

CHAPTER 1 - General Provisions

SECTION 1 - HOW CODE DESIGNATED AND CITED

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

SECTION 2 - CATCHLINES OF SECTIONS

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

SECTION 3 - 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:

City Council: Whenever the words "city council" or "the council" "board of alderman" or "governing body" are used, they shall mean the City Council of Kerens in the County of Navarro and the State of Texas.

City: The words "the city" or "this City" shall mean the City of Kerens in the County of Navarro and the State of Texas.

Chapter: Whenever the words "this ordinance", "section", "subsection", "paragraph", or "article" are used, they shall pertain to the chapter or section of this Code of Ordinances in which they are found unless specifically and clearly in reference to a separate chapter or section.

SECTION 4 - AMENDMENTS OR ADDITIONS 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 When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.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 of such subsequent ordinances until such time that this code, and subsequent ordinance 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 section number ____ of this Code in the following language: " That section of the Code of Ordinances, City of Kerens, 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 section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, City of Kerens, Texas, is hereby amended by adding a section, to be numbered, which said section reads as follows: The new section shall then be set out in full as desired.

SECTION 5 - GENERAL PENALTY FOR VIOLATIONS OF CODE

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 therefore, the violation of any such provision of this Code or any such ordinance shall be punished by a

fine of not exceeding 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. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

SECTION 6 - SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section. (November, 1977)

SECTION 7 - SALES TAX ADOPTED

A local sales tax of 1% was adopted by the voters of the City of Kerens at an election held on December 12, 1967.

A local sales and use tax of .25% for street maintenance was adopted by the voters of the City of Kerens at an election held on May 4, 2002

A local 4B sales and use tax of .25% for economic development was adopted by the voters of the City of Kerens at an election held on May 15, 2004.

SECTION 8 - CURFEW FOR MINORS

PART 1: DEFINITIONS

- A. Curfew Hours: 12:00 p.m. (midnight) until 6:00 a.m. the following morning on Friday and Saturday and 11:00 p.m. until 6:00 a.m. on Sunday through Thursday. (amended 3/7/2006)
- B. Emergency: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- C. Establishment: any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.
- D. Guardian:
 - 1. a person who, under court order, is the guardian of the person of a minor; or
 - 2. a public or private agency with whom a minor has been placed by a court.
- E. Juvenile: Any person under seventeen (17) years of age.
- F. Operator: Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- G. Parent:
 - 1. a natural parent, adoptive parent or step-parent of another person; or
 - 2. at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.
- H. Public place: Any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools hospitals, apartment houses, office buildings transport facilities and shops.
- I. Remaining: Means to:
 - 1. linger or stay; or
 - 2. fail to leave premises when requested to do so by a Police Officer or the owner, operator, or other person in control of the premises.

- J. Serious bodily injury: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

PART 2: OFFENSES

- A. A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
- B. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

PART 3: DEFENSES

- A. It is defense to prosecution under Part 2 if the minor was:
1. accompanied by the minor's parent or guardian;
 2. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 3. in a motor vehicle involved in interstate travel;
 4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 5. involved in an emergency;
 6. on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
 7. attending an official school, religious or other recreational activity supervised by adults and sponsored by the City of Kerens, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Kerens, a civic organization, or another similar entity that takes responsibility for the minor;
 8. exercising First Amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
 9. married or had been married or had disability of minority removed in accordance with Chapter 31 of the Texas Family Code.
- B. It is defense to prosecution under Section 8 Part 2, subsection C that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

PART 4: ENFORCEMENT

Before taking any enforcement action under this article, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this article unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under part 2 is present.

PART 5: PENALTIES

- A. A person who violates a provision of this article is considered to have committed a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense under this section is a class "C" misdemeanor and is punishable by a fine not to exceed two hundred dollars (\$200.00).
- B. When required by Section 51.08 of the Texas Family Code, as amended, the Municipal Court shall waive original jurisdiction over a minor who violates Part 2 Subsection A. of this article and shall refer the minor to juvenile court. (updated 5/9/00 renewed 3/11/03, 4/11/06)

SECTION 9 - MUNICIPAL COURT TECHNOLOGY FUND

There is hereby created and established a Municipal Court Technology Fund, here in now known as the Fund, pursuant to Article 1.02.0172 of the Code of Criminal Procedure.

The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

The fee shall be in the amount of \$4.00.

The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if: (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.

The fee shall be collected on conviction for an offense committed on or after November 15, 1999.

The clerk of the court shall collect the fee and pay the fee to the municipal treasurer of the City of Kerens who shall deposit the fee into the Municipal Court Technology-Fund.

The Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the City of Kerens, Texas, including:

- computer systems;
- computer networks;
- computer hardware;
- computer software;
- imaging systems;
- electronic kiosks;
- electronic ticket writers; or
- docket management systems.

The Fund shall be administered by or under the direction of the City Council of the City of Kerens

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Kerens, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effective in accordance with state law upon passage, but no earlier than November 15, 1999.

(Amended 02/10/2004_

SECTION 10 - FISCAL YEAR

That the fiscal year will begin on the first day of October each year, and will end on September 30.

That the changes herein provided shall be effective as of October 1, 2000.

That the period from April 1, 2000 through September 30, 2000 will be treated as one full fiscal year for audit and reporting purposes.

That all Ordinances, orders or resolutions, or parts thereof, heretofore passed and adopted by the City council in conflict herewith, shall be and the same are, hereby repealed. (December 7, 1999)

SECTION 11 - MUNICIPAL COURT BUILDING SECURITY FUND

A. Municipal Court Building Security Fund

1. There is hereby created and established a Municipal Court Building Security Fund, here-in-now known as the Fund, pursuant to Article 102.017 of the code of Criminal Procedure.
2. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

B. Establishment of Amount of the Fee and Assessment and Collection

1. The fee shall be in the amount of \$3.00
2. The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if:
 - a. A sentence is imposed on the person;
 - b. The person is placed on community supervision, including deferred adjudication community supervision; or
 - c. The court defers final disposition of the person's case.
3. The fee shall be collected for convictions on offenses committed on or after ordinance is adopted.
4. The clerk of the court shall collect the fee and pay the fee to the municipal treasurer or other official who discharges or performs the duties of the treasurer of the City of Kerens, who shall deposit the fee into the Municipal court Building Security Fund.

C. Designated Use of the Fund and Administration

1. The Fund shall be used only for the purpose of providing security services for buildings housing the municipal court of the City of Kerens, Texas, including:
 - a. the purchase or repair of X-ray machines and conveying systems;
 - b. handheld metal detectors;
 - c. identification cards and systems;
 - d. electronic locking and surveillance equipment;
 - e. bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
 - f. signage;
 - g. confiscated weapon inventory and tracking systems;
 - h. locks, chains, alarms, or similar security devices;
 - i. the purchase or repair of bullet-proof glass; and
 - j. continuing education on security issues for court personnel and security personnel.
2. The Fund shall be administered by or under the direction of the City Council of the City of Kerens.

SECTION 12 - HEALTH & BEAUTIFICATION COMMITTEE

A. PURPOSE

The purpose of the Health & Beautification Committee will be to make the city a clean and attractive city in which to live, to maintain a healthy environment, to educate the city's citizens as to the ongoing process of keeping their city beautiful, and to generally beautify the City of Kerens.

B. MEMBERSHIP

1. The committee shall be comprised of five members appointed by the mayor and approved by the city council.
2. The Fire Marshall shall be a standing member of the committee.
3. The Mayor shall serve in a nonvoting ex officio capacity and shall serve as liaison between the committee and the city council.
4. Members shall be appointed for a term of two (2) years.
5. Members shall serve without compensation.

C. MEETINGS

1. The committee shall hold regular meetings at a place and time to be determined by the committee. All meetings will be open to the public, and the board will establish the date, time and place of the meetings.
2. The board shall hold an organizational meeting each year in October to elect a chair, vice-chair and secretary for one-year terms.
 - a. Chair: The chair shall preside over meetings and shall be entitled to vote upon each issue. In the event a question over procedure arises, Roberts' Rules of Order shall prevail.
 - b. Vice-chair: The vice-chair shall assist the chair in directing the affairs of the board. In the absence of the chair, the vice-chair shall assume all duties of the chair.
 - c. Secretary: The secretary shall keep the minutes of all meetings and in the secretary's absence, the chair shall designate another member to act as secretary. A full and complete record of proceedings of the committee shall be kept on file with the City Secretary. The secretary shall read once a year, at the first regular meeting following the appointment of officers, the Health & Beautification Ordinance.
3. Upon the death, resignation, or removal of any of the members of the committee, the mayor shall appoint, with city council approval, a successor who shall hold membership on the committee for the unexpired term of the member he is appointed to succeed.
4. Any member shall be automatically removed from the committee when the third meeting is not attended, unless prior approval is obtained from the officers.

D. DUTIES

The Health & Beautification Committee shall be and is hereby vested with the following powers and duties:

1. Recommend to the city council for adoption, policies regarding the landscaping, the placement of trees, grass, shrubs, flowers and decorations within the city rights-of-way and city property including public parks and private property used for public purposes.
2. Recommend to the city council for adoption, policies regarding revitalization programs for the city.
3. Recommend to the city council, ways to insure the involvement of the general public, the school system, the business community, civic organizations, and homeowners in a beautification program.
4. Recommend to the city council for adoption, policies regarding the control and elimination of junk yards and automobile wrecking yards within areas under the jurisdiction of the city.
5. Carry out such other tasks as the city council may request.
6. The Health & Beautification Committee shall have no authority to spend or to commit the city to the expenditure of any funds or moneys whatsoever.

SECTION 13 - HOTEL OCCUPANCY TAX

PART 1 DEFINITIONS

The following words, terms and phrases are defined as follows:

- E. Hotel: Any building or buildings in which the public may, for a consideration, obtain sleeping accommodations, including hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but not including hospitals, sanitariums or nursing homes.
- F. City Secretary: The City Secretary of the City of Kerens, Texas.
- G. Consideration: The cost of the room in a hotel only if the room is ordinarily used for sleeping, and not including the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.
- H. Occupancy: The use or possession, or the right to the use or possession, of any room or rooms in a hotel if the room is one which is ordinarily used for sleeping and if the occupant is other than a permanent resident as hereinafter defined.

- I. Occupant: Anyone who, for a consideration, uses, possesses, or has a right to use or possess any room or rooms in a hotel under any lease, concession, permit, right of access, license, contract or agreement, other than a permanent resident as hereinafter defined.
- J. Person: Any individual, company, corporation or association owning, operating, managing or controlling any hotel.
- K. Quarterly period: The regular calendar quarters of the year, the first quarter being composed of the months of October, November and December; the second quarter being the months of January, February and March; the third quarter being the months of April, May and June; and the fourth quarter being the months of July, August and September.
- L. Permanent resident: Any occupant who has or shall have the right to occupancy of any room or rooms in a hotel for at least thirty (30) consecutive days during the current calendar year or preceding year.

PART 2 TAX LEVIED; AMOUNT; EXEMPTIONS

There is hereby levied a tax of seven percent (7%) of the price paid for a room in a hotel on every person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping. The price of a room in a hotel does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the person except those services related to the cleaning and readying of the room for possession.

Exceptions are as follow:

1. No tax shall be imposed hereunder upon a permanent resident.
2. No tax shall be imposed hereunder for federal or state employees traveling on business.
3. No tax shall be imposed hereunder for diplomatic personnel who present a Tax Exemption card issued by the United States Department of State.
4. No tax shall be imposed hereunder for federal or state military personnel traveling on official military business. This exemption does not cover military staff on leave or between stations.

PART 3 COLLECTION OF TAX

Every person owning, operating, managing or controlling any hotel within the City of Kerens or within its extraterritorial jurisdiction shall collect the tax levied by this ordinance for the City of Kerens.

The hotel operator shall be entitled to one percent (1%) of the hotel occupancy tax revenues collected as reimbursement for the operator's administrative costs for collecting the tax. However, as herein below provided, this reimbursement may be forfeited at the discretion of the city if the hotel operator fails to timely pay over the tax or timely file a report as required by the city or file a false report with the city.

PART 4 QUARTERLY REPORTS TO CITY SECRETARY

On the last day of the month following each quarterly period (beginning the last day of the month following the second quarterly period of calendar year 2005), every person required to collect the tax imposed hereby shall file a report with the City Secretary showing the price paid for all room occupancies in the preceding quarter, the amount of the tax collected on such occupancies, and any other information the City Secretary may reasonably require. Such person shall pay the tax due on such occupancies at the time of filing such report. The report shall be in a form prescribed by the City Secretary. The City Secretary is hereby authorized and directed to do all such things necessary or convenient to carry out the terms of this ordinance. The City Secretary shall have the authority to request and receive within a reasonable time, documentation for information contained in the report to the city by the hotel.

PART 5 RULES AND REGULATIONS OF THE CITY SECRETARY; ACCESS TO BOOKS AND RECORDS

The City Secretary shall have the power to make such rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby, and shall upon reasonable notice have access to books and records necessary to enable him/her to determine the correctness of any report filed as required by this article, and the amount of taxes due under the provisions of this article.

PART 6 PENALTIES

If any person shall fail to file a report as required herein or shall file a false report or shall fail to pay to the City Secretary the tax as imposed herein when said report or payment is due, he shall forfeit five percent (5%) of the amount due as penalty, and after the first thirty (30) days he shall forfeit an additional five percent (5%) of such tax. However, such penalty shall never be less than One and No/100 (\$1 Dollar). Delinquent taxes shall draw interest at the rate of twelve percent (12%) per annum beginning sixty (60) days from the due date.

Any person violating any of the provisions of this article, including hotel operators who fail to collect the tax, fail to file a return, file a false return, or who are delinquent in their tax payment, shall be guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed Five Hundred and No/100 (\$500.00) Dollars, and each twenty-four (24) hours of any such violation shall constitute a separate offense.

PART 7 ADDITIONAL PENALTIES

The City is hereby authorized to take the following actions against any person required to collect the tax imposed hereby and pay the collection over to the City and who has failed to file a report, or filed a false report, or failed to pay the tax when due:

1. Require the forfeiture of any revenue the city allowed the hotel operator to retain for its cost of collecting the tax;
2. Bring suit against the hotel for noncompliance; and/or
3. Bring suit against the hotel seeking any other remedies provided under Texas law.

PART 8 ADDITIONAL AUTHORIZATION TO BRING SUIT

The City Attorney is hereby authorized to bring suit against any person required to collect the tax imposed hereby and required to pay the collection over to the City and who has failed to file a report, or filed a false report, or failed to pay the tax when due. Such suit may seek to collect such tax not paid or to enjoin such person from operating a hotel in the city until the tax is paid or the report is filed or both, as applicable and as provided in the injunction.

PART 9 USE OF REVENUE DERIVED FROM LEVY OF HOTEL OCCUPANCY TAX

The revenue derived from any hotel occupancy tax imposed and levied by this article may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

1. the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities (as such are defined in V.A Tax Code, Section 35l);
2. the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
4. the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and

5. historical restoration and presentation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - a. which are at or in the immediate vicinity of convention center facilities; or
 - b. which are located elsewhere in the municipality or its vicinity that would be frequented by tourists, convention delegates, or other visitors to the municipality.

Revenue derived from the hotel occupancy tax shall be expended only in a manner which directly enhances and promotes tourism and the convention and hotel industry as hereinbefore delineated. Such revenue shall not be used for the general revenue purposes or general governmental operations of the municipality.

PART 10 ADMINISTRATIVE REQUIREMENTS; ACCOUNTABILITY; KEEPING OF RECORDS

The City Council may, by contract, delegate to a person, including another governmental entity or a private organization, the management or supervision of programs and activities funded with revenue from hotel occupancy tax. The City Council shall approve in writing in advance the annual budget of the entity to which it delegates those functions, and shall require the entity to make periodic reports to the City Council at least annually listing the expenditures made by the entity of revenue from the tax provided by the municipality.

The entity must maintain revenue provided by the municipality from the tax in a separate account established for that purpose and may not commingle that revenue with any other money or maintain it in any other account.

The municipality may not delegate to any person or entity the management or supervision of its convention and visitors programs and activities funded with revenue from the hotel occupancy tax other than by contract as provided herein.

The approval by the City Council of the annual budget of the entity to which these functions are delegated creates a fiduciary duty in the person or entity with respect to the revenue provided by the municipality to the person or entity under the contract.

A person or entity with whom the municipality contracts to conduct authorized activities shall maintain complete and accurate financial records of each expenditure of hotel occupancy tax revenue made by the person or entity and, on request of the City Council or other authorized person, shall make the records available for inspection and review.

Hotel occupancy tax revenue spent for authorized purposes may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses, and other a costs only if those administrative costs are incurred directly in the promotion and servicing of expenditures hereinbefore authorized. If the municipality or other entity conducts an activity for which hotel occupancy tax revenue may be used, and such activity is a joint activity with another nonauthorized activity, then the portion of the total administrative costs of the entity for which hotel occupancy tax revenue may be used may not exceed the portion of those administrative costs actually incurred in conducting the activities for which the hotel occupancy tax revenue may be used.

Hotel occupancy tax revenue may not be spent for travel for a person to attend an event or conduct an activity, the primary purpose of which is not directly related to the promotion of tourism and the convention and hotel industry or the performance of the person's job in an efficient and professional manner.

PART 11 EFFECTIVE DATE

The hotel occupancy tax authorized herein shall become effective commencing on the first day of the month following the date upon which this ordinance or an amended form thereof has been adopted and enacted by the City of Kerens, Texas.

PART 12 SEVERABILITY

In the event that any one or more of the provisions, clauses, or words of this ordinance or the application hereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this ordinance or the application thereof to any other situation or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

CHAPTER 2- Building Regulations

SECTION 1 - BUILDING CODE

International Building Code Adopted.

There is hereby adopted by the City of Kerens, Texas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain Building Code known as the International Building Code, being particularly the latest edition thereof and the whole thereof, save and except such portion as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens, Texas, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Kerens, Texas. (amended 9/11/01)

SECTION 2 - BUILDING INSPECTOR.

The office of Building Inspector is hereby created and the executive official in charge shall be known as the Building Inspector or Building Official. The Building Inspector shall:

1. Be appointed by the Mayor.
2. Hold his office at the pleasure of the Mayor.
3. Receive for his services such compensation as may be determined by the City Council.
4. Have the authority to appoint deputies who shall have all of the authority, rights and privileges as provided herein for the Building Inspector, except that their salary shall be determined by the City Council and all appointments as deputy shall be in writing and filed with the City Secretary.

It shall be the duty of the Building Inspector to enforce all laws relating to the construction, alteration, removal and demolition of buildings and structures. The Building Inspector, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour for the purpose of enforcing the Building Code. (February, 1968)

SECTION 3 - RESIDENTIAL HOUSING CODE

There is hereby adopted by the City of Kerens for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City of Kerens, including permits and penalties, that certain Housing Code known as the International Residential Code, being the latest edition, by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the construction of all one- and two-family dwellings and townhouses in the corporate limits of the City of Kerens. (adopted 9/1/01)

SECTION 4 - PROPERTY MAINTENANCE CODE

There is hereby adopted by the City of Kerens for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation; including permits and penalties, that certain Code known as the International Property Maintenance Code, being the latest edition, by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are

hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the maintenance of all buildings in the corporate limits of the City of Kerens. (adopted 9/1/01)

SECTION 5 - ABATEMENT OF SUBSTANDARD BUILDINGS

All “substandard buildings” within the terms of this Section are hereby declared to be nuisances and shall be repaired, vacated or demolished as provided in the International Property Maintenance Code. All structures which do not meet the standards and requirements as listed in the Building Code, Residential Code, or Property Maintenance Code shall be deemed “substandard buildings”:

Enforcement

1. Whenever it is brought to the attention of the City Administrator that a building does not conform to the provisions of this Chapter with reference to its safety and state of repair, it shall be the duty of the City Administrator to immediately have the building inspected by the Building Inspector or the Fire Marshall as appropriate. If in truth and fact such building does not conform to the standards set forth in this Chapter, it shall be the duty of the City Administrator to at once issue orders and notices as set forth in the International Property Maintenance Code.
2. Any person or persons, affected by any of the orders or notice provided for herein shall have the right to appeal to the City Council as set forth in the International Property Maintenance Code.
3. If the owner, occupant, mortgagee, or lessee fails to comply with the order, or orders, provided herein, as set forth in the Property Maintenance Code, the City Council may cause such buildings or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards herein before prescribed, and assess the cost of such repair and demolition against the owner and his land and make such charge a lien against the property so improved. The determination, after an opportunity to be heard, of the reasonableness of said proposed charge and assessment, shall be final and conclusive and not subject to review by the courts and when such charge has been so determined, the City Council shall by Ordinance, levy said assessment, and it shall have all the rights and remedies that are available in enforcing an assessment, collection of this charge, and foreclosure of the lien. (February, 1968) (amended 9/11/01)

SECTION 6 - FUEL GAS CODE

There is hereby adopted by the City of Kerens for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation; including permits and penalties, that certain Code known as the International Fuel Gas Code, being the latest edition, by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the maintenance of all buildings in the corporate limits of the City of Kerens. (adopted 9/1/01)

SECTION 7 - MECHANICAL CODE

There is hereby adopted by the City of Kerens for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation; including permits and penalties, that certain

Code known as the International Mechanical Code, being the latest edition, by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the maintenance of all buildings in the corporate limits of the City of Kerens. (adopted 9/1/01)

SECTION 8 - ENERGY CONSERVATION CODE

There is hereby adopted by the City of Kerens for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation; including permits and penalties, that certain Code known as the International Energy Conservation Code, being the latest edition, by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the maintenance of all buildings in the corporate limits of the City of Kerens. (adopted 9/1/01)

SECTION 9 - ELECTRICAL CODE

There is hereby adopted by the City of Kerens, Texas, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain Building Code known as the National Electrical Code, being particularly the latest edition thereof and the whole thereof, save and except such portion as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens, Texas, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Kerens, Texas. (adopted 5/6/03)

CHAPTER 3 – Business Regulations

SECTION 1 - HOUSE TO HOUSE PEDDLING OF FOOD PRODUCTS

The City Council of the City of Kerens, Texas, hereby, sets a fee of \$400.00 per calendar year, or any part thereof, to be paid in advance for house-to-house peddling or selling of any packaged or prepared food products. (December, 1962)

SECTION 2 - DISTRIBUTION OF CIRCULARS

It shall be unlawful for any individual to distribute within the corporate limits of the City of Kerens, Texas, any circulars, literature, books, or pamphlets of any description, without having first secured from the City Secretary a permit to distribute such material. (June, 1940)

SECTION 3 - JUNK YARDS

PART 1: DEFINITIONS

- A. Automotive wrecking and salvage yard: any person or business that stores three or more wrecked vehicles outdoors primarily for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.
- B. Junk: copper, brass, iron, steel, rope, rags, batteries, tires, or other material (other than a wrecked vehicle) that has been discarded or sold at a nominal price by a previous owner of the material.
- C. Junkyard: a business enterprise that owns and is operated to store, buy, or sell junk, all or part of which is kept outdoors until disposed of. The term "Junkyard" also includes a business enterprise that is primarily engaged in the business of:
 - d. converting ferrous or non-ferrous metals or other materials into raw material products having prepared grades and having existing or potential economic value;
 - e. using raw material products of that kind in the production of new products, or
 - f. obtaining or storing ferrous or non-ferrous metals or other materials for a purpose described by paragraph 1. or 2. of this part.
 - g. Secondary Metals Recycling
- D. Secondary Metals Recycler: any person who:
 - 1. is engaged in the business of purchasing, collecting, or soliciting regulated metal property; or
 - 2. operates or maintains a facility where regulated metal property is purchased or kept for shipment, sale, transfer, or salvage.
- E. Ferrous Metal: a metal that contains significant quantities of iron or steel.
- F. Nonferrous Metal: a metal that does not contain significant quantities of iron or steel, including, but not limited to, copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.
- G. Wrecked vehicle: a discarded, abandoned, junked, wrecked, or worn-out automotive vehicle, including an automotive vehicle, an automotive truck, tractor-trailer, or bus, that is not in a condition to be lawfully operated on a public road.

PART 2: SCREENING REQUIREMENT

A person who operates a junkyard or any automotive wrecking and salvage yard in The City of Kerens shall screen it by opaque fences so that the screen is at least six feet in height alongside all parts of the junkyard or automotive wrecking and salvage yard visible to public view or from a family residence. Such screen shall be maintained in good repair.

PART 3: EFFECT OF OTHER ORDINANCES

In screening a junkyard or an automotive wrecking and salvage yard, the operator must comply to the extent practicable, with all applicable ordinances adopted by a political subdivision.

PART 4: CITY LICENSE REQUIRED

To protect the public, health, safety, and welfare, the City Council adopts the following requirements for a junkyard, secondary metal recycler, or automotive wrecking and salvage yard to secure a license by the City of Kerens in accordance with this Section:

- A. A fee of twenty-five dollars (\$25.00), for the issuance or renewal of a one year license; renewal will be required annually on or before the expiration date. To assure reissuance of a license prior to expiration, application for renewal should be made at least 30 days before the expiration date. City Secretary will send notice of renewal at this time.
- B. A valid license shall only be issued for the operation of the junkyard, secondary metal recycler, or automotive wrecking and salvage yard at a location approved under the City of Kerens Zoning Ordinance.
- C. Kerens Police Chief shall have the power to suspend or revoke the license of a junkyard, secondary metal recycler, or automotive wrecking and salvage yard if not in compliance with all City Ordinances.
- D. If said license is revoked or suspended, the owner must re-apply as though no license had ever been issued.
- E. Fees received by the City of Kerens under the licensing program shall be deposited in the general fund of the city.
- F. If a requirement, standard, or condition established under this section conflicts with a state law, a rule adopted under a state law, or a county ordinance, the stricter of the two provisions prevails.

PART 5: RECORDS REQUIRED

- M. A secondary metals recycler shall maintain an accurate and legible record of each purchase transaction. Each transaction must be recorded separately.
- N. The record of each purchase transaction must be in English and contain the following information:
 - 6. the name and address of the secondary metals recycler;
 - 7. the name of the individual recording the information required by this section for the secondary metals recycler;
 - 8. the seller's name, address, sex, and birth date and the identifying number from the seller's driver's license, military identification card, passport, or personal identification certificate;
 - 9. the license number of any motor vehicle in which the regulated metal property is delivered in a purchase transaction;
 - 10. the place, date, and time of the purchase transaction;
 - 11. the weight, quantity, or volume and a description, made in accordance with the custom of the trade, of the regulated metal property purchased;
 - 12. a general description of the predominant types of regulated metal property purchased in the purchase transaction;
 - 13. the amount of consideration given in a purchase transaction for the regulated metal property;
 - 14. a signed statement from the seller in a purchase transaction affirming a legal right of ownership and the right to sign over title to the regulated metal property offered for sale; and
- O. The secondary metals recycler or the recycler's agent shall visually verify the accuracy of the identification presented by the seller at the time of each purchase of regulated metal property.
- P. A secondary metals recycler shall maintain on file the information required by this section for not less than one year from the date of the purchase transaction. A secondary metals recycler shall make these records available for inspection by any police officer, upon request, at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler.

Q. The recordkeeping requirements of this section, other than Subsections (B)(7) do not apply to purchase transactions involving regulated metal property composed solely of the following nonferrous metal materials for which definitions and recordkeeping requirements are provided by Chapter 1956, Subchapter A of the Texas Occupations Code, as amended:

1. Copper or brass material in excess of 50 pounds.
2. Bronze material.
3. Aluminum material in excess of 40 pounds.

PART 6: RESTRICTIONS ON THE PURCHASE OF REGULATED METAL PROPERTY

A secondary metals recycler shall not purchase any of the following items of regulated metal property without obtaining proof that the seller owns the property (such as by a receipt, bill of sale, or affidavit that will satisfy the Chief of Police) or proof that the seller is an employee, agent, or contractor of a governmental entity, utility company, cemetery, railroad, manufacturer, or other person, business, or entity owning the property and the seller is authorized to sell the item of regulated metal property on behalf of the person, business, or entity owning the property:

4. A manhole cover.
5. An electric light pole and its fixtures and hardware.
6. A guard rail.
7. A street sign, traffic sign, or traffic signal and its fixtures and hardware.
8. Communication, transmission, and service wire.
9. A funeral marker or funeral vase.
10. An historical marker.
11. Railroad equipment, including but not limited to a tie plate, switch plate, E clip, or rail tie junction.
12. Any metal item that is marked with any form of the name, initials, or logo of a governmental entity, utility company, cemetery, or railroad.
13. A copper or aluminum condensing or evaporator coil from a heating or air conditioning unit.
14. An aluminum or stainless steel container or bottle designed to hold propane.

PART 7: 72-HOUR HOLD ON REGULATED METAL PROPERTY; SEGREGATION, LABELING, AND INSPECTION OF REGULATED METAL PROPERTY; EXCEPTIONS.

- A. Except as provided in Subsection C. of this part, a secondary metals recycler shall retain possession of purchased regulated metal property at the secondary metals recycler's local place of business and withhold the property from alteration, processing, resale, or salvage use for 72 hours after purchase, unless the property is released sooner by written order of the chief or by order of a court of competent jurisdiction.
- B. Except as provided in Subsection C. of this part, a secondary metals recycler shall segregate all regulated metal property purchased from a seller from regulated metal property purchased from other sellers and attach to the property, or to the container in which the property is held, a label indicating the name of the seller, the date on which the property was purchased, and the number of the receipt on which the purchase information is recorded. If in any single purchase transaction there are multiple items of regulated metal property of the same general type, only one representative item from each type of regulated property must be segregated and labeled in accordance with this subsection.
- C. The hold, segregation, and labeling requirements of Subsections A. and B. of this part do not apply to any item of regulated metal property composed solely of ferrous metal material, unless the secondary metals recycler has received notice that the chief has, in accordance with this subsection, designated the item or type of item as being subject to those requirements. The chief shall periodically review theft statistics on ferrous regulated metal property and establish a list of items or types of items that the chief determines are subject to the requirements of Subsection A. and B. A current list must be maintained on file in the chief's office, or in another designated office of the police department, so that it may be inspected by the public during the city's normal business

hours. Notice of the list must be given to secondary metals recyclers in accordance with schedules and procedures established by the chief. A secondary metals recycler is presumed to have received notice of the list if the police department transmits the list to a facsimile number or access number provided by the secondary metals recycler.

- D. While in possession of purchased regulated metal property, a secondary metals recycler shall make the property available for inspection by any police officer at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler.

PART 8: HOLD ON STOLEN REGULATED METAL PROPERTY; HOLD NOTICE.

- E. Whenever a police officer has reasonable cause to believe that certain items of regulated metal property in the possession of a secondary metals recycler are stolen, the chief may issue a hold notice. The hold notice must:
 - 15. identify those items of regulated metal property alleged to be stolen and subject to hold; and
 - 16. inform the secondary metals recycler of the restrictions imposed on the regulated metal property under Subsection B. of this part.
- F. A secondary metals recycler may not, for 60 days from the date of receiving a hold notice under this section, process or remove from the secondary metals recycler's place of business any regulated metal property identified in the hold notice, unless the property is released sooner by the chief or by order of a court of competent jurisdiction. At the expiration of the hold period, the hold is automatically released, and the secondary metals recycler may dispose of the regulated metal property unless otherwise directed by a court of competent jurisdiction.

PART 9: RELIEF

- G. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this Ordinance.
- H. Any person or persons, affected by any of the orders or notice provided for herein shall have the right to appeal to the City Council if done so by filing a written request for review with the Mayor within ten days from the date of the adverse decision. The City Council shall grant a hearing within 15 working days from the date of receipt of the review request and shall make a decision on such request within ten days of the review hearing.

PART 10: CRIMINAL PENALTY

A person who knowingly or intentionally violates any section of this Ordinance commits an offense. An offense under this section is a Class C Misdemeanor, punishable by a fine not to exceed two hundred (\$200), with each day of continued violation to constitute a separate offense.

PART 11: ABANDONED JUNKYARDS, SECONDARY METAL RECYCLING, AND AUTOMOTIVE WRECKING AND SALVAGE YARDS.

- A. In the event that a junkyard, secondary metal recycling yard, or automotive wrecking and salvage yard is abandoned, whether or not the same has been licensed, or in compliance with the terms of this ordinance, the owners of the real property upon which such junkyard or automotive wrecking and salvage yard is situated shall be required to comply with the terms of this-ordinance as to screen and licensure, and in the event that such owner(s) shall fail to comply with such terms, said owners shall be subject to the civil and criminal penalties set out in Part 7 of this Ordinance.
- B. Additionally, in the event that such an owner of property should either fail to comply with the terms hereof, or remove said junkyard or automotive wrecking and salvage yard, the City of Kerens, without waiving any remedy contained in this ordinance, may, after 30 days written notice to the owner(s) thereof, proceed to remove any abandoned property and dispose of the same in any commercially feasible manner, provided that any proceeds of sale be first dedicated to the reasonable expenses incurred in the removal of such property. In the event that there are no proceeds derived from the disposition of such property, or in the event that such proceeds

are insufficient to defray the costs of disposition or removal, a lien may be placed against the real property on which the property was situated.

- C. A junkyard, or automotive wrecking and salvage yard shall be presumed to be abandoned if:
1. A letter of inquiry is directed to the owner or operator of such facility at his last known address, certified mail return receipt requested, and no response is received within 30 days of either the date of delivery or the date when such letter is returned unclaimed; or
 2. A notice is posted by the Police Department, requesting the owner or operator of said facility to advise the City Secretary whether such facility is, in fact, abandoned and no response is received within 30 days of the posting of such notice. Such notice shall be posted at a prominent location at the entrance to such facility or in a place noticeable to any person entering the facility.
 3. Notice of the disposition or removal of any abandoned property, shall be sent certified mail return receipt requested, to:
 - a. The last-known address of the last owner or operator of the facility and
 - b. To the owner(s) of the property on which the facility is located as shown by the tax records of the City; and at the address of the owner(s) as shown by said tax records

PART 12: EFFECTIVE DATE

This ordinance takes effect on October 8, 2008 as Ordinance #08-1007.

SECTION 4 - GARAGE SALES

- A. It shall be unlawful for any person, firm, or corporation to hold a Garage Sale in the City of Kerens without a permit from the City Secretary.
- B. Garage Sale Permits will cost \$1.00 and will be good for no more than 3 days.
- C. No more than 2 Garage Sales may be held by any one person, firm, or corporation in any calendar year.
- D. Penalty to be not less than \$25.00 nor more than \$200.00 per violation.

SECTION 5 - OUTSIDE DISPLAY AND SALES OF PERSONAL PROPERTY

- A. It shall be unlawful for any person, firm, or corporation to display in the City of Kerens outside an enclosed structure an article of personal property for sale to the general public without a permit from the City Secretary. (September, 1986 as Ordinance #090286-1)
- B. It shall be unlawful for a person, firm, or corporation to store, display, or maintain antiques, farm equipment or machinery, or parts thereof, household furnishings, scrap metal, materials, or lumber, and other assorted items, articles, and merchandise in a manner that creates an unsightly condition in the City of Kerens that is visible from a public place. Unsightly condition, for purposes of this section, shall mean an accumulation of material arranged in such disorder or scheme as to be aesthetically offensive to a person of ordinary sensitivity so as to cause a relative decline in market value to surrounding property or adversely affect the use and enjoyment of life and general welfare of those inhabitants who live nearby.

A violation of this item shall carry a fine of not more than \$200.00 for each offense. Each day an offense occurs shall constitute a separate offense.

An application for a permit to display outside an article, ware, or merchandise for sale must be filed with the Kerens City Secretary and contain all pertinent information required by the City Secretary. The City Secretary shall issue a permit when it appears from the application that the intended activity will not cause a relative decline in market value to property, to use and enjoyment of life or surrounding property, or the general welfare of the public. The failure of the City Secretary to issue a permit for outside sales may be appealed to the City Council if done so by filing a written request for review with the Mayor within ten days from the date of the adverse decision of the City

Secretary. The City Council shall grant a hearing within 15 working days from the date of receipt of the review request and shall make a decision on such request within ten days of the review hearing.

- C. The storage and display of articles in a manner that would be illegal under the terms of this section shall not be unlawful when such display is surrounded by a fence or wall sufficient to conceal such material from view from a public place. (September, 1986 as Ordinance #090286-2)
- D. This section shall not apply to those persons not regularly engaged in selling wares, merchandise or other items of personal property who display such items less than three consecutive days not more than two times in any calendar month. (September, 1986 as Ordinance #090286-1 and #090286-2)

SECTION 6 - FAIR HOUSING

It shall be unlawful to discriminate in the sale or rental of housing (September, 1995 as Ordinance #95-0808)

SECTION 7 - RETAIL ELECTRIC PROVIDER REGISTRATION

- A. The City Council hereby adopts the Retail Electric Provider Registration Form, attached hereto and incorporated herein.
- B. Each retail electric provider, as defined by state law, who provides retail electric services in the City of Kerens shall file a completed Retail Electric Provider Registration Form with the City Secretary.
- C. An administrative fee of \$25 is assessed for each Retail Electric Provider Registration Form filed with the City Secretary.

SECTION 8 - PRIVATE CLUBS

PART 1: DEFINITIONS

- A. Private Clubs. For the purpose of this article, a private club is defined as any association, person, firm or corporation, key club, bottle club, locker club, pool club or any other kind of club or association, excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home.
- B. Stockholders. Whenever the term "stockholders" is used in this article, it shall apply only to those stockholders who receive, or whose rights as stockholders are ordinarily intended to cause them to receive, a financial return on their stock.

PART 2: PERMIT REQUIRED

It shall be unlawful for any association, person, firm, or corporation to maintain or operate any private club for the purpose of selling, bartering, or giving away any alcoholic beverage after the enactment of this article without first obtaining a specific use zoning permit as approved by the City Council. Fraternal and Veteran's organizations are exempt from private club specific use permit requirements (Alcohol Beverage Code, Sec. 32.11).

PART 3: APPLICATION FEE

- A. A non-refundable fee of five hundred dollars (\$500) shall accompany an application for a specific use permit for a private club as defined in Part 1. A specific use permit for a private club shall be subject to an annual renewal fee of two hundred dollars (\$200) payable on or before January 1st of each year for the granting of such specific use permit by ordinance of the City. A renewed application shall be in effect for the period of January 1st through December 31st of each year.
- B. Parties interested in obtaining a new specific use permit will be assessed the full five hundred dollar (\$500) application fee. Parties submitting new applications after the start of the permit year, fees will be pro-rated. Each month beyond January, the applicant shall be credited \$16.67 per month. The total amount pro-rated shall not exceed two hundred dollars (\$200).

PART 4: ARTICLES OF INCORPORATION

Any permit applicant for a private Club shall file with the city administrator true copies in duplicate of the articles of incorporation and bylaws, if the applicant be a corporation; true copies of any articles of association and bylaws, if the applicant be an association; and a list of the officers, directors, owners and managers of said club and stockholders.

Any permit applicant shall file with the city administrator true copies in duplicate of the Texas alcohol beverage license(s).

PART 5: CHANGE OF OFFICERS

If changes occur in the aforesaid officers, directors, stockholders, owners or managers of any private, club after filing of their names with the city administrator as aforesaid at any time during the year, said applicant shall furnish such changes in writing in duplicate to the city administrator within one (1) week of their occurrence.

PART 6: QUALIFICATIONS OF OFFICERS

No person shall be eligible for election or to serve or act in any Private club subject to this ordinance, as an officer, director, stockholder, owner or manager, or to direct any policy thereof who has been convicted of any felony or of violating any of the gambling or prohibitory laws of the state or any other state, or the United States, including those heretofore in effect; or who has been convicted of violation of any gambling or prohibitory liquor articles of any City in the state. Provided, that any person holding such a position in any private club permitted under this article and operating at the time of its enactment shall not be subject to this article as to the position he holds at the time of such enactment.

PART 7: COMPLIANCE WITH STATUTES

It shall be unlawful for any private club or any officer, director, stockholder, owner or manager thereof permitted pursuant to the provisions of this article to violate any of the provisions of the Texas Alcohol Beverage Law or any of the laws of the state, or knowingly permit the violation thereof on any premises subject to the control of said private club.

PART 8: LOCATION RESTRICTIONS

- A. Private clubs may be allowed by Specific Use Permit only in the following locations:
- B. In areas within five hundred (500) feet and adjacent to any state or federal highway transversing the City, that is zoned C-1, C-2, M-1, and Planned Development.
- C. Within the downtown area that is zoned C-1.
- D. Alcoholic beverages shall not be sold, served, or dispensed in a private club within three hundred (300) feet of:
 1. a church,
 2. public school, or
 3. public hospital.
- E. For the purposes of subsection A. of this part, measurement shall be made in a straight line without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a private club is conducted, to the nearest property line of the premises of a church, a public school, or public hospital.
- F. A golf or country club within the City is exempt from the location requirements set out in Part 8, 1-3 above, but the provisions of the Comprehensive Zoning Ordinance as to their locations shall otherwise apply.

PART 9: ENTRY AND INSPECTION POWERS

The right of entry and inspection of any premises subject to the control of any private club by any officer or agent of any department of the City charges with the enforcement of the provisions hereof shall be a condition on which every permit shall be issued, and the application for, and the acceptance of any permit hereunder shall conclusively be deemed to be consent of the applicant and permittee to such entry and inspection.

PART 10: MEMBERSHIP REQUIREMENTS

Membership in any private club subject to this article shall be regulated by articles or bylaws. Upon election to membership in any private club, a membership card shall be issued to the member and his name enrolled on a list of members, which shall be kept on the premises of every private club and be subject to inspection at all times. Said list of members shall show the full name of the member, his address, and the dates of his application for membership and election to membership. The bylaws or articles may provide for temporary membership for nonresidents of the City temporarily present in the City, as members of another organization holding a meeting in the City. Said temporary membership shall extend to all members of the organization affected. Said temporary membership shall be affected by notice in writing to the presiding officer of the organization meeting in the City, limiting the time of temporary membership to the time the organization shall meet in the City. A copy of said notice shall be maintained on premises and made available when requested by an officer of the City charged with enforcement of the provisions hereof. Any convention badge or identification of membership in the visiting organization selected by the private club shall serve as the temporary membership card.

PART 11: MINORS

It shall be unlawful to permit any persons under the age of eighteen (18) years in or on that part of the premises subject to the control of any private club where persons are permitted to drink alcoholic beverages unless accompanied by and in custody of one (1) of their parents or guardian.

PART 12: BRANCH LOCATION PERMIT

A separate permit must be obtained for each branch established or separate place operated by any private club and each permit shall authorize the operation of a private club only at the location described in such permit and in conformity with the articles of the City or the laws of the State of Texas and the United States, and no permit shall be transferable to another person, firm, association or corporation or to any other location.

PART 13: POSTING OF PERMIT

Every private club having a permit under the provisions of this article shall place and exhibit it in some conspicuous place in the premises permitted and shall produce or exhibit the same when applying for a renewal thereof.

PART 14: COMPLIANCE WITH ORDINANCES AND LAWS

- A. Every private club permittee or any applicant for a private club permit pursuant to this article shall be subject to all other articles of the City, including, but not limited to, the applicable provisions of the building Code, fire prevention code, health regulations, zoning articles, food-handling articles and restaurant articles.
- B. The penalties provided for in this article shall be subject to limitations of the legislative act known as the Texas Alcoholic Beverage Code and; if there is any conflict between the penalties of this article and the state law, then to that extent, the state law shall control and the Municipal Court of the City of Kerens shall have jurisdiction of any offense under this article and under the state law only where the constitution and general laws of this state confer such jurisdiction thereon.

PART 15: PENALTY

Any person or corporation violating any provision of this ordinance shall upon conviction be subject to be fined a sum not to exceed two thousand dollars (\$2000) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to any other penalty imposed pursuant to the provisions of this code, the specific use permit may be revoked by the judge of the Municipal Court or by the City Council or by a court of competent jurisdiction.

PART 16: EFFECTIVE DATE

This ordinance takes effect on December 9, 2003 as Ordinance #03-1209A

SECTION 9 - PAWNBROKERS

- A. The following definitions apply where such words appear in this ordinance:
1. Person: An individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.
 2. Pawnbroker: Any person engaged in the business of lending money on the security of pledged goods; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
 3. Pledged goods: Goods deposited with or otherwise delivered into the possession of a pawnbroker in connection with a pawn transaction.
 4. Pawnshop: A location at which, or premises in which a pawnbroker regularly conducts business.
- B. It shall be unlawful for any person to engage in business as a pawnbroker in the City of Kerens, Texas unless the person has a valid license from the State of Texas authorizing engagement in the business.
- C. A pawnbroker may not employ an individual for the purpose of writing a pawn transaction in the City of Kerens, Texas unless the individual has applied for or been issued a pawnshop employee license from the State of Texas or unless the individual is otherwise exempt from licensing by the State of Texas.
- D. Each pawnbroker shall keep daily written records of each pawn transaction by which it is recorded the identity and address of each pledgor, identification and description, including serial number if any, of the pledged goods, the date and time of the transaction and the amount of cash advanced or credit extended to the pledgor.
- E. The daily records required by this ordinance shall be open at all times to the examination and inspection of any Police Officer under the direction of the Chief of Police and, upon demand, the pawnbroker or his employee shall point out any article which is entered upon such record.
- F. This ordinance takes effect on December 9, 2003 as Ordinance #03-1209b

SECTION 10 - DANCE HALLS

A. DEFINITIONS

Public dance: As used in this ordinance shall mean any dance to which the public generally may gain admission with or without the payment of a fee or other consideration.

Public Dance Hall: As used in this ordinance shall mean any room, place, or space in which a public dance is held.

B. LOCATION RESTRICTED

The operation of any public dance hall is prohibited within the City limits of the City of Kerens, Texas, except in a (C-1) Commercial District or (C-2) Commercial District established under the City of Kerens Zoning Ordinances.

C. VIOLATION AN OFFENSE

Any person, partnership, corporation, or other entity that violates or fails to comply with any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine not to

exceed two hundred (\$200), with each day of continued violation to constitute a separate offense.

D. EFFECTIVE DATE

This ordinance takes effect on December 9, 2003 as Ordinance #03-1209C.

SECTION 11 - SEXUALLY ORIENTED BUSINESSES

PART 1: DEFINITIONS

Sexually Oriented Business. As defined by Section 243.002 of the Texas Local Government Code means a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

PART 2:

- A. A person, partnership, corporation, or other entity shall not conduct, operate, or maintain a sexually oriented business inside the City without a permit from the City Secretary.
- B. A person, partnership, corporation, or other entity may not conduct, operate, or maintain a sexually oriented business at a temporary location inside the city without a permit issued by the City Secretary.
- C. Permits issued under provisions of this part are not transferable from person to person or place to place.
- D. A non-refundable initial permit fee of five hundred dollars (\$500) shall accompany an application for a sexually oriented business permit. Said permit shall be subject to an annual renewal fee of five hundred dollars (\$500), payable on or before January 1st of each year for the granting of such permit. A renewed permit shall be in effect for the period of January 1st through December 31st of each year.
- E. Parties interested in obtaining a new sexually oriented business permit will be assessed the full five hundred dollar (\$500) fee. Parties submitting new applications after the start of the permit year, fees will be pro-rated. Each month beyond January, the applicant shall be credited \$16.67 per month. The total pro-rated amount shall not exceed \$200.00
- F. An applicant for a sexually oriented business permit at a location not previously licensed or permitted shall, not later than the 60th day before the date the application is filed, prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the premises and providing the name and business address of the applicant. The sign must at least 24 by 36 inches in size and must be written in lettering at least two inches in size.

PART 3: LOCATION RESTRICTIONS

The operation of any sexually oriented business is prohibited within the City limits Of the City Of Kerens, Texas, except in Light Manufacturing District (M-1) or a Heavy Manufacturing District (M-2), established under the City of Kerens Zoning Ordinances, provided, however, the location and operation of any such sexually oriented business is subject to the following additional restrictions, as well as any other applicable law.

- A. No sexually oriented business may be located within 1,000 feet of
 - 1. a church;
 - 2. a public or private elementary, secondary or post-secondary school;
 - 3. a licensed day care facility;
 - 4. a public or private healthcare facility,
 - 5. a boundary of a residential district as defined in the City of Kerens Zoning Ordinances; the property line of a lot devoted to a residential use as defined in the City of Kerens Zoning Ordinances; or

- 6. a public park or playground
- B. No sexually oriented business shall be located within 1,000 feet of another sexually oriented business.
- C. For the purposes of subsection A. of this part, measurement shall be made in a straight line without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, a public or private elementary, secondary or post secondary school, a licensed day care facility, a public or private healthcare facility, or to the nearest boundary of a residential district, a residential lot or a public park or playground.
- D. For the purposes of subsection B. of this part, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

PART 4: VIOLATION AN OFFENSE

Any person, partnership, corporation, or other entity that violates or fails to comply with any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed two hundred (\$200), with each day of continued violation to constitute a separate offense.

PART 5: EFFECTIVE DATE

This ordinance takes effect on December 9, 2003 as Ordinance #03-1209D

SECTION 12 - TATTOO PARLORS AND BODY PIERCING STUDIOS

PART 1: DEFINITIONS

In this ordinance, unless the context requires a different definition:

Body piercing: The creation of an opening in an individual's body, other than in an individual's earlobe to insert jewelry or other decoration.

Body Piercing Studio: A facility in which body piercing is performed.

Director: The chief administrative officer of the Texas Department of Health or his designated representative.

Health Department: The Texas Department of Health

Tattoo: The practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels or other related equipment.

Tattooist: A person who performs tattooing.

Tattoo Parlor: An establishment or facility in which tattooing is performed.

Temporary Location: A fixed location at which an individual operator performs tattooing or body piercing for a specified period of not more than seven (7) days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing or body piercing.

PART 2: PERMITS REQUIRED

- A. A person shall not conduct, operate, or maintain a tattoo or body piercing studio inside the City without a permit issued by the City Secretary.
- B. A person may not practice tattooing or body piercing at a temporary location inside the city without a permit issued by the City Secretary.
- C. A person who desires a permit for a tattoo parlor or body piercing studio or for a temporary location shall apply for the permit on a form provided by the City Secretary. The completed application will contain a copy of a license issued by the Texas Department of Health and the required application fee.
- D. A non-refundable initial permit fee of five hundred dollars (\$500) shall accompany an application for a tattoo parlor and body piercing studio as defined by this section. Said permit will be subject to an annual renewal fee of five hundred dollars (\$500), payable on or before

January 1st of each year for the granting of such permit. A renewed permit shall be in effect for the period of January 1st through December 31st of each year.

- E. Parties interested in obtaining a new tattoo parlor or body piercing studio permit will be assessed the full five hundred dollars (\$500) permit fee. Permit application fees will be prorated for parties submitting new permit applications after January 31st. Each month beyond January, the applicant shall be credited \$16.67 per month. The total pro-rated amount shall not exceed two hundred dollars (\$200).
- F. The fee for a tattoo parlor or body piercing temporary location permit shall be fifty dollars (\$50).
- G. The permit shall be displayed in a prominent place in the tattoo parlor or body piercing studio or temporary location.
- H. Permits issued under provisions of this section are not transferable from person to person or place to place.

PART 3: LOCATION RESTRICTIONS

The operation of any tattoo parlor or body piercing studio is prohibited within the City limits Of the City Of Kerens, Texas, except in a (C-2) Commercial District or (M-1) Light Manufacturing District established under the City of Kerens Zoning Ordinances, provided, however, the location and operation of any such tattoo parlor or body piercing studio is subject to the following additional restrictions, as well as any other applicable law.

- A. No tattoo parlor or body piercing studios may be located within 500 feet of:
 - 1. a church;
 - 2. a public or private elementary, secondary or post-secondary school;
 - 3. a licensed day care facility;
 - 4. a public or private healthcare facility;
 - 5. a boundary of a residential district as defined in the City of Kerens Zoning Ordinances;
 - 6. the property line of a lot devoted to a residential use as defined in the City of Kerens Zoning Ordinances; or
 - 7. a public park or playground.
- B. No tattoo parlor or body piercing studio shall be located within 500 feet of another tattoo or body piercing studio.
- C. For the purposes of subsection A. of this part, measurement shall be made in a straight line without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a tattoo parlor or body piercing studio is conducted, to the nearest property line of the premises of a church, a public or private elementary, secondary or post secondary school, a licensed day care facility, a public or private healthcare facility, or to the nearest boundary of a residential district, a residential lot or a public park or playground.
- D. For the purposes of subsection B. of this part, the distance between any two (2) tattoo parlors or body piercing studios shall be measured in a straight line, without regard to intervening structures or objects.

PART 4: VIOLATION AN OFFENSE

Any person, partnership, corporation, or other entity that violates or fails to comply with any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed two hundred (\$200), with each day of continued violation to constitute a separate offense.

PART 5: EFFECTIVE DATE

This ordinance takes effect on December 9, 2003 as Ordinance #03-1209E.

SECTION 13 - SPECIALTY AND NOVELTY ITEMS BUSINESSES

PART 1: DEFINITIONS

- A. The term "primarily" is defined as gross monthly sales of specialty and novelty items representing more than 50 percent of total sales.
- B. The term "specialty and novelty items" is defined as follows:
 1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a dangerous drug, marijuana, or a controlled substance or from which a dangerous drug, or controlled substances can be derived, as the term "controlled substance" is defined in the state penal code;
 2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing dangerous drugs, marijuana, or controlled substances, as the term "controlled substance" is defined in the state penal code;
 3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a dangerous drug, marijuana, or a controlled substance, as the term "controlled substance" is defined in the state penal code;
 4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of dangerous drugs, marijuana, or controlled substances, as the term "controlled substance" is defined in the state penal code;
 5. Scales and balances used, intended for use or designed for use in weighing or measuring dangerous drugs, marijuana, or controlled substances, as the term "controlled substance" is defined in the state penal code;
 6. Dilatants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting dangerous drugs, marijuana, or controlled substances, as the term "controlled substances" is defined in the state penal code;
 7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana
 8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding dangerous drugs, marijuana, or controlled substances, as the term "controlled substances" is defined in the state penal code;
 9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of dangerous drugs, marijuana, or controlled substances, as the term "controlled substances" is defined in the state penal code;
 10. Containers and other objects used, intended for use or designed for use in storing or concealing dangerous drugs, marijuana, or controlled substances, as the term "controlled substances" is defined in the state penal code;
 11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting dangerous drugs or controlled substances, as the term "controlled substances" is defined in the state penal code, into the human body;
 12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - b. Water pipes
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;

- j. Air-driven pipes;
 - k. Chillums;
 - l. Bonges;
13. Ice pipes or chillers;
 14. Wearing apparel containing obscene pictures or words, such apparel being T-shirts, belt buckles, jewelry or any other wearing apparel.
 15. Condoms, salves, ointments, jells, creams, jellies, lotions and oils advertised as designed as a sexual stimulus.
 16. Magazines, books, records, cassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption.
 17. Incense

PART 2:

- A. A person, partnership, corporation, or other entity shall not conduct, operate, or maintain a specialty and novelty business inside the City without a permit from the City Secretary.
- B. A person, partnership, corporation, or other entity may not conduct, operate, or maintain a specialty and novelty business at a temporary location inside the city without a permit issued by the City Secretary.
- C. Permits issued under provisions of this part are not transferable from person to person or place to place.
- D. A non-refundable initial permit fee of five hundred dollars (\$500) shall accompany an application for a specialty and novelty business permit. Said permit shall be subject to an annual renewal fee of five hundred dollars (\$500), payable on or before January 1st of each year for the granting of such permit. A renewed permit shall be in effect for the period of January 1st through December 31st of each year.
- E. Parties interested in obtaining a new specialty and novelty business permit will be assessed the full five hundred dollar (\$500) fee. Parties submitting new applications after the start of the permit year, fees will be pro-rated. Each month beyond January, the applicant shall be credited 16.67 per month. The total pro-rated amount shall not exceed \$200.00.
- F. An applicant for a specialty and novelty business permit at a location not previously licensed or permitted shall, not later than the 60th day before the date the application is filed, prominently post an outdoor sign at the location stating that a specialty and novelty business is intended to be located on the premises and providing the name and business address of the applicant. The sign must at least 24 by 36 inches in size and must be written in lettering at least two inches in size.

PART 3: LOCATION RESTRICTIONS

The operation of any specialty and novelty business is prohibited within the City limits Of the City Of Kerens, Texas, except in Light Manufacturing District (M-1) or a Heavy Manufacturing District (M-2), established under the City of Kerens Zoning Ordinances, provided, however, the location and operation of any such specialty and novelty business is subject to the following additional restrictions, as well as any other applicable law.

- A. No specialty and novelty business may be located within 1,000 feet of
 1. a church;
 2. a public or private elementary, secondary or post-secondary school;
 3. a licensed day care facility;
 4. a public or private healthcare facility,
 5. a boundary of a residential district as defined in the City of Kerens Zoning Ordinances; the property line of a lot devoted to a residential use as defined in the City of Kerens Zoning Ordinances; or
 6. a public park or playground

- B. No specialty and novelty business shall be located within 1,000 feet of another specialty and novelty business.
- C. For the purposes of subsection A. of this part, measurement shall be made in a straight line without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a specialty and novelty business is conducted, to the nearest property line of the premises of a church, a public or private elementary, secondary or post secondary school, a licensed day care facility, a public or private healthcare facility, or to the nearest boundary of a residential district, a residential lot or a public park or playground.
- D. For the purposes of subsection B. of this part, the distance between any two (2) specialty and novelty businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

PART 4: VIOLATION AN OFFENSE

Any person, partnership, corporation, or other entity that violates or fails to comply with any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed two hundred (\$200), with each day of continued violation to constitute a separate offense.

PART 5: EFFECTIVE DATE

This ordinance shall become effective December 9, 2003 as Ordinance 03-1209I.

SECTION 14 - BUSINESS REGISTRATION REQUIRED

- A. Each business entity that provides services or conducts business in the City of Kerens, or in its extra territorial jurisdiction, must file a completed Business Registration Form with the City Secretary before a certificate of occupancy will be issued.
- B. If any changes to the information required on the original Business Registration Form occur during the course of business, an updated form must be filed with the City Secretary within 30 days of occurrence.
- C. An administrative fee of \$25 is assessed for each Original Business Registration Form filed with the City Secretary.
- D. Any person, partnership, corporation, or other entity that violates or fails to comply with any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed two hundred (\$200), with each day of continued violation to constitute a separate offense. (Ordinance 03-1209I effective December 9, 2003)

CHAPTER 4- Fire Protection

SECTION 1 - FIRE MARSHAL

- A. The office of Fire Marshal is hereby created. Such office shall be independent of other city departments, the Fire Marshal reporting directly to the Mayor and City Council. Such office shall be filled by appointment by the Mayor, and with the consent of the City Council. The said Fire Marshal shall be properly qualified for the duties of his office, and shall be removed only for cause. He shall receive an annual salary to be determined by the City Council, as full compensation for his services.
- B. The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring within this City by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within twenty-four (24) hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fire and the amount of the loss.
- C. The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of the witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.
- D. The Fire Marshal shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any matter which is by provisions of this Section a subject of inquiry and investigation and may require the production of any book, paper or document deemed pertinent thereto. The said Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him and refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Fire Marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the Fire Marshal to make complaint against said person or persons so refusing to comply with the summons or order of said Fire Marshal before any Justice of the Peace, police magistrate, or in any court of record, and upon the filing of such complaint such cause shall proceed in the same manner as other criminal cases. All investigations held by or under the directions of the Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.
- E. The fire Marshal shall have the authority at all times of day or night, in the performance of the duties imposed upon him by the provisions of this Section, to enter upon and examine any building or premises where any fire has occurred, and other buildings or premises adjoining or near the same.
- F. The Fire Marshal upon the complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city, and it shall be his duty, quarterly or more often, to enter upon and make, or cause to be entered upon and made, a thorough examination of all mercantile, manufacturing, and public buildings, together with the

premises thereto belonging. Whenever he shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which, in his opinion, may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if the said owner or occupant deems himself aggrieved by such order, he may, within five (5) days, appeal to the Mayor who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. (April, 1916)

SECTION 2 - FIRE LIMITS

- A. The following district is hereby made the fire limits of the City of Kerens: All of blocks 58, 59, 72 and 73 according to the official map of the City of Kerens.
- B. No building shall hereafter be erected, added to, enlarged, or placed on or within the limits unless the entire walls of the same be of brick or stone and the roof of tin, zinc, sheet iron or slate, or some composition of metal. Every building erected within the fire limits shall have a parapet wall extending all around the same at least three feet above the edge of the roof. And in all cases where the roof or upper story is supported by pillars, such pillars shall be of brick, stone or iron.
- C. Whenever any shed, gallery, or other existing building shall become dangerous from age, decay or other cause, the owner of the same shall cause it to be removed upon notice from the Fire Marshal.
- D. It shall not be lawful for any person or firm to keep on hand within the fire limits of this city, any straw, hay, fodder, shucks, shavings or highly combustible material, in any open lot or place. But any person or firm may keep the same on hand for his or her or their use, provided the same is kept within a building for that purpose, which building shall be made of rock, brick, iron or other noncombustible material.
- E. If any building, awning, gallery, or structure, of whatever name or kind, shall be permitted to remain standing by the owner or controller thereof, in violation of this Section it may be torn down, removed or otherwise disposed of by the City. All costs incurred in moving or tearing down said structure shall be charged up and collected of and from the owner or agent of said structure.
- F. Whenever any wooden building within said fire limits shall be damaged by fire, or otherwise, to the extent of 25% of the value thereof, the rebuilding or repairing thereof is hereby prohibited. Whenever it may become necessary to ascertain whether a building has been damaged to the extent of 25% of its value, the Mayor shall appoint three disinterested freeholders to examine and report under oath on the same, and their report shall be final.
- G. When any building within the fire limits herein prescribed shall from age or neglect or otherwise become dilapidated, the same shall be considered a nuisance, and on complaint being made to the Mayor concerning any such building, he shall cause the same to be inspected by three disinterested freeholders of the City, and if the same be reported by them to be in such a dilapidated condition as to be a nuisance, the Mayor shall cause such house to be pulled down or removed, as he may deem best giving ten days notice to the owner to remove or dispose of the same, so that the nuisance may be abated.
- H. It shall be unlawful for any person to use any kind of owning on any building within the fire limits of the City, other than that made of non-combustible material. (August, 1910)

SECTION 3 - ARSON REWARD

The City of Kerens, Texas, hereby offers a reward of Two Hundred and Fifty Dollars (\$250.00) for the arrest and conviction of any person or persons found guilty of committing the crime of Arson within the corporate limits of said City of Kerens, Texas. This reward is a standing offer, and shall be paid out of the General Funds of the City of Kerens, Texas. (June, 1962)

SECTION 4 - FALSE FIRE ALARMS

It shall be unlawful for any person to cause a false fire alarm to be given, or to use and cause to be sounded or blown within the corporate limits of Kerens, Texas, any horn, whistle, devise or other means which produces a sound similar in effect to the siren whistle used to give fire alarms; and it shall be unlawful for any person within the corporate limits of the City of Kerens, Texas, to try to imitate either by horn, whistle, mouth or by any other means, a sound similar in effect to the sound produced by the siren whistle used in Kerens, to sound fire alarms. (July, 1925)

SECTION 5 - FIREWORKS

It shall be unlawful for any person or persons to sell, or offer for sale or to discharge or fire-off, fire crackers or any other species of fireworks whatever, on the streets, sidewalks, alleys or on any other public property within the corporate limits of the City of Kerens, Texas. (November, 1953)

SECTION 6 - COTTON GIN REGULATION

- A. It shall be unlawful for any person, firm, or corporation to accumulate or store on any premises within the corporate limits of Kerens more than ten cubic yards of cotton burs, waste matter or rubbish resulting from the ginning of cotton.
- B. It shall be unlawful for any person, firm, or corporation to burn or destroy any of the combustible matter mentioned in subsection A above.
- C. All cotton gins operating within the corporate limits of the City of Kerens shall maintain suitable equipment for preventing dust and lint from being blown into the air and scattered in the neighborhood of such gins, and shall, so far as practical, prevent, or reduce the amount of dust and lint blown or allowed to escape into the air from such gins. (June, 1963)

SECTION 7 - INTERNATIONAL FIRE CODE ADOPTED

That the International Fire Code, is hereby adopted as the Fire Code of the City of Kerens, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Kerens and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions, and terms of such International Fire Code, most current edition, published by the International Code Council, on file in the office of the City Secretary are hereby referred to, adopted and made a part hereof as if fully set out in the section, with the additions, insertions, deletions, and changes, if any, as recommended by the North Central Texas Council of Governments.

CHAPTER 5- Health and Sanitation

SECTION 1 - REFUSE REGULATIONS

- A. A garbage service charge shall be assessed and levied against every owner agent, lessee, tenant or occupant of any house, building, apartment or tenement in the City of Kerens, where persons reside or from which persons conduct their business or businesses. The residential rate of \$6.50 per month and the business rate of \$9.00 per month, which shall be known as garbage and trash service charge.(August 1976) (amended April, 2000)
- B. Every person or family occupying any house, building or apartment shall be liable for the payment of such garbage service charge and every person who conducts a business in the City of Kerens shall be liable for the payment of such service charge.
- C. The charges fixed herein for the removal and disposal of all garbage or trash are levied by the City of Kerens against all owners, occupants, tenants, lessees and businesses who are occupying any building, house or structure, entitled to receive such services. Since the proper and prompt removal of all refuse and garbage, trash and other accumulation is essential to the preservation of public health and safety, it is deemed necessary that this charge be levied against every person, owner or occupant, tenant or lessee, using or occupying any premises, and thus provide for a more even and equitable distribution of the costs of this service to the citizens having the benefits thereof. All bills for such service charges shall be mailed by the Kerens Water Department, and such charges shall be added to the Water Department statements each month. Any person, firm or corporation who shall fail or refuse to pay the charges herein levied and specified, within twenty (20) days from the date when the same shall become due and payable, shall have his water service suspended as well as garbage and trash services. For the purpose of convenience, the billing and collection of the charges levied shall be done by the Water Department of the City of Kerens and all such service charges shall be payable at the office of the Water Department of the City of Kerens. Where there is more than one meter per household, only one garbage charge shall be billed.
- D. It shall be unlawful for any owner, occupant, tenant or lessee using or occupying a building, house or other structure as a separate family unit to utilize the garbage containers or receptacles of another owner, occupant, tenant or lessee for the disposal of his own refuse or garbage and it shall be unlawful for him to deposit his own refuse or garbage in front of or behind the residence of another owner, occupant or tenant to avoid payment of the service charges fixed by this Section. (August, 1972)
- E. It shall be unlawful for any person to leave the dead body or carcass of any horse, mule, steer, dog, cow or any other animal which died in the actual possession of such person, in any public road or highway or any street or alley or public road, within the city limits of the City.
- F. It shall be unlawful for any person to throw, leave, place, deposit or suffer or permit his or her servants or employees to throw or leave, place or deposit, any putrid or unsound meats, fish, hides, offal or filth of any kind, decayed vegetables, or other unwholesome substance or stable manure, or any manure of any kind in any street, alley, back yard, lot or any other place in the city other than a vessel intended for it.
- G. It shall be unlawful to sweep or throw into any gutter or ditch along any street or alley in this city, or throw or place upon the sidewalks or into the streets or alleys, or in the rear of any business house, or store, or in any vacant lot, any paper, rubbish, trash, dodgers, circulars or other debris; such rubbish, trash or debris shall be collected in boxes or barrels and placed in the rear of such building or lot for collection.
- H. It shall be unlawful for any person or persons to create, permit or suffer any stagnant water, mud hole or cess pool or any other substance detrimental to the health of the city, or to the health of persons living or doing business adjacent thereto, to remain on his place of business or residence, or on a lot or lots under his or their control, or to place any waste water or other substance in any

street or alley of the city, in such a manner and under such conditions., as may become injurious to the health of the citizens of the city.

- I. Every lot or parcel of ground, whether enclosed or unenclosed, upon which any pool or stagnant water has accumulated, or upon which grass, weeds, or other vegetation has grown, or which may become in any other condition that may have a tendency to engender disease, shall be deemed and is hereby declared a public nuisance and the owner or owners, lessee or lessees, or occupant of such a lot or parcel of ground upon being notified in writing by the city, shall fill up the same with sand or earth and cut and remove from same all such weeds, grass or other vegetation, and clean and purify the same or cause it to be done in such mode or manner as may be designated in such notice, and in filling such lot or parcel of ground the owner or lessee shall conform to such grade as the City Council shall establish. Such order shall be complied with in fifteen days after notification by the person so ordered.
- J. It shall be unlawful for any person to tack or place any sign, bill, notice or advertisement of any kind or character on or upon any telephone or telegraph pole or pole of any electric light company within the city.
- K. Any person who shall, without first having obtained permission from the owner, paint or stamp upon any house, fence, wall or other object, not his own, any writing, printing, notice, bill, slip, circular, poster or advertisement shall be deemed guilty of a misdemeanor. (August, 19 10)

SECTION 2 - NUISANCES

- A. It shall be unlawful for any person, firm or corporations to create, maintain, or cause to be created or maintained a nuisance within the corporate limits of the City of Kerens.
- B. The word "NUISANCE" as used herein shall mean any act or thing, which endangers life or health, gives offense to the senses, violates the, laws or decency, or obstructs the reasonable and comfortable use of property.
- C. Among other things, the following shall be considered a nuisance, to-wit:
 1. The ownership, use or maintenance of any building or dwelling house which is in a dangerous or dilapidated condition, or which constitutes a harbor for rats, mice, snakes, flies, mosquitoes, or other animals or insects.
 2. The ownership, use or maintenance of any building or dwelling house, which constitutes a fire hazard or a health hazard to those residing in the immediate area.
 3. The ownership, use or maintenance of any lot or part or parcel of land on which weeds, grass or uncultivated plants have been allowed to grow in rank profusion to an average height of ten (10) inches or more making it unsightly, or which constitutes a harbor for rats, mice, snakes, flies, skunks or other animals or insects.
 4. The ownership, use or maintenance of any lot or part or parcel of land on which refuse or debris has been allowed to accumulate. Such refuse and debris is to include, but not be limited to brick, broken concrete, plaster, wood, automobile parts, dead trees, tree limbs, furniture, pipe, metal, and barrels.
 5. The parking of a truck larger than a 2-1/2 ton capacity upon the public streets overnight shall constitute a hazard and is declared to be a public nuisance.
 6. Any blowing of horns, firing of weapons, shooting of firecrackers, or, the emission of loud noises on the streets of Kerens after dark shall constitute a nuisance.
 7. The ownership and keeping of mooing cows, barking dogs, crowing chickens or roosters, or any other animals or fowl which disturbs the peace and tranquility of the neighborhood, or causes bad odors or produces discomfort or inconvenience to other residents in the area is declared to be a nuisance.
 8. Any act or condition, whether or not enumerated above, which is subversive of public health or public order or which contributes to the discomfort or injury of others is declared to be a nuisance. Any act or thing that interferes with the reasonable, peaceful use and enjoyment of real property is likewise declared to be a nuisance.
- D. Procedures for abatement of nuisances:

1. In the event that the owner of any lot, tract, parcel of land, or a portion thereof, situated within the corporate limits of the City of Kerens shall fail to comply with the provisions of this Section, then the City shall give notice to such person setting forth the noncompliance with this Section. Such notice shall be in writing and may be served upon such person in any one or more of the following ways:
 - a. Personally given to the owner; or
 - b. addressed to the owner by letter to the owner's post office address; or,
 - c. by publication at least twice within ten (10) consecutive days in the City's official newspaper;
 - d. or, by posting the notice on or near the front door of each building on the property to which the violation relates;
 - e. or, by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
 2. Should the violation consist of weeds in excess of forty-eight (48) inches in height which are deemed by the City to be an immediate danger to the health, life or safety of any person, the City may immediately abate said nuisance with no notice to the property owner
 3. The City may give the notice provided for in Article D1 above, once annually at any time during the grass growing season. The notice will state that property owners shall maintain grass and weeds on property owned by them at a height of less than ten (10) inches at all times. In the event such owners shall fail to do so, the city will enter upon the property and mow same at thirty (30) day intervals during the annual growing season, and that thereafter the cost of such mowing shall be charged against the owner and the property as herein provided. The giving of such annual notice will be in compliance with the terms of this article.
- E. Any violation of this ordinance is a class C misdemeanor and may be punishable by a fine of not less than TEN DOLLARS (\$10) and not more than TWO HUNDRED DOLLARS (\$200). Each day during which the nuisance continues shall constitute a separate offense punishable as provided by citation issued by the Police Department of the City of Kerens.
- F. If the owner, occupant, or other party held responsible fails to comply with the order, or orders, provided herein, the City may cause such nuisance to be abated either by mowing, removal, or demolition as the facts may warrant, under the standards herein before prescribed, and assess the cost of such abatement against the owner and his land and make such charge a lien against the property. The determination, after an opportunity to be heard, of the reasonableness of said proposed charge and assessment, shall be final and conclusive and not subject to review by the courts and when such charge has been so determined, the City Council shall by Ordinance, levy said assessment, and it shall have all the rights and remedies that are available in enforcing an assessment, collection of this charge, and foreclosure of the lien. (September, 1995) (amended May 12, 1998) (amended December 9, 2003) (amended August 10, 2004)

SECTION 3 - DISTURBANCE OF THE PEACE

- A. It shall be the duty of every keeper of a pool room, restaurant, theatre, show, and of every other person, or persons, keeping a public, or private house of any kind within this city, to keep good order within the same, and to prevent all persons who may be therein from disturbing the peace and tranquility of the neighborhood, by cries, vociferation, songs, profane or indecent language, or by any noise or disturbance whatever.
- B. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or with others in a public place in such manners so as to violate any provision of the Subdivisions of this Section which follow.
 1. No person shall obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or an act tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

2. No person shall commit, in or upon any public street, public highway, public sidewalk or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.
 3. No person shall loiter, stand, sit or lie in or upon any public property, private sidewalk, street, curb, crosswalk, walkway area, parking lot, mall, or other portion of private property open for public use, so as to unreasonably block, obstruct, or hinder free passage of the public.
 4. No person shall, without consent of the owner or occupant, unreasonably block, obstruct, or hinder free access to the entrance of any building or part of a building open to the public.
 5. No person shall loiter, stand, sit, or lie in any area where a sign prohibiting loitering has been posted, nor remain for more than five (5) minutes as follows:
 - a. on any private business premises which is closed and upon which there is posted a conspicuous sign containing the words “no Loitering”, or if the person does not visibly demonstrate any intent to conduct business at the establishment or to leave the premises after having conducted such business; or
 - b. on any public business premises when such premises neither has been nor will be open for business within thirty (30) minutes; or
 - c. on any public or private non-business premises which is posted with a conspicuous sign containing the words “no loitering”.
 - d. For purposes of this Subsection 5, premises shall include any yard, lot, parcel, sidewalk, boulevard, street, highway, alley, park, playground, restaurant, café, church, school, any car or other motor vehicle, parking lot, drive-in, building used for business, commercial or industrial purposes, washroom or lavatory, apartment hallway or other location whether public or private in the City of Kerens.
 - e. Business premises include all premises, whether public or private, which include a facility that has established open and closed hours. Non-business premises include all other premises in the City of Kerens.
 6. No person in any public or private place shall use offensive, obscene, or abusive language, or grab, follow, or engage in conduct with another which reasonably tends to arouse alarm, anger, fear or resentment in another.
- A. It shall be unlawful for any person to discharge a firearm of any type within the City limits of the City of Kerens.
 - B. It shall be unlawful for any person to use or operate, cause to be used or operated, or allow to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify or to amplify any other sound in the City of Kerens, whereby the sound there from can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises. The following acts, among others, are declared to be nuisances in violation of this article, but said enumeration shall not be deemed to be exclusive, to wit:
 1. The playing of any radio, phonograph or other musical instrument, whether stationary or located within a motor vehicle, in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons of normal nervous sensibilities and of ordinary tastes, habits, and modes of living in any dwelling, hotel or other type of residence.
 2. The use of any loud-speaker or amplifier of such intensity that annoys and disturbs persons of normal nervous sensibilities and of ordinary tastes, habits, and modes of living in the immediate vicinity thereof,
 3. The keeping of any animal or fowl which by causing frequent or long continued noise shall disturb the comfort and repose of any person of normal nervous sensibilities and of ordinary tastes, habits and modes of living in the immediate vicinity.
 4. The continued or frequent sounding of any horn or signal devise on any automobile, motorcycle, bus, or other vehicle except as a danger or warning signal; the creation by means of

any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.

5. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from
- C. When any person causes or commits any of the conditions enumerated in the foregoing Subdivisions of this Section and is ordered by the owner, agent, manager, or person in charge of the premises, or by a police officer or any law enforcement officer to stop causing or committing such conditions and to move on or disperse, or any person who fails or refuses to obey such an order or returns to the premises within twenty-four (24) hours after having been so requested or ordered to vacate shall be guilty of a Class "C" misdemeanor. Any person upon conviction shall be punished by a fine of not less than \$25.00 or more than \$200.00.
(SECTION 3 updated 05/09/00)

SECTION 4 - JUNKED VEHICLES

PART 1: DEFINITIONS

- A. Police Department: the police department of the City of Kerens, Texas
- B. City means the City of Kerens, Texas.
- C. Junked vehicle means a motor vehicle as defined by Texas law:
 1. that is wrecked or inoperable;
 2. and lacking a valid vehicle inspection sticker or current registration.
- D. Demolisher: a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.
- E. Antique auto: a passenger car or truck that is at least 25 years old.
- F. Special interest vehicle means -a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest is being preserved by hobbyists.
- G. Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or part of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

PART 2: JUNKED VEHICLES AS PUBLIC NUISANCE

- A. A junked vehicle that is located on private property, public property, or public right-of-way, in the City of Kerens, Texas, where it is visible from a public place or public right-of-way is a public nuisance.
- B. The owner or occupant of any real property with the City of Kerens, Texas commits an offense if such person keeps, or permits the presence of, a junked vehicle or vehicle part on such property.
- C. It shall be unlawful for any person to knowingly or intentionally interfere with or attempt to prevent the physical impoundment of any junked vehicle by the Chief of Police, his delegate, or any other person authorized to impound a junked vehicle or vehicle part.
- D. A person who commits an offense under this section is, on conviction, subject to a fine not to exceed \$200.00. On conviction, the court shall order removal and abatement of the nuisance.

PART 3: ABATEMENT OR REMOVAL ORDER; CONTENTS; SERVICE

- A. Whenever a public nuisance exists on private property, the Chief of the City Police Department, or other employee of the City designated by the Chief, shall give written notice of not less than ten (10) days stating the nature of the public nuisance on private property, that it must be removed or abated within ten (10) days, and that a request for a hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with return requested, to the last known registered owner of the junked motor vehicle, any lien holder of record, and the owner or occupant of the private premises on which the public nuisance exists. If any notice is returned

undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.

- B. Whenever a public nuisance exists on public property, the Chief of Police, or other employee of the City designated by the Chief, shall give written notice of not less than ten (10) days, stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within ten (10) days, and that a request for a hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lien holder of record, and the owner or occupant of the public -premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return.
- C. It shall be unlawful to reconstruct a junked vehicle or make it operable after it has been removed as a public nuisance.
- D. Prior to the removal of a vehicle or vehicle parts as a public nuisance, a public hearing shall be held before the Municipal Court, if a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within ten (10) days after service of notice to abate the nuisance. Upon finding that the vehicle or vehicle parts constitutes a public nuisance, the Municipal Judge may issue an order requiring the removal of such vehicle or vehicle parts and shall include herein a description of the vehicle and its correct identification number and license number if the information is available at the site of the nuisance.
- E. If a request for hearing is not timely made by any party entitled to notice under Section 3, and the nuisance is not abated within the ten-day notice, the Municipal Judge, upon receiving an affidavit from one charged with enforcement of this ordinance that such nuisance exists after voluntary compliance period, may issue an order authorizing the Police Department or any other enforcement officer to take possession of such and remove it from the premise.
- F. Notice shall be given to the State Department of Highways and Public Transportation not later than the fifth day after the date of removal. The notice must identify the vehicle or vehicle part.
- G. The procedures of this ordinance shall not apply to a vehicle or vehicle part that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or an unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if in each instance the vehicle or vehicle part and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.
- H. The procedures of this ordinance must be administered by regularly salaried, full-time employees of the City, except that the removal of a vehicle or vehicle part from property may be by any duly authorized person.

PART 4: REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT

If, within (10) days after receipt of notice from the Chief of Police or his designee to abate the nuisance , as herein provided, the owner or occupant of the premises should give his written permission for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provision of Part 3.

PART 5: DISPOSAL OF JUNKED VEHICLES

A junked vehicle or vehicle part may be disposed of by removal to a scrap yard, demolisher, or any suitable site operated by the City, for processing as scrap or salvage.

PART 6: AUTHORITY TO ENFORCE

The Chief of Police or his designee may enter private property for the purposes specified in this ordinance to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. The Municipal Court of the City may issue orders necessary to enforce the procedures of this ordinance.

PART 7: EFFECT

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

PART 8: SAVINGS CLAUSE

If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of this ordinance.

PART 9: EFFECTIVE DATE

This ordinance shall become effective as of the date of final passage. (07/11/89)

SECTION 5 - ANIMAL CONTROL

PART 1: DEFINITIONS

- A. Animal: Every non-human species of animal, both domestic and wild.
- B. Animal at Large: Any animal not under the restraint of a person capable of controlling the animal on or off the premises of the owner.
- C. Animal Health Authority: State health authority employed and designated by the City of Kerens to receive reports of animal bites, investigate bite reports, and ensure quarantine of possibly rabid animals and otherwise carry out provisions of the Texas State law pertaining to eradication of rabies.
- D. Animal Shelter: Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption, or euthanasia.
- E. Auction: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.
- F. Commercial Animal Establishment: Any pet shop, grooming shop, guard dog auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.
- G. Currently Vaccinated: vaccinated and satisfying the following criteria:
 - 1. The animal must have been at least three (3) months of age at the time of vaccination;
 - 2. Not more than twelve (12) months have elapsed since the most recent vaccination.
- H. Dangerous Animals: Any animal that attacks, bites, or injures human beings, domesticated animals or livestock without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings, domesticated animals or livestock.
- I. Dogs: the male, the female, and the desexed dog, belonging to the domestic canine family.
- J. Exotic Animal: any animal not ordinarily deemed domestic and not native to this area, but which is raised in captivity such as non-poisonous reptiles which, when mature, are over six (6) feet in length; tigers; lions; monkeys; emus, etc. (amended by Ordinance 11/6/01)
- K. Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- L. Guard Dog: Any dog that has been professionally trained to detect and warn its handler that an intruder is present in/or near an area that is being secured.
- M. Fowl: domestic birds including, but not limited to chickens, guineas, ducks, geese, turkeys, and peacocks. (amended by Ordinance 11/6/01)

- N. Humane Officer or Animal Control Officer: Any person designated by the State of Texas, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.
- O. Hybrid Animal: any domestic animal which is mixed with a wild animal such as a dog/wolf, a dog/coyote, a cat/bobcat or a cat/bengal and any other crossbred animal.
- P. Kennel or Cattery: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- Q. Livestock: domestic animals including, but not limited to horses, mules, jacks, jennies, cows, cattle, hogs, sheep, goats, and llamas. (amended by Ordinance 11/6/01)
- R. Owner: any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.
- S. Performing Animal Exhibition: any spectacle, display, act, or event, other than circuses, in which performing animals are used.
- T. Pet or Companion Animal: any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- U. Pet Shop: any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.
- V. Public Nuisance: any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but is not limited to, any animal that:
 1. is repeatedly found at large;
 2. damages the property of anyone other than its owner;
 3. molests or intimidates pedestrians or passersby;
 4. chases vehicles;
 5. excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 6. is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
 7. attacks other domestic animals or livestock belonging to persons other than the owner; or
 8. has been found by the commission for animal control, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.
- W. Restraint: Any animal secured by a leash or lead under the control of a responsible person and obedient to that person’s commands or confined by a fence or chain within the real property limits of its owner.
- X. Vaccinated: Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the State of Texas.
- Y. Wild Animal: lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, lesser pandas, binturongs, wolves, apes, elephants, and rhinoceroses. (amended by ordinance #97-0909 adopted 9/9/97)

PART 2: RABIES CONTROL

- A. Vaccinations: Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at three (3) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Any person moving into the city from a

location outside the city shall comply with this section within ten (10) days after having moved into the city. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) day observation period.

- B. Certificate of Vaccination: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat 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 the vaccinated dog or cat;
 - 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 dog or cat.
- C. Rabies Tags: Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 2B, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and 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 dog or cat at all times when not confined to the owners premises.
- D. Duplicate Tags: In the event of loss or destruction of the original tag provided in section 2C, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.
- E. Proof: It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this section.
- F. Harboring Unvaccinated Animals: It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.
- G. Animals Exposed to Rabies: Any person having knowledge of the existence of any animal known to have been, or suspected of being exposed to rabies must immediately report such knowledge to the local health authority giving any information which may be required. For any animal known to have been, or suspected of being exposed to rabies, the following rules must apply:
 - 1. Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than ninety (90) days.
 - 2. Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one (1) month prior to release from quarantine.
- H. Notice to Keeper of Animal Suspected of having Rabies: Whenever the health officer has good reason to believe that any dog or cat, or other animal is infected with rabies, he shall notify the keeper, harborer or person(s) claiming any such animal of his belief and it shall thereafter be unlawful for any person having such notice to in any manner interfere with such officer or his authorized representative in taking possession of the animal for the purpose of examination to determine if such animal is in fact infected with rabies.

PART 3: REPORTING HUMAN BITES FROM ANIMALS

- A. Any person having knowledge of an animal bite to a human will report the incident to a local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

- B. The owner of the biting animal will place that animal in quarantine as prescribed in Part 4 under the supervision of the local health authority.
- C. The local animal health authority will investigate each bite incident, utilizing standardized reporting forms provided by the Texas Department of Health.
- D. Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section.

PART 4: QUARANTINE PROCEDURES FOR ANIMALS

- A. When a dog or cat which has bitten a human has been identified, the owner will be required to produce the animal for then (10) days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The ten (10) 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. However, the owner of the animal may request permission from the local health authority for home quarantine if the following criteria can be met:
 - 1. Secure facilities must be available at the home of the animal's owner and must be approved by the local health authority;
 - 2. The animal is currently vaccinated against rabies;
 - 3. The local health authority and 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.
 - 4. The animal was not in violation of any laws at the time of the bite;
 - 5. If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a Texas Department of health certified laboratory for rabies diagnosis at the owners expense.
- B. It shall be unlawful for any person to interrupt the ten (10) day observation period.
- C. No wild and/or hybrid animal will be placed in quarantine. All wild or hybrid animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis. The expense of such procedure shall be the responsibility of the person bitten.

PART 5: ANIMAL REGISTRATION

- A. No owner shall have within the city any dog three (3) months of age or older unless such dog or cat is currently registered with the City of Kerens. A current metal registration tag issued by the City of Kerens, must be affixed to a collar or harness that must be worn by the dog or cat at all times when not confined to the owners premises. No dog shall be registered until it has a current vaccination.
- B. Application of initial issuance or renewal of each registration must be made by the owner in writing or in person, and be accompanied by a fee of three dollars (\$3.00). If the original current registration tag is lost or destroyed, the owner may obtain a duplicate registration tag from the City of Kerens by paying a fee of one dollar (\$1.00).
- C. Registration certificates shall be renewed annually. The registration period will be from April 1 to March 31. Certificates for the new period shall be available for sale at least thirty (30) days in advance of, and sixty (60) days following, April 1st and shall constitute a valid registration upon issuance. (amended 1/12/99)
- D. Registration and/or vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.
- E. If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for said transfer. Application for such transfer shall be made to the City of Kerens in writing or in person.
- F. Fee-exempt registrations may be issued for the following:
 - 1. Police or sheriffs department dogs, and

2. Dogs trained to assist the audio or visually impaired person.
Eligibility for fee exemption registration does not relieve the owner of his responsibility under the other provisions of this section.
- G. The City of Kerens may refuse to register a dog, or revoke a permit issued to any person who has been convicted in any duly authorized court of jurisdiction in the State of Texas, or resides with any person so convicted of any of the following:
1. Cruelty to animals as defined in the Texas Penal Code, article 42.11, inhumane treatment, or negligence to an animal, and
 2. Conviction of four (4) or more separate and distinct violations of any animal control ordinance of a municipality in the State of Texas within any twelve (12) month period.
- H. Any person denied such a registration may appeal the refusal to a committee made up of the chief of police or his appointed representative, the city secretary or her appointed representative, and the city attorney or his appointed representative. This committee shall uphold or overturn the City of Kerens refusal to issue a registration certificate.
- I. Every person having care, control, or custody of any dog which has received guard dog training must register such dog with the City of Kerens. Any dog which has received guard dog training may be destroyed when such dog is found running at large. The owner(s) or keeper(s) of guard dogs shall be subject to the other provisions of this section. An ID collar identifying the dog as a guard dog must be worn at all times and the dog must wear a muzzle when out of confinement.

PART 6: RUNNING AT LARGE

- A. It shall be unlawful for an owner of a dog, livestock, fowl or other animal, or any other person who has such an animal under his or her possession or care, to allow or permit such animal to run at large. Non-compliance with this ordinance may result in a fine as stated in Part 15.
- B. The animal control officer is authorized to impound such animal(s) running at large, other than a cat, and may impound a cat under conditions specified Part 10 of this Section, or when he has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.
- C. When livestock is found running at large and the owner cannot be immediately located, such livestock may be impounded at an impoundment facility or with a veterinarian of choice at the owners expense.

PART 7: ANIMAL NUISANCE

The commission of any of the following acts, or permitting any of the following conditions to exist on or to one's property within the City of Kerens, shall constitute a nuisance to the health, safety, and general welfare of the city and its inhabitants and shall be unlawful, to wit:

- A. The keeping of an animal enclosure that emits foul and offensive odors which are obnoxious to any person of ordinary sensitivity in the vicinity.
- B. The keeping of any animal determined to be a public nuisance as defined in Part 1 of this Section. (amended by Ordinance 11/6/01)
- C. The keeping of a cat that enters the property of another and commits any act that disturbs any person of ordinary sensitivity.
- D. The parking on or along any highway, street, or alley within the City of Kerens, any vehicle used for hauling animals or fowl that emits odors obnoxious to any person of ordinary sensitivity in the vicinity.
- E. Whenever any complaint is made to the city as to the unsanitary condition or offensive odors resulting from the keeping of such livestock, or if such shall come to the attention of the city without complaint, the city shall investigate the same, and if such unsanitary condition is found to exist, the same shall constitute a nuisance. The city may give the owner or possessor of such livestock instructions as to how to clean up such premises and abate the nuisance, and if such unsanitary condition is not remedied within twenty-four (24) hours thereafter, complaint shall be filed against such owner, keeper, or possessor for maintaining a nuisance in the City of Kerens.

PART 8: PROHIBITED ANIMALS

- A. It shall be unlawful for any person to own, possess, or harbor any wild animal within the city limits of Kerens, Texas. (amended by Ordinance #97-0909 adopted 9/9/97) Further:
 - 1. Each wild animal involved shall constitute a separate offense.
 - 2. The provisions of this item shall not apply to an “exhibitor” within the meaning of Section 2(h) of the federal Animal Welfare Act (7U.S.C. 2132(h)) who holds a Class “C” exhibitor’s license issued by the Secretary of Agriculture pursuant to that Act.
 - 3. An offense under this item is punishable by a fine of not less than \$200 or more than \$2000.
 - 4. If a person is found guilty of an offense of this item, the Court shall order the forfeiture of the wild animal(s) involved in the offense to the Kerens Chief of Police or his designated agent.
 - 5. In addition to criminal prosecution, a person who commits an offense under this item may also be subject to a civil penalty not to exceed \$1000 for each day of the violation. An attorney in this County may file suit in a court of competent jurisdiction to collect the civil penalty. Civil penalties collected under this item shall be retained by the City of Kerens.
- B. Exotic animals may be kept only with written permission of the City Council.
- C. Wild, exotic or hybrid animals in transit, in circuses and/or carnivals are exempt from the prohibition of this Part providing such animal is restrained within an adequate enclosure or by chain or other restraint which is sufficient to restrict the uncontrolled movement of such animal to the extent that such animal shall not pose or constitute any danger or threat to the safety of any person.
- D. It shall be unlawful for any owner or any person in control or possession of a wild, exotic, hybrid, or dangerous animal to release or allow such animal to run at large in the City of Kerens.
- E. It shall be unlawful for any person, firm or corporation to keep, harbor, raise or possess livestock or fowl of any kind within any area not zoned Agricultural within the city limits of the City of Kerens for longer than 72 hours without a permit. (amended by Ordinance 11/6/01)
- F. Application for a Permit to Allow Livestock or Fowl must be made in writing to the City Secretary. After application fee of \$25.00 is received, all persons residing or working within 200 feet of the proposed barn, stable, shed, pen or enclosure will be required to submit approval or disapproval of the proposed permit. If there are no opponents to the permit, the City Secretary will issue a one-year permit. Permit may be revoked at any time permittee is found to be in violation of Part 7 of this Section. (amended by Ordinance 11/6/01)

PART 9: DANGEROUS ANIMALS

- A. Any dangerous animal found running at large may be destroyed by a police officer or animal control officer in the interest of public safety.
- B. All dangerous animals must be confined by a building, or within a wall or fence of sufficient strength or construction to retain the animal. Chains, ropes and/or leashes may not be used alone as restraints for dangerous animals.
- C. The animal control officer may order any owner or person having care, control or custody of any dangerous animal to take such animal permanently from the city. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to the committee made up of the chief of police or his representative, the city secretary or her representative, and the city attorney or her representative. Such committee may uphold, reverse or modify an animal control officer’s order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the committee upholds the animal control’s order; the owner or person having care, control, or custody shall not bring the animal back inside the city limits.
- D. If the owner or person having care, custody or control of a dangerous animal fails to remove such animal as provided for in Items A and B of this Part, such animal may be impounded and/or destroyed.
- E. The owner or person having care, custody or control of a dangerous animal must report the disposition and relocation of such animal to the animal control officer in writing, within ten (10)

days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

- F. The animal control officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being dangerous has not been so removed.

PART 10: IMPOUNDMENT

- A. The following animals may be impounded:
 - 1. Cats and dogs not exhibiting evidence of being vaccinated as described in Part 2 or registered as described in Part 5.
 - 2. Any animal infected or kept under conditions which could endanger the public or animal health.
 - 3. Any animal that creates a nuisance as stipulated in Part 7.
 - 4. Any animal running at large, as stipulated in Part 6.
 - 5. Any animal treated in a manner determined by the animal control officer to be cruel or inhumane.
 - 6. Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by the local health authority.
 - 7. Any animal violating any provisions of this Section.
- B. If any of the animals named in this Section 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. When so notified, it shall be the duty of the animal control officer to have such animal impounded as herein provided.
- C. Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current vaccination tag or city license tag. Reasonable effort may include a telephone call and/or written form. However, final responsibility for location of an impounded animal is that of the owner.
- D. The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinary bills incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and registration provisions of this chapter, except where prohibited in items E and F of this Part.
- E. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
- F. If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.
- G. The police chief shall select and establish a place for impounding all animals impounded under any provision of this section.
- H. Any animal, except dangerous, hybrid, or wild animals, not reclaimed by the owner for three (3) full working days following impoundment will become property of the impound facility to be adopted or euthanized at the discretion of the facility.
- I. Any impounded dangerous, hybrid, or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer.
- J. Any nursing baby animal impounded without the mother may be immediately humanely euthanized or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- K. An owner who no longer wishes responsibility of 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 given to an adoption facility or 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. If euthanasia becomes necessary due to the ill health of said animal in quarantine, the head will be sent to the Texas Department of Health for analysis at the owner's expense.

- L. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary medical care, as determined by the animal control officer.

PART 11: IMPOUNDMENT FEES

Impoundment fees shall be:

- First Impoundment in 12 months: \$25.00 with license
\$30.00 without licenses plus license fee, fine, and vaccination.
 - Second Impoundment in 12 months: \$50.00 plus fine
 - Third Impoundment in 12 months: \$75.00 plus fine
 - Fourth Impoundment in 12 months: \$100.00 plus fine
- (amended 8/9/05)

PART 12: DISPOSAL OF IMPOUNDED ANIMALS

- A. The owner of any unlicensed or licensed and unvaccinated or vaccinated dog or cat may redeem such dog or cat at any time prior to sale or destruction. All unlicensed animals must be licensed and all unvaccinated animals must be vaccinated against rabies. The payment of the impoundment, fine, and handling fees must be paid to the City of Kerens for redemption of impounded animals at the impoundment facility.
- B. At any time after the expiration of the period of time for redemption for impounded dogs or cats the impoundment facility may, without further notice and without advertising in any manner, sell at private sale or public auction, for cash, or humanely euthanized any dog or cat not redeemed or reclaimed.

PART 13: ENFORCEMENT

- A. Enforcement of this Section shall be the responsibility of the local health authority and/or the animal control officer.
- B. The local health authority and/or animal control officer shall have the authority to issue citations for any violation of this chapter.
- C. If the person being cited is not present, the local health authority and/or the animal control officer may send the citation to the alleged offender by registered or certified mail.
- D. It shall be unlawful for any person to interfere with the local health authority or animal control officer in the performance of duties.
- E. The animal control officer or his authorized deputies shall have the right, at any reasonable time to inspect any dog or cat to determine if it has been vaccinated and/or licensed and shall have the authority to request proof of such current vaccination and license of the owner. Any owner refusing to cooperate shall be guilty of a misdemeanor and, upon conviction shall be fined as provided in Part 15. Violations of this section on different days shall constitute separate offenses.
- F. Any person may take up and deliver to the animal control facility any animal which the animal control officer is, by the provisions of this division, required to impound. Any animal found trespassing or running at large on any private property may be taken up by any person and delivered to the poundkeeper. Every person that takes up any animal under the provisions of this division shall immediately thereafter give notice thereof to the animal control officer and every such person, or any person in whose custody such animal may in the meantime be placed, shall deliver such animal to the Kerens animal control officer without fee or charge, and the animal control officer shall thereupon hold and dispose of such animal as though such animal had been found running at large and impounded by him.
- G. The animal control officer, his deputy and city police officers are hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any animal running at large thereon.

H. It shall be unlawful for anyone to overdrive, willfully overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat or needlessly mutilate or kill any animal or carry any animal in or upon a vehicle or otherwise in a cruel or inhumane manner, or cause or procure the same to be done or for anyone in charge or custody of any animal to unnecessarily fail to provide it with proper food, drink, or shelter, or to cruelly abandon it.

PART 14: BARKING DOGS

It shall be unlawful for any person to harbor or keep on his premises or in or about his premises, or premises under his control, any dog which, by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed. Such person shall be guilty of a misdemeanor and, upon conviction shall be fined as provided in Part 15. Violations of this section on different days shall constitute separate offenses.

PART 15: PENALTY

It shall be unlawful for any person, organization, association or corporation to violate any of the provisions of this Section. Any person, organization, association or corporation violating the provisions of this chapter shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) and be required to purchase a registration tag from the City of Kerens.

PART 16: SAVINGS CLAUSE

It is hereby declared to be the intention of the city council of the City of Kerens, that the sections, paragraphs, sentences, clauses and phrases of this Section are severable; and, if any phrase, clause, sentence, paragraph or section of this Section shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or items of this Section since the same would have been enacted by the city council without the incorporation in this Section of any such unconstitutional or invalid phrase, clause, sentence, paragraph or item.

CHAPTER 6- Personnel

SECTION 1 - CITY ADMINISTRATOR

- A. The governing body of the City shall appoint a City Administrator for the City of Kerens who shall be the administrative head of the municipal government under the direction and supervision of the governing body.
- B. Residence of City: The City administrator may or may not be a resident of the City of Kerens when appointed, but during the term of office shall reside in the City of Kerens.
- C. Term of Office: The City Administrator shall be appointed for an indefinite period and shall be subject to discharge at the will of the governing body of the City.
- D. Absence or Disability of City Administrator: During the absence or disability of the City Administrator, the governing body shall designate some properly qualified person to perform the duties of said office.
- E. Powers and Duties: The powers and duties of the City Administrator shall be:
 - 1. To devote all of his working time and attention to the affairs of the City, and be responsible to the governing body for the efficient administration of its affairs.
 - 2. To see that all laws and ordinances are enforced.
 - 3. With the advice of the governing body of the City, to appoint and remove all heads of departments. He shall have the power to appoint or remove all subordinate employees.
 - 4. To exercise supervision and control over all departments created by the governing body or that may hereafter be created by said governing body of the City.
 - 5. To attend all meetings of the governing body with the right to take part in the discussion, but have no vote; and he shall be notified of all special meetings of said governing body.
 - 6. To see that all terms and conditions imposed in favor of the City of Kerens, and its inhabitants in all public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the governing body.
 - 7. To act as Budget Officer and as such to prepare and submit to the governing body, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required by months for the efficient operation each department of the City Government and the reasons for such estimated expenditures.
 - 8. The City Administrator, in addition to the foregoing paragraph (7), shall make and file a budget as required by State Law.
 - 9. To make a full written report to the governing body as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department for the preceding month, and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments in the annual budget, and to keep the governing body fully advised at all times as to the financial condition and needs of the City.
 - 10. To act as purchasing agent for the City of Kerens and to purchase all merchandise, material and supplies needed by the city and may establish, if needed, a suitable storehouse where such supplies shall be kept and from which same shall be issued as needed; and to adopt such rules and regulations governing requisitions and transaction of business between himself as such purchasing agent and the heads of the departments, officers and employees of the City as the governing body may approve.

It shall be the duty of the purchasing agent to give opportunity for competition on purchases and sales, except when the nature of the purchase or sale is such that competition is impossible or impracticable. All purchases in excess of Three Thousand Dollars (\$3,000.00), except for real estate, or rights or easements therein, shall be by contract to the lowest responsible bidder and all sales in excess of Five Hundred dollars

(\$500.00), except of real estate or rights or easements therein, shall be made to the highest bidder after public notice and the receipt of sealed bids, unless the governing body, by Ordinance, determines that it is impossible or impracticable to purchase or sell in such manner. All sealed bids received shall be opened in public and thereafter shall be subject to public inspection. The purchasing agent may reject all bids and readvertise for new bids. The purchasing agent may require successful bidders to furnish security conditioned upon the faithful performance of their contract or conditioned upon the payment of wages and compensation of all laborers employed on work for which a contract is made by the contractor, subcontractor, agent or any other person, or condition for both. The purchasing agent shall not let any contract for periods exceeding one (1) year for street lighting, public improvements, labor or supplies.

In case of accident or other circumstances creating an emergency, the City Administrator may, with the consent of the governing body, award contracts and make purchases for the purpose of repairing damages caused by said accident or avoiding said public emergency; but immediately afterwards, he shall file with the Mayor a certificate showing such emergency and the necessity of such action together with an itemized account of all expenditures.

11. To recommend to the governing body the salaries to be paid each appointive officer and subordinate employee of the City; and it shall be the duty of the governing body to pass ordinances or resolutions, from time to time, fixing rates of compensation.
 12. To recommend to the governing body, in writing, from time to time, for adoption, such measures as he may deem necessary or expedient.
- F. Compensation and Bond of City Administrator: the City Administrator shall receive such compensation as the governing body shall fix from time to time by ordinance and shall furnish such surety bond as may be required by the governing body by ordinance, the premium to be paid by the City.
- G. All regulations of the City prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this Section in which case the provisions of this Section shall govern. (adopted September, 1977)

SECTION 2 - MUNICIPAL COURT

There is hereby created for and within the corporate limits of the City of Kerens, Texas, a Municipal Court (April, 1964)

- A. The Municipal Court of the City of Kerens shall have all the powers and jurisdiction granted by the laws of the State of Texas to such courts.
- B. Such court shall be presided over by a judge, who shall be appointed by the City Council. He shall have all the powers and authority granted by the laws of the State of Texas.
- C. The City Secretary shall act as Court Clerk for the Municipal Court. (April, 1964)
- D. The office of Associate Municipal Judge shall be created, with the following duties and limitations: (May 14, 1996 as Ordinance #96-0514)
 1. Said associate judge shall be responsible for all the normal duties of the municipal court clerk.
 2. Said associate judge may not preside at any hearing of a contested matter.
 3. Said associate judge may accept pleas of "guilty" or "no contest", and assess fines in accordance with guidelines as set forth by the presiding municipal judge.
 4. Said associate judge may issue warrants of arrest upon signed complaints.
 5. Said associate judge may give magistrates warnings.
 6. The City Council of the City of Kerens may, from time to time, limit or expand the duties of the associate judge by resolution.

The person so appointed to serve as associate judge shall hold the office at the will and appointment of the City Council of the City of Kerens to serve an appointment to run concurrent

with mayor and the said City Council of the City of Kerens shall be the sole judge of qualifications of the applicants for such position.

SECTION 3 - CITY SECRETARY

The City Secretary of the City of Kerens, Texas shall be appointed by the City Council. Such appointment shall be made by the newly qualified council at the first meeting date at which the councilmen newly elected for that year shall have qualified, or as soon thereafter as is practicable. Such appointment shall be for a term of two (2) years, beginning at the time of qualification of the new council for that year. (March, 1954)

SECTION 4 - TAX ASSESSOR AND COLLECTOR

There is hereby created the position of Tax Assessor and Collector. The position shall be filled by appointment of the City Council. The salary of the Tax Assessor and Collector shall be determined by the City Council. (March, 1936)

SECTION 5 - POLICE CHIEF

The Police Chief of the City of Kerens, Texas shall be appointed by the City Council of said City. Such appointment shall be made by the newly qualified Council at the first meeting date at which the aldermen newly elected for that year shall have qualified, or as soon thereafter as is practicable. Such appointment shall be for a term of two (2) years, beginning at the time of qualification of the new Council for that year. (May, 1952) (amended 3/6/84)

It shall be unlawful for any person in this City, by force threats, menaces, gestures, or other means; obstruct, prevent, delay or interfere with the Police Chief or any police officer in the lawful discharge of his duty. (August, 1910)

SECTION 6 - CIVIL DEFENSE COMMITTEE AND COORDINATOR

There is hereby created the Municipal Civil Defense and Disaster Relief Committee of the City of Kerens which shall consist of the following:

1. The Mayor of the City of Kerens, who shall when present, serve as Chairman of the Committee, and who shall be authorized to appoint a Municipal Defense Coordinator of the City of Kerens.
 2. The Defense Coordinator of the City of Kerens, who shall be charged with the preparation of a civil defense plan for the City of Kerens, together with such other duties as the Mayor may prescribe. The Coordinator shall be appointed by and hold his position at the pleasure of the Mayor. The Coordinator shall serve as Chairman of the Municipal Civil Defense and Disaster Relief Committee of the City of Kerens in the absence of the Mayor.
 3. The Directors of Divisions and Chief of Services of such Divisions as may be provided for by resolution by the City Council or by directive of the Municipal Defense Coordinator.
 4. Representatives not to exceed six (6) in number from civic, business, industry, labor, veterans, professional, or other groups, to be selected and appointed by the Mayor.
- A. The powers and duties of the Municipal Civil Defense and Disaster Relief Committee shall include the recommendation for adoption by the City Council of a civil defense plan for the City of Kerens, and the recommendation for adoption by the City Council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such civil defense plan. The duties of such Civil Defense and Disaster Relief Committee shall also include the making of a survey of the availability of existing personnel, equipment, supplies, as provided for herein, as well as a continuing study of the need for amendments and improvements in the civil defense plan adopted by the City Council. The Civil Defense and Disaster Relief committee of the City of Kerens, shall meet upon the call of either Chairman or Vice-Chairman.
- B. The Mayor of the City of Kerens, 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 a Civil Defense

and Disaster Relief Council for the County of Navarro and shall have the authority to cooperate in the information of a civil defense plan for the County of Navarro and in the appointment of a Civil Defense Director for the County of Navarro, as well as all other powers necessary to participate in a county-wide program of civil defense and disaster relief in so far as said program may effect the City of Kerens.

- C. The office of Municipal Defense Coordinator shall have the authority to request the declaration of the existence of an emergency by the City Council or by higher authority. In the event it is deemed necessary to declare the existence of an emergency without delay, the Mayor may, if the City Council is not in session, do so, but such action shall be subject to confirmation by the City Council at its next meeting.

The duties and responsibilities of the Municipal Defense Coordinator shall include the following:

1. The control and direction of the actual operation or training efforts of the civil defense and disaster relief organization of the City of Kerens;
 2. The determination of all questions of authority and responsibility that may arise within the civil defense and disaster relief organization of the City of Kerens;
 3. The maintenance of necessary liaison with other municipal, district, State, County, regional, federal, or other civil defense organizations;
 4. The marshaling, after declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the City of Kerens to aid in the carrying out of the civil defense plan;
 5. The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the civil defense plan;
 6. The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the City of Kerens, such rules and regulations shall be filed in the office of the City Secretary and shall receive widespread publicity unless publicity will be of aid and comfort to the enemy;
 7. The supervision of the drafting and the 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 countywide coordination of efforts in defense and disaster relief;
 8. The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions;
 9. The authorization of agreements, after approval of the city council for the use of private property for air raid shelter and other purposes.
- D. The operational civil defense and disaster relief organization of the City of Kerens, shall consist of the officers and employees of the City of Kerens designated by the Municipal Defense coordinator as well as all volunteer municipal defense workers. The functions and duties of this organization shall be distributed among such divisions, services and special staff as the City council shall prescribe by resolution or the Municipal Defense coordinator shall provide by directive. Any such resolution or directive shall set forth the form of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provision of this Section. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Defense and disaster Relief council and of the Federal Government.
- E. Each person serving as a member of the Municipal Civil Defense and Disaster Relief Committee, or as an officer, employee or volunteer in any capacity in the Municipal Civil Defense and Disaster Relief Organization created by resolution or directive pursuant to the authority herein conferred, shall prior to assuming their duty or duties, take an oath which shall be substantially as follows: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Texas, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation

freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any political part or organization, group, or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the Municipal Civil Defense and Disaster Relief Committee of the City of Kerens I will not advocate nor become a member of an affiliate of any organization, group, or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence.”

- F. Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this Section constitutes a public nuisance and when deemed necessary in order to protect life or property during blackouts or air raids, the police are authorized and directed to enter upon any premises within the City of Kerens, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this Section.
- G. Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, shall be deemed guilty of a violation of this Section and shall be subject to the penalties imposed by this Code.
- H. At all times when the orders, rules and regulations made and promulgated pursuant to this Section shall be in effect, they shall supersede all existing Ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.
- I. This Section shall not be construed so as to conflict with any State or Federal statute or with any Military or Naval order, rule or regulation.
- J. This Section 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 Kerens, the agents and representatives of said City or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rules or regulation promulgated pursuant to the provisions of this Section shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Kerens a license or privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall, together with the 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 or for loss of, or damage to, the property of such person.
- K. No person shall have the right to expend any public funds of the City to carry out any civil defense activity authorized by this Section 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.
- L. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the civil defense organization in the enforcement of any rule or regulation issued pursuant to this Section, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Section. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the civil defense organization of the City of Kerens, unless authority so to do has been granted to such person by the proper officials. (April, 1954)

CHAPTER 7- Subdivisions

SECTION 1 - DIVISION OF LAND TO BE UNDER SUPERVISION OF THE CITY

All land within jurisdiction of City not heretofore subdivided.

1. No officer or employee of the City shall authorize work unless regulations have been complied with.
2. The subdivider may avail himself of the advice and assistance of the City Planning Commission.

SECTION 2 - WITHHOLDING IMPROVEMENTS

City shall withhold all City improvements and issuance of building permits from subdivisions not officially approved by the City Council. No improvements should be initiated, nor contracts executed until approval of the City Council has been given.

SECTION 3 - DEFINITIONS

- A. City - means the City of Kerens, Texas.
- B. City Council - means the elected Mayor and Council persons of the City of Kerens, Texas.
- C. Commission - means the appointed members of the Planning Commission.
- D. City Planner - means the planner reporting to the City of Kerens.
- E. City Engineer - means the engineer representing the City of Kerens.

SECTION 4 - PROCEDURES FOR SUBDIVISION

- F. In order to allow orderly processing of a proposed subdivision, the procedures discussed in the following sections shall be followed. In general, the steps necessary for the subdivision shall include:
 1. Annexation by the City Council.
 2. Approval of a land study by the Planning Commission and the City Council.
 3. Approval of the final plat and plans by the Planning Commission and the City Council.
 4. Approval of the final construction plans by the City Engineer.
 5. Filing of approved plat with the City of Kerens and the County Clerk and the recording of all executed easements, dedications, and other documents required to be filed of record.
 6. Completion of construction and acceptance of all improvements by the City and submission of as-built drawings.
- G. This procedure may be varied at the discretion of the City Council. For those areas to be subdivided which lie outside the corporate limits, but are being submitted for review and approval to satisfy the requirements of extraterritorial jurisdiction and Article 974(a), Vernon's Revised Civil Statutes, the provisions concerning annexation and zoning may be deleted. All other provisions shall remain in force.

SECTION 5 - ANNEXATION

If the property is not within the City limits of Kerens and the owner desires that it be annexed so as to be qualified to receive City services, when available, owner must petition the City for annexation through lawful annexation proceedings.

SECTION 6 - LAND STUDY

In the development of a tract 1.25 acres or more to be annexed by the City, either by sections or as one subdivision, the Developer must submit a Land Study to the City Planner. Submittal to the City shall include a letter of transmittal requesting review and payment of the required filing fee.

The purpose of the Land Study is to allow the Planning Commission and the City Council to review proposed major thoroughfare and collector street patterns, land use, and the property's relationship to adjoining subdivisions or properties. The study shall be prepared as follows:

- H. The study shall be drawn to a scale of 1" = 200' or larger.
- I. The lower right-hand corner shall contain a title block clearly showing the proposed name of the subdivision, name and address of the subdivider and the Engineer or Surveyor responsible for the design or survey, scale, date the drawing was prepared, and the location of the tract according to the abstract and survey records of Navarro County, Texas.
- J. The study shall clearly show the limits of the tract and scale distances. True North shall be clearly indicated.
- K. The study shall show the names of adjacent subdivisions or the name of record or owners of adjoining parcels of unsubdivided land.
- L. The study shall contain the location, width and *names* of all existing or platted streets or other public ways within or adjacent to the tract existing permanent buildings, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important features such as political subdivisions, corporate limits and school district boundaries.
- M. The study shall show the layout and width of proposed thoroughfares and collector streets and shall show a general configuration of proposed residential streets.

SECTION 7 - PRELIMINARY PLAT AND PLANS

The Developer shall submit seven (7) copies of the preliminary plat and plans of the subdivision to the City Planning Commission by filing the same with the City Secretary, Kerens City Hall, at least thirty (30) days prior to the regular meeting. The preliminary plat shall carry the legend "Preliminary Plat - For Review Only". Submittal shall include letter of transmittal requesting review and the required filing fees.

- A. The purpose of the submittal is to allow the Planning Commission to review overall platting of the tract, and street patterns within the subdivision for conformance with the requirements of the City. It also provides the City an opportunity to make preliminary estimates of City participation on street costs in the subdivision.
- B. The preliminary plat and plans shall be prepared as follows:
 1. Preliminary Plat shall be drawn to a scale of 1" = 100' or larger.
 2. It shall contain the name of the proposed subdivision, the name and address of the subdivider and the Engineer or surveyor responsible for the design or survey, tract designation, and other descriptions according to the abstract and survey records of Navarro County, Texas.
 3. North point, scale and date.
 4. The boundary lines of tract, accurate in scale, shall be shown.
 5. It shall show the names of adjacent subdivision or names of record of owners of adjoining parcels, the location, widths, and names of all existing or platted streets, easements or other public ways within or adjacent to the tract, existing railroad rights-of-way, and other important features such as section lines, political subdivision or corporate limits and school district boundaries.
 6. It shall show all parcels intended to be dedicated for public use or reserve in the proposed subdivision, together with the purpose and conditions or limitations of such reservation.
 7. It shall show the layout, names and width of proposed streets, alleys and easements.
 8. It shall show the layout, numbers and approximate dimensions of proposed lots and all building lines.
 9. The location of proposed screening walls shall be clearly indicated.
 10. A complete topographic map showing existing structures of the proposed area to be subdivided shall be submitted with the preliminary p1 at. Contours of the tract shall be intervals of five (5) feet or less, referred to sea level datum.
 11. The plans shall show existing culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and location indicated.
 12. Preliminary plans of proposed on-site and off-site drainage system and street improvements.
- C. The Developer shall submit a letter, along with the preliminary plat, requesting any variances to the subdivision.

- D. It is to be understood that the approval of the preliminary plat by the City Planning Commission does not constitute official acceptance of the proposed subdivision by the City. There shall be no work done in the field on the proposed subdivision until the final plat has been accepted.
- E. Following review of the preliminary plat and other materials submitted, or conformity thereof to the regulations of this chapter and other City codes, the Planning Commission shall, within thirty (30) days, act thereon as submitted, or as modified and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, one of which shall be the filing of a final plat or, if disapproved, shall express its disapproval. Approval of the preliminary plat expires at the end of nine (9) months unless the final plat has been submitted for approval.
- F. After approval of a preliminary plat by the Planning Commission, the same shall be forwarded to the City Council for its inspection and comment. It shall be accompanied by a letter from the owner requesting any variances to its Subdivision Regulations. Council approval of the preliminary plat expires at the end of nine (9) months unless the final plat has been submitted for approval.

SECTION 8 - FINAL PLAT AND PLANS

The Developer shall submit four (4) copies of the final plat and complete construction plans, on sheets 24" X 36", plus seven (7) final plats of the subdivision to the City Planning Commission by filing the same with City Secretary, City Hall, at least thirty (30) days prior to the date of the regular meeting of that body at which consideration is requested and on which date such plat shall be deemed filed. This plat shall carry the legend "Final Plat." Submittal shall include a letter of transmittal requesting review and payment of the required filing fees.

- A. The Final Plat shall show or be accompanied by the following information:
 1. Final Plat shall be drawn to a scale of 1" = 100' or larger.
 2. It shall contain the subdivision name or identifying title and name of the city, county and state in which the subdivision is located; the name and address of the record owner or subdivider.
 3. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets interacting with the boundary of the tract.
 4. An accurate location of the subdivision with reference to the abstract and survey records of Navarro County.
 5. The exact layout including:
 - a. Street names.
 - b. Length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
 - c. All easements for right-of-way provided for public services or utilities and any limitations of the easements.
 - d. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
 6. The accurate location, material and approximate size of all monuments.
 7. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and for all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
 8. Setback building lines.
 9. Private restrictions.
 10. North point, scale and date.
 11. Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size and material description are correctly shown.
 12. A certificate of ownership and dedication of all streets, alleys, parks and playgrounds to public use forever, signed and acknowledged before a Notary Public by the Owner and Lien Holder of the land along with complete and accurate description of the land subdivided and the streets dedicated.

13. Additional certificates to properly dedicate easements or right-of-way as may be necessary.
14. Proper blanks for certification of approval to be filled out by the City Council.
15. A receipt indicating that all taxes have been paid.
16. Construction plans for all required utilities such as:
 - a. Plan and profile of proposed streets.
 - b. Plan and profile of on-site and off-site proposed drainage facilities, including storm sewers where required.
 - c. Proposed street lighting plan and any utility pole relocations.
- B. The Construction Plans shall be prepared by or under the supervision of Registered Professional Engineer in the State of Texas and shall bear his seal on each sheet.
- C. The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the specifications set forth in Appendix A.
- D. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.
- E. After review of the plat and plans by the City Engineer, the plat shall be submitted to the Planning Commission and the City Council for their consideration. If approved by those bodies subject to changes, the Engineer for the owner shall make all changes required. The City Engineer or his designated representative will approve all plans to the Engineer for the owner for use by the Contractors. Each Constructor shall maintain one (1) set of the plans, stamped with City approval, on the project at all times during construction. If construction has not commenced within one (1) year after approval of the plans, re-submittal of plans may be required by the City Engineer for meeting current standards and engineering requirements.

SECTION 9 - FILING OF PLAT

After approval of the Final plat by the Planning Commission and the City Council and correction for the plat as required by those bodies, the Developer shall submit filing fees and the required number of copies for filing with the Navarro County Clerk. These copies shall bear all signatures of the City officials. After signature by the City officials, the Developer shall complete the filing process and return the required number of filed copies to the City. Said copies shall show the volume and page of the Map and Plat Records into which the plat was filed by the Navarro County Clerk. If the final plat has not been submitted for signatures by City officials within six (6) months after approval by the City Council, the plat shall be deemed null and void, re-submittal shall be required, and current subdivision regulations shall apply.

SECTION 10 - SUBMITTAL REQUIRED FOR CONSTRUCTION

Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:

1. The Final Plat shall be complete to the requirements of the City Council at the time of approval.
2. All required contract documents shall be completed and filed with the City Engineer.
3. All necessary off-site easements or dedications required for City maintained facilities not shown on the Final Plat must be conveyed solely to the City of Kerens, Texas, with proper signatures affixed. The original of the documents and filing fees shall be returned to the Engineering Department prior to approval and release of the engineering plans.
4. All Contractors participating in the construction shall be presented with a set of accepted plans bearing the stamp of acceptance of the City Engineer. These plans shall remain on the job site.
5. If required by the City Engineer, all parties participating in the construction shall meet for a pre-construction conference to discuss the project prior to beginning work.
6. A complete list of the Contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.

7. Manufacturers' drawings for all fabricated appurtenances or special construction time shall be submitted to the City Engineer.

SECTION 11 - SUBDIVISION -CONSTRUCTION

Construction shall be inspected by the City Engineer or his representative. Completion of construction to the approved plans and specifications of the City of Kerens is the responsibility of the Developer and Contractors. The responsibility of the City Engineer is to assure conformance to the accepted plans and specifications. Any change in design required during construction shall be made by the Engineer whose seal and signature are shown on the plans and shall be accepted by the City Engineer.

SECTION 12 - ACCEPTANCE OF THE SUBDIVISION

- A. After completion of all items required in the plans and specifications, the Contractor shall submit to the City a bond in the amount of one hundred percent (100%) of the Contract amount guarantying workmanship and materials for a period of one (1) year from the date of final acceptance by the City. The City Engineer shall verify that all items have been completed, including the filing of the plat and all related easements and documents, payment of pro rata fees for streets. The City Engineer, or his designated agent, shall conduct a final inspection of the project and, if all work is found to be acceptable, shall issue a Letter of Acceptance. Any items of exception noted in the acceptance letter shall be immediately satisfied.
- B. Acceptance of the subdivision shall mean that title to all improvements is vested in the City of Kerens. The Developer and his Contractors shall, however, be bound to the City for a period of one (1) year to repair any defects in the improvements.

SECTION 13 - AS-BUILT PLANS

Prior to final acceptance by the City of the improvements in the subdivision, the Engineer for the Developer shall submit to the City Engineer a complete, reproducible set of drawings of paving, drainage, and other improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the Engineer and the date.

SECTION 14 - ISSUANCE OF BUILDING PERMITS

Generally, building permits will not be issued until completion of all improvements within the subdivision and acceptance by the City. The City Engineer shall have the authority, after reviewing the progress of construction and other relevant matters, to release portions of the subdivision for building permits.

SECTION 15 - FILING FEES

- A. The following schedule of fees and charges shall be paid to the City when any plat is submitted to the Planning Commission or any other authorized board of agency of the City. Each of the fees and charges provided herein shall be paid in advance, and the Planning Commission or any other authorized board shall take no action until said fees and charges have been received by the officer designated herein. The City Council or their deputies or assistants, shall calculate the fees and charges in accordance with the following schedule:
 1. Land Study \$100 plus \$2 per acre (for 1.25 acres or more only).
 2. Preliminary Plat \$100 plus \$2 per lot.
 3. Final Plat (Non-Residential) \$100 plus \$20 per acre (Residential) \$100 plus \$2 per lot.
 4. Replat \$100 plus \$2 per lot.

These fees shall be charged on all plats, regardless of the action taken by the Planning Commission and whether the plat is approved or denied by the City Council.

B. Construction Permit

The City Engineer shall compute the Construction Permit Fee for the development of a subdivision, or parts thereof, based on the following schedule:

Complete Subdivision and
any separate projects: 2.0% of construction
Streets, Storm Sewers, etc.

SECTION 16 - ADOPTION OF SUBDIVISION REGULATIONS

The term “subdivision” means the division of any tract of land situated within the corporate limits of the City or within one-half (1/2) miles thereof into two or more pads for the purpose of laying out any subdivision of any tract of land or any addition to the City of Kerens, Texas, or for laying out suburban lots or building lots, or any lots, and streets alleys or parks or other portions intended for public used, or the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites. “Subdivision” includes re-subdivision. “Subdivision” shall also mean a tract of land intended to be built upon and for which a building permit is required.

The rules and regulations attached hereto, including the attached Appendix A, Specific Requirements and Design Criteria is incorporated herein as if copied herein in their entirety and are hereby adopted as the subdivision regulations of the City of Kerens and are made as part hereof for all purposes.

No person shall create a subdivision of land, as herein above defined, within the corporate limits of the City or within one-half (1/2) miles thereof, without complying with the provisions of these regulations. All plats and subdivisions of any such land shall conform to the rules and regulations herein adopted.

SECTION 17 - REPEALING CLAUSE

All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed. However, the repeal of existing ordinance by this

Ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the effective date of this Ordinance in violation of any ordinance hereby repealed; and prosecution for such offenses may be instituted and causes presently pending proceeded with in all respects as if such prior ordinance or ordinances had not been repealed.

SECTION 18 - SEVERABILITY CLAUSE

If any article, paragraph, or subdivision, clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 19 - PENALTY CLAUSE

Any person, firm, or corporation in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 20 - EFFECTIVE DATE

This Ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

APPENDIX A SPECIFIC REQUIREMENTS AND DESIGN CRITERIA

I. STREETS AND ALLEYS

A. Policy

1. Streets constructed within the City shall be classified according to the following criteria:

Minor 50 feet right-of-way
Collector 65 feet right-of-way
Arterial 100+ feet of right-of-way

2. Residential streets shall be so laid out that use for through traffic will be discouraged.
3. Arterial streets intersect at 90 degree angles unless other wise approved by the City.
4. Half-streets shall be prohibited, except when essential to the responsible development of the subdivision and where the City Council finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided.
5. Strips of privately owned property reserved for the obvious purpose of controlling access to streets shall be prohibited except where control is definitely placed in the City under conditions approved by the Planning Commission.
6. Street alignments with centerline offsets of less than 125 feet shall be prohibited.
7. A cul-de-sac shall not be longer than 600 feet and at the closed end shall have a turnaround provided, having a minimum outside roadway diameter of 80 feet and a minimum street property line diameter of 100 feet. Parking islands shall be required if on-street parking is desired in the cul-de-sac, If parking islands are included, the diameter of the cul-de-sac shall be designed to facilitate circular movement of traffic around the cul-de-sac.
8. At the intersection of a new subdivision street with an existing boulevard arterial the Developer of the subdivision shall construct a median opening in the boulevard, unless other wise directed by the City.
9. Alleys are required in all residential subdivisions. Alleys shall have a minimum right-of-way width of 15 feet.
10. Blocks shall be platted to allow two tiers of lots.
11. All lots shall be adjacent to a dedicated street to which access is allowed. Where a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical ultimate re-subdivision.
12. Blocks lengths, generally, should not exceed 1,200 feet in length as measured from street centerline.
13. Alleys, or loading courts, of a minimum width of 24 feet of paved surface, or in lieu thereof adequate off-street loading space shall be provided in business blocks.
14. Escrows for Adjacent Streets.
 - a. When a proposed subdivision of land abuts on both sides of an existing substandard road according to the then existing current City of Kerens standards, the Developer shall be required to improve the existing road to bring the same to the City of Kerens standards. Any reimbursement, if due, to the Developer by the City will be made when funds become available.
 - b. If the proposed subdivision is located along only one side of a substandard road, and when in the City Council's judgment, it is not feasible to reconstruct said substandard road at the time of development of said subdivision, the City Council may permit the Developer to pay into escrow an amount equal to the Developers share of the cost of said improvements as a condition for the approval of the final plat of the subdivision. The amount of escrow shall be determined by a "pro rata" charge as prescribed by the City and shall be payable prior to approval of plans by the City Engineer.
 - c. When funds have been provided and placed in escrow with the City of Kerens for the development of a substandard road and the road is reconstructed by others at no cost to the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that

- a portion of the cost is borne by the City, the difference between the Developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements.
- d. Whenever under any of the provisions of this section, funds are required to be escrowed for the cost of future improvements to substandard roads, the form of such escrow shall be cash or its equivalent.

B. Engineering Design

The engineering design of streets in the City of Kerens shall conform to the then current street standards as adopted by the County of Navarro.

II. STORM SEWERS

A. Policy

An adequate storm sewer system, consisting of inlets, pipes and other drainage structures, shall be constructed to conform to the current drainage requirements of the City of Kerens. If open channels are used, side slopes of 4:1 with concrete pilot channels shall be constructed.

1. An adequate storm sewer system consisting of inlet, pipes and/or excavated channels or natural creeks and other underground drainage structures with approved outlets shall be constructed where run-off of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions as established by the City will not be considered for development until adequate drainage has been provided.
2. In general, underground drainage shall be constructed in streets and alleys. If approved by the City Engineer, the Developer may provide, at his own expense, a right-of-way easement of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The Developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. Unless the excavated channel bottom is in Chalk, Limestone, or other similar acceptable rock, a reinforced concrete pilot channel or concrete channel lining may be required by the City to prevent erosion or for access purposes. Location, and type of construction of open channels shall be approved by the City Engineer.
3. Creeks may remain in open natural condition or excavated channels may be constructed provided they meet one of the following requirements:
 - a. Creeks or excavated channels with side slopes of 4:1 or flatter from bottom of channel to top of bank may be platted as part of individual lots. Adequate access and flood way easements shall be provided to insure protection of these areas for maintenance purposes.
 - b. Creeks of drainage ways with banks which have slopes steeper than 4:1 must be maintained by a maintenance entity other than individual lot owners. In such cases, the creek or excavated channel shall meet one of the following two requirements:
 - (i) The area of the flood way shall be provided as a park or flood way management area. Prior to acceptance of any drainage way as a flood way management area by the City, the drainage way shall be cleared of all debris trash and all objectionable underbrush and weeds. All provisions of Paragraph 2 above must be met.
 - (ii) Creeks or drainage ways in any areas which have private maintenance provisions other than individual lot owners, shall not be required as flood way management areas. The creeks or drainage ways in these areas shall not be maintained by the City. Adequate utility access and flood way easements shall be provided to ensure protection of these areas for maintenance purposes.
 - (iii) Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City Engineer. The City may assume maintenance responsibilities for this type of facility, if approved by the City Council; however, easements shall be provided to assure protection of these areas for maintenance purposes.
 - (iv) Other innovative drainage concepts will be considered if approved by the City Engineer.

- (v) Brick or Masonry Head walls: Head walls constructed in Public Road right-of-way are suggested to have brick or stone facing. Safety grates shall be provided on all storm sewers.
- (vi) Storm sewers may be constructed across the front and sides of all developments other than residential.

III. SANITARY SEWERS

A. Policy

All subdivisions shall be provided with adequate utility easements where the subdivision is inside the city limits of the City of Kerens, for future connection to the City's sanitary sewer system when developed.

B. Engineering Design

The engineering design of private sewage facilities in the City of Kerens shall conform to the then current standards as adopted by the County of Navarro.

IV. WATER MAINS

A. Policy

All subdivisions shall be provided with adequate utility easements where the subdivision is inside the corporate limits of the City of Kerens, for future connection to the City's water distribution system when developed.

V. UTILITY SERVICES

- A. All services for available utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
- B. All electric, telephone utilities, street lighting, and cable television can either be above or underground. The use of above-ground utilities may be considered on an individual case basis if the services are placed on the rear property line.
- C. All support equipment (transformers amplifiers, switching devices, etc.) necessary for underground installations shall be pad-mounted or placed underground.
- D. The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.
- E. The Developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone, and cable television service to the subdivision.
- F. Overhead services will not be permitted to cross public rights-of-way.

VI. MISCELLANEOUS

- A. Street Signs: The Developer shall pay the City for street signs for the subdivision. There shall be one sign for each three-way intersection and two signs for each four-way intersection. The signs will be ordered by the City and the Developer billed a fixed fee for each sign. The fee shall include cost of the sign assembly and pole.
- B. All lot corners shall be located and marked with one-half (1/2) inch diameter reinforcing bar, eighteen (18) inches long, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.

– TRAFFIC CODE

SECTION 21 - RAILROAD REGULATIONS

- C. All railroad tracks which cross public streets, avenues or alleys within the City of Kerens, Texas, as well as those which may hereafter be constructed, or which may hereafter become accessible for use by the public, shall be governed by the following regulations;
1. It is hereby made the duty of all railroad companies and the managers thereof, which own, control, or operate railroads, railroad lines and/or railroad tracks through the corporate limits of the City of Kerens to provide, at intersections with public streets, crossings easy of access, constructed of material consistent to the standards of construction of abutting streets.
 2. Where the City Council shall find any crossing to be in need of repair, or where the same is not suitable for the safe use of public street traffic, and in all instances where the city is undertaking a pavement project which runs over and across any railroad right-of-way, the Council shall give written notice to such railroad company or to its local agent that street repairs are required, and he shall specify the location and type of repairs to be made. It shall be the duty of the railroad company so notified to commence such repairs and public street improvements within sixty days after notice has been so given, and the failure so to do shall constitute a violation of this Section.
 3. It shall be the duty of each railroad company whose lines are constructed, or which may hereafter be constructed, so as to cross any public street, avenue or alley within the city to maintain such crossing in good repair and condition, at its own expense, including that part of the public street which lies between the railroad tracks, and within the railway company's right-of-way; and such crossing shall be kept free of obstructions of every kind. All repairs and maintenance work shall be subject to the approval of the City Council.
 4. It shall be the duty of each railway company which operates a line within or through the City of Kerens to erect and maintain safety devices and the expenses of maintaining such safeguards and safe conditions shall be borne solely by such railway line.
 5. It shall be the duty of each railway company which operates a line within or through the City of Kerens to erect and maintain in good condition proper and adequate lights at all street and sidewalk crossings.
 6. If and when the City Council deems a crossing to be hazardous, or not properly lighted, or not sufficiently guarded by safety devices, it shall so notify the railroad company, and such unsafe conditions shall be rectified by the installation of proper and sufficient safety devices and/or lights as may be necessary to safeguard the welfare of the public.
 7. It shall be unlawful for any railway train, car and/or locomotive or diesel engine to be run at a speed in excess of sixty (60) miles per hour within the city limits of the City of Kerens.
(amended April, 1999)
 8. It shall be unlawful for any officer, agent or employee of any railway corporation to willfully obstruct for more than five (5) minutes at any one time any street by permitting their train to stand on or across such crossing.
- B. If charges should be filed for any violation of this Section, a summons shall be sent by certified mail to the home office of the railroad company operating such railroad or locomotive, as in the case of traffic tickets to automobile drivers, and the alleged offender shall be ordered to appear in court at a given time not less than ten (10) days after the issuance of such summons. (January, 1976)

SECTION 22 - UNIFORM MANUAL ON TRAFFIC CONTROL DEVICES ADOPTED

The *Texas Manual on Uniform Traffic Control Devices for Streets and Highways* most recently adopted by the Texas Department of Transportation with amendments which are presently attached to and have become a part of such Manual be, and the same is hereby adopted in toto, and such rules and regulations as set forth in such Manual shall constitute a part of this Chapter as if the same were fully copied herein verbatim.

A copy of the *Texas Manual on Uniform Traffic Control Devices for Streets and Highways* shall be filed with the City Secretary of the City of Kerens, and the same shall be available at all times to all interested persons

for their inspection and for their information as to the provisions and regulations contained in such Manual. When the word City Manager is used in such Manual, if it is, the same shall apply to the City Administrator of the City of Kerens who performs all the duties of a City Manager. (April, 1977)

SECTION 23 - TRAFFIC REGULATIONS

It shall be unlawful and a traffic violation for any person operating any motor vehicles, truck, trailer, or semi-trailer to make a complete turn on any of the streets of Kerens, other than at intersections where turn buttons have been placed for this purpose, or to cut across the street at any place other than at the intersections.

- A. It shall be unlawful and a traffic violation for any person operating any motor vehicle, truck, trailer, or semi-trailer to cross a yellow stripe on the streets of Kerens.
- B. It shall be unlawful to:
 - 1. Double park without a driver in the car at any time.
 - 2. Double park over five (5) minutes with a driver in car.
 - 3. Block any of the alleys within the city.
 - 4. Park in the center of any street.
 - 5. Park in a No-Parking zone which is so marked.
- C. It shall be unlawful to throw trash on the streets or any private property in the City of Kerens.
- D. It shall be unlawful to allow any livestock to run loose in the streets of the City of Kerens.
- E. It shall be unlawful to leave cars, trucks, trailers, or semi-trailers in the same location over 36 hours on the streets or any city property of the City of Kerens.
- F. It shall be unlawful for any person to operate any motor vehicle, truck, trailer, or semi-trailer faster than twenty (20) miles an hour in School, Church, or Hospital Zone so marked, in the City of Kerens.
- G. It shall be unlawful for any person to operate any motor vehicle, truck, trailer, or semi-trailer faster than thirty (30) miles an hour in the City of Kerens, unless there is a higher speed limit posted. (August, 1964)

SECTION 24 - TRAFFIC CONTROL SIGNS

There shall be placed and maintained traffic control signs and the same are hereby authorized to be placed and maintained at the below described locations. (Amended mm/dd/2002)

- A. STOP SIGNS are hereby authorized and shall be installed at the following locations:
 - 1. On the north side of N. 1st Street at its intersection with N. Goodman Avenue controlling west bound traffic on N. 1st Street.
 - 2. On the north and south side of N. 1st Street at its intersection with N. Bonner Avenue controlling east and west bound traffic on N. 1st Street.
 - 3. On the north and south side of N. 1st Street at its intersection with N. Throckmorton Avenue controlling east and west bound traffic on N. 1st Street.
 - 4. On the north and south side of N. 1st Street at its intersection with N. Humphreys Avenue controlling east and west bound traffic on N. 1st Street.
 - 5. On the south side of N. 1st Street at its intersection with N. Colket Avenue controlling east bound traffic on N. 1st Street.
 - 6. On the north and south side of N. 3rd Street at it intersection with N. Throckmorton Avenue controlling east and west bound traffic on N. 3rd Street.
 - 7. On the north and south side of N. 3rd Street at its intersection with N. Colket Avenue controlling east and west bound traffic on N. 3rd Street.
 - 8. On the north and south side of N. 3rd Avenue at its intersection with N. Senter Avenue controlling east and west bound traffic on N. 3rd Avenue.
 - 9. On the north and south side of N. 3rd Avenue at its intersection with N. Sinclair Avenue controlling east and west bound traffic on N. 3rd Avenue.

10. On the north and south side of N. 4th Street at its intersection with N. Senter Avenue controlling east and west bound traffic on N. 4th Street.
11. On the north side of N. 4th Street at its intersection with Margaret Avenue controlling west bound traffic on N. 4th Street.
12. On the east and west side of N. Wright Avenue at its intersection with N. 5th Street controlling north and south bound traffic on N. Wright Avenue. (amended 6/8/93)
13. On the north and south side of N. 4th Street at its intersection with N. Wright Avenue controlling east and west bound traffic on N. Wright Avenue.
14. On the east side of S. Wright at its intersection with S. 1st Street controlling north bound traffic on S. Wright Avenue. (amended 6/12/01)
15. On the north and south side of S. 1st Street at its intersection with S. Goodman Avenue controlling east and west bound traffic on S. 1st Street.
16. On the north and south side of S. 1st Street at its intersection with S. Bonner Avenue controlling east and west bound traffic on S. 1st Street
17. On the north and south side of S. 1st Street at its intersection with S. Throckmorton Avenue controlling east and west bound traffic on S. 1st Street.
18. On the north and south side of S. 1st Street at its intersection with S. Humphreys Avenue controlling east and west bound traffic on S. 1st Street.
19. On the north and south side of S. 1st Street at its intersection with S. Senter Avenue (SH 309) controlling east and west bound traffic on S. 1st Street.
20. On the north and south side of S. 1st Street at its intersection with S. Donaldson Avenue controlling east and west bound traffic on S. 1st Street.
21. On the north and south side of S. 2nd Street at its intersection with S. Donaldson Avenue controlling east and west bound traffic on S. 2nd Street.
22. On the north and south side of S. 2nd Street at its intersection with S. Sinclair Avenue controlling east and west bound traffic on S. 2nd Street.
23. On the north and south side of S. 2nd Street at its intersection with S. Senter Avenue (SH 309) controlling east and west bound traffic on S. 2nd Street.
24. On the north and south side of S. 2nd Street at its intersection with S. Colket Avenue controlling east and west bound traffic on S. 2nd Street.
25. On the north and south side of S. 2nd Street at its intersection with S. Humphreys Avenue controlling east and west bound traffic on S. 2nd Street.
26. On the north and south side of S. 2nd Street at its intersection with S. Throckmorton Avenue controlling east and west bound traffic on S. 2nd Street.
27. On the north and south side of S. 2nd Street at its intersection with S. Bonner Avenue controlling east and west bound traffic on S. 2nd Street.
28. On the north and south side of S. 2nd Street at its intersection with S. Goodman Avenue controlling east and west bound traffic on S. 2nd Street.
29. On the east and west side of School Avenue at its intersection with S. 3rd Street controlling north and south bound traffic on School Avenue.
30. On the north and south side of S. 3rd Street at its intersection with S. Goodman Avenue controlling east and west bound traffic on S. 3rd Street; and on the east and west side of S. Goodman Avenue controlling north and south bound traffic on S. Goodman Avenue creating a 4-way Stop. (amended 1/8/02 by Ordinance #02-0108)
31. On the north and south side of S. 3rd Street at its intersection with S. Bonner Avenue controlling east and west bound traffic on S. 3rd Street.
32. On the north and south side of S. 3rd Street at its intersection with S. Throckmorton Avenue controlling east and west bound traffic on S. 3rd Street.
33. On the north and south side of S. 3rd Street at its intersection with S. Humphreys Avenue controlling east and west bound traffic on S. 3rd Street.
34. On the north and south side of S. 3rd Street at its intersection with S. Senter Avenue (SH 309) controlling east and west bound traffic on S. 3rd Street.

35. On the east and west side of S. Sinclair Avenue at its intersection with S. 3rd Street controlling north and south bound traffic on S. Sinclair Avenue.
 36. On the east and west side of S. Donaldson Avenue at its intersection with S. 3rd Street controlling north and south bound traffic on S. Donaldson Avenue.
 37. On the east and west side of Ferguson Avenue at its intersection with S. 4th Street controlling north and south bound traffic on Ferguson Avenue.
 38. On the east and west side of S. Donaldson Avenue at its intersection with S. 4th Street controlling north and south bound traffic on S. Donaldson Avenue.
 39. On the east and west side of S. Sinclair Avenue at its intersection with S. 4th Street controlling north and south bound traffic on S. Sinclair Avenue.
 40. On the north and south side of S. 4th Street at its intersection with S. Colket Avenue controlling east and west bound traffic on S. 4th Street.
 41. On the north and south side of S. 4th Street at its intersection with S. Humphreys Avenue controlling east and west bound traffic on S. 4th Street.
 42. On the north and south side of S. 4th Street at its intersection with S. Throckmorton Avenue controlling east and west bound traffic on S. 4th Street.
 43. On the north and south side of S. 4th Street at its intersection with S. Bonner Avenue controlling east and west bound traffic on S. 4th Street; and on the east and west side of S. Bonner Avenue at its intersection with S. 4th Street controlling north and south bound traffic on S. Bonner Avenue creating a 4-way Stop.
 44. On the north and south side of S. 4th Street at its intersection with S. Goodman Avenue controlling east and west bound traffic on S. 4th Street.
 45. On the north and south side of S. 5th Street at its intersection with S. Bonner Avenue controlling east and west bound traffic on S. 5th Street.
 46. On the north and south side of S. 5th Street at its intersection with S. Throckmorton Avenue controlling east and west bound traffic on S. 5th Street.
 47. On the east and west side of S. Humphreys Avenue at its intersection with S. 5th Street controlling north and south bound traffic on S. Humphreys Avenue; and on north and south side of S. 5th Street at its intersection with S. Humphreys Avenue controlling east and west bound traffic on S. 5th Street creating a 4-way Stop.
 48. On the north and south side of S. 6th Street at its intersection with S. Humphreys Avenue controlling east and west bound traffic on S. 6th Street.
 49. On the north and south side of S. 6th Street at its intersection with S. Throckmorton Avenue controlling east and west bound traffic on S. 6th Street.
 50. On the north side of S. 6th Street at its intersection with S. Bonner Avenue controlling west bound traffic on S. 6th Street.
 51. On the north and south side of SE Third Street at its intersection with S. Ferguson Avenue controlling east and west bound traffic on SE Third Street. (8/12/2008)
- B. SCHOOL ZONE SIGNS are hereby authorized and shall be installed at the following locations:
1. On S. Bonner Avenue across the street from the northwest property line of the school controlling south bound traffic.
 2. On S. Bonner Avenue on the southwest property line of the school controlling north bound traffic. (December, 1976)
- C. YIELD SIGNS are hereby authorized and shall be installed at the following locations:
1. At the north side of SE Fourth Street at its intersection with Reagan.

SECTION 25 - PARKING

All parking along the protecting curb, between the south rail of the railroad track and the beginning of the protecting curb which is 45 feet south of said south rail, is hereby prohibited.

- A. No Parking allowed on N. Goodman. (October, 1985)
- B. A person commits an offense if he stops, parks, or stands a truck tractor, road tractor, trailer, semi-trailer, pole trailer, bus, or any commercial motor vehicle upon a public street, alley, parkway,

boulevard, or public place. This item will not apply to street construction, maintenance and repair equipment, trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities; motor buses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone, or where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or a vehicle with a mechanical defect, making it unsafe to proceed further, in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs. (June, 1988)

- C. A person commits an offense if he stops, parks, or stands a truck tractor, road tractor, semi-trailer, bus, or trailer or truck with a rated capacity in excess of 1 ½ tons according to the manufacture's classification, upon property within an area zoned as either single-family residential district or multi-family residential district, according to the Zoning Ordinance of the city. This item shall not apply to the parking or standing of vehicles for the purpose of expeditiously loading or unloading passengers, freight, or merchandise. (June, 1988)

CHAPTER 8- Utilities

SECTION 1 - PLUMBING CODE

PART 1: DEFINITIONS AND REFERENCES

The sanitary sewer systems of the City of Kerens, Texas, consists of main and lateral conduits of various types of pipe, with necessary accessories, and are known herein as sanitary sewers. They are designed to carry off all liquid house wastes. The sewers in the alleys or streets adjacent to the various lots are called main or lateral sewers. The sewers leading from the main or lateral sewers to the property on either side are called house sewers. (February, 1968)

The provisions and regulations of the International Plumbing Code, and amendments thereto, are made a part of this ordinance by reference. Any installation, alteration, or repair made to any water and or sewage service connected to the Municipal Water and/or Sewer System of the City of Kerens, Texas, shall meet minimum requirements of the International Plumbing Code.

PART 2: INSPECTION AND SUPERVISION

The office of Plumbing Inspector is hereby created, which office shall be filled by appointment by the Mayor. The person chosen to fill the office shall be of good moral character, shall be possessed of such executive ability, training and experience as is required for the performance of his duties of enforcing this Section. He shall receive such compensation and serve for such term as may be fixed by the governing body. It shall be the duty of the plumbing inspector to inspect and test all plumbing work for compliance with this Section. (February, 1968)

PART 3: APPLICATIONS AND PERMITS

Before beginning any plumbing work connected or intended to be connected with the water or sewer systems in the City of Kerens, Texas the person installing or altering same, shall apply to the plumbing inspector or other designated official and obtain a permit to do such work. Only those persons, legally authorized to do plumbing may be issued permits. Those so authorized include

1. A home owner who is to install or alter plumbing in a single family residence, providing the home owner does the work himself and that the building is owned and occupied by the owner as his home. All such work shall meet the code requirements.
2. Those plumbers licensed as provided by State Law.

Application for permits to connect with the sewer system or to do plumbing work to be connected therewith, must be made in writing by the owner of the property to be drained or by his authorized agent. Such application shall give the precise location of the property, the name of the owner, and the name of the person employed to do the work and shall be made on blanks furnished for the purpose. No permit shall be deemed to authorize anything not stated in the application and if any misrepresentation appears to be willful the permit shall be revoked. For the issuance and filing of such applications for permits a fee of \$75.00 shall be charged and such fee shall be deposited to the general fund of the city. Permits to make connections with the sewer system shall be issued only when the plumbing in the house or building to be connected is in accordance with rules for plumbing hereinafter prescribed and has been inspected and approved by the Plumbing Inspector. (February 1968)

The Plumbing Inspector will designate the position of the "Y" branch in the streets or alley, as shown by the records of the city at time of issuance of permit. All connections made with the sanitary sewers or drains and all plumbing connected therewith shall be made under the direction of the Plumbing Inspector, or his authorized agent. (February 1968)

Before a permit will be issued for doing plumbing work in a building, or before any additions are made excepting necessary repairs, a description of the work to be done signed by a licensed plumber on blanks furnished for the purpose shall be filed in the office of the Plumbing Inspector and no such

work shall be commenced until such description shall have been approved by the Plumbing Inspector. All work done under such description shall be subject to the inspection of the Plumbing Inspector and no alterations shall be made in any description or in any work without a permit in writing from the city. (February 1968)

SECTION 2 - PRIVATE SEWAGE DISPOSAL CODE

There is hereby adopted by the City of Kerens for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of sewage systems, that certain Code known as the International Private Sewage Disposal Code, being the latest edition, by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Secretary of the City of Kerens and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling in the maintenance of all buildings in the corporate limits of the City of Kerens. (adopted 9/1/01)

SECTION 3 - WASTEWATER DISCHARGE REGULATIONS

PART 1: DEFINITIONS

- A. Approving Authority means the City Administrator or his duly authorized representative
- B. BOD (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.
- C. Building Sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connections).
- D. City means the City of Kerens, Texas, or any authorized agent acting in its behalf.
- E. BOD (Chemical Oxygen Demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.
- F. Control Manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.
- G. Control Point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.
- H. Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products and produce.
- I. Industrial Waste means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.
- J. Industrial Waste Charge means the charge made on those persons who discharge industrial wastes into the city's sewerage system.
- K. Milligrams per Liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- L. Natural Outlet means any outlet into a watercourse, ditch, lake, or other body of surface water or ground water.
- M. Normal Domestic Wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

- N. Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.
- O. Person includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity;
- P. pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per liter.
- Q. Public Sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the City of Kerens.
- R. Sanitary Sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.
- S. Sludge means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- T. Standard Methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater* as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- U. Storm Sewer means a public sewer that carries storm and surface waters and drainage into which domestic wastewater or industrial wastes are not intentionally passed.
- V. Storm Water means rainfall or any other form of precipitation.
- W. Superintendent means the Water and Wastewater Superintendent of the City of Kerens or his duly authorized deputy, agent, or representative.
- X. Suspended Solids means solids measured in mg/l that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.
- Y. To Discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.
- Z. Trap means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.
- AA. Unpolluted Wastewater means water containing
1. No free or emulsified grease or oil;
 2. No acids or alkalis;
 3. No phenols or other substances producing taste or odor in receiving water;
 4. No toxic or other poisonous substances in suspension, colloidal state, or solution;
 5. No noxious or otherwise obnoxious or odorous gases;
 6. Not more than ten (10) mg/l each of suspended solids and B. O. D., and
 7. Color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.
- BB. Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.
- CC. Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.
- DD. Wastewater Facilities includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.
- EE. Wastewater Treatment Plant means any City-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludge from the sanitary sewers.

- FF. Wastewater Service Charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.
- GG. Watercourse means a natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

PART 2: PROHIBITED DISCHARGES

- A. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may
1. Injure or interfere with wastewater treatment processes or facilities;
 2. Create a hazard in receiving waters of the wastewater treatment plant effluent.
- B. All discharges shall conform to requirements of this Section.

PART 3: CHEMICAL DISCHARGES

- A. No discharge to public sewers may contain:
1. Cyanide greater than 1.0 mg/l;
 2. Fluoride other than that contained in the public water supply;
 3. Chlorides in concentrations greater than 250 mg/l;
 4. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
 5. Substances causing an excessive Chemical Oxygen Demand (C.O.D.)
- B. No waste or wastewater discharged to public waters may contain:
1. Strong acid, iron pickling wastes, or deconcentrated plating solutions whether neutralized or not;
 2. Fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (00 and 650 Centigrade);
 3. Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials; or
 4. Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of Section B (1).
- C. No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.
- D. All waste, wastewater or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the Approving Authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

PART 4: HEAVY METALS AND TOXIC MATERIALS

- A. No discharges may contain concentrations of heavy metals greater than amounts specified in this Subsection.
- B. The maximum allowable concentrations of heavy metal stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with standard methods are:

NOT TO EXCEED

Metal	Daily Average mg/l	Composite mg/l	Grab Sample mg/l
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0

Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead 0.5	1.0	1.5	
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel 1.0	2.0	3.0	
Selenium	0.05	0.1	0.2
Silver 0.05	0.1	0.2	
Zinc 1.0	2.0	6.0	

- C. No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentration, volumes, and other applicable provisions.
- D. Prohibited heavy metals and toxic materials include but are not limited to:
1. Antimony
 2. Beryllium
 3. Bismuth
 4. Cobalt
 5. Molybdenum
 6. Tin
 7. Uranium
 8. Rhenium
 9. Strontium
 7. Tellurium
 10. Herbicides
 11. Fungicides
 12. Pesticides

PART 5: GARBAGE

- A. No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half ($\frac{1}{2}$) inch in any dimension are prohibited.
- B. The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater.

PART 6: STORM WATER AND OTHER UNPOLLUTED DRAINAGE

- A. No person may discharge to public sanitary sewers
1. Unpolluted storm water, surface water, ground water, roof runoff or subsurface drainage;
 2. Unpolluted cooling water;
 3. Unpolluted industrial process waters; or
 4. Other unpolluted drainage.
- B. In compliance with State and Federal laws, the Approving Authority may designate storm sewers and other watercourses into which unpolluted drainage may be discharged.

PART 7: TEMPERATURE

No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65.0 Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to one hundred ten (110) degrees Fahrenheit.

PART 8: RADIOACTIVE WASTES

- A. No person may discharge radioactive wastes or isotopes into public sewers without the permission of the Approving Authority.
- B. The Approving Authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

PART 9: IMPAIRMENT OF FACILITIES

- A. No person may discharge into public sewers any substance capable of causing
 - 1. Obstruction to the flow in sewers;
 - 2. Interference with the operation of treatment processes of facilities; or
 - 3. Excessive loading of treatment facilities.
- B. Discharges prohibited by this Section include, but are not limited to materials which exert or cause concentration of
 - 1. Inert suspended solids greater than 250 mg/l including but not limited to
 - a. Fuller's earth
 - b. lime slurries; and
 - c. lime residues
 - 2. Dissolved solids greater than 250 mg/l including but not limited to
 - a. sodium chloride; and
 - b. sodium sulfate;
 - 3. Excessive discoloration including but not limited to
 - a. dye wastes; and
 - b. vegetable tanning solutions; or
 - 4. B. O. D., C. O. D, or chlorine demand in excess of normal plant capacity.
- C. No person may discharge into public sewers any substance that may
 - 1. Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - 2. Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action.
 - 3. Deleteriously affect the treatment process due to excessive quantities.
- D. No person may discharge any substance into public sewers which
 - 1. Is not amenable to treatment or reduction by the processes and facilities employed; or
 - 2. Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. The Approving Authority shall regulate the flow and concentration of slugs when they may
 - 1. Impair the treatment process;
 - 2. Cause damage to collection facilities;
 - 3. Incur treatment costs exceeding those for normal wastewater; or
 - 4. Render the waste unfit for stream disposal or industrial use.
 - 5. No person may discharge into public sewers solid or viscous substances which may violate Subsection 1 (1) of this Section if present in sufficient quantity or size including but not limited to
 - a. ashes
 - b. cinders
 - c. sand
 - d. mud
 - e. straw
 - f. shavings
 - g. metal
 - h. glass
 - i. rags
 - j. leathers
 - k. tar

- l. plastics
- m. wood
- n. unground garbage
- o. whole blood
- p. manure
- q. hair fleshings
- r. entrails
- s. paper products, either whole or ground by garbage grinders
- t. slops
- u. chemical residues
- v. paint residues
- w. bulk solids

PART 10: COMPLIANCE WITH EXISTING AUTHORITY

- A. Unless exception is granted by the Approving Authority, the public sewer system shall be used by all persons discharging;
 - 1. Wastewater
 - 2. Industrial waste
 - 3. Polluted liquids.
- B. Unless authorized by the Texas Department of Water Resources, no person may deposit or discharge any waste included in on public or private property in or adjacent to any:
 - 1. Natural outlet
 - 2. Watercourse
 - 3. Storm sewer
 - 4. Other area within the jurisdiction of the city.
- C. The Approving Authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

PART 11: APPROVING AUTHORITY REQUIREMENTS.

- A. If discharges or proposed discharges to public sewers may
 - 1. Deleteriously affect wastewater facilities, processes, equipment, or receiving waters
 - 2. Create a hazard to life or health; or
 - 3. Create a public nuisance;
- B. The Approving Authority shall require
 - 1. pretreatment to an acceptable condition for discharge to the public sewers
 - 2. control over the quantities and rates of discharge; and
 - 3. payment to cover the cost of handling and treating the wastes.
- C. The Approving Authority is entitled to determine whether a discharge or proposed discharge is included under Part 11 (A) of this Section.
- D. The Approving Authority shall reject wastes when
 - 1. It determines that a discharge or proposed discharge is included under Part 11 (A) of this Section
 - 2. The discharger does not meet the above requirements.

PART 12: APPROVING AUTHORITY REVIEW AND APPROVAL

- A. If pretreatment or control is required, the Approving Authority shall review and approve design and installation of equipment and processes.
- B. The design and installation of equipment, and process must conform to all applicable statutes, codes, ordinances and other laws.
- C. Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

PART 13: REQUIREMENTS FOR TRAPS

- A. Discharges requiring a trap include
 - 1. Grease or waste containing grease in excessive amounts
 - 2. Oil
 - 3. Sