws of the State of Texas, and by this article in transacting the business of the Court.

(c) Sessions for the transaction of business of the Court shall be held at the request and in the discretion of the Recorder, upon not less than ten (10) days' notice.

(d) If the Municipal Judge is temporarily unable to act for any reason, the City Council may appoint a person meeting the qualifications for such position to sit for the regular Municipal Judge which appointee shall have all powers and duties of the office of Municipal Judge and shall receive the same compensation payable to the regular Municipal Judge while he or she is so acting.

Sec. 7.402 Jurisdiction

The Municipal Court of the City of Richland, Texas, shall have exclusive original jurisdiction within the corporate limits in all criminal cases in which punishment is by fine only and where the maximum of such fine does not exceed two thousand dollars (\$2,000.00) in all cases arising under the ordinances of the city that govern fire safety, zoning and public health and sanitation other than vegetation and litter violations and where the maximum of such fine does not exceed five hundred dollars (\$500.00) in all other cases arising under the ordinances of the city. The city shall have concurrent jurisdiction with any Justice of the Peace in any precinct in which the city is situated in all criminal cases arising under the criminal laws of the State of Texas, in which

* **State Law reference**— Municipal courts, generally, V.T.C.A., Government Code, Sec. 29.001.

punishment is by fine only, and where the maximum of such fine may not exceed two hundred dollars (\$200.00), and arising within such corporate limits.

Sec. 7.403 Recorder and Court: Qualifications, Powers, Duties and Regulations

(a) The Presiding Officer of the Municipal Court of the City Of Richland, Texas, shall, as aforesaid, be known as the Recorder and (shall also be officially referred to as City Judge, or Judge of the Municipal Court, or as City Recorder, or as Judge), and he or she shall have all of the powers, duties, authorities, and qualifications prescribed by law and by this article.

(b) The Recorder shall set the hours and day for at least one regular session of the court each month, as aforesaid, and notice of the said setting shall be posted in the office of the Clerk of the Municipal Court.

(c) All prosecutions for violations of provisions of ordinances of the City of Richland, Texas, shall be commenced in the Municipal Court by complaint, setting forth specifically and within reasonable certainty, the particular act or omission with which the defendant is charged. Such complaint shall be signed and sworn to by the person making the complaint as required by law.

(d) When any complaint shall be, filed as is, provided for in this article, the Recorder shall issue a warrant of arrest which shall be executed by the Chief of Police or any police officer of the city in a like manner as similar process in Justice Court may be executed by the Sheriff provided, that nothing herein shall be so construed as to prevent the Chief of Police or any police officer of the City from making arrests without warrant, for violation of any ordinance of the City of Richland, Texas, (or other law within the jurisdiction of said court), when committed or in his or her presence or view, or in any contingencies in which a Sheriff or other officer of the State of Texas would, by the laws of the State, be permitted to make such arrest.

(e) In all cases of a misdemeanor, the party charged before the Municipal Court shall be entitled to it trial by jury, in the same manner and form as provided by law before a Justice of the Peace. When an application is made for a jury in the trial of a case, the Recorder shall direct the Chief of Police or any police officer of the city to summon six (6) disinterested persons who are qualified voters in the city, to act as jurors, to serve. Any person so summoned, who shall fail or refuse to act without good cause shown, may be fined by the court in any sum not exceeding twenty dollars (\$20.00) for the use of the city.

(f) The Recorder shall, in all matters pertaining to the administration of justice, concerning which there are no special provisions, be governed by the laws of the State of Texas regulating proceedings in Justice Courts, so far as the same may be applicable.

(g) The Recorder shall have power to punish all persons guilty of contempt of Court to the same extent and under the same circumstances as the County Court, except as may be

otherwise herein specially set forth and provided, the Recorder shall have the power to take recognizances, admit to bail and forfeit recognizances and bail bonds, under the rules and regulations as now govern the taking and forfeiting of the same as in the County Court.

(h) The Recorder shall have the power and authority to administer official oaths, and all oaths and affirmations, and to swear witnesses and jurors in trial before the Recorder.

(i) Except as may be otherwise herein specially provided, the proceedings before the Municipal Court shall be governed by the same rules which are prescribed by the Justice of the Peace, under the laws of the State of Texas, insofar as they are applicable. All prosecutions in the Municipal Court, whether under an ordinance or under the Penal Code of the State of Texas, shall be commenced "In the name and by authority of the State of Texas", and shall conclude "Against the peace and dignity of the State"; and, where the offense is covered by ordinance, the complaint may also include "Contrary to the said Ordinance". All prosecutions in the Municipal Court shall be conducted by the City Attorney or the City Attorney's deputy.

(j) Warrants or other processes issued by the Recorder shall be directed to the Chief of Police or any police officer of the city, but in case of the absence or inability of such officers, such process shall be directed to any peace officer within the city or county, and shall be executed by such officer.

(k) The Recorder shall have power, to issue any process necessary to require the attendance of any person as a witness in any case pending before the Municipal Court. Persons failing or refusing to obey any such process may be fined in any sum not exceeding twenty dollars (\$20.00) and shall forthwith be attached if such witness appears in the Municipal Court and fails or refuses to testify, he shall be guilty of contempt of court, and may be fined in any sum and, in addition thereto, may be imprisoned, or otherwise punished, as provided by law.

(l) Except as may be expressly herein otherwise provided, the provisions of the Code of Criminal Procedure of the State of Texas, now in force regulating the attendance of witness in criminal cases tried before a Justice of the Peace, shall, (so far as practicable), govern and be applicable to the trial of cases before the Municipal Court.

(m) The court shall have a seal with a star of five points in the center and the words "Municipal Court in Richland, Texas", the impress of which shall be attached to all papers issued out of the court except subpoenas, and shall be used to authenticate the official acts of the Court Clerk and of the Recorder.

Sec. 7.404 Appointment of Municipal Judge*

(a) Hereinafter, the office of Judge of the Municipal Court shall be filled by appointment by the City Council.

* **State Law reference**— Municipal court judges, generally, V.T.C.A., Government Code, Sec. 29.004.

(b) The official title of such magistrate shall be “Judge of the Municipal Court of the City of Richland, Texas.” The Judge of the Municipal Court shall have the powers and perform the duties as prescribed by the laws of the State of Texas, and the ordinances of the City of Richland, Texas.

(c) Said judge shall be appointed for a term of office running concurrently with that of the Mayor. He or she shall receive such compensation as the City Council may fix by ordinance or resolution and shall furnish such surety bonds as may be required by the City Council, and the premium to be paid by the city. He or she also may be known and referred to as City Judge or City Recorder. He or she shall take the oath required by law.

Sec. 7.405 Appointment of Assistant Municipal Court Judge

In the event of temporary absence, inability to serve by such judge, or the necessity of an assistant judge, the Mayor of the City of Richland, Texas, may so serve; or, the Mayor may appoint a suitable and qualified person to act as assistant judge to serve for such period of temporary absence, inability to serve, or the necessity of such service. If the assistant judge is appointed for a period of more than thirty (30) days, then the City Council must ratify said appointment after ratification by the City Council. The assistant judge position shall be appointed for a term of office running concurrently with that of the Mayor. He or she shall receive compensation as the City Council may fix by ordinance or resolution, and shall furnish such surety bond as may be required by the City Council, the premium to be paid by the city.

Sec. 7.406 Clerk of the Municipal Court ~

(a) Powers and Duties: The City Secretary shall be ex-officio Clerk of the Municipal Court and shall have the powers and duties prescribed by the laws of the State of Texas and by this article in transacting the business of the Court. He or she shall serve for a period of two (2) years unless sooner removed or replaced.

(b) Deputy Clerk: Subject to the approval of the Mayor, the City Secretary may appoint one or more deputy clerks who, when acting in such capacity, shall have the same powers and duties as prescribed by the laws of the State of Texas and by this article in transacting the business of the Court.

(Ordinance adopting Code)(Ordinance 133 and 134 Appointing Judge and Clerk Adopted 12-21-17)

ARTICLE 7.500 MUNICIPAL COURT BUILDING SECURITY FUND

Sec. 7.501 Creation

There is hereby created as a fund in the City of Richland budget, a Municipal Court Building Security Fund.

~ State Law reference— Municipal court clerk, generally, V.T.C.A., Government Code, Sec. 29.0 10.

Sec. 7.502 Fee Amount

Persons convicted of a misdemeanor offense at a trial in the City of Richland Municipal Court shall be assessed and required to pay a four dollar (\$3.00) security fee. This fee shall be assessed as a cost of court and collected in the same manner and procedure as other costs of courts assessed by the City of Richland Municipal Court. All security fees collected pursuant to this article shall be deposited into the Richland Municipal Court Building Security Fund.

Sec. 7.503 Administration of Funds

The City Council shall administer the Municipal Court Building Security Fund, and such funds shall be used to pay for security devices and procedures as authorized by § 102.017 of the Texas Code of Criminal Procedure.

(Ordinance adopting Code)(Amended 2-8-18)

ARTICLE 7.600 MUNICIPAL COURT TECHNOLOGY FUND**Sec. 7.601 Creation**

There is hereby created a fund to be known as the Municipal Court Technology Fund (hereafter called "The Fund"). It shall be administered under the supervision of and expenditures made from it only after approval of the City Council of the City of Richland, Texas.

Sec. 7.602 Fee Amount

A defendant convicted of a misdemeanor offense in the Municipal Court of the City of Richland shall be assessed the sum of four dollars (\$4.00) for each offense as court costs in addition to any and all other court costs heretofore permitted and assessed as provided by law or ordinance.

Sec. 7.603 Applicability

A person shall be considered convicted if:

- (1) a sentence is imposed on the person;
- (2) the person is placed on community supervision, including deferred adjudication community supervision; or
- (3) the court defers final disposition of the person's case.

Sec. 7.604 Collection

The Municipal Court Clerk shall collect the costs and pay the funds to the Municipal Treasurer, or to any other official who discharges the duties commonly delegated to the Municipal Treasurer, for deposit in the fund.

Sec. 7.605 Use of Fund

The fund may be used only to finance the purchase of technological enhancements for the Municipal Court, including:

- (1) Computer systems;
- (2) Computer networks;
- (3) Computer hardware;
- (4) Computer software;
- (5) Imaging systems;
- (6) Electronic kiosks;
- (7) Electronic ticket writers; and
- (8) Docket management systems.

(Ordinance adopting Code)(Amended 2-8-18)

ARTICLE 7.700 POLICE DEPARTMENT*

(a) There be and is here and now created a Police Department for the City of Richland, Texas.

(b) The Police Department of the City of Richland, Texas shall consist of a Chief of Police, and such additional police officers as may be authorized from time to time by the City Council of the City of Richland, Texas.

(c) The Chief of Police and such additional police officers as may be authorized by the City Council of the City of Richland, Texas, upon the recommendation of the Chief of Police, shall be appointed by the Mayor with the advice and consent of the City Council of the City of Richland, Texas.

(d) The term of office of the Chief of Police, and any additional police officers appointed, shall be subject to the pleasure of the City Council of the City of Richland, Texas.

(e) The Chief of Police, and other additional police officers authorized by the City Council, shall receive such compensation as may be fixed by the City Council of the City of Richland, Texas, from time to time.

* **State Law reference**— Police force in Type A general law municipality, V.T.C.A., Local Government Code, Sec. 341.001.

(f) It shall be the duty of the Chief of Police to supervise the Police Department and the Chief of Police shall be responsible for the preservation of the peace within the City of Richland, Texas, to receive complaints of violations of the ordinances of the City of Richland, Texas, and violations of State laws within the City of Richland, Texas, and to generally enforce law and order within the City of Richland, Texas, and shall perform such other and further duties which may, from time to time, be prescribed by the City Council of the City of Richland, Texas.

(Ordinance adopting Code)

ARTICLE 7.800 CITY SECRETARY ~

(a) There be and there is here and now created the office of City Secretary of the City of Richland, Texas.

(b) The City Secretary shall keep true minutes of all meetings had by the City Council of the City of Richland, Texas, and true and correct financial records of the City of Richland, Texas, and shall perform such other and further duties which may from time to time be prescribed by the City Council of the City of Richland, Texas.

(c) The City Secretary shall be appointed by the City Council. The term of office of the City Secretary shall be subject to the pleasure of the City Council.

(d) The City Secretary shall receive such compensation as may be fixed by the City Council from time to time.

(Ordinance adopting Code)

~ **State Law reference**—Powers and duties of city secretary, V.T.C.A., Local Government Code, Sec. 22.073.

CHAPTER 8

SUBDIVISIONS*

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* **State Law reference**—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212;

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ARTICLE 8.100 GENERAL AND SPECIAL PROVISIONS**Sec. 8.101 Definitions**

(a) For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning ascribed to them as given in this section:

- (1) Building. Means any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, machinery, equipment, or movable property of any kind.
- (2) Building Line or Building Setback Line. Shall refer to a line parallel to the street right-of-way line and defines an area on the building lot between the street right-of-way line and the building line within which no building shall be constructed.
- (3) City. Shall refer to the City of Richland, Texas.
- (4) City Council. Means the duly and constitutionally elected governing body of the City of Richland, Texas.
- (5) City Attorney. Means the person employed as the attorney for the City of Richland, Texas, and duly appointed by the City Council.
- (6) City Engineer. Shall mean the person or firm employed as the city's engineer for the City of Richland, Texas, and duly appointed by City Council.
- (7) County. Shall refer to the County of Navarro, Texas, in which respective county any subdivision of land takes place within the jurisdiction of the City of Richland.
- (8) County Commission or Commissioner's Court. Means the duly and constitutionally elected governing body of Navarro County, Texas.
- (9) Crosswalk. Means a public right-of-way not more than six (6') feet in width between property lines which provides pedestrian circulation.
- (10) Cul-de-sac. Means a street having but one (1) outlet to another street and terminated on the opposite end by a vehicular turnaround.
- (11) Developer. Means any person or persons, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

- (12) Dead-end Street. Means a street, other than a cul-de-sac, with only one (1) outlet.
- (13) Double Front Lot. Means a building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45°) degrees of being parallel to each other.
- (14) Engineer. Means a person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, as heretofore or hereinafter amended, to practice the profession of engineering.
- (15) Easement. Means a strip of land reserved for the use of the public by the grantor, usually at the rear or side of lots or parcels of land, in which to install and maintain utility lines, drainage ditches or channels, or for other city or public services; the ownership or title to the land encompassed by the easement being retained by the owner. In granting the easement, the grantor is in effect vesting the public with authority to control the use of land within the easement and, in exercising such control, the city may specify that no buildings or part of a building or other permanent structure or fence, in case of a drainage easement, may be located within the limits of the easement.
- (16) Extraterritorial Jurisdiction. Within the terms of the Texas Municipal Annexation Act, the term “extraterritorial jurisdiction” means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Richland, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City of Richland, in which area, within the terms of the act, the city may enjoin the violation of its subdivision control regulations.
- (17) Filing Date. Shall be the day on which the Project Manager files a formal application as provided in Section 8.202(b) of this chapter.
- (18) Filing Fee. Shall refer to the prescribed plat and lot fee rates, as hereinafter stipulated, to accompany the filing with the City Council of preliminary and final subdivision plats.
- (19) Final Plat. Shall refer to the map or plat of a proposed subdivision submitted to the City Council on or before the filing date as the term is herein defined, for approval by the City Council, and said plat shall be prepared in accordance with this chapter.

- (20) Front or Frontage. Shall be that portion of a tract of land which abuts on a public street to which it has direct access.
- (21) Lot. Refers to a physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on a duly approved subdivision plat which has been properly recorded.
- (22) Lot Depth. Is the length of a straight line connecting the mid-point of the front and rear lot lines.
- (23) Lot Width. Is the average length of the front and rear property lines.
- (24) Master Plan. Shall refer to the comprehensive city plan of Richland and adaptations, amendments, or supplements thereto, which has or have been adopted in principal by the City Council as a guide to future development of the City of Richland and its surrounding area.
- (25) Major Street or Thoroughfare Plan. Shall mean the master plan of major and secondary streets and highways as a part of the city's master plan and adaptations, amendments, or supplements thereto as adopted by the City Council.
- (26) Major Thoroughfare. Shall refer to a public street which is designed for and used for fast or heavy traffic, or is intended to serve as a major traffic way of considerable continuity, and is designated as such upon the most recent plan for major thoroughfares of the City of Richland, Texas, as adopted by the City Council.
- (27) May. Is permissive.
- (28) Minor Street. Shall refer to any public street which is not classified as a major thoroughfare, collector, or secondary street.
- (29) Plat. Means a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, building lots, easements, alleys, or any similar type of plat, which a developer submits for approval and a copy of which he or she intends to record in final form.
- (30) Patio Homes, Garden Homes. Means a detached, single-family dwelling of masonry or stone construction, having paved parking; the placement of said dwelling and lot size not meeting the requirements of a single-family subdivision as set forth in Article 8.400 of this chapter.

- (31) Pavement Width. Means the portion of the surface of a street available for vehicular traffic and, where curbs are laid, it is the portion between the face of curbs.
- (32) Person. Means any individual, association, firm, corporation, governmental agency, or political subdivision.
- (33) Preliminary P/at. Means the first or introductory plat of a proposed subdivision.
- (34) Preliminary Plat Master. Means the first or introductory plat of a proposed subdivision where a developer intends to submit, from time to time, fractional final plats.
- (35) Project Manager. Means developer, subdivider or agent of developer or subdivider, who is directly responsible for or in charge of development of a proposed subdivision, apartment project, townhouse project, or commercial or industrial subdivision.
- (36) Public Easement. Is a right granted or dedicated to the public or governmental agency in, on, across, over or under property for specified use or uses by an instrument or map duly recorded in the records of the County Clerk of Navarro County, Texas.
- (37) Public Street. Is a right-of-way dedicated to public use for pedestrian and vehicular traffic and public utility purposes.
- (38) Reserve. Shall refer to a tract, parcel, or unit of land not physically divided, having frontage on a public street, which is proposed and intended for other than single-family residential use and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, and which is designated as a distinct separate tract and which is identified by reserve symbol on a duly approved subdivision plat which has been properly recorded with the County Clerk of Navarro County, Texas.
- (39) Shall. Is always mandatory.
- (40) Street. Means a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.
- (A) A major street, major thoroughfare, or arterial street means a principal traffic artery or traffic way, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with State and Federal highways, and shall include each street

- designated as a major thoroughfare or street on the major street or thoroughfare plan of the city or so designated by the City Council. Minimum width of right-of-way shall be eighty (80') feet, preferably one hundred (100') feet.
- (B) A secondary street or collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily of continuous routing for long distances, has intersections at grades and provides direct access to abutting property, and shall include each Street designated as a secondary Street on the major street or thoroughfare plan or so designated by the City Council. Minimum width of right-of-way shall be sixty (60') feet, preferably seventy (70') feet.
- (C) A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be sixty (60') feet.
- (41) Sidewalk. Means a minimum forty-eight (48") inch width Portland cement paved pedestrian walkway extending for the entire length of a block or blocks parallel to a street right-of-way line or street pavement edge, which walkway shall be constructed within the right-of-way of any public street.
- (42) Subdivider. Means the same as developer.
- (43) Subdivision. Means any division of property for which a plat is required to be approved and recorded under the provision of Article 974a, Vernon's Texas Civil Statutes, Article 970a, Texas Municipal Annexation Act, and under this chapter. The word subdivision shall mean any division of any tract of land situated within the corporate limits of the City of Richland, Texas, or within the extraterritorial jurisdiction (ETJ) of such limits, into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or in any addition of the City of Richland, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision shall also include resubdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access.
- (44) Surveyor. Means a licensed State land surveyor or a registered public surveyor, as authorized by the Texas Land Surveyors Registration Act.

- (45) *Unrestricted*. Shall be used to label or designate land proposed to be used for a purpose not consistent with the proposed use of the major portion of the subdivision.

Sec. 8.102 Special Provisions

- (a) No building, repair, plumbing, or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- (b) The city shall not repair, maintain, install, or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (c) The city shall not sell or supply water, electricity, or sewerage service within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (d) In behalf of the city, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the city, within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this chapter.
- (e) Provided, however, that the provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision chapter, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this chapter was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this chapter.

Sec. 8.103 Variances

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the City Council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public

health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the City Council finds:

- (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- (c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
- (d) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter. Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

ARTICLE 8.200 SPECIFICATIONS AND APPROVAL OF PRELIMINARY AND FINAL PLATS

Sec. 8.201 Preliminary Conference

Prior to the official filing of a preliminary plat, the subdivider shall consult with and present a proposed plan of subdivision to the City Engineer for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.

Sec. 8.202 Preliminary Plat and Accompanying Data

- (a) General. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this chapter. The preliminary plat will not be recorded.
- (b) Time for Filing and Copies Required. The project manager shall file a formal application for preliminary plat approval in writing, attaching to the application six (6) blue or black line copies of the plat and a receipt for the filing fees, with the City Secretary at least ten (10) days prior to the date at which formal application for the preliminary plat approval is to be considered by the City Engineer and the flood control committee shall consider the preliminary plat and forward it to the City Council ten (10)

days before it is to be considered. The letter of transmittal of the application shall state the name, address, and telephone number of the owner, project manager, his agent, and the engineer or surveyor who prepared the plat. Said letter of transmittal of the application shall include the following information: (1) Data evaluating existing drainage ditches and project run-off in cfs. (cubic feet per second), and (2) The mathematics used in determining the conclusions listed in (a) above.

(c) Filing Fee. The Project Manager shall, prior to filing the formal application with the City Secretary, pay a filing fee of \$200. No action by the city shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for plat approval or should the plat be disapproved. Filing fees shall be made by check payable to the City of Richland, Texas, and given to the City Secretary or the Building Inspector with whom the plat is filed and at the time the plat is filed. The City Secretary's receipt shall be attached to and become a part of the application. The payment of the filing fee shall not be construed as filing for purposes of this article.

(d) Fractional Final Plat. A subdivider may be required to submit a master preliminary plat of the entire area he or she proposes to subdivide over a period of time and indicate thereon his proposed plan of development by increments. After approval of this master preliminary plat, he or she may submit fractional final plats in general accordance with the master plat by units or areas. Each increment of area must be adjacent to a preceding developed increment or area. Each increment shall be governed by and shall conform to the subdivision regulations in effect on the date each is submitted for final approval.

(e) Form and Content. The plat shall be drawn on sheets eighteen (18") inches wide and twenty-four (24") inches long, with a binding margin of not less than one and one-half (1/2") inches on the left side of the sheet and margins on the other three (3) sides of not less than three-fourths (3/4") inch. The plat shall be drawn to a scale of one hundred (100') feet to one (1") inch or larger. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate graphic scale shall be attached to the plat. The plat shall show the following:

- (1) Names of the subdivider, record owner, engineer and/or surveyor.
- (2) Proposed name of the subdivision, which shall not have the same spellings as or be pronounced similar to the name of any other subdivision located within the city or within five (5) miles of the city unless the subdivision is contiguous to a recorded subdivision and the plat represents an additional installment or increment of the original subdivision.
- (3) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, along with deed record references, and an indication of whether or not contiguous properties are platted.
- (4) Description, by metes and bounds, of the subdivision.

- (5) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (6) Subdivision boundary lines, indicated by heavy lines and the computed acreage of the subdivision.
- (7) Existing sites as follows:
 - (A) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
 - (B) The exact location, dimensions, description and name of recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - (C) The exact location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.
- (8) The location, typical dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
- (9) Date of preparation, scale of plat and north point.
- (10) Topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of two (2%) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than two (2%) percent. Contour lines shall be based upon City of Richland datum or such datum used by the city.
- (11) A number or letter to identify each lot or site and each block.
- (12) Front building setback lines on all lots and sites. Side yard setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways. General notes may be used where their meaning is clear.
- (13) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.

- (14) Vicinity sketch or key map at a smaller scale as approved by the City Engineer which shall show existing subdivisions, roads, streets, easements, highway and railroad rights-of-way, parks and public facilities and other landmarks in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows. Key map shall extend one (1) mile in all directions.

- (f) Processing of Preliminary Plat.
 - (1) The City Engineer shall check the preliminary plat as to its conformity with the master plan, major street plan, land use plan, and the requirements set forth herein or referred to herein.
 - (2) The City Engineer shall present the preliminary plat data to the City Council with his recommendations.
 - (3) Within thirty (30) days after the preliminary plat is formally filed, the City Council shall approve, conditionally approve with modifications, or disapprove; the City Council shall inform the subdivider, in writing, of the reasons at the time such action is taken.
 - (4) The City Council may approve variances in lot width on lots facing a cul-de-sac, or similar circumstances.
 - (5) Approval of a preliminary plat shall be effective for six (6) months from date of approval; thereafter such approval shall be considered void and the plat and application deemed withdrawn by the developer unless the final plat has been presented for approval or the developer has applied to City Council for and has received from City Council an extension of time to a date certain in which to present such final plat. Failure to present a final plat within such time extension shall void all prior approval and the application deemed withdrawn.
 - (6) Any changes or revisions to a preliminary plat must be accepted and approved by City Council.
 - (7) If no development has occurred which would affect the proposed plat, after six (6) months of effective approval, the City Council may, upon application of the subdivider, extend the approval time allowable.

Sec. 8.203 Final Plat

- (a) Form and Content.
 - (1) The final plat and accompanying data shall conform to the preliminary plat as approved by the City Council incorporating any and all changes,

modifications, alterations, corrections, and conditions imposed by the City Council.

- (2) The final plat shall be drawn in India ink on linen tracing cloth or dimensionally stable matte film sheets, eighteen (18") inches wide and twenty-four (24") inches long with one and one-half (1 1/2") inch margin on the left side of the sheet, and margins of not less than three-fourths (3/4") inch on the other three (3) sides. The plat shall be drawn at a scale of one hundred (100') feet to one (1") inch or larger. Where more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- (3) The final plat shall be submitted in one (1) original reproducible tracing as specified in paragraph (b) above and six (6) blue or black line, prints which shall contain all of the features required for preliminary plats in subsection (2) above, and it shall be accompanied by six (6) copies of site improvements data bearing the seal of a registered professional engineer and six (6) copies of detailed cost estimates of streets, storm drainage, water and sewer facilities to be installed.
- (4) The final plat and the accompanying site improvement data and detailed cost estimates shall be approved by the City Engineer.
- (5) In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
 - (A) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.
 - (B) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
- (6) When filed, the final plat shall be accompanied by the following data. All plans and engineering calculations shall bear the seal and signature of an engineer.

- (A) Streets, Alleys, Sidewalks, Crosswalk Ways, Street Lights and Monuments. Six (6) copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, street lights and monuments.
- (B) Sanitary Sewers. Six (6) copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.
- (C) Water Lines. Six (6) copies of plans and profiles of all proposed water lines and fire hydrants, showing depths and grades of the lines.
- (D) Storm Drainage.
 - (i) Six (6) copies of the proposed plat indicating two (2') foot contours based on city datum. All street widths and grades shall be indicated on the plat, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
 - (ii) A general location map of the subdivision showing the entire watershed (a U.S.G.S. quadrangle is satisfactory).
 - (iii) Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.
 - (iv) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.
 - (v) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on twenty-five (25) year frequency, shall be indicated based on existing conditions.
- (E) Final plat shall also include:
 - (i) Owner's acknowledgment and dedications.
 - (ii) Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.

- (iii) Certification of the engineer responsible for the preparation of the final plat and supporting data attesting to its accuracy.
 - (iv) Space for City Council approval, including signature line for Mayor and attest by the City Secretary.
- (b) Processing the Final Plat.
- (1) If desired by the subdivider and approved by the City Council, the final plat may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop. However, such portion shall conform to all the requirements of this chapter and the portion or portions of the subdivision for which the final plat is drawn and submitted for approval shall be in successive order of development as exhibited on the previously approved preliminary master plat. All street, water, sewer and storm drainage facilities shown on the final plat shall be constructed in their entirety or acceptable surety provided before acceptance by the city and before such final plat is recorded in the office of the County Clerk.
 - (2) As soon as practical after subdivider is notified of the approval of the preliminary plat, his or her engineer shall submit to the City Council at an official meeting the final plat of the subdivision or portion thereof.
 - (3) No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved and the subdivider wishes to increase the size of the lots by combining two (2) or more lots or by combining one (1) lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.
 - (4) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the City Council within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the City Council shall become null and void, unless an extension of time is applied for and granted by the City Council.
 - (5) When the final plat is filed with the City Council for approval, it shall be accompanied by filing fee of two hundred dollars (\$200).
 - (6) Within thirty (30) days after the final plat is formally filed, the City Council shall approve or disapprove such plat. If the final plat is disapproved, the City Council shall inform the subdivider in writing of the reasons at the time such action is taken.

- (7) After the plat has been approved and the subdivider has filed the required security hereinafter provided, the subdivider shall cause the final plat to be recorded with the County Clerk of Navarro County.
- (8) No building permits will be issued by the city until six (6) copies of the recorded final plat have been furnished to the City Secretary.
- (9) Before the City Council shall give approval to a final plat, the City Council must have on file a letter from the City Engineer stating that all platting and engineering requirements of this chapter have been met by the developer, including any variances granted by the City Council. The City Engineer shall file such letter within ten (10) days following receipt of a copy of such final plat in the engineer's office.
- (10) A final plat which has been approved by the City Council must be filed with the County Clerk within twelve (12) months following the date of approval.
 - (A) If a final plat, for which approval has been given, has not been filed for record in the office of the County Clerk on or before the expiration of one (1) year from date of approval, the city may withdraw such approval by sending notice of such withdrawal to the developer by Certified Mail, return receipt requested, to the address of the developer as shown on the application for plat approval submitted to the City Council. Copies of such notice of withdrawal shall also be sent to any lienholders shown on the subdivision file or any surety who has posted any guaranty of performance bond for the benefit of the developer.
 - (B) No building permits shall be issued for any construction within, nor utilities extended to, a subdivision from which approval has been withdrawn. Nor shall the city be required to grant permits within the subdivision until the developer resubmits the subdivision plat to the City Council for approval. Any plat so resubmitted must conform to the city's subdivision regulations in effect on the date of resubmission.
- (11) The City Council expressly reserves to itself the final approval of all subdivisions prior to filing for record in the office of the County Clerk.

Sec. 8.204 Additional Notice and Hearing Requirements for Certain Replats

Where any of the area to be resubdivided or replatted was, within the immediate preceding five (5) years, limited by an interim or permanent zoning classification to residential use for not more than two dwelling units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, then the following additional procedures shall apply:

- (a) Notice of the public hearing shall be published at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in Navarro County.
- (b) Written notice of the public hearing shall be mailed to the owners (according to the most recently approved ad valorem tax roll) of all lots that are within the original subdivision and that are within two hundred (200) feet of the lots to be replatted, together with a copy of Section 2 12.015(c) in the Local Government Code for the State of Texas.
- (c) If the proposed replat is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the City Council, as applicable. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the municipal authority responsible for approving the replat, prior to the close of the public hearing. In computing this percentage of land area, the area of streets and alleys shall be included within the adjacent lots.
- (d) Compliance with subsection (c) above is not required for approval of a replat of part of a preceding plat, if the area to be replatted was designated or reserved for other than single-, or two-family residential use, by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(Ordinance adopting code) (Amended 4/12/18 Ordinance # 143 – Removing Section 8.205 Exception to Plat Requirements)(Amended 5/17/18 Ordinance #147 – Changing size of plat drawings to 18”x24”)

ARTICLE 8.300 GUARANTEE OF PERFORMANCE

Sec. 8.301 Developer to Submit Deposit Prior to Construction

Prior to beginning of any construction, the developer shall deposit with the city an amount equal to two (2%) percent of the construction cost of the project to be used for payment of inspection costs on the project. All such construction shall be inspected while in progress by the City Engineer, or an inspector approved by him or her, and must be approved upon completion by the City Engineer. A certificate by such officer stating that the ~construction conforms to the specifications and standards contained in or referred to herein must be presented to the City of Richland.

Sec. 8.302 Securities

Prior to execution of the final plat by the city, all improvements must be accepted by the city, or subdivider shall file security in an amount and in the manner provided for in either subsections (a), (b), Or (c) as hereinafter set out:

(a) Performance Bond. The subdivider has filed with the City of Richland a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the city, on the form provided by the city, in an amount equal to the cost of the improvements required by this chapter and within the time for completion of the improvements as estimated by the City Engineer. The performance bond shall be approved as to form and legality by the City Attorney.

(b) Trust Agreement. The subdivider has placed on deposit in a bank or trust company in the name of the city, and approved by the city, in a trust account a sum of money equal to the estimated cost of all site improvements required by this chapter, the cost and time of completion as estimated by the City Engineer. Selection of the trustee shall be subject to approval by the city and the trust agreement shall be executed on the form provided by the city and approved as to form and legality by the City Attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs. The amounts of such withdrawals shall be based upon progress work estimates approved by the City Engineer. All such withdrawals shall be approved by the trustee.

(c) Unconditional Guarantee From Local Bank or Local Federally Insured Savings and Loan Association or Other Financial Institution as Approved by the City of Richland. The subdivider has filed with the City of Richland, a letter on the form provided by the city, signed by a principal officer of a local bank or local federally insured savings and loan association or other financial institution, acceptable to the City of Richland, on demand, a stipulated sum of money to apply to the estimated costs of installation of all improvements for which the subdivider or developer is responsible under this chapter. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.

Sec. 8.303 Guarantee of Materials And Workmanship

The subdivider, or developer, shall require of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this chapter, and shall himself or herself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one (1) year after acceptance of the improvements by the city.

Sec. 8.304 Improvements to be Inspected

The City Engineer, or an inspector approved by him or her, shall inspect the construction of the improvements while in progress, and he or she shall inspect such improvements upon completion of construction. He or she shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he or she rejects such construction, the City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this chapter.

Sec. 8.305 City Engineer May Extend Time

Where good cause exists, the City Engineer may extend the period of time for completion under Section 8.302 of this article. Such extension of time shall be reported to the City Council and recorded in the minutes.

ARTICLE 8.400 DEVELOPMENT STANDARDS AND SPECIFICATIONS

No preliminary or final plat shall be approved by the City Council and no completed improvements shall be accepted by the city unless they conform to the following standards and specifications. All streets and alleys shall be dedicated to the public in accordance with these requirements. No private streets will be permitted.

Sec. 8.401 General Standards

- (a) Conformity with Comprehensive Master Plan. The subdivision shall conform to the comprehensive plan of the City of Richland and the parts, amendments and/or supplements thereof.
- (b) Provision for Future Subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow opening future streets.
- (c) Reserve Strips Prohibited. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except as required in Section 8.402(f) of this article.

Sec. 8.402 Streets

- (a) Street Layout. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets.

The street layout shall be devised for the most advantageous development of the entire neighborhood.

- (b) Relation to Adjoining Street System. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be at least as wide as such existing streets and in alignment therewith.
- (c) Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area.
- (d) Half-Streets or Adjacent Streets. In the case of minor streets, no new half-streets shall be platted.
- (e) Street Intersections.
 - (1) Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. All streets, major, collector, or minor, unless otherwise approved by the City Council, shall intersect at or near ninety (90°) degree angles.
 - (2) All intersections shall have a minimum of twenty-five (25') foot radius at each corner.
 - (3) Streets intersecting with or extending to meet an existing Street shall be tied to the existing street on centerline with distance and angles to show relationship.
- (f) Dead-End Streets. Dead-end streets shall be prohibited except to permit future expansion on abutting acreage tracts. All dead-end streets shall be platted with a one (1') foot reserve dedicated to the public in fee as a buffer separation between the end of such dead-end street in the subdivision and the abutting adjacent acreage, with the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one (1') foot reserve shall thereupon become vested in the public for street right-of-way purposes.
- (g) Cul-de-sacs. In general, cul-de-sacs shall not exceed eight hundred (800') feet in length, and shall have a turnaround of not less than one hundred (100') feet in diameter in residential areas, and not less than two hundred (200') feet in diameter in commercial and industrial areas.
- (h) Marginal Access Streets. Where a subdivision has frontage on an arterial street, the City Council may require marginal access streets be provided on both sides or on the subdivision side of the arterial street, if the arterial street borders the subdivision, unless the adjacent lots back up to the arterial street, or unless the City Council determines such

marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.

(i) Streets on Comprehensive Plan. Where a subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted in the location and of the location and of the width indicated by the comprehensive plan. All major arterial, secondary, or collector street location alignment, right-of-way width and cross section shall be determined by the City Council in accordance with its adopted major street plan.

(j) Street Pavement. All streets shall be constructed according to the minimum construction standards as given in Article 8.500 of this chapter, with concrete curbs and gutters and either concrete or asphaltic wearing surface; except that any subdivision which contains not more than two (2) lots per acre, within the whole tract subdivided, including streets, easements and dedicated open spaces, but not including reserve areas, may be constructed without concrete curbs and gutters.

(k) Minor Streets. Minor streets shall be laid out so as to discourage their use by through traffic.

(l) Right-of-Way Widths.

Widths of rights-of-way shall be as follows:

- (1) Major streets shall have a minimum right-of-way width of at least eighty (80') feet or preferably one hundred (100') feet. Curves in major streets shall have centerline radius of five hundred (500') feet or more with exceptions to the standard granted by the City Council. Curves in major streets shall be separated by a minimum tangent of one hundred (100') feet.
- (2) Collector or secondary streets shall have a right-of-way of at least sixty (60') feet or preferably seventy (70') feet. Curves in secondary or collector streets shall have a centerline radius of three hundred (300') feet or more with exceptions to this standard granted by the City Council. Curves in secondary streets are to be separated by a minimum tangent of seventy-five (75') feet.
- (3) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to paragraphs (1) and (2) above, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such paragraphs.
- (4) Residential streets shall have a right-of-way of at least sixty (60') feet. Curves in minor streets shall be a minimum centerline radius of three hundred (300') feet. Curves in minor streets shall be separated by a minimum tangent of fifty (50') feet.

(m) Curbs and Gutters. Curbs and gutters shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision in accordance with construction standards given in Article 8.500.

(n) Street Names. Names of new streets shall not duplicate or cause confusion with names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. Street markers shall be purchased through the city. Temporary markers may be installed by the developer during construction, with the city making permanent installation of the markers when all construction and grading is completed. Developer pays installation costs.

(o) Street Lights.

- (1) Street lights shall be installed at all street intersections, cul-de-sacs, and other locations as determined by the City Council, within the subdivision. Street lights shall be ordered through the city and, if ornamental poles with underground service is requested, the power company will provide the engineering and installation at the time the other electrical service is installed.
- (2) The developer shall pay monthly operating costs of these lights until seventy-five percent (75%) of the lots are occupied and on the city tax rolls.

(p) Sidewalks. Sidewalks conforming to standards set forth in Richland City Code, Section 8.503 shall be constructed in all subdivisions along each side of all streets within a subdivision which are in excess of twenty eight feet (28') or along a street outside a subdivision which a developer is required to construct by order of the City Council.

Sec. 8.403 Alleys

(a) Width and Paving. Alleys of not less than twenty (20') feet in right-of-way width and pavement width shall be installed by the subdivider in all business and industrial areas. Alleys are optional in residential areas but where alleys are provided, shall be not less than twenty (20') feet in right-of-way width. Where paved alleys are constructed, the alley surface shall be in accordance with the City of Richland standards of construction as contained in Article 8.500 of this chapter. Alleys shall be approximately parallel to the frontage of the streets.

(b) Intersecting Alleys of Utility Easements. Where two (2) alleys or utility easements intersect or turn at a right angle, a cutoff of not less than ten (10') feet from the normal intersection of the property or, easement line shall be provided along each property or easement line.

(c) Dead-End Alleys. Dead-end alleys shall not be permitted.

(d) Alleys Which do not Connect on a Straight Course. If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way of alleys.

Sec. 8.404 Utility Easements

(a) Each block that does not contain an alley as provided for in Section 8.403 of this article shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be twenty (20') feet in width, taking ten (10') feet from each lot where the rear of two (2) lots abut each other, and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block.

(b) The location and width of sanitary sewer system, water, storm sewer, electrical, anchor, or other city utility easements shall be determined by the City Engineer.

(c) Where easements are required for other than public utilities, then the location and width shall be acceptable to the private utility company concerned with the approval of the City Council.

(d) Where any public or private utility line is required to be adjusted in location or elevation, then the developer shall cause such changes to be made with the approval of the City Engineer.

(e) Where the proposed subdivision adjoins an unplatted area, and a utility easement is dedicated on the unplatted property, then the owner and/or lienholder shall join in the dedication of the easement.

(f) Normal curb exposure shall be required where utility easements intersect streets.

(g) Where utility easements are not themselves straight with each block, or if the same do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

(h) Where the dedicated easements are included as a part of any of the lots within the subdivision, the owners of such lots may construct fences across the easements; provided such fence shall have an opening with a gate not less than three (3') feet wide at each end of the easement where the boundary line of the owner's lot crosses the easement to provide ingress and egress along such easement to maintain utility services within the easement.

Sec. 8.405 Sidewalks

Sidewalks of minimum four (4') foot width, in accordance with Article 8.500 of this chapter, shall be installed by the developer in all new developments as follows:

- (1) On the subdivision side, or sides, of all major thoroughfares, or arterial streets.
- (2) On the subdivision side, or sides, of all secondary or collector streets.
- (3) On the residence side, or sides, of all marginal service streets where such service streets parallel major thoroughfares, or arterial streets, adjacent to or within a subdivision.
- (4) As deemed necessary by the City Council in commercial, industrial, public grounds, and multifamily dwelling areas.

Sec. 8.406 Water Installations

(a) Water Supply and Distribution. All subdivisions shall be provided with water supply and water distribution systems approved by the City Engineer in accordance with Article 8.500 of this chapter.

(b) Fire Hydrants. Standard fire hydrants shall be installed as part of the water distribution system per specifications of the State Board of Insurance and in accordance with Article 8.500 of this chapter.

Sec. 8.407 Sewers

All subdivisions shall be provided with an approved sewage disposal system approved by the City Engineer in accordance with Article 8.500 of this chapter.

Sec. 8.408 Utility Lines

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three (3') feet beyond the edge of the pavement.

Sec. 8.409 Monuments

(a) All block corners, angle points, and points of curve, and all corners of boundary lines of the subdivision shall be marked with concrete monuments.

(b) The exact intersection point on the monument shall be marked by a three-fourths (3/4") inch diameter galvanized iron pipe three (3') feet in length with the top of the pipe flush with the top of the concrete which shall be flush with the existing ground surface.

Sec. 8.410 Drainage

(a) Easement. Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs. Drainage easements shall be determined by the City Engineer both as to location and width.

(b) Drainage Facilities. Drainage facilities shall be provided and constructed as specified by the City Engineer in accordance with Article 8.500 of this chapter.

(c) Participation by Developer. If the existing drainage facilities are not adequate to accommodate the additional flow of water resulting from the subdivision of said lands, the developer and City Engineer shall determine the capabilities of the drainage facility as now constructed and the additional flow which will result from the construction of the subdivision. The developer shall be required to participate with the city in the construction of the additional improvements required to accommodate the flow resulting from developer's subdivision on the basis of the percentage increase in such drainage load resulting from the subdivision. The payments required to be made by developer hereunder shall be handled in the same manner as the construction cost of streets within such subdivision.

Sec. 8.411 Blocks

Blocks may include up to sixteen (16) lots on each side of the street; however, block length shall not exceed one thousand two hundred (1200') feet from center to center of streets except under special conditions determined by the City Council.

Sec. 8.412 Crosswalk Ways

Crosswalk ways six (6') feet in width shall be dedicated where deemed necessary by the City Council to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision. Crosswalk ways shall be provided with a concrete sidewalk six (6') feet wide.

Sec. 8.413 Minimum Lot Sizes

(a) Rectangular residential lots shall have a width of at least one hundred twenty five (125') feet.

- (b) Rectangular business lots shall have a width of at least two hundred fifty (250') feet.
- (c) All lots shall have depth of at least one hundred twenty five (125') feet, exclusive of utility easements, unless otherwise approved by the City Council.
- (d) Radial residential lots shall have a minimum width of one hundred twenty five (125') feet frontage on the street; business lots shall have at least two hundred fifty (250') feet.
- (e) Residential lots shall have a minimum of ten thousand (10,000) square feet.
- (f) Corner residential lots shall have a minimum width ten (10') feet greater than the adjacent lot except on a major street, then they shall have a width fifteen (15') feet greater than the width of the adjacent lot.
- (g) Lots facing a major street shall be at least ten (10') feet deeper than average interior lot depths facing a minor street.
- (h) In general, lots on one (1) side of a street shall not be offset from the lots on the opposite side of the street.
- (i) Each lot shall front upon a public street. Lots of irregular shape shall have a frontage of at least one hundred twenty five (125') feet unless otherwise approved by the City Council.
- (j) Side of lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.

Sec. 8.414 Building Lines

Building lines or setback lines shall be established and so indicated on all subdivision plats as below stipulated:

- (a) Single-Family and Multi-Family Residential Lots.
 - (1) Corner Lots.
 - (A) A minimum building setback of twenty-five (25') feet shall be provided on the front and fifteen (15') feet on the side of all corner single-family and multi-family residential lots where such lots side upon minor streets.
 - (B) A minimum building setback of twenty-five (25') feet shall be provided on the front and twenty (20') feet on the side of all corner single-family and multi-family residential lots where such lots side upon major streets.

- (2) Interior Lots. A minimum building setback of twenty-five (25') feet shall be provided on the front of lots facing minor streets, thirty-five (35') feet setbacks on those facing major streets, and five (5') feet on each side of all interior single-family and multi-family residential lots facing on minor and secondary streets.
- (b) Commercial and Industrial Lots in Outlying Areas Other than Central Business, Industrial and Shopping Center Districts.
 - (1) Corner Lots.
 - (A) A minimum building setback of twenty-five (25') feet shall be provided on the front and fifteen (15') feet on the side of all corner commercial and industrial lots that side upon minor streets.
 - (B) A minimum building setback of twenty-five (25') feet shall be provided on the front and twenty (20') feet on the side of all corner commercial and industrial lots that side upon secondary streets unless specific building lines are otherwise established by ordinance upon a designated secondary street.
 - (C) A minimum building setback of twenty-five (25') feet shall be provided on the front and twenty-five (25') feet on the side of all corner commercial and industrial lots that side upon major streets unless specific building lines are otherwise established by ordinance upon a designated major street.
 - (2) Interior Lots. A minimum building setback of twenty-five (25') feet shall be provided on the front of all interior commercial and industrial lots that front upon minor, secondary, or major streets unless specific building lines are otherwise established by ordinance upon a designated secondary or major Street.

Sec. 8.415 Where Subdivision is Unit of a Larger Tract

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewage, and other improvements for such area. The overall layout, if approved by the City Council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City Engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the City Council. However, except where the subdivider agrees to such change, the City Council may change such approved overall layout only when the Council finds:

- (a) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this article; or
- (b) That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in the area.

Sec. 8.416 Regulations for “Townhouse” or “Multiple-Dwelling” Subdivision

(a) Definitions.

- (1) Townhouse. The term townhouse, apartments, and multiple-dwelling units shall be used interchangeably and shall mean a structure which is one of a series of dwelling units designed for single-family unit occupancy, which dwelling units are structurally connected or immediately adjacent to each other without side yards between individual dwelling units.
- (2) Townhouse Subdivision shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned and where the minimum lot sizes are to be less than those required under Article 8.400 of this chapter.
- (3) Interior Street shall apply to public streets not more than six hundred (600w) feet long within a townhouse subdivision, which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.
- (4) Access Street shall apply to those public streets within or bounding a townhouse subdivision which serves a townhouse subdivision and other adjacent properties outside the subdivision.
- (5) Open Space shall apply to private property under common ownership designated for recreation area, private park, play lot area, plaza area, building setbacks and ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements, required building setbacks.

(b) Requirements.

- (1) General. All those persons proposing or intending to develop a townhouse subdivision or apartment complex within the City of Richland or within its extraterritorial jurisdiction shall comply with the procedural requirements set out in this article. All such developments shall be designed to comply with the comprehensive plan.

(2) Streets and Alleys.

- (A) Interior streets, if dedicated to public use, shall have a minimum right-of-way width of fifty-five (55) feet and shall be developed with a minimum of thirty-five (35') foot paving section with concrete curbs and gutters in accordance with Article 8.500 of this chapter.
- (B) Access streets shall have a minimum right-of-way width of sixty (60') feet.
- (C) All townhouse subdivisions shall have direct access street to at least one (1) dedicated and accessible public street.
- (D) Alleys shall have a minimum right-of-way of twenty (20) feet and shall be developed with a concrete pavement in accordance with construction standards found in Article 8.500 of this chapter.

(3) Building Setback Lines.

- (A) Building setback lines of twenty-five (25') feet shall be required on all lots fronting or backing on an access street.
- (B) Building setback lines of twenty (20) feet shall be required on all lots siding on access streets or upon a plat boundary.
- (C) No building setback lines shall be required on the sides of lots abutting interior streets, except where traffic safety or other factors necessitate the establishment of such setbacks.
- (D) Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, said open or common court shall be at least forty (40') feet wide and not more than two hundred (200') feet long, measured from the public street upon which the court must open. Said court may not include vehicular drives or parking area in front of dwelling units without additional width as required by the City Council.

(4) Lots.

- (A) Lot area shall be a minimum of three thousand (3,000) square feet per unit.
- (B) Lot width shall be a minimum of one hundred twenty-five (125') feet.

- (C) Dwelling units may be constructed up to side lot line, and openings shall not face a side lot line unless the side wall of the dwelling unit is at least ten (10') feet from the side lot line.
- (5) Utilities. All utilities such as sanitary sewer, water, gas telephone, T.V. cable and electrical, shall be placed underground.
- (6) Off-Street Parking. Provide a minimum of two (2) spaces per dwelling unit.

ARTICLE 8.500 MINIMUM CONSTRUCTION STANDARDS

Sec. 8.501 Minimum Requirements

The intention of these standards is to define minimum requirements for street, utility, and drainage construction in new subdivisions within the jurisdiction of the City of Richland.

Sec. 8.502 Street Paving

The following minimum standards apply to subdivision street paving:

- (a) Type. Asphaltic or reinforced concrete surface with concrete curb and gutter.
- (b) Pavement Width
 - (1) Major streets .Forty-four (44') feet to sixty-four (64') feet between back of curbs.
 - (2) Secondary streets .Thirty-eight (38') feet to forty-four (44') feet between back of curbs.
 - (3) Residential streets .Twenty-eight (28') feet to thirty-two (32') feet between back of curbs.
- (c) Cross Section. At intersections, curb return radius shall be twenty-five (25') feet; at cul-de-sacs, thirty-five (35') feet.
- (d) Concrete
 - (1) Reinforcing Steel.
 - (A) Material .Open hearth new billet steel.
 - (B) Yield strength .60,000 psi, minimum.

- (C) Splices - Twenty-four (24) bar diameters.
 - (D) Bar size and spacing .No. 3 bars at eighteen inch (18”) centers, each way.
 - (E) Bar support - Metal or plastic “chairs” shall be used to hold bars in position during placement of concrete.
- (2) Concrete Mixture.
- (A) Compressive Strength - 3,000 psi, minimum at twenty-eight (28) days.
 - (B) Slump - Three (3”) inches maximum.
 - (C) Cement factor - 5.0 bags per cubic yard, minimum,
- (3) Cement. Type I (Normal) Portland Cement, or with City Engineer’s approval, Type III (High Early Strength).
- (4) Aggregate. Coarse and fine aggregate shall meet the requirements of Texas Highway Department Standard Specification “Item 360” for concrete pavement.
- (5) Jointing.
- (A) Expansion joints .At intersections. Also every eighty (80) linear foot, minimum.
 - (B) Wood joints .Sound heart redwood.
 - (C) Joint seal - O.A. 90 Asphalt.
- (6) Curing. Curing method shall retain at least ninety-seven (97%) percent of moisture at twenty-four (24) hours, at least ninety-five (95%) percent at three (3) days, and at least ninety-one (91%) percent at seven (7) days. (ASTM procedure C-5)
- (7) Tests. Compressive strength .Three (3) cylinders per two hundred (200) linear feet
- (8) Placement. Concrete shall not be placed on frozen subgrade; when air temperature is thirty-eight (38) degrees F or below; when air temperature is below forty-two (42) degrees F and declining; when finishing cannot be completed during natural daylight.

(e) Asphaltic Pavement.(1) Curb and Gutter.

- (A) Material - Reinforced concrete.
- (B) Width - Eighteen (18") inches overall.
- (C) Tests - Same as Section 8.502(d) of this article, except interval shall be three (3) cylinders per truckload of concrete.

(2) Base.

- (A) Thickness - Eight (8") inches after final compaction.
- (B) Material and construction - Iron Ore - Texas Highway Department Standard Specification "Item 240" for Grade 1 with density control at ninety-five (95%) percent density. Crushed Stone - Texas Highway Department Standard Specification "Item 242" for Type B, Grade 1 with density control at ninety-five (95%) percent density.
- (C) Tests - Material: The City Engineer may require laboratory testing of the proposed material before and/or during construction to determine that it meets the applicable specifications. Compaction: Tests at two hundred (200) linear foot intervals, or closer where requested by City Engineer.

(3) Surface Course.

- (A) Material - Texas Highway Department Standard Specifications "Item 340" for Hot Mix Asphalt Concrete Pavement, Type D, including a Tack Coat.
- (B) Thickness - Two (2") inches after final compaction.
- (C) Density - Ninety-five (95%) percent of the laboratory density obtained with the California Kneading Compactor per Test Method No. California 304 or equal test method approved by the City Engineer.
- (D) Tests - The City Engineer may require the following tests:

Material - Laboratory tests before and/or during construction. In-place Density.

(f) Subgrade.

- (1) Rolling machinery - All subgrade shall be rolled.
- (2) Density required - At least ninety (90%) percent of maximum density (Modified Proctor Density Test-AASHTO T99-49). For concrete streets and 95% maximum density (Modified Proctor Density Test) for asphalt streets.
- (3) Lime stabilization - Required when Plasticity Index (P.I.) of subgrade soil exceeds 18.0.
- (4) Cement stabilization - Required when low P.I. "spongy" or wet soils.
- (5) Subgrade shall not be allowed to dry before concrete or base is placed, nor shall concrete or base be placed on frozen subgrade.
- (6) Density tests - At two hundred (200) linear feet intervals, or closer when requested by City Engineer.

Sec. 8.503 Sidewalks

Where installed, sidewalks shall meet all applicable material specifications for concrete pavement. The following minimum standards also apply to sidewalks in new subdivisions.

- (a) Dimensions.
 - (1) Width - Four (4') feet, zero (0") inches.
 - (2) Thickness - Zero (0') feet, four (4") inches.
- (b) Subgrade. Two (2") inches of compacted sand.
- (c) Cross Slope. One-fourth (1/4") inch per foot, toward curb.

Sec. 8.504 Water System

The following minimum standards apply to water system extensions within the City of Richland:

- (a) Main Lines.
 - (1) Minimum diameter - Six (6") inches.
 - (2) Depth - Three (3') feet, six (6") inches of cover below final grade.
 - (3) Material - Type: PVC C-900 (Asbestos pipe shall not be used).

- (4) Looping - Mains shall be looped, with no dead ends serving more than four (4) lots.
- (b) Valves.
- (1) Locations - At tees: Two (2) valves. At crosses: Three (3) valves. At each connection to existing water system: One (1) valve.
 - (2) Type - Nonrising stem, 0-ring seals, Mueller, CCW opening, M.J.
- (c) Fire Hydrants.
- (1) Locations - At each street intersection and cul-de-sac end. Single family residential areas: six hundred (600) foot intervals, approximately.

Multi-family or commercial, including reserves: three hundred (300) foot intervals.
 - (2) Type - Mueller Improved 3-way, CCW opening, M.J.
- (d) Fittings.
- (1) Material - Cast Iron, cement lined, concrete blocked, M.J.
 - (2) Pressure rating - 250 psi.
- (e) Services.
- (1) Corporation stop - Mueller H-15000.
 - (2) Curb stop - Mueller H- 15275, in approved concrete meter box.
 - (3) Pipe material - Soft copper.
 - (4) Size - Single: 3/4" diameter. Double: 1" diameter.
 - (5) In approved concrete meter box.
- (f) Backfill.
- (1) Under asphalt streets - 1.0 sack cement stabilized sand.
 - (2) Other locations - Sandy soil must be waterjetted; other soil may be compacted by rolling with caterpillar track or other similar method.

Sec. 8.505 Sanitary Sewer System

All homes must be connected to the city's sewer system. The following minimum standards apply to sanitary sewer extensions within the City of Richland:

(a) Main Lines.

- (1) Minimum diameter - Six (6") inches.
- (2) Minimum depth - Four (4') feet, zero (0") inches.
- (3) Material - Pipe: Vitrified clay. Class: Extra strength. Air test required.
Joints: Premolded urethane, polyester, or neoprene.

(b) Manholes.

- (1) Size - Four (4') feet, zero (0") inches inside diameter.
- (2) Spacing - Three hundred (300') feet maximum
- (3) Material - Pipe: PVC SDR-26 Air Test Required.
- (4) Wall thickness - Six (6") inches.

(c) Services.

- (1) Pipe diameter - Four (4") inches.
- (2) Material - PVC Sch. 40
- (3) Fittings required - Wye, bend, and plug.
- (4) Stack required - Where sewer depth exceeds six (6') feet, zero (0") inches.
- (5) Marking - "As built" plans required showing locations, with 4"x4" oak timber marking each service and extending 10" above ground level.

(d) Backfill. Same as for water systems.

(e) Location. Except in unusual circumstances and after recommendation by the City Engineer, sanitary sewer mains shall be located in front of lots. They shall be placed within street rights of way opposite water mains. If authorized to be placed at rear of lot, mains shall be no closer than five (5') feet to the easement boundary.

Sec. 8.506 Drainage

The following minimum standards apply to drainage construction within new subdivisions.

(a) Storm Sewers and Culverts.

- (1) Minimum diameter - Twenty-four (24") inches; eighteen (18") inches for pipe serving one (1) inlet.
- (2) Minimum slope - Storm sewers: 0.1%. Culverts shorter than one hundred (100') feet: 0.1 foot.
- (3) Material - Class III reinforced concrete pipe, and Texas Highway Department standard box culverts and headwalls.
- (4) Joints - Ram-Nek asphaltic sealer.

(b) Open Channels.

- (1) Unlined ditches - Side slopes: Three (3) horizontal, one (1) vertical. Bottom slope: 0.05% minimum. Easement width: Top width plus sixteen (16') feet on one (1) side plus six (6') feet on other side.
- (2) Lined channels - Bottom slope: 0.05% minimum. Lining material: Five (5") inches thick concrete with #3 bars at eighteen (18") inches. Concrete characteristics: Same as for street paving. Easement width: Top width plus twelve (12') feet on one (1) side and four (4') feet on other side.
- (3) Junction boxes and manholes - Size: Nominal pipe size plus twelve (12") inches. Material: Reinforced concrete, designed for load. (Brick walls are permissible.) Location: At changes in pipe size or direction, and at four hundred (400') foot intervals. Access: Twenty-two (22") inch diameter cast iron cover.
- (4) Inlets - Minimum throat size: Six (6") inches high by five (5') feet long. Material: Reinforced concrete, designed for load. (Brick walls are permissible.) Wall thickness: Six (6") inches. Access: Twenty-two (22") inch diameter cast iron cover.
- (5) Runoff Criteria - Storm period: Twenty-five (25) years. Runoff coefficient: Single family area, fifty (50%) percent. Multifamily or commercial, eighty (80%) percent.

Sec. 8.507 Street Signs

For uniformity, street signs shall be ordered through the City of Richland. Cost of the signs and erection are the responsibility of the developer. Signs are required at each street intersection.

Sec. 8.508 Regulations of Other Entities

These construction standards are not intended to replace the regulations of other governmental or private entities whose jurisdiction includes new subdivisions within the jurisdiction of the City of Richland.

**ARTICLE 8.600 RESPONSIBILITY FOR STREET
AND UTILITIES INSTALLATION****Sec. 8.601 Developer Responsibilities**

In general, the subdivider or developer shall be required to construct at his expense, all streets, alleys, sidewalks, crosswalks, street markers, sanitary sewers, sewage lift stations, septic tanks, or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street lights and other appurtenances in strict accordance with Article 8.500 of this chapter, necessary and required to adequately serve the subdivision or addition to be developed by him or her.

Sec. 8.602 Streets, Utilities and Appurtenances to Become Property of City

All streets, utilities and other appurtenances constructed by the developer shall become the property of the City of Richland upon completion and acceptance by the City Engineer and City Council.

Sec. 8.603 When City to Assist Developer

Upon the passage of this chapter, it will be the policy of the City of Richland to assist the developer in recovering the cost of construction of such facilities where sizes and capacities of facilities are required to service urban development of a larger area than that being subdivided or areas extending beyond the limits of the proposed subdivision to the extent hereinafter set forth; but the city reserves the right to consider each facility on its own merits.

ARTICLE 8.700 SCHOOLS AND OTHER PUBLIC FACILITIES**Sec. 8.701 Schools**

The location, size and shape of any proposed school site shall be in accordance with the master plan of the City of Richland and/or Navarro County as amended or supplemented, as approved by the City Council and Richland Independent School District.

Sec. 8.702 Public Facilities and Other Special Land Uses

The location, size, and shape of any proposed public facility or other special land use site shall be in accordance with the comprehensive plan for the City of Richland and/or Navarro County, as amended and supplemented, as approved by the City Council.

Sec. 8.704 Disapprovals

The disapproval of any proposed school, public facility or other special land use site, as above described, by the City Council shall be deemed a refusal by the proper authority to accept the offered dedication.

ARTICLE 8.800 AUTHORITY OF THE CITY ENGINEER

(a) The City Engineer is hereby authorized and directed to promulgate rules, regulations, standards and specifications for construction, installation, design, location and arrangement of street, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tank, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. He or she shall file same with the City Council for approval, and they shall become effective upon their adoption by the City Council. He or she may amend the same from time to time, upon the approval of the City Council, and such amendments shall become effective upon their adoption by the City Council.

(b) No such rules, regulations, standards and specifications shall conflict with this or any other ordinance of the City of Richland, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

ARTICLE 8.900 SCREENING WALLS

Where townhouses, apartments, or other multi-family developments are backing upon a public street or adjoining an existing residential subdivision, a two (2') foot wide private easement shall be provided abutting the street or subdivision and a permanent type wall not less than six (6') feet high shall be constructed upon the easement, in conformity with city standards, to provide a visual screen.

ARTICLE 8.1000 DEDICATIONS AND CERTIFICATES

Sec. 8.1001 Forms

Dedications of streets, alleys, easements, and public use sites shall be according to the most recent forms in use by the City of Richland and as directed by the City Engineer.

Sec. 8.1002 Who Must Join In Dedication

All owners and/or lienholders must join in the dedication.

Sec. 8.1003 Disapprovals

If any plat or replat is disapproved by the City Council for any reason, then such disapproval shall be deemed a refusal by the City of Richland to accept the offered dedication shown on the plat thereof or to accept any planned or completed improvements within the area covered by any such plat or replat.

Chapter 9

CHAPTER 9

TRAFFIC CONTROL

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ARTICLE 9.100 SPEED LIMITS

Sec. 9.101 General Speed Limit

(a) No person shall ride or drive any animal or operate a vehicle on any street, alley, or highway in the city limits of Richland at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering a highway in compliance with legal requirements, and it shall be the duty of all persons to use due care.

(b) If any person shall operate or drive any motor vehicle or other vehicle within the corporate limits of Richland on any street or highway at a greater speed than thirty (30) miles per hour, or in any alley or park at a greater speed than fifteen (15) miles per hour, it shall be prima facie evidence of violation of this section, unless signs are erected designating another speed limit.

(Ordinance adopting Code)

Sec. 9.102 State Highway 14

(a) That from and after the date of passage of this speed zone ordinance no motor vehicle shall be operated along and upon State Highway No. 14 within the corporate limits of the City of Richland in excess of the speeds now set forth in the following limits:

- (1) Beginning at said point (Station 33+21) being the South City Limits of Richland thence continuing along S.H. 14 in a Northerly direction for a distance of 0.348 Mile, approximately, . . . a maximum speed of 55 mph;
- (2) Thence continuing along S.H. 14 in a Northerly direction for a distance of 0.300 Mile, approximately . . . a maximum speed of 45 mph;
- (3) Thence continuing along S.H. 14 in a Northerly direction for a distance of 0.356 Mile, approximately, said point being the North City Limits of Richland, . . . a maximum speed of 55 mph.

(b) The Mayor of Richland is hereby authorized to cause to be erected, appropriate signs indicating such speed zone.

(Ordinance No. 42486-5 adopted April 24, 1986)

Sec. 9.103 FM 1394

- (a) That from and after the date of passage of this speed zone ordinance no motor vehicle shall be operated along and upon Farm to Market Road 1394 within the corporate limits of the City of Richland in excess of the speeds now set forth in the following limits:
 - (1) Beginning at said point MP 10.000 (NB IH 45 FR) and thence continuing along F.M. 1394 in a Westerly direction for a distance of 1.028 Miles, approximately, . . . a maximum speed of 30 mph;
 - (2) Thence continuing along F.M. 1394 in a Westerly direction for a distance of .227 Mile, approximately, . . . a maximum speed of 40 mph;
 - (3) Thence continuing along F.M. 1394 in a Westerly direction for a distance of .941 Mile, approximately, said point being the West City Limits of Richland, . . . a maximum speed of 50 mph.

The Mayor of Richland is hereby authorized to cause to be erected, appropriate signs indicating such speed zone.

(Ordinance No. 148 adopted May 17, 2018)

**ARTICLE 9.200 UNIFORM ACT AND STATE
MOTOR VEHICLE LAWS ADOPTED**

For the purpose of regulating traffic on the streets, alleys, and thoroughfares of the City of Richland, there is hereby adopted the State Uniform Act Regulating Traffic on Highways, codified as Article 6701d, Vernon’s Annotated Civil Statutes, and all other State motor vehicle laws, which act and laws, together with the provisions contained in this chapter, shall be controlling in the regulation of traffic in the City of Richland. A violation of said act or any State motor vehicle law for which the Municipal Court has jurisdiction shall constitute and be punishable as a misdemeanor.

ARTICLE 9.300 TRAFFIC CONTROL DEVICES

Sec. 9.301 Traffic Control Devices Shall Conform to Manual

All traffic control devices including signs, signals, and pavement or curb markings installed or used for the purpose of directing and controlling traffic within the City of Richland shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, which is published by the State Department of Highways and Public Transportation. All signs, signals, and markings erected or used by the City of Richland shall be uniform and be located so far as practicable according to the directions shown in the said manual throughout the city. All existing traffic control devices and those erected in the future by the city being consistent with the manual, State law, and this chapter, shall be official traffic control devices.

Sec. 9.302 Unauthorized Traffic Control Devices

- (a) No person shall place, maintain, or display upon or in view of any highway, street, or alley any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway, street, or alley any traffic sign or signal bearing thereon any commercial advertising.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets, or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the Mayor is hereby empowered to remove the same or cause it to be moved with or without notice.

Sec. 9.303 Unlawful to Tamper with Traffic Control Devices

No person shall without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, sign, or signal or any railroad sign or signal or any inscription, shield, or insignia thereof, or any street name sign or any part thereof.

Sec. 9.304 Ratification of Existing Traffic Control Devices

All traffic control signs, signals, devices, and markings placed or erected prior to the adoption of this Code of Ordinances and in use for the purpose of regulating, warning, or guiding vehicles or pedestrian traffic are hereby affirmed, ratified, and declared to be official traffic control devices, provided such traffic control devices are not inconsistent with the provisions of this chapter or State law.

Sec. 9.305 Installation of Traffic Control Devices

- (a) After the adoption of this Code of Ordinances, the City Council of the City of Richland shall, by ordinance, direct the location of all future traffic control signs, signals, and markings. The Mayor or his designee shall have the duty of erecting or installing upon, over, along, or beside any highway, street, or alley, signs, signals, and markings, as are necessary to enforce such ordinances, or cause the same to be erected, installed, or placed in accordance with this chapter and consistent with the manual on uniform traffic control devices. Said traffic control devices shall be installed immediately upon authorization by the City Council, or as soon as such specific device, sign, or signal can be procured.

(b) Whenever the Mayor has erected and installed any official traffic control device, sign, or signal at any location in the City of Richland, or has caused the same to be done under his or her direction, in obedience to this chapter and the Manual on Traffic Control Devices, he or she shall thereafter file a report with the City Secretary in writing, stating the type of traffic control device, sign, or signal, and when and where the same was erected and installed. The City Secretary shall file and maintain such report of the Mayor among the official records of the office of the City of Richland.

Sec. 9.306 Prima Facie Evidence of Authorized Installation

It being unlawful for any person other than the Mayor or his designee, acting pursuant to an ordinance of the city, to install or cause to be installed any signal, sign, or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, proof, in any prosecution for a violation of this chapter or any traffic ordinance of the City of Richland, that any traffic control device, sign, signal, or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the Mayor pursuant to the authority of this chapter and of the ordinances directing the installation of such device, signal, or marking.

Sec. 9.307 Duty to Obey Traffic Control Devices

The driver of any vehicle, motor vehicle, or animal shall obey the instructions of any official traffic control device, sign, signal, or marking applicable thereto placed in accordance with this chapter, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle as provided for in the State motor vehicle laws.

Sec. 9.308 Emergency Installation of Traffic Control Devices

The Mayor is hereby empowered to install or erect temporary traffic control devices to protect the public in case of emergencies and special situations.

(Ordinance adopting Code)

ARTICLE 9.400 TRUCK ROUTES

Sec. 9.401 Through Commercial Vehicles

It shall be unlawful for any person to operate a through commercial vehicle upon any street, boulevard, avenue, or alley within the limits of the city, except that such commercial vehicle may travel or be operated upon any street, boulevard, or avenue designated as a U.S. or State highway, or as a truck route.

Sec. 9.402 Local Commercial Vehicles

It shall be unlawful for any person to operate any local commercial vehicle upon any street, boulevard, avenue, or alley within the limits of the city, except on designated U.S. or State highway or a designated truck route. A local commercial vehicle may leave any designated U. S. or State highway or a designated truck route and travel on any street, boulevard, avenue, or alley within the city for the purpose of delivering or picking up goods, wares, materials and/or merchandise. No diesel powered tractor or truck-tractor combination shall be operated on any predominantly residential street between the hours of 10:00 p.m. and 6:30 a.m.

Sec. 9.403 Truck Routes Established

Every U.S. and State highway within the limits of the city is hereby designated as a truck route under the terms of this section.

Sec. 9.404 Maximum Vehicle Load

The maximum vehicle load limit on any street of the city, other than those streets designated as U.S. or State highway shall not exceed a single axle load of twelve thousand (12,000) pounds, a tandem axle load of twenty-four thousand (24,000) pounds, and a gross vehicle weight of forty thousand (40,000) pounds.

(Ordinance adopting Code)

**ARTICLE 9.500 PARKING ON PUBLIC STREETS,
ALLEYS AND OTHER PUBLIC PLACES**

(a) It shall be unlawful for any person to leave standing, to park or to abandon any unattended vehicle, truck, trailer, or other motor vehicle on the public streets, alleys or in any other public place, including the railroad right of way, of the City of Richland for a continuous period of time longer than forty-eight (48) hours.

(b) In any prosecution charging a violation of any provision of this article, proof that the particular vehicle described in the complaint was parked in violation of such article, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(Ordinance adopting Code)

(Ordinance #122 adopted 2/11/16 to include railroad right of way)

CHAPTER 10

UTILITIES

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ARTICLE 10.100 CONNECTION TO WATER SYSTEM REQUIRED

All existing water customers within the city limits of Richland shall be required to connect to the city water system, except in those instances where it is financially and/or technically infeasible to provide such services.

(Ordinance 122895-9 adopted December 28, 1995)

ARTICLE 10.200 WATER RATES AND FEES

(a) The rate for water use shall be as follows:

- (1) \$37.46 for the first 1,000 gallons used inside the city limits for 5/8 or 3/4 meter; \$42.46 outside the city limits;
- (2) \$60.52 for the first 1,000 gallons used inside the city limits for 1 inch meter; \$65.52 outside the city limits;
- (3) \$71.16 for the first 1,000 gallons used inside the city limits for 1 1/2 inch meter; \$76.16 outside the city limits;
- (4) \$116.62 for the first 1,000 gallons used inside the city limits for 2 inch meter; \$121.61 outside the city limits;
- (5) \$6.24 for each additional 1,000 gallons used.

(b) The fees for the water system shall be as follows:

- (1) **Tap Fee** (The tap fee is based on the average of the utility’s actual cost for materials and labor.).....\$1,200.00 for 3/4 or 5/8 inch meter; \$1,525.00 for 1 inch meter; \$1,950 for 1 1/2 inch meter; \$3,450 for 2 inch meter; plus road bore.
- (2) **Reconnection Fee** (The reconnection fee will be charged before service can be restored to a customer has been disconnected for one of the following reasons.)
 - (A) Non-payment of bill (maximum \$25.00) \$25.00
 - (B) Customer’s request \$35.00
- (3) **Transfer Fee** \$35.00
- (4) **Late Charges** \$5.00
- (5) **Returned Check Charge** \$25.00
- (6) **Customer Deposit** \$100.00
- (7) **Meter Test Fee** \$25.00
- (8) **Impact fee per meter** \$500.00

(Ordinance adopted 10/1/16)

ARTICLE 10.300 WATER SYSTEM EXTENSIONS

Sec. 10.301 Definitions

- a) Front Foot Rate: The total cost of such water extension divided by the front footage of lots or tracts to be served.
- b) On-Site Mains: Water mains totally within tract of land to be subdivided and developed for resale.
- c) Off-Site Mains Water: Mains totally outside a tract of land to be subdivided and developed for resale.
- d) Developer: Owner, or agent of the owner, or anyone subdividing property and installing utilities to serve lots or tracts of land.
- e) Actual Cost: The cost of a water main as established by sealed bids plus any other charges involved with installation of lines.
- f) Over-Sized Cost: The difference between the actual cost of the main as built and the cost of the main determined to be minimum size required to serve an area.
- g) Main: Any line connecting two or more single consumers.

Sec. 10.302 Entitlement to Service

Any dwelling, commercial or industrial establishment, or property situated within the boundaries of the city may receive water upon compliance with the provisions hereinafter set forth. Also, any persons outside the city limits who comply with the provisions set forth.

Sec. 10.303 Minimum Size Water Mains to be Used

The minimum size of water main to be used shall be a minimum of four (4) inches or larger.

(Ordinance #137 adopted 12/7/17)

Sec. 10.304 Extension to a Single Customer

The City of Richland will extend water lines to a single consumer when money is placed in escrow with the City of Richland prior to extension. This escrow money shall be determined by the charges herein set forth. The single consumer shall be required to extend the line necessary to serve him as well as future growth as determined by the City Engineer. The single consumer shall be required to pay 100% of the cost of material and labor plus any additional charges for extensions of standard mains from existing on-site locations.

Sec. 10.305 New Subdivisions

The developer, or agent of developer, of any subdivision within the City of Richland shall pay 100% of all costs of an off-site main needed to provide service to his development. Where water facilities are not available to the subdivision, the city may extend such facilities to the nearest subdivision property line within the following limitations.

In the event a developer may request extension of water mains the same shall be deposited with the city the total cost of such extensions required to serve his property, including the cost of approach or off-site mains fronting his property not owned by the developer. Upon the determination of the actual costs of the extension, the city will refund any excess amount deposited or required by such developer or the developer shall deposit any additional money required to cover all project through the amount previously deposited that is less than actual cost. Refundable amounts for off-site oversized costs will be determined by the City Engineer. The City of Richland shall allow for a reimbursement method for new bonified customers to the system as they tie onto the off-site main as extended by the developer. This reimbursement is based on the total cost of the improvements divided by the total length of line, multiplied by the width of the frontage of the property owner wanting to tie into the new line. The city shall maintain a reimbursement responsibility for a period of one (1) year with refunds being paid to the developer. All funds collected after the end of this time period shall become the property of the city. Off-site mains will be constructed so as to end at the furthest point of intersecting development.

Sec. 10.306 On-Site Extension

The developer shall develop on-site extension at 100% of his cost. The city will pay oversized costs when recommended by the City Engineer to be necessary. Refunds for oversized costs will be made to the developer once the system is accepted by the city.

Sec. 10.307 Side Mains

The developer pays 100% of all costs of a side main.

Sec. 10.308 Multi-Family, Commercial and Industrial Extensions

Off-site extensions that are requested by one developing multi-family, commercial or industrial properties shall pay 100% of the off-site extension costs. The city will maintain a reimbursement responsibility for a period one (1) year and refunds will be made to the developer when potential customers become bonified customers of the system by tying into the off-site main. All funds collected after this period of time shall become the property of the city. On-site extensions shall be paid by the developer with no reimbursement method available.

Sec. 10.309 Contract Limitations

The refunding or reimbursement responsibility between the City of Richland and any person, company, or subdivider providing extensions of existing lines at their own expense shall be for a period of not more than one (1) year. No water main shall be extended until all monies required to cover the estimated costs of such extensions shall be deposited with the City of Richland.

Sec. 10.310 Improvement by Assessment

Upon recommendation of the City Engineer, the city may consider and determine the necessity for extension and construction of water mains by providing for the payment of costs of such improvements by assessment to be made by benefitted property owners under the terms and provisions of Article 111 OC, Vernon’s Texas Civil Statutes as amended and as may amended.

(Ordinance No. 28 adopted July 17, 1997)

ARTICLE 10.400 WATER EXTENSION PROCEDURES

The rules for developers, subdivision, and non-standard service requirements shall be as follows:

Sec. 10.401 City of Richland, Texas’ Limitations

All applicants shall recognize the city must comply with local, State, and Federal rules and regulations as promulgated from time to time, and by covenants of current indebtedness. The city is not required to extend retail utility service to an applicant in a subdivision where the responsible party (applicant/developer) of the applicable property (subdivision) has failed to comply with the terms of this policy.

Sec. 10.402 Purpose

This article is applicable to subdivisions, additions to subdivisions, developments, or whenever additional service facilities are required. For the purpose of this article, applications subject to this article shall be defined as non-standard.

Sec. 10.403 Application of Rules

This article may be altered or suspended for planned facility expansions when the city extends its indebtedness. The City Council of the City of Richland shall interpret on an individual basis whether or not the applicant’s service request shall be subject to all or part of the conditions of this article.

Sec. 10.404 Non-Standard Service Application

The applicant shall meet the following requirements prior to the initiation of a service contract by the city:

- (a) The applicant shall provide the city a completed service application and agreement giving special attention to the item on “Special Service Needs of the Applicant”.
- (b) A final plat approved by the city must accompany the application showing the applicant’s requested service area. The plat must be approved by all regulatory authorities having jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such regulatory authorities shall be submitted with the plat. Applicants for single taps involving extension or up sizing of facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.
- (c) At the time the applicant submits the application, a non-standard service investigation fee to cover initial administrative, legal, and engineering fees shall be paid to the city. The balance of actual expenses shall be refundable to the applicant and any additional expense incurred as a result of efforts by the city to study service requirements of the applicant shall be paid by the applicant.
- (d) If after the service investigation has been completed, the city determines that the applicant’s service request is for property outside the area dedicated in the city’s Certificate of Convenience and Necessity, service may be extended provided that:
 - (1) The service location is contiguous to or within one-fourth (1/4) mile of the city’s certificated service area;
 - (2) The service location is not in an area receiving similar service from another utility; and
 - (3) The service location is not within another utility’s Certificate of Convenience and Necessity.

Sec. 10.405 Design

The city shall study the design requirements of the applicant’s required facilities prior to initiation of a service agreement by adopting the following schedule:

- (a) The city’s Engineer shall design all service facilities for the applicant’s requested services within the city’s specifications or within certain codes and specifications of neighboring municipalities for non-standard service applications which lie within the enforced extraterritorial jurisdiction of a municipality.
- (b) The Engineer’s fees shall be paid out of the non-standard investigation fee, provided the actual costs of the engineer’s services do not exceed the amount of the non-standard service investigation fee allotted for engineering services. If the applicant’s services exceed the allotted fee, the applicant shall pay the balance of the engineering fee prior to commencing with the service investigation.
- (c) The Engineer shall submit to the city a set of detailed plans, specifications, and cost estimates for the project.

- (d) If no local authority imposes other design criteria on the applicant's service request, the City's Engineer shall design all facilities for any applicant to meet the demand for service as platted and/or requested in the plans or plat submitted in the application for service. The city reserves the right to upgrade design of services facilities to meet future demands, provided however, that the city pays the expense of such upgrading above the applicant's facility requirements.

Sec. 10.406 Non-Standard Service Contract

All applicants requesting or requiring non-standard service shall enter into a written contract, drawn up by the City's Attorney, in addition to submitting the city's service application and agreement. Said contract shall define the terms of service prior to construction of required service facilities. Guidelines for the service contract may include, but are not limited to:

- a) All costs associated with required administration, design construction, and inspection of facilities for water service to the applicants' service area and terms by which these costs are to be paid.
- b) Procedures by which the applicant shall accept or deny a contractor's bid, thereby committing to continue or discontinue the project.
- c) Monthly reserved service charges as applicable to the service requested.
- d) Terms by which reserved service shall be provided to the applicant and duration of reserved service with respect to the applicant's service request will have upon the city's system capability to meet other service request.
- e) Terms by which the applicant shall be reimbursed or compensated.
- f) Terms by which the city shall administer the applicant's project with respect to:
 - a. Design of the applicant's service facilities;
 - b. Securing and qualifying bids;
 - c. Execution of the service agreement;
 - d. Selection of a qualified bidder for construction;
 - e. Dispensing advanced funds for construction of facilities required for the applicant's service;
 - f. Inspecting construction of facilities; and
 - g. Testing facilities and closing the project.
- g) Terms by which the applicant shall indemnify the city from all third party claims of lawsuit in connection with the project contemplated.
- h) Terms by which the applicant shall deed all constructed facilities to the city and by which the city shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the applicant's project.

- i) Terms by which the applicant shall grant title or easement for right-of-way, constructed facilities, and facility sites and/or terms by which the applicant shall provide for the securing of required right-of-ways and sites.
- j) Terms by which the City Council shall review and approve the service contract pursuant to current rules, regulations, and bylaws.

Sec. 10.407 Property and Right-of-Way Acquisition

With regard to construction of facilities, the city shall require private right-of-way easement or private property as per the following conditions:

- (a) If the city determines that right-of-way easement of facility sites outside the applicant's property are required, the city shall require the applicant make good faith efforts to secure easements or title to facility site in behalf of the city. All right-of-way easement and property titles shall be researched, validated, and filed by the city at the expense of the applicant.
- (b) All facilities required to be installed in public right-of-ways in behalf of the applicant, due to inability to secure private right-of-way easement, shall be subject to costs equal to the original cost of facility installation for those facilities in public right-of-ways, plus the estimated cost of future relocation to private right-of-ways or subject to the cost of installation under State condemnation procedures, whichever is most desired by the applicant.
- (c) The city shall require as exclusive dedicated right-of-way on the applicant's property (as required by the size of the planned facilities and as determined by the city) and title to property required for other on-site facilities.
- (d) Easements and facilities sites shall be prepared for the construction of the city's pipeline and facility installations in accordance with the city's requirements and at the expense of the applicant.

Sec. 10.408 Bids For Construction

The City's Engineer shall advertise for bids for the construction of the applicant's proposed facilities in accordance with generally accepted practices. Plans and specifications shall be made available, with or without charge, to prospective bidders. Although the city reserves the right to reject any bid or contractor, the city shall generally award the contract to the lowest and best bidder in accordance with the following criteria:

- (a) The applicant shall sign a service contract noting willingness to proceed with the project and shall pay all costs in advance of construction associated with the project;
- (b) The contractor shall provide an adequate bid bond under terms acceptable to the city;

- (c) The contractor shall secure adequate performance and payment bonding for the project under terms acceptable to the city;
- (d) The contractor shall supply favorable references acceptable to the city;
- (e) The contractor shall qualify with the city as competent to complete the work; and
- (f) The contractor shall provide adequate certificates of insurance as required by the city.

Sec. 10.409 Pre-Payment for Construction and Service

After the applicant has executed the service agreement, the applicant shall pay to the city all costs necessary for completion of the project prior to construction and in accordance with the terms of the service contract.

Sec. 10.410 Construction

- (a) All road work pursuant to county and/or municipal standards (if applicable) shall be completed prior to facility construction to avoid future problems resulting from road right-of-way completion and excavation. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of applicant's facilities.
- (b) The city shall at the expense of the applicant, inspect the facilities to ensure that city standards are achieved.
- (c) Construction plans and specifications shall be strictly adhered to, but the city reserves the right to change-order any specifications, due to unforeseen circumstances during the design phase, to better facilitate operation of the applicant's facility. All change-order amounts shall be charged to the applicant.

Sec. 10.411 Service Within Subdivisions

The city's objective to provide service to any customer located within a subdivision governed by this section is strictly limited to the non-standard service specified by the applicant. The purchaser of any lots who do not receive service because this service has not been specified or paid for by the applicant shall have no recourse to the city but may have recourse to the applicant/developer.

(Ordinance No. 32 adopted April 8, 1999)

NON-STANDARD SERVICE AGREEMENT

THE STATE OF TEXAS

COUNTY OF NAVARRO

THIS AGREEMENT IS MADE AND ENTERED INTO BY AND BETWEEN

_____ hereinafter referred to as the “Developer”, and the City of Richland hereinafter referred to as “City”.

WHEREAS, Developer is engaged in developing that certain acres of land in Navarro County, Texas, more particularly known as the subdivision, according to the plat thereof recorded at Vol. _____ Page _____ of the Plat Records of Navarro County, Texas, said land being hereinafter referred to as “the Property”; and

WHEREAS, City owns and operates a water system which supplies potable water for human consumption and other domestic uses to customers within its service area; and,

WHEREAS, Developer has requested City to provide such water service to the Property through an extension of City water system, such extension being hereinafter referred to as “the Water System Extension”, NOW THEREFORE:

KNOW ALL MEN BY THESE PRESENTS: THAT for and in consideration for the mutual promises hereinafter expressed, and other goods and valuable consideration, the sufficiency of which is hereby acknowledged by the parties, Developer and City agree as follows:

1. Engineering and Design of the Water System Extension

- (a) The water system extension shall be engineered and designed by a Texas Registered Professional Engineer in accordance with the applicable specifications of the City and all governmental agencies having jurisdiction. All plans and specifications must be reviewed and approved by City’s Engineer prior to the issuance of any request for bids for the construction of the water system extension. After such approval of the plans and specifications by the City’s Engineer, the plans and specifications shall become part of the agreement by reference and shall more particularly define “the water system extension”.
- (b) The water system extension must be sized to provide continuous and adequate water service to the property based on plans for the development of the Property based on plans for the development of the Property provided to City by the Developer. City may require the water system extension to be oversized in anticipation of the needs of other customers of the City, subject to the obligation to reimburse the Developer for any such oversizing as provided below.

2. Required Easements or Right-of-Way

- (a) Developer shall be responsible for dedicating or acquiring any easements across private owned land which are necessary for the construction of the water system extension and for obtaining any governmental approval necessary to construct the water system extension in public right-of-ways.
- (b) Any easement acquired by the Developer shall be assigned to City upon proper completion of the construction of the water system extension. The validity of the legal instruments by which the Developer acquires any such easements and by which Developer assigns such easements to City must be approved by City Attorney.

3. Construction of the Water System Extension

- (a) Developer shall advertise for bids for the construction of the water system extension in accordance with generally accepted bidding practices and shall award the contract for the construction of the water system extension subject to the approval of the City. The City may reject any bid.
- (b) The water system extension shall be constructed in accordance with the approved plans and specifications. City shall have the right to inspect all phases of the construction of the water system extension. Developer must give written notice to City of the date on which construction is scheduled to begin so that City may assign an inspector. City may charge reasonable inspection fees based on the actual cost of labor, travel and incidental expenses of the inspector, plus ten percent (10%) overhead.

4. Dedication of Water System Extension to City

Upon proper completion of construction of the Water System Extension and final inspection thereof by City, the water system extension shall be dedicated to the City by an appropriate legal instrument approved by City's Attorney. The water system extension shall thereafter be owned and maintained by City.

5. Cost of the Water System Extension

- (a) Developer shall pay all costs associated with the water system extension as a contribution in aid of construction, including without limitations to the cost of the following:
 - (1) engineering and design;
 - (2) easement or right-of-way acquisition;
 - (3) construction;
 - (4) inspection;
 - (5) attorney's fees;
 - (6) governmental or regulatory approval required to lawfully provide service.
- (b) Developer shall indemnify City and hold City harmless from all of the foregoing costs.
- (c) Provided, however, nothing herein shall be construed as obligating the Developer to maintain the water system extension subsequent to its dedication and acceptance for maintenance by City.

- (d) If City has required the water system extension to be oversized in anticipation of the needs of the other customers of City, City shall reimburse Developer for the additional costs of construction attributable to the oversizing, as determined by the City's Engineer, in three annual installments without interest beginning one year after dedication of the water system extension to City.

6. Service From the Water System Extension

- (a) After proper completion and dedication of the water system extension to City, City shall provide continuous and adequate water service to the property, subject to all duly adopted rules and regulations of City and payment of the following:
- (1) All standard rates, fees and charges as reflected in City's approved tariff;
 - (2) Any applicable impact fee adopted by City;
 - (3) Any applicable reserve service charge adopted by City.
- (b) It is understood and agreed by the parties that the obligation of City to provide water service in the manner contemplated by this agreement is subject to the issuance by the Texas Commission on Environmental Quality and all governmental agencies having jurisdiction of all permits, certificates or approvals required to lawfully provide such service.
- (c) Unless the prior approval of City is obtained, the Developer shall not:
- (1) construct or install additional water lines or facilities to service areas outside the property;
 - (2) add any additional lands to the property for which water service is to be provided pursuant to this Agreement;
 - (3) connect or serve any person or entity who, in turn, sells water service directly or indirectly to another person or entity.

7. Effect of Force Majeure

In the event either party is rendered unable by force majeure to carry out any of its obligations under this Agreement, in whole or in part, then the obligations of that party, to the extent affected by the force majeure shall be suspended during the continuance of the inability, provided however, that due diligence is exercised to resumed performance at the earliest practical time. As soon as reasonable possible after the occurrence of the force majeure relied upon to suspend performance, the party whose contractual obligations are affected thereby shall give notice and full particulars of the force majeure to the other party.

The cause, as far as possible, shall be remedied with all reasonable diligence. The term "Force Majeure" includes acts of God, strikes, lockouts or other industrial disturbances, acts of the public enemy, orders of the government of the United States or the State of Texas or any civic or military authority, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and civil disturbances, explosions, breakage, or accidents to equipment, pipelines, or canals, partial or complete failure of water supply, and any other inability's of either party, whether similar to those enumerated or otherwise, that are not

within the control of the party claiming the inability and that could not have been avoided by the exercise of due diligence and care. It is understood and agreed that the settlement or strike and lockouts shall be entirely within the discretion of the party having the difficulty and that the requirement that any force majeure be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding of the party having the difficulty.

8. Notices

Any notice to be given hereunder by either party to the other party shall be in writing and may be effected by personal delivery or by sending said notices by registered or Certified Mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed. Any notice mailed to the City shall be addressed:

City of Richland
P. O. Box 179
Richland, Texas 76681

Any notice mailed to Developer shall be addressed:

Either party may change the address for notice to it by giving notice of such change in accordance with the provisions of this paragraph.

9. Severability

The provisions of this Agreement are severable, and if any word, phrase, clause, sentence, paragraph, section, or other part of this Agreement or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this agreement and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this agreement to other persons or circumstances shall not be affected thereby and this agreement shall be construed as if such invalid or unconstitutional portion had never been contained therein.

10. Entire Agreement

This Agreement, including any exhibits attached hereto and made a part hereof, constitutes the entire agreement between the parties relative to the subject matter of this Agreement. All prior agreements, covenants, representations, or warranties, whether oral or in writing, between the parties are merged herein.

11. Amendment

No amendment of this Agreement shall be effective unless and until it is duly approved by each party and reduced to a writing signed by the authorized representatives of the City and the Developer, respectively, which amendment shall incorporate this Agreement in every particular not otherwise changed by the amendment.

12. Governing Laws

This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties are expressly deemed performable in Navarro County, Texas.

13. Venue

Venue for any suit arising hereunder shall be in Navarro County, Texas.

14. Successors and Assigns

This Agreement shall be binding on and shall inure to the benefit of the heirs, successors and assigns of the parties.

15. Assignability

The rights and obligations of the Developer hereunder may not be assigned without the prior written consent of the City.

16. Effective Date

This Agreement Shall be effective from and after the date of due execution by all parties.

IN WITNESS WHEREOF each of the parties has caused this Agreement to be executed by its duly authorized representative in multiple copies, each of equal dignity, on the date or dates indicated below.

THE CITY OF RICHLAND, TEXAS

DEVELOPER

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

ARTICLE 10.500 MOWING

- (a) Property owners are requested to keep their own property mowed. The grass shall be mowed when it reaches the height of twelve (12) inches. If the property owner does not keep his vacant lots mowed, the city will mow it and bill the owner for the mowing. If the bill is not paid, the city will put a lien on the property.
- (b) The cost to the property owner for the city to mow their lots will be \$0.25 per front foot each time the property is mowed.

(Ordinance adopting Code)

CHAPTER 11 MUNICIPAL FEES

City of Richland, Texas Chapter 11 Fees and Cost of Services

The following shall be the schedule of fees and cost of services.

<u>DIVISION</u>	TYPE	RATE	PER (UNIT)	OTHER INFORMATION
<u>ADMINISTRATIVE</u>				
	Copies	.10	Page	Letter/Legal Size
		.10	Over 50 pages	Plus Labor charge prorated + overhead charge
Note:	Any other charges for public information not listed	.10	Each	Computer
	Will be defined in Title 1, Part 3, Chapter 70 of the Texas Administrative Code.	Actual Cost	Each	Other electronic media
Returned Checks		35.00	Per returned check	
<u>Fee Payments by Credit Card or Electronic Means</u>				
	Fee for internet and telephone payments by credit card	Actual Fee + 2.7% of Actual Fee + \$0.60 per transaction fee		
	Electronic Check Payments	Actual Fee + \$1.75 per transaction		
	Charges not honored by 3 rd party vendor same as insufficient funds	35.00	Per transaction	
<u>MUNICIPAL COURT</u>				
	Technology Fund Fees	4.00	Case	
	Building Security Fees	4.00	Case	
	Special Expense Fee	25.00	Warrant	

CHAPTER 11 MUNICIPAL FEES

City of Richland, Texas Chapter 11 Fees and Cost of Services

The following shall be the schedule of fees and cost of services.

<u>DIVISION</u>	TYPE	RATE	PER (UNIT)	OTHER INFORMATION
<u>POLICE</u>				
Accident Report Copies		4.00	Report	3 rd party pick-up
		-	Report	If involved in the accident
		5.00	Report	3 rd party fax
		5.00	Report	Mailed and/or 3 rd party
Fingerprints and Copies		15.00	Each	2 cards
Criminal History		15.00	Each	
Burglar Alarm Permits/Fees		25.00	Permit	
		15.00	Permit	Annual renewal
		50.00	False Alarm	Charged after 3 rd alarm
		75.00	False Alarm	Charged for 6-7 alarms
		100.00	False Alarm	Charged for 8 alarms or more
Business Permit		100.00	Annually	
Garage Sale Permits		2.00	Each	City Resident – 2 days
		10.00	Each	Non-resident – 2 days
Solicitor Permit		10.00	Per permit each year	Annual Renewal
Wrecker Permit		100.00	Each wrecker	Annually
Junkyard Permit		100.00	Year	Annually
Body Worn Camera Recording		10.00	Per Camera Recording	
		1.00	Per minute of footage	Per minute of footage required to be reviewed
<u>FIRE</u>				
Incident Report Copies		2.00	Report	Fire or E.M.S. Incidents

CHAPTER 11 MUNICIPAL FEES

City of Richland, Texas Chapter 11 Fees and Cost of Services

The following shall be the schedule of fees and cost of services.

<u>DIVISION</u>	TYPE	RATE	PER (UNIT)	OTHER INFORMATION
<u>PLANNING AND ZONING</u>				
	Preliminary Plat	200.00	Per plat	Letter/Legal Size
		10.00	Per lot	Fee of 150. Plus 10. Per lot
	Final Plat	200.00	Per plat	
	Administrative Plat	150.00	Per plat	
	Special Use Permit Application	315.00	Per application	
	Variance Application	315.00	Per application	
	Easement Closure and Abandonment	75.00	Per application	
	Alley or ROW Closure and Abandonment	75.00	Per application	
Network Node Permits				
<u>Network Nodes</u>				
	Application Fee	100.00	Per Network Node	for up to but not more than 30 Network Nodes
	Annual Public Right-of-Way Rate	250.00	Per Network Node	Installed in the City public right-of-way
	Public Right-of-Way Rate			The City may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual charge, if any, in the Consumer Price Index (CPI). The City shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the City on or after the 60 th day following the written notice.

CHAPTER 11 MUNICIPAL FEES

City of Richland, Texas Chapter 11 Fees and Cost of Services

The following shall be the schedule of fees and cost of services.

<u>DIVISION</u>	TYPE	RATE	PER (UNIT)	OTHER INFORMATION
<u>Node Support Poles</u>				
	Application Fee	100.00	Each	
<u>Transport Facilities</u>				
	Application Fee	100.00	Each	
	Annual Rental Fee	28.00	Monthly for each	Network Node site located in a public right-of-way
<u>Collocation of Network Nodes</u>				
<u>On City Service Poles</u>				
	Collocation Fee	20.00	Per year per service pole	Subject to the City's Pole Service Agreement
<u>Building</u>				
	Building Permit Fee	25.00	Each	Carport or Garage
		50.00	Each	Additions to existing structure
		100.00	Each	New Construction
		1%	Of Value of Home	Manufactured Home
	Contractor Registration	110.00	Per registration	Initial registration is valid for one year. Registration fee not required for plumbing contractors per State law. Must renew no later than 30 days after expiration date or full amount is required to re-register.
		55.00	Per renewal	
<u>ANIMAL CONTROL</u>				
	Animal Adoption	55.00	Per animal	
	Quarantine	20.00	Per day	
	Dog and Cat Licenses	30.00	Per Animal/1 year	Not spayed or neutered
		90.00	Per Animal/3 year	Not spayed or neutered
		5.00	Per Animal/1 year	Spayed or neutered
		15.00	Per Animal/3 year	Spayed or neutered
		3.00	Per Animal/1 year	Duplicate license
		9.00	Per Animal/3 year	Duplicate license

CHAPTER 11 MUNICIPAL FEES

City of Richland, Texas Chapter 11 Fees and Cost of Services

The following shall be the schedule of fees and cost of services.

DIVISION	TYPE	RATE	PER (UNIT)	OTHER INFORMATION
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Dangerous Animal Registration	50.00	Per animal/annually	
Impoundment	100.00	Per animal	
Rabies	10.00	Per animal	Plus \$5.00 per day

Utility Fees

Tap Fee	1,200	each	¾ or 5/8 inch; plus road bore
	1,525	each	1 inch; plus road bore
	1,950	each	1.5 inch; plus road bore
	3,450	each	2 inch; plus road bore

Reconnection Fee

(The reconnection fee will be charged before service can be restored to a customer who has been disconnected for one of the following reasons.)

Non-payment of bill (maximum \$25.00) 25.00

Customer's request 35.00

Transfer Fee 35.00

Late Charges 5.00

Returned Check Charge 35.00

Customer Deposit 100.00

Meter Test Fee 25.00

Impact fee per meter 500.00

Rates – Inside City Limits	37.46	5/8" or ¾ "	First 1,000 gallons
	60.52	1 "	First 1,000 gallons
	71.16	1.5"	First 1,000 gallons
	116.62	2 inch	First 1,000 gallons

Rates – Outside City Limits	42.46	5/8" or ¾ "	First 1,000 gallons
	65.52	1 "	First 1,000 gallons
	76.16	1.5"	First 1,000 gallons
	121.62	2 inch	First 1,000 gallons

Rates – 1,001 gallons & up 6.24 Per 1,000 gallons

(Amended 4/12/18 Ordinance # 143 – Added Chapter 11)

CHAPTER 12

ZONING

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ARTICLE 12.100 ZONING ORDINANCE

Sec. 12.01.001 Adopted

The zoning ordinance, Ordinance 151, adopted by the city on August 9, 2019, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code; Ordinance 151 adopted 8/9/18)

**EXHIBIT A
ZONING ORDINANCE
ORDINANCE NO. 151**

AN ORDINANCE PROVIDING FOR THE DIVIDING OF THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF RICHLAND, TEXAS INTO DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, DEFINING CERTAIN TERMS, REGULATING THE LOCATION, SIZE, HEIGHT, BULK AND USE OF BUILDINGS AND USE OF LAND IN SUCH RESPECTIVE DISTRICTS, FIXING BUILDING LINES, FIXING THE PERCENTAGE OF ANY LOT OR TRACT OF LAND TO BE OCCUPIED BY BUILDINGS IN THE VARIOUS DISTRICTS, REGULATING THE SIZE OF COURTS, YARDS AND OPEN SPACES IN EACH PARTICULAR DISTRICT[,] SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET VEHICLE PARKING IN EACH DISTRICT, REGULATING DENSITY OF STRUCTURES AND BUILDINGS FOR TRADE, RESIDENCES AND INDUSTRY AND THE ERECTION, REPAIR AND ALTERATION OF ALL BUILDINGS AND STRUCTURES IN EACH PARTICULAR DISTRICT; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE, AUTHORIZING THE PUBLICATION OF A DESCRIPTIVE CAPTION AND PENALTY CLAUSE HEREOF AND CONTAINING A SAVINGS CLAUSE:

WHEREAS, the City is authorized by the general laws of the State of Texas, including but not limited to Ch. 221, Tex. Loc. Gov't. Code, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, the City is authorized by the general laws of the State of Texas, including but not limited to Ch. 221, Tex. Loc. Gov't. Code, Section 211.005 authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction,

alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district.

WHEREAS, the City of Richland, Texas, has conducted a study concerning appropriate zoning regulations, and did by unanimous vote of the 14th day of June 2018, recommend that a joint public hearing be held by the City Council on the proposed Zoning Ordinance in accordance with the provisions of House Bill 124 as passed by the Fifty-Seventh Legislature of the State of Texas;

WHEREAS, a joint public hearing concerning the proposed Zoning Ordinance and publication of notice of such hearing was authorized by the City Council of the City of Richland, Texas, and the time of said hearing was set at 6:00 o'clock P.M. on the 12th day of July 2018.

WHEREAS, after joint public hearing held on the 9th day of August 2018, after giving all parties attending said hearing a full and fair opportunity to be heard, the City directed that the proposed Ordinance be placed in final form and recommended to the City Council for adoption;

WHEREAS, the City Council of the City of Richland, Texas, did on the 9th day of August 2018, receive the final report recommending adoption of the Zoning Ordinance in its final form and recognizing the lack of zoning regulations to properly safeguard the general public welfare, health, peace and safety of the Community, the City Council determined that the Zoning Ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHLAND, TEXAS:

PASSED, APPROVED AND ADOPTED THIS THE 12th day of July 2018 on first reading.

PASSED, APPROVED AND ADOPTED THIS THE 9th day of August 2018 on second reading.

ARTICLE 1 - GENERAL PROVISIONS

DIVISION 10: GENERAL PROVISIONS

Section 1: Title

This ordinance shall be known, cited and referred to as the “Zoning Ordinance of the City of Richland.”

Section 2: Interpretation of Ordinance

When interpreting and applying the provisions of this ordinance, such provisions shall

be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

A. Conflict with Other Laws

Nothing in this ordinance shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses that are now prohibited by law.

B. District Boundaries

When definite distances in feet are not shown on the Zoning District map, the district boundaries on the map are intended to be along existing streets, alleys or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise specified, it shall be determined by scaling on the Official Zoning map and measuring from a given line.

C. Discrepancies in Map

Where the street layout on the ground varies from the street layout as shown on the zoning district map, the Board of Adjustments may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

D. Pre-Existing Legal Status

No building, structure or use which was not lawfully existing at the time of adoption of this ordinance shall be, become or be made legal solely by the adoption of this ordinance.

Section 3: Severability of Zoning Provisions

It is hereby declared to be the intention of the city council of the city that the provisions of this ordinance are severable. If any court of competent jurisdiction shall judge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of the ordinance not specifically included in said judgment. If any court of competent jurisdiction shall judge invalid the application of any provision of this ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Section 4: Rules for Words & Phrases

The zoning regulations and districts provided herein have been established in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the City of Richland. They have

been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and for its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Richland, Texas consistent with a comprehensive plan.

A. General Interpretation

For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.

B. Tense and Number

Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number;

C. Interpretation of Certain Words

The word “shall” is mandatory not directory; the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word “used” means designed and intended or arranged to be used; the word “building” includes the word “structure”; the word “lot” includes “building lot” or “parcel.” The term “occupied” means “occupied or intended to be occupied or arranged or designed for occupancy.” The word “including” means “including but not limited to.” Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

Section 5: Districts Established

The city is hereby divided into three (3) classes of use districts, such districts being of the shapes and areas deemed best suited to carry out the purpose and intent of this ordinance, and are named as follows:

- “R” Single-Family Residential District
- “C” Commercial District
- “I” Industrial, Manufacturing and Warehousing District

Section 6: Zoning District Map**A. Official Zoning Map**

The boundaries of the districts are as shown on the official Zoning District Map, which is hereby adopted and made a part of this ordinance. It shall be the duty of the city manager or his authorized representative to keep the map current by marking or otherwise indicating on it the changes of the district boundaries and of uses as a result of amendments to this ordinance.

B. Questions Regarding Boundaries

Where uncertainty arises with regard to the boundaries of districts as shown on the map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, streams, or property lines shall be construed as following such centerlines;
2. Boundaries indicated as approximately following city limit lines shall be construed as following such lines;
3. Boundaries indicated as parallel to or extensions of features indicated in rule 1 and 2 above shall be so construed. Distances not specifically indicated on the map shall be determined by the scaling on the map.
4. Where physical or cultural features existing on the ground are at variance with those shown on the map or in other circumstances not covered by these rules, the city council shall interpret the district boundaries.

Section 7: General Provisions Residential Districts**A. Non-Applicability of Area Regulations to Certain Lots**

The required minimum lot width and the required minimum lot area for any Single-Family Residential District shall not apply to any individual lots of record that was platted prior to the adoption of this ordinance.

DIVISION 15: DEFINITIONS**Section 1: General Definitions**

Accessory Structure - A structure housing or constituting an accessory use (a subordinate use on the same lot with the principal use, and incidental and accessory thereto). Accessory structures include but are not limited to: telecommunications towers, windmills, and storage sheds.

Administrative Official - The authority charged with the administration and enforcement of this ordinance, or his/her authorized representative.

Appraised Value - The current appraised building value as established by Navarro County Appraisal District (N.C.A.D.).

Basement - A building story which is partly underground but may have at least one-half (1/2) of its height above the average level of the adjoining ground.

Block - Property abutting on one side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Board - Board of Adjustments.

Building - Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind.

Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building Line - A line parallel or approximately parallel to the property line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

Building Official - (See Administrative Official.)

Carport - A structure built and used for the shelter and protection of motor vehicles against the elements and consisting of a roof and supports, open on three sides from roof to adjacent ground level in residential districts.

Certificate of Occupancy and Compliance - An official certificate issued by the city through the enforcing official that indicates conformance with or approved conditional waiver from the zoning regulations and building codes and authorizes legal use of the premises for which it is issued.

Commission - The Planning and Zoning Commission of the City or the City Council as it functions in the capacity of the Planning and Zoning Commission.

Council - The governing body of the City.

Coverage - The percent of a lot or tract covered by the roof or first floor of a building.

Customarily Incidental Use - A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Development Site - The tract of land on which a developer constructs physical improvements. In most cases, this involves subdividing one larger tract into a number of smaller parcels and constructing at least the infrastructure associated with the project.

District - A zoning district; a section of the city for which the regulations governing the area, height, and use of buildings and land are uniform.

DU - Abbreviation for dwelling unit.

DU/A - Abbreviation for dwelling unit per acre.

Dwelling Unit - A room or a group of rooms including cooking accommodations, occupied by one (1) family, and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one time.

Essential Services - The erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streetlights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word "building" does not include "structures" for essential services.

Family - Any number of persons living together as a single, nonprofit housekeeping unit in which not more than 4 individuals are unrelated by blood, marriage or adoption, but not including a group occupying a hotel, boarding house, club, dormitory, fraternity or sorority house.

Fence - A structure that functions as a barrier or boundary, usually constructed of posts, boards, wires, rails, or masonry.

Floodplain - An area designated by FEMA that is subject to inundation.

Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports and garages; also called living area.

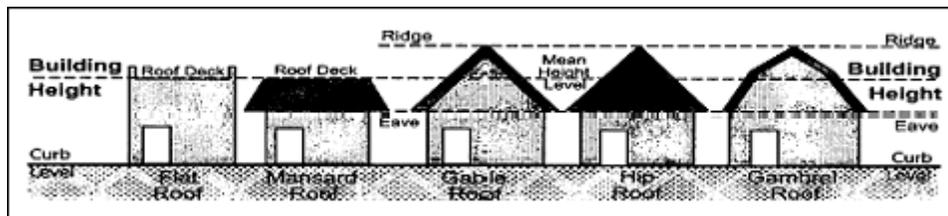
Floor Area Ratio (FAR) - The ratio between the total square feet of floor area in a structure and the total square feet of land within the lot or tract on which the structure is located.

Grade - When used as a reference point in measuring height of building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.

Ground Floor Area - The living area of a building including the walls thereof, but excluding all porches, open breezeways, and garages.

Hard, All-Weather Surface - Cement, asphalt, brick and other commonly accepted pavement which may be approved by the building official.

Height of Building - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip, and gambrel roofs. See image below for example.



Impervious Coverage - Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land.

Improved Surface - Surfaces constructed of concrete or asphalt in accordance with the City of Richland's standards as set forth in the Code of Ordinances.

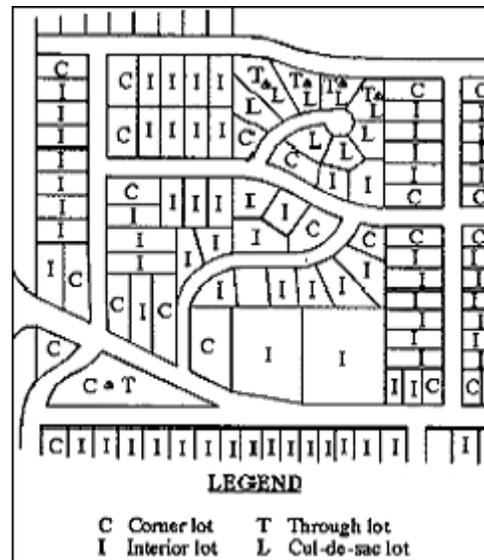
Infrastructure - Structures which provide the foundations for superstructures or which provide services for building structures or for other utility purposes, for example, streets, water and sewer lines and their appurtenances, and storm drain systems.

Institution - A building occupied by a nonprofit corporation, a nonprofit establishment for public use.

Local Utility Line - The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, electric power, telephone or television service.

Lot Area - The entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this ordinance and other applicable law.

Lot, Corner - A lot abutting on two (2) intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°). See image below for example.



Lot Coverage - The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot Depth - The average depth from the front line of the lot to the rear line of the lot.

Lot, Double Frontage - A lot, other than a corner lot, which is contiguous to two (2) streets, and which, therefore, has two (2) front yards (same as a through lot). See image above for example.

Lot, Interior - A lot other than a corner lot. See image above for example.

Lot Line - A boundary of a building lot.

Lot Line, Front - The boundary between a lot and the street on which it fronts.

Lot of Record - A lot which has been recorded in the office of the county clerk.

Lot, Reverse Corner - A corner lot, the rear lot line of which abuts the side lot line of the lot adjacent to it.

Lot, Through - A lot having its front and rear lines on different streets (same as a double frontage lot). See image above for example.

Lot Width - The horizontal distance between the side lot lines of a lot, measured at right angles to the depth at the front building line.

Main Building - A building in which the principal use of the lot on which the building is located is conducted.

Manufactured Housing or Mobile Home - Shall be defined and differentiated by the following:

1. Mobile Home is a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
2. HUD-Code Manufactured Housing is a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Nonconforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Open Space, Common Open Space, Permanent Open Space - Open Space is that land area that is relatively free of man-made structures, where water bodies, land forms, and vegetation predominate; Common Open Space is that open space which is owned, used, or operated and maintained for the common benefit of the inhabitants of a development; Permanent Open Space is that open space land which is legally restricted to park, floodplain, or other open space usage; or which is publicly owned and utilized as open space.

Parking Lot Space - A hard, all-weather surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with the surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile. A parking lot space shall not occupy any public land or right-of-way.

Particular [Particulate] Matter - Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

Recreational Area - An area devoted to facilities and equipment for recreational purposes, swimming pools, playgrounds, clubhouses, and other similar uses.

Recreational Vehicle - A vehicle which is:

1. built on a single chassis,
2. four hundred (400) square feet or less at the largest horizontal projections,

3. self-propelled or permanently towable by a light duty truck, and
4. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreations, camping, travel, or seasonal use.

Repackaging - A commercial establishment engaged in the receipt, short-term storage, repackaging and distribution of goods, products, cargo, produce or materials.

Screening Device - A structure such as a fence or wall not less than six (6) feet high nor greater than eight (8) feet high which serves as a visual screen. A structure in excess of eight (8) feet in height shall be deemed a wall and shall be subject to the provisions of the Building Code of the City.

Sexually oriented businesses - As defined by state law, include “a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult video store, adult motel, or other commercial enterprise, the primary business of which is the offering of a service or selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.”

Special Use - The use of any building, structure, or land not specifically allowed by district regulations, but permitted as special use in accordance with Section 49 [\[Division 50\]](#), Special Use Permit.

Story - That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven feet (7').

Story, Half - The topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two feet (2') above the floor of such story.

Street - Means a public or private thoroughfare that affords the principal means of access to abutting property.

Structural Alteration - Any change, addition, or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.

Structure - Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

Television, Radio, Microwave, Telecommunication Towers or Facilities - Structures supporting antenna and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum but excluding noncommercial antenna installations for home use of radio or television.

Use - The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

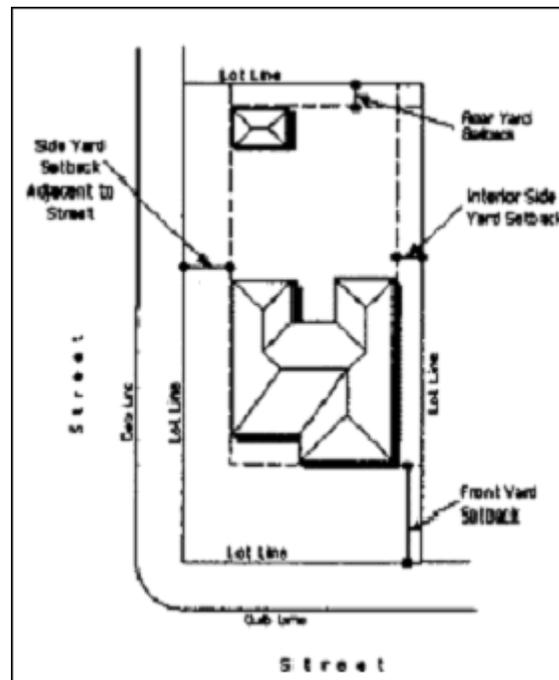
Use, Accessory - A subordinate use on the same lot with the principal use, and incidental and accessory thereto.

Variance - An adjustment in the application of the specific regulations of the zoning ordinance to a particular piece of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owners from being deprived of rights and privileges enjoyed by other property owners in the same vicinity and zoning district.

Yard - The portion of a building lot that lies essentially between the exterior wall surfaces of the principal building and the lot boundary lines.

Yard, Front - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established. See image below for example.

Yard, Rear - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building. See image below for example.



Yard, Side - A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building. See image above for example.

Zoning Administrator - The person duly designated to administer the provisions of this ordinance.

Zoning District Map - The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

ARTICLE 2 - BASE DISTRICT REGULATIONS

DIVISION 20: PERMITTED USES & SPECIAL CONDITIONS

Section 1: Permitted Use Table

The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being “permitted,” permitted by “Special Use Permit,” or prohibited. Prohibited uses are signified by “blank” cells. Conditions are provided in DIVISION 20, Section 2, Conditions and Special Regulations for Listed Uses.

	Districts		
	Residential	Commercial	Industrial
Residential Uses			
Garage or House Apartment	P	S	
Multifamily Apartment	S	S	
Single-Family and Duplex	P	S	
Group Home for the Disabled or Disadvantaged	S	P	
Manufactured Housing	P*	P*	
Mobile Home (see definition for “manufactured or mobile home”)			
Parish House or Parsonage	P	P	S
Accessory structure < 15 feet tall or < 200 square feet	P	P	
Accessory structure > 15 feet tall or > 200 square feet	S	P	

P = Permitted, S = Special Use Permit. * Manufactured Homes are not permitted within the City limits.

	Districts		
	Residential	Commercial	Industrial
Nonresidential Uses			
Businesses that deal primarily in information (e.g. law firms, real estate agents, banks)	S	P	P
Retail outlets dealing primarily in household goods (e.g. furniture, books, hardware, plants)		P	P
Wholesalers		S	P
Restaurants, cafes, bakeries, and other eateries that close at or before 10 p.m.	S	P	P

Restaurants, cafes, bakeries, and other eateries open past 10 p.m.		P	P
Grocery and liquor stores		P	P
Beauty, Barber, Doctor, Dentist, or other personal service business	S	P	P
Districts			
Nonresidential Uses	Residential	Commercial	Industrial
Businesses that primarily provide services off-site (e.g. catering, household cleaning, home health care)	S	P	P
Auto sales, service, and car washing businesses		P	P
Dry cleaners		P	P
Religious institutions, fraternal organizations, and child care businesses	S	P	P
School (home)	P	P	
School (other)	S	P	
Gym, theater, or other similar recreational center		P	P
Park, Athletic Field, or Play Field	P	P	P
Kennels and stables	S	S	P
Veterinary hospital	S	P	P
Seasonal outdoor sales such as farmers' markets and festival booths	S	S	S
Public Administration Buildings	S	P	P
Public safety, fire, police, and other emergency services	S	P	P
Cemetery, Mausoleum, or Crematorium	S	P	P
Recreation Vehicle Park (> 5 RVs)		P	P
Recreation Vehicle Park (< 5 RVs)	P	P	P
Motels and hotels		S	S
Warehousing, freight and storage, including equipment rental and storage		S	P
Large-scale manufacturers (> 1,000 sq. ft. manufacturing space)		S	P
Small-scale manufacturers (< 1,000 sq. ft. manufacturing space)	S	P	P

Welding or Machine Shop		S	P
Businesses that deal in construction or in the maintenance and repair of oilfield, transportation, or construction related equipment (No Outside Storage)		P	P
Businesses that deal in construction or in the maintenance and repair of oilfield, transportation, or construction related equipment (With Outside Storage)		S	P
Electric generating stations[,] gas stations, and fueling facilities		P	P
Shooting Range, Skeet, or Target Range		S	S
Accessory structure < 15 feet tall or < 200 square feet	P	P	P
Districts			
Nonresidential Uses	Residential	Commercial	Industrial
Accessory structure > 15 feet tall or > 200 square feet	S	S	P
Television, Radio, Microwave, Telecommunication Towers or Facilities (*See Division 95, Antenna Facilities)	*	*	*

P= Permitted, S = Special Use Permit.

Division 50 outlines the procedures for receiving a special use permit.

The Planning and Zoning Commission will determine which category is most appropriate for unlisted uses and which category is most appropriate when a use could be interpreted as belonging in multiple categories.

Section 2: Conditions and Special Regulations for Listed Uses

The following describe conditions and special regulations for uses. Additional requirements may be added to these by the City Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Richland. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met.

1. Site plan approval by the Planning and Zoning Commission and City Council will be required in accordance with Article 5, Division 65 Site Plan Requirements.
2. Site plan approval by the Planning and Zoning Commission and City Council will be required in accordance with Article 5, Division 65, Site Plan Requirements, in districts that require a Special Use Permit.

3. All storage within residential zones shall be within completely enclosed buildings or visually screened from the street.
4. All outdoor lighting other than residential porch lights, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
5. Any proposed stable or barn must be set back 50 feet from the property line.
6. Any child care facility or school must provide a copy of the State of Texas Certification of licensing or registration as described in Section 42.052 of Chapter 42 - Texas Human Resources Code to the City.

ARTICLE 3 - BASE DISTRICT REGULATION

DIVISION 25: “R” SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 1: Specific Purpose

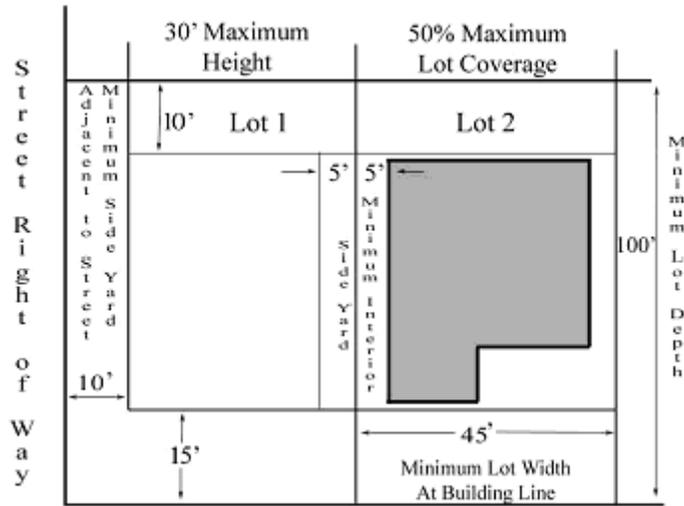
This district is intended to be composed primarily of single-family dwellings (including duplexes).

Section 2: Use Regulations

[A. Area, Yard and Height Regulations.]

“R” Area, Yard & Height Regulations

Lot Width (Min.)	45 feet
Lot Depth (Min.)	100 feet
Front Yard Setback (Min.)	15 feet
Side Yard Setback (Min.)	
Interior Lot Lines	5 feet
Street Lot Lines	10 feet
Rear Yard Setback (Min.)	10 feet
Height (Max.)	30 feet
Lot Coverage (Max.)	50%



B. The height of a permitted nonresidential structure shall not exceed forty (40) feet.

Section 3: Off-Street Parking Regulations

A. Off-street parking shall be provided in accordance with Article 6, Division 110 [Article 7, Division 105] Vehicle Parking Regulations.

B. No parking space shall occupy any part of the required front yard of a nonresidential use.

C. Vehicles may not be parked or stored on grass.

DIVISION 30 “MF” Multifamily Residential Structures

Section 1: Specific Purpose

Apartments and other multifamily residential structures (not including duplexes) are permitted by special permit in residential and commercial zones.

Section 2: “MF” Density, Area, Yard, & Height Regulations

“MF” Area, Yard, & Height Regulations

Setbacks (Min.)	
From Internal Streets	30 feet from centerline
From Public Rights-of-Way	15 feet from right-of-way
From Facing Structures	30 feet
From Adjacent Structures	30 feet
Rear Yard Setback (Min.)	15 feet
Height (Max.)	40 feet
Unit Area (Min.)	250 sq. ft. living area

Section 3: Off-Street Parking Regulations

A. Off-street parking shall be provided in accordance with Article 7 Division 105 Vehicle Parking Regulations.

B. Parking must be located on the opposite side of the apartment building from the street.

DIVISION 35: "C" COMMERCIAL DISTRICT

Section 1: Purpose

This district is intended to accommodate all types and sizes of commercial enterprises.

Section 2: Use Regulations

Land and structures in this zoning district shall be used according to the regulations for this district as listed in Article 2 - Permitted Uses.

Section 3: Height Regulations

There shall be a maximum height of forty (40) feet.

Section 4: Area Regulations

A. There is no minimum lot area for nonresidential uses in this district.

B. There is no maximum building area devoted to any permissible use in this district.

Section 5: Yard Regulations

A. The minimum yard abutting a public street shall be ten (10) feet.

B. There shall be no minimum interior side yard requirement.

C. On any lot in this district used for commercial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district, shall be twenty (20') feet. Within that 20' setback, a ten (10') foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of Article 5, Division 80 Screening Devices shall be complied with.

D. When a multi-story commercial structure is erected upon a lot in this district which adjoins any residential district, the minimum yard adjacent to such residential district shall be increased five (5) feet for each story more than one.

Section 6: Off-Street Parking Regulations

A. For each permissible use in this district, off-street parking shall be provided in accordance with Article 7 Division 105 Vehicle Parking Regulations.

B. A maximum of forty (40%) percent of the curblin and parkway adjacent to property in this district shall be used for vehicular access to such property.

Section 7: Special Conditions

Outside sales and storage shall not be allowed within fifty (50') feet of any residentially zoned property. No sale or storage of materials shall be allowed within any designated emergency access easement or fire lane.

DIVISION 45: "I" INDUSTRIAL DISTRICT

Section 1: Purpose

This district is intended to accommodate all types of industrial uses and all other uses not prohibited by ordinance.

Section 2: Use Regulations

Land and structures in this zoning district shall be used according to the regulations for this district as listed in Article 2 - Permitted Uses.

Section 3: Height Regulations

There shall be a maximum height of fifty (50) feet.

Section 4: Yard Regulations

A. The minimum yard abutting a public street shall be ten (10) feet from the property line.

B. There shall be no minimum interior side yard in this district.

C. On any lot in this district used for industrial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district shall be twenty (20') feet. Within that 20' setback, a ten (10') foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of Article 5, Division 80 Screening Devices shall be complied with. For multi-story industrial buildings or structures, the building line setback adjacent to residential property shall be increased five (5) feet for each story more than one.

D. There shall be no minimum rear yard in this District.

ARTICLE 4 - SPECIAL USE & OTHER PERMITS

DIVISION 50: SPECIAL USES

Certain types of land uses are classified as special uses and may be permitted in designated districts when specifically authorized by this section after recommendation and approval by the Planning and Zoning Commission/City Council. Such special use may be granted in order that the city may develop in accordance with the intent and purpose of this ordinance, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

Section 1: Criteria for Granting of Special Use

In reaching a decision on any application for a special use, the City Council shall determine:

- A. That the requested special use will establish only those uses permitted under the ordinance;
- B. That the location of proposed activities and improvements are clearly defined on a site plan filed by the application;
- C. That the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the council may find necessary to protect and maintain the stability of adjacent properties.

Section 2: Authorized Special Uses

Special uses and the districts in which they may be authorized are listed under Division 20; Section 1: Permitted Use Table.

Section 3: Application for Special Use

The applicant for a special use must present his request to the Planning and Zoning Commission/City Council. After public notice and hearing, according to law, Council may grant the permit including the imposition of conditions of use which the Council may deem essential to insure that the special use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

Section 4: Fees

Application fee shall be as prescribed by the most recently adopted City Fee Schedule.

DIVISION 55: TEMPORARY USES

Certain temporary uses of land are essential to the full development and utilization of the land for its lawful purpose. The temporary uses hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

Section 1: Permitted Uses

The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted are:

<u>Temporary Use</u>	<u>Districts</u>
Construction Office. Temporary field or construction offices and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for specific periods of time when approved by the building official. Such temporary uses shall be discontinued by the order of the City and in no event shall such temporary uses continue to exist on the premises after the construction for which they were erected is completed.	All

Real Estate Sales Office. Temporary field real estate sales offices may be permitted in single-family residential subdivisions for specific periods of time when approved by the building official. Such temporary uses may be located in a “Model Home” or a portable building within the subdivision, but shall be discontinued by the order of the building official, and in no event shall such temporary uses continue to exist after the subdivision or the increment of same in which the use is located shall have been substantially developed. R

Outdoor seasonal sales. A sixty (60) day temporary use permit can be issued by the City provided that the lot to be utilized has adequate space for off-street parking, access to restroom facilities for employees, and means of ingress and egress are compatible with existing traffic flows. A trailer (for sales only) may be located on the lot for which the temporary use permit is issued to provide for office space. R, C

Section 2: Fees

Application Fee shall be as prescribed by the most recently adopted City Fee Schedule.

ARTICLE 5 - SUPPLEMENTAL REGULATIONS

DIVISION 65: SITE PLAN REQUIREMENTS

Section 1: General

A. Site plans are required for all new structures, must conform to the requirements of this section, and must be approved by action of the City Council before construction.

B. Changes in any site plan after approval of the original plan by the City Council shall be processed the same as the original approval of the site plan. An aggrieved party may appeal the decision of the City Council to the Board of Adjustment and Appeals in accordance with the provisions of this Ordinance.

Section 2: Site Plan Required

Any applicant for a zoning change shall submit a proposed site plan for approval for any zoning change to “C” Commercial, to “I” Industrial, or on any tract of land which meets one or more of the following conditions:

- A. Adjacent to any residential district.
- B. Greater than three (3) acres in area.

Section 3: Notice and Hearing

Notice and hearing requests for site plan approval shall be conducted as follows:

- A. Owners of record of property within two hundred (200) feet of the property under consideration will be notified of site plan consideration by the City Council.

B. The applicant shall have at least one (1) sign erected on the property for which site plan consideration has been requested. The sign shall have a total area of at least four (4) square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a site plan and a telephone number for the City of Richland where dates of the public hearing may be obtained.

C. Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance and shall be referenced on the Zoning District Map. Hearings held by the Council for consideration of approval of such zoning changes and accompanying site plans shall be conducted in accordance with the provisions of Article 10 Division 190 [120], Procedure for Changes and Amendments of this Ordinance and state law.

D. Council approval of a site plan required for the issuance of a building permit, in which no zoning change has been requested, shall not constitute an Official Public Hearing as required by Article 9 Division 120 Procedure for Changes and Amendments. Notice of the consideration of the site plan by the City Council in the posted agenda of the Council shall be sufficient notice for the purposes of approving a site plan by City Council action for the issuance of a building permit.

Section 4: Form and Content

A. The Site Plan shall contain the information listed below. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the City Council, and the officers required to enforce and interpret this Ordinance.

B. The boundary lines and dimensions of the property, existing subdivision lots[,] available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.

C. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations. (Note: If the natural contour of the land is to be altered or changed in any location on the property more than four (4) feet, the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of those surrounding properties and shall include information indicating the drainage and line-of-sight effect the proposed grading plan will have on the surrounding properties.)

D. Floodplains, watercourses, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.

E. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line, and/or alley shall be submitted. For buildings more than one (1) story in height, elevations and/or perspective drawings shall be required in order that the

relationship of the buildings to adjacent property, open spaces, and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light, and air. A designation of the maximum building coverage of the site shall be indicated upon the site plan.

F. Total number and location of off-street parking and loading spaces. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to the building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site.

G. All points of vehicular ingress and egress and circulation within the property.

H. Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.

I. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.

J. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them. When necessary to protect the public health, safety, or welfare, the City Council may require landscaping and screening requirements to be in place prior to the start of construction pursuant to an approved site plan.

K. A land use plan that delineates where multiple types of land use are proposed, the specific areas to be devoted to various uses.

L. Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, street address, or common description of the property.

M. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties and buildings on the exterior of the site and within twenty-five (25) feet of all property lines.

N. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds.

O. Existing buildings on the exterior of the site and within twenty-five (25) feet of all property lines.

P. The number of square feet of the property after construction which will constitute impervious area and vegetated areas.

Q. Roadway speeds and distances of adjacent driveways from all proposed driveways.

Section 5: Consideration

In considering, granting, or denying an application for a site plan as provided for in this Ordinance, the Planning and Zoning Commission and the City Council shall take into consideration the following factors:

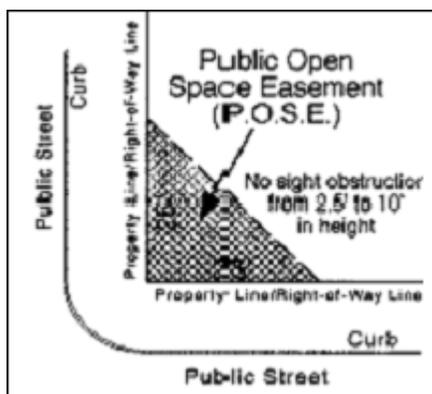
- A. Compliance with the Zoning Ordinance, the Subdivision Ordinance, and all other ordinances of the City.
- B. Such other measures as will secure and protect public health, safety, morals, and general welfare.

DIVISION 70: ZONING OF VACATED STREETS AND ALLEYS

Whenever a street or alley that formed a district boundary is vacated by the city council, adjacent districts shall extend to the centerline of the street or alley vacated.

DIVISION 75: OBSTRUCTIONS IN REQUIRED YARDS AND OPEN SPACES

Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2.5) and ten (10) feet (above the centerline grades of the intersecting streets) in the triangular area bounded by the street right-of-way lines and the diagonal line joining points twenty-five (25) feet from the point of intersection. Visibility triangle areas measuring seven (7) feet by sixty (60) feet on both sides of all non-single-family driveways shall also be maintained. It shall be unlawful for any person to erect or place or cause to be erected or replaced on any property under his control any hedge, tree, shrub, or other growth or any fence or other structure in such manner or at such location as to constitute an obstruction to view creating a traffic hazard. On corners or on street curves of more than sixty (60) degrees, when doubt may exist regarding sight obstructions, the approval of the city manager or his authorized representative shall be required. See image below for example.



DIVISION 80: SCREENING DEVICES

Section 1: Abutting Residential Property

On any nonresidentially zoned property (“C” & “I”), adjacent to a residentially zoned property, before any use (other than a use permitted in the Residential Districts) is made of the nonresidential property, an eight foot (8') tall opaque screening device constructed of wood or masonry, shall be erected along the common property line between the nonresidential use and the adjoining residentially zoned property. Insofar as it is practical, the screening device shall be erected along the entire length of the common line between the nonresidential property and the abutting residentially zoned property.

Section 2: Multifamily

A screening device, as defined within this Ordinance, shall be erected and thereafter maintained in good appearance, quality, and standing between multifamily uses and single-family uses before and during the continuation of any multifamily use permitted to initiate and thereafter continue adjacent to any property that is zoned for single-family use. Insofar as it is practicable, such screening device shall be erected the entire length of the common line between the property to be used for multifamily and the property zoned for single-family use.

DIVISION 85: ERECTION AND MAINTENANCE OF SCREENING DEVICES

Section 1: Responsibility

When a screening device is required, it shall be the responsibility of the user of the property to erect and maintain the screen.

Section 2: Height

No fence or other screening device, whether required or not, shall exceed eight (8) feet in height, without City Council approval.

DIVISION 90: FENCES

Section 1: On Public Property

No fence, guy wires, braces or any part of such fence shall be constructed upon or cause to protrude over property owned by the city.

Section 2: In Rear Yard

No fence shall be constructed at a height exceeding eight (8) feet along the rear yard or alley line.

Section 3: In Side Yard

No fence shall be constructed at a height exceeding eight (8) feet shall be permitted between the front building line and the side property line. All such fences constructed on side yard lines must be vertical.

Section 4: In Front Yard

No fence over four (4) feet in height shall be permitted between the front building line and the front property line. All fences must be constructed parallel with lot or property lines as hereinafter specifically referred to. All fences adjacent to public street right-of-ways must be maintained in good repair.

Section 5: On Corner Lots

No fence over four (4) feet in height shall be permitted between the front building line and the front property lines adjacent to streets. No fence shall be constructed at a height exceeding eight (8) feet along side and rear non-street property lines. All fences must be constructed parallel with lot or property lines as hereinafter specifically referred to. All fences adjacent to public street right-of-ways must be maintained in good repair.

Section 6: Enclosure of Swimming Areas

A. Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than six (6) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension except for doors and gates. A dwelling house, or accessory building may be used as part of such enclosure.

B. All personnel gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. This requirement shall be applicable to all new swimming pools hereafter constructed and shall apply to all existing pools which have a depth of twenty-four (24) inches or more of water at any point. No person in possession of land within the city, either as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of twenty-four (24) inches or more of water at any point shall fail to provide and maintain such fence or wall as herein provided.

D. The Board of Adjustments of the City may make modifications in individual cases, upon a showing of good cause with respect to the height, nature of [or] location of the fence, wall gates or latches, or the necessity therefor provided the protection as sought hereunder is not reduced thereby. The Board of Adjustments may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the substitute fence, gates and latch described herein. The building official shall allow a reasonable period within which to comply with the requirements of this subsection.

E. The term "swimming area" as used herein shall mean a body of water in an artificial or semi-artificial receptacle or other container located outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children, or both adults and children, operated and maintained by any person, whether he be an owner, lessee, operator, licensee, or concessionaire, and shall include swimming pools used or intended to be used solely by the owner or friends invited to use it without payment of any fee.

State law references—Swimming pool enclosures, V.T.C.A., Local Government Code, sec. 212.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

DIVISION 95: ANTENNA FACILITIES

Section 1: Purpose

Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety and general welfare of the citizens of the City. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore, the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts and towers hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

Section 2: Definitions

The following definitions shall apply.

Antenna: A device used in communications that transmits or receives radio signals.

Antenna, Building Attached: Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna Facility: Any structure, monopole, tower, or lattice tower used to support antennas that are more than 35 feet tall.

Antenna, Microwave: Also known as “dish” antenna. A dish-shaped antenna used to link communication sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 Hz; and using relatively low transmitter power levels when compared to other forms of transmission.

Antenna, Panel: Also known as “directional” antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular devices approximately six square feet in size.

Antenna, Whip: (Also known as omni-directional antenna.) Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and eighteen feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

Co-Location: The act of locating wireless communications equipment from more than one provider on a single antenna facility.

Equipment Storage: A small, unmanned, single-story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

Lattice Towers: A tower having three or four support legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

Monopole: An antenna facility composed of a single spire more than 35 feet tall used to support communications equipment or other visible items. No guy wires are used or permitted.

Satellite Receive-Only Antenna: An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna or satellite earth station antenna.

Tower: Any columnar, guyed, structure more than 35 feet tall used to support antennas, or other visible items.

Section 3: Amateur Radio Equipment and TV Antennas in Residential District

Amateur radio equipment, (including ham radio and CB equipment) and personal use TV antennas shall be allowed in the “R” zoning district if it complies with the following regulations:

- A. Antenna facility may be building attached, monopoles, towers, or lattice towers.
- B. Only one antenna facility, exceeding 35 feet, per premises.
- C. An antenna facility, exclusive of the height of any antenna or mast, shall not exceed sixty-five (65) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the Zoning District Regulations. Regardless of the above, the maximum height for a tower permitted without a Special Exception in any residential district shall be eighty (80) feet.
- D. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed eighty (80) feet in height without a Special Exception.
- E. An antenna not fastened to an antenna facility shall not exceed fifty (50) feet in overall height without a special exception, except for an antenna, which does not extend more than eight (8) feet above a building on which it is mounted.
- F. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer’s designs and specifications for maximum wind load requirements.
- G. Setbacks:
 - 1. Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards.
 - 2. Guy wires are permitted in required side and rear yards.
 - 3. Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.
- H. Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record.
- I. Antenna facilities shall not be permitted in any easement.
- J. Lights: No auxiliary or outdoor lighting above twenty (20) feet shall be allowed on antenna facilities located on residentially zoned property, and no lights so located shall be directed off one’s property, except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

K. Construction Standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturer recommendations or under the seal of a registered professional engineer of the State of Texas.

L. Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the Utility Manager, shall be removed or brought into compliance within thirty (30) days following notice given by the City. This shall not preclude immediate action by the Utility Manager to safeguard life, limb, health, property, and public welfare.

M. No part of an antenna, antenna facility, or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility without written permission from affected property owners.

N. A Special Exception must be obtained from the Board of Adjustments for any antenna facility which does not comply with the regulations.

O. The Board of Adjustments may approve a requested application for a special exception upon documentation that such exception is necessary and critical to the communications operation of the facility.

Section 4: Residentially Zoned Districts Commercial Antennas

Only building-attached antenna shall be allowed in residentially zoned districts under the following conditions:

A. A Special Exception must be obtained from the Board of Adjustments.

B. The proposed antenna must be attached to or enclosed by an existing structure currently or last occupied by a nonresidential use as listed in the Zoning Ordinance, or attached to a power or telephone pole, water storage tower, or other utility structure.

C. The antenna must not exceed eight (8) feet above the structure to which it is attached.

D. A maximum of three (3) antennas shall be allowed to be attached to a single antenna facility.

E. A minimum of one thousand, five hundred (1,500) feet of separation shall be required between antenna facilities.

F. If attached to the exterior of a structure or a power or telephone pole, water storage tower or other utility structure the antenna must be at least seventy-five feet (75') above grade and painted to match the structure to which it is attached.

G. The antenna may be placed lower than seventy-five feet (75') above grade if completely enclosed within existing architectural elements of a building so as not to be visible.

- H. Any associated equipment storage building shall be screened from public view by a decorative masonry wall, with landscaping for aesthetic purposes.
- I. All driveways accessing any antenna facility site or equipment storage site shall be constructed of an all-weather hard surface as approved by the Building Official.
- J. Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.
- K. Construction Standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Towers must be installed as per the manufacturer recommendations or under the seal of a registered professional engineer of the State of Texas.
- L. Maintenance: Antennas, obviously not in use or obviously in need of maintenance as determined by the Utility Manager, shall be removed or brought into compliance within thirty (30) days following notice given by the City. This shall not preclude immediate action by the Utility Manager to safeguard life, limb, health, property, and public welfare.
- M. No part of an antenna, antenna facility, or any attachment thereto may extend beyond the property lines of the owner of such antenna.
- N. No permit shall be issued for the installation of an antenna facility, on a structure or property, unless a notarized statement of permission from the owner is presented to the City.
- O. All antennas and antenna facilities shall be subject to an inspection every five (5) years by a qualified expert. Such inspection to be arranged and paid for by the antenna owner and proof of inspection submitted to the City.

Section 5: Commercial or Industrial Zoned Districts

Radio, television, microwave broadcast relay, receiving towers and transmission and retransmission facilities, satellite receiving only earth stations (home dish antenna) and any electronic emission equipment of a commercial nature shall be allowed in the "C" and "I" zoning districts if it complies with the following regulations:

- A. Only one antenna facility per premises.
- B. Antenna facilities shall be limited to building attached and monopoles only.
- C. An antenna facility, exclusive of the height of any attached antenna, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the Zoning Ordinance. Regardless of the above, the maximum height for an antenna facility

permitted without a Special Exception in any “C” or “I” district shall be sixty-five (65) feet.

D. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed sixty-five (65) feet in height without a Special Exception.

E. An antenna not fastened to an antenna facility shall not exceed fifty (50) feet, except for an antenna, which does not extend more than eight (8) feet above a building on which it is attached.

F. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer’s designs and specifications for maximum wind load requirements.

G. Setbacks:

1. Antennas and antenna facilities shall not be permitted in front or side yards.

2. Antennas and antenna facilities shall be set back from residential districts a minimum distance equal to two (2) times the height of the tower, but in no instance shall the setback be less than 200 feet from any residentially zoned district.

H. Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record. With the exception of structure mounted antenna, there shall be a separation of one thousand five hundred (1,500) feet from antenna facilities.

I. Antenna facilities shall not be permitted in any easement.

J. Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

K. Construction Standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Antenna facility must be installed as per the manufacturer recommendations or under the seal of a registered professional engineer of the State of Texas.

L. Maintenance: Antenna facility and antennas obviously not in use or obviously in need of maintenance as determined by the Utility Manager, shall be removed or brought into compliance within thirty (30) days following notice given by the City. This shall not preclude immediate action by the Utility Manager to safeguard life, limb, health, property, and public welfare.

M. No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.

N. No permit shall be issued for the installation of an antenna, [or] antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the Building Department.

O. All antennas and antenna facilities shall be subject to an inspection every five (5) years by a qualified expert. Such inspection to be arranged and paid for by the antenna owner and proof of inspection submitted to the City.

P. A Special Exception must be obtained from the Board of Adjustments for any antenna or tower, which does not comply with the regulations, specified herein.

Section 6: Written Report Upon Denial Of Request

The City of Richland shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

Section 7: Satellite Receive-Only Antennas Generally

Satellite receive-only antennas assist individuals in the reception of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this ordinance when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined health, safety and aesthetic objectives. A satellite-receive only antenna shall be allowed if it complies with the following:

A. The satellite receive-only antenna is two (2) meters (6.56 feet) or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land use regulations; or

B. The satellite receive-only antenna is less than one (1) meter (3.28 feet) in diameter in any zoning district.

Section 8: Satellite Receive-Only Antennas

(Greater than one (1) meter (3.28 feet) in diameter in residential districts and two (2) meters (6.56 feet) in diameter in commercial or industrial districts.) A satellite receive-only antenna shall be allowed in any zoning district if it complies with the following regulations:

A. Only one satellite receive-only antenna per lot of record.

B. A satellite receive-only antenna shall not exceed ten feet in height.

C. Setbacks:

1. Front and Side: Satellite receive-only antennas shall not be permitted in front or side yards.

2. Rear: Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as is required for

accessory buildings in residential districts and as for all buildings in nonresidential districts.

D. Separation: There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.

E. Satellite receive-only antennas shall not be permitted in easements.

F. Lights: No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

G. Construction Standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas.

H. Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the Utility Manager, shall be removed or brought into compliance within thirty (30) days following notice given by the City. This shall not preclude immediate action by the Utility Manager to safeguard life, limb, health, property, and public welfare.

I. No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna.

J. All ground-mounted satellite receive-only antennas shall be screened from view from adjoining properties by solid fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened.

Section 9: Special Exception

A. A Special Exception must be obtained from the Board of Adjustments for any satellite receive-only antenna or antenna facility which does not comply with the regulations specified hereinabove.

B. The Board of Adjustments will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:

1. Applicant will permit co-location of others at the site;
2. Applicant will configure its antenna and other equipment to accommodate other providers;
3. Applicant will identify its backhaul provider connecting antenna sites; and

4. Applicant will give notice to the City identifying any providers who co-locates to the site and identify their backhaul provider.
5. Applicant shall satisfactorily complete and provide all descriptive material required in this section.
6. Applicant shall demonstrate that the project does not adversely impact the public health, safety, and general welfare, as provided for in these ordinances.

ARTICLE 6 - NONCONFORMING USES

DIVISION 100: NONCONFORMING USE REGULATIONS

Section 1: Definition

Any use or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use when:

- A. Such use or structure was in existence and lawfully operating at the time of the passage of this ordinance and has since been in regular and continuous use; or
- B. Such use or structure is a lawful use at the time of the adoption of any amendment to this ordinance but by such amendment is placed in a district wherein such use is not otherwise permitted.

Section 2: General

- A. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.
- B. It is the intent of this ordinance to permit such nonconforming uses to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.
- C. Except as herein provided, no nonconforming use of land or buildings nor any nonconforming structure shall be enlarged, changed, altered or repaired except in conformity with the regulations contained in this article.

Section 3: Extension of Nonconforming Uses

- A. A nonconforming use of a building may be extended throughout the building, provided:
 1. No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition.
- B. No nonconforming use within a building may be extended to occupy any land outside the building.
- C. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.

Section 4: Termination of Nonconforming Uses

The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:

- A. When such use is discontinued or abandoned. Discontinuance or abandonment shall be defined as follows:
 - 1. When land used for a legal nonconforming use shall cease to be used in such manner for a period of thirty (30) calendar days.
 - 2. When a building or other structure designed or used for a nonconforming use shall cease to be used in such manner for a period of one hundred eighty (180) calendar days.
- B. When any provision of this ordinance or any other ordinance, or Federal or State Statute is violated with respect to a nonconforming use.
- C. When a nonconforming use is changed to a conforming use by rezoning.
- D. When the structure in which a nonconforming use is housed, operated or maintained is damaged or deteriorated to the extent of more than fifty (50%) percent of its appraised value according to Ector [Navarro] County Appraisal District (FCAD).

ARTICLE 7 - PARKING

DIVISION 105: PARKING REGULATIONS

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the District in which it is located unless there shall be provided within one hundred fifty (150) feet of such building or structure, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts. No existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces required. On local (non-state highway) streets that are at least 24 feet wide, spaces along the curb adjacent to the property line may be counted towards the required parking. Each consecutive 22 feet of curb counts as one space.

Section 1: Parking Table

Except as otherwise provided in this section, parking spaces shall be provided as follows:

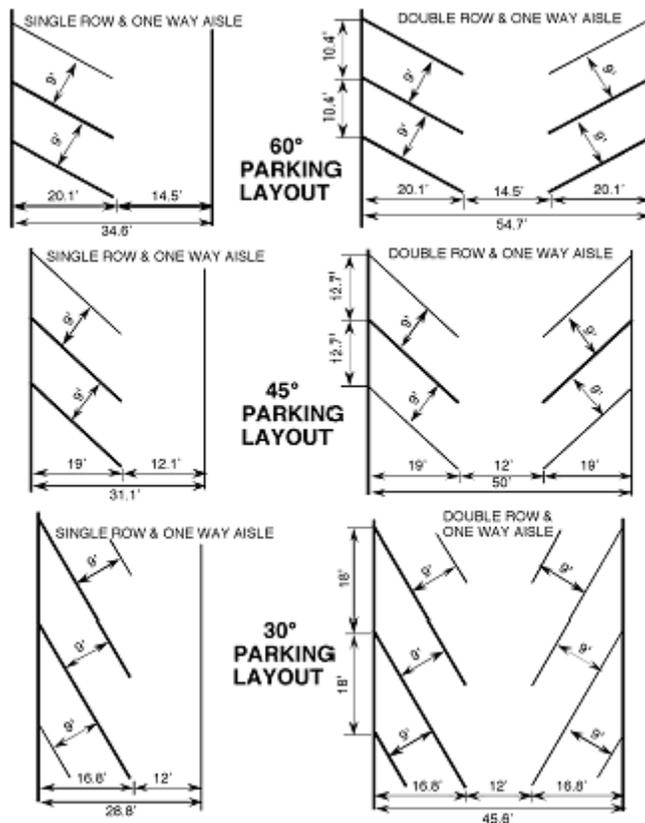
Land Use	Requirements
Residential	
Single-Family Attached & Detached Units, including duplex and manufactured units	1/unit
Multifamily Apartments	1/unit

Boarding or Rooming House, Hotel or Motel/Residence Motel or Inn	1/residential unit
Institutional	
Community Center	1/4 persons
Schools	1/4 students
Day Care or Day Nursery	1/5 pupils
Church	1/4 seats in the sanctuary or auditorium
Land Use	Requirements
Recreational	
Outdoor amusement, including parks, swimming pools, etc.	1/500 sq. ft. of site area exclusive of building
Lodge or Fraternal Organization	1/115 sq. ft. of floor area
Personal Services & Retail	
Personal service shop (e.g. barber) or retail store (e.g. hardware, furniture)	1/250 sq. ft. of floor area up to 5000 sq. ft., then 1/200 sq. ft.
Eating or Drinking Establishment (no drive-through service)	1/2.5 seats
Eating or Drinking Establishment (with drive-through service and all others)	1/150 sq. ft.
Business Services	
Bank, law firm, real estate agent, veterinary clinic, doctor's office or similar office use	1/300 sq. ft. of floor area
Automotive & Equipment	
Service Station	Minimum of 6
Auto Repair Garage or Shop	1/350 sq. ft. of floor area
Auto Repair Accessory Sales	1/300 sq. ft. of floor area
Vehicle or Machinery Sales	1/500 sq. ft. of floor area
Storage, Wholesale and Manufacturing	
Construction yard, manufacturing, or warehousing	The greater of 1/3 employees or 1/1,000 sq. ft. of floor area
Outside Storage	1/5,000 sq. ft. of floor area
Mini-warehouse	1/3,000 sq. ft. of floor area
Repackaging	1/500 sq. ft. of floor area

Section 2: Drive Lane Widths and Parking Space Sizes

Off-street drive lanes and parking space sizes shall be required as shown in the following illustration.

- A. A driveway for access to any nonresidential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration.
- B. All drive approach widths shall be no less than 15'.
- C. All two-way drive lanes shall be a minimum of 24 feet in width.
- D. Parking spaces shall be nine (9) feet wide by eighteen (18) feet deep for all 90-degree parking spaces. Angled spaces shall be as shown in the illustration.



Section 3: Handicapped Parking Spaces

In each parking facility other than single-family residential, a portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the State of Texas for use by the handicapped. These spaces will be provided according to the following schedule:

<u>Total Spaces in Parking Lot</u>	<u>Required Handicapped Spaces</u>
1 to 100	1 per 25 spaces
101 to 200	Additional 1 per 50 spaces

- A. Each parking space designated for use by the handicapped shall consist of a rectangular area not less than thirteen (13') feet wide by eighteen feet (18') long with a vertical clearance of seven and one half feet (7-1/2'). Van

accessible spaces must be 8' wide with an 8' wide accessible space adjacent for a total of 16' wide.

B. Each designated handicapped parking space shall be located in an area not exceeding two (2) percent slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons.

C. Parking spaces for the handicapped shall be signed in accordance with State law and restricted for use by the handicapped only.

D. Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

E. All applicable ADA requirements for parking spaces must be met.

Section 4: Special Parking Regulations

A. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

ARTICLE 8 - MUNICIPAL AGENTS

DIVISION 175: GENERAL POLICY

It is declared to be the general policy of the City of Richland, unless otherwise expressly provided by this ordinance, that its municipal planning functions and responsibilities are distributed and assigned as follows:

Section 1: Zoning Administrator

Administration and enforcement.

Section 2: Planning and Zoning Commission

Study and make recommendations on policy and amendments to zoning ordinance.

Section 3: Board of Adjustment and Appeals

Appeals and review.

Section 4: Administrator

An administrative official designated by the city manager shall serve as the Zoning Administrator who shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the city manager may direct.

DIVISION 110: PLANNING AND ZONING COMMISSION*

Section 1: Commission Created

The Planning and Zoning Commission, as heretofore duly created by ordinance and now performing its authorized duties is hereby perpetuated.

Section 2: Members

The City Council shall act as the Commission. Members shall serve during their respective terms and until respective successors are appointed.

Section 3: Organization and Rules of Procedure

The members of the Commission shall organize and elect their own officers and shall hold meetings regularly and shall designate the time and place of such meetings. The Commission shall have the power to adopt its own rules of procedure insofar as the same are consistent with the statutes of the State of Texas and the ordinances of the City of Richland and shall keep a written record of all its proceedings. The Zoning Administrator shall have the duty of care, custody and control of all records of the Commission. Four (4) members of the Commission shall constitute a quorum for the transaction of business.

Section 4: Powers, Jurisdiction and Scope of Activity of Commission

A. The Commission shall procure information and make recommendations to the City Council on the creation or modification of zoning districts.

B. The Commission shall serve as a recommending body to the City Council regarding the approval or disapproval of all preliminary, final, and revised plats of land.

C. The Commission shall discharge all functions involving city planning and zoning by law or this ordinance, and shall investigate, study, and submit reports and recommendations to the City Council on all such matters as it or the city council shall deem appropriate and which have any relation to municipal planning or zoning.

DIVISION 115: BOARD OF ADJUSTMENTS*

Section 1: Board Created

The Board of Adjustments, as created by ordinance and now performing its authorized duties is hereby perpetuated.

Section 2: Members

A. The City Council shall act as the Board unless the Council desires to appoint a separate Board. If the Council acts as the Board, members shall serve during their respective terms and until respective successors are appointed. If fewer than five (5) members serve on the City Council, additional members must be appointed to fulfill the State law requirement of a five (5) member minimum on the Board of Adjustments.

B. If the Council desires for there to be a separate Board of Adjustments, the board shall consist of five (5) regular members and two (2) alternates, appointed by the City Council for two (2) years staggered terms, who shall serve during their respective terms and until respective successors are appointed. Alternate members may be appointed to serve when one or more regular members are absent. All cases must be heard by a minimum of 75 percent of the members.

Section 3: Powers of the Board

The Board shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
- B. To hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under this ordinance.
- C. To authorize upon appeal in special cases such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of this ordinance shall be observed and substantial justice done.
- D. To determine and designate substandard buildings.

Section 4: Appeals to the Board of Adjustments

Appeals to the Board can be taken by any person aggrieved or by any officer, board or department of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer by filing a notice of appeal specifying the grounds thereof with the officer from whom the appeal is taken and with the board. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

ARTICLE 9 - AMENDMENTS

DIVISION 120: PROCEDURE FOR CHANGES AND AMENDMENTS*

Section 1: Authority to Amend

The City Council may from time to time amend this ordinance, including modification of the boundaries of the zoning districts.

Section 2: Public Hearings and Notices Required

A. A public hearing shall be held by the City Council on any proposed zoning change. Ten (10) days' written notice in advance of the hearing shall be sent by ordinary mail, postage prepaid, to each taxpayer, as shown by the last approved city tax roll, who owns real property lying within two hundred (200) feet of the property on which the change is requested, in the manner required by law.

B. The City shall have at least one (1) sign erected on the property for which a zoning change has been requested. The sign shall have total area of at least four (4) square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a zoning change and the telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be

deemed a condition precedent to the granting of any zoning change recommendation or approval or the holding of any public hearing.

C. A public hearing on any proposed amendment shall be held by the city council before its adoption. Fifteen (15) days' published notice in advance of the hearing shall be given, by publication thereof in one issue of the official publication of the city, in the manner required by law.

Section 3: Petition in Opposition

In all zoning cases where a valid petition in opposition to the change has been filed by the owners of twenty (20) percent or more of the land located within two hundred (200) feet of the subject property in a timely manner, and in those cases where the requisite seventy-five (75) percent of the council has not approved the proposed change, then, in each such instance, no application for a rezoning of the same subject property to the same or a more liberal classification shall be filed or considered within a period of six (6) months from the council's action in denying the original application.

Section 4: Waiting Period for Resubmittal of Zoning Request

In all other cases where an application for rezoning has simply been denied and no petition in opposition filed in conjunction therewith, then, in such cases, there shall be no reapplication for the same or a more liberal zoning classification change filed, submitted, or considered within ninety (90) days from the date of the council's action in denying the original application.

Section 5: Withdrawal of Application for Zoning Change

In the event that an applicant withdraws his application for a change in zoning on any subject property prior to the council's action in either granting or denying the same, no reapplication for any zoning change shall be made on the subject property for thirty (30) days from the date that the applicant withdraws his original application. An applicant shall have the absolute right to withdraw his application at any time prior to action thereon by the council provided he does so in writing.

If at any stage of the rezoning process prior to action by the council, when a valid petition has been filed by the owners of twenty (20) percent or more of the land within two hundred (200) feet of the subject property, then whether the application has been withdrawn or not, the applicant shall be precluded for a period of six (6) months from reapplying for the same or a more liberal zoning classification to that just applied for.

Section 6: Modification of Zoning District Boundary

All requests for amendments to the Zoning Ordinance requiring modification of the boundaries of the zoning districts shall be accompanied by a current plat of the property, verified by a registered surveyor, which accurately depicts the property in accordance with the City of Richland Subdivision Regulations. All zoning change requests shall also be accompanied by a current tax statement showing that there are no outstanding taxes or liens due on the property. Prior to final approval by the City Council, all rights-of-way and easements adjacent to and within the boundaries of the property under consideration will be dedicated in conformance with the standards as set forth in the City of Richland Subdivision Regulations.

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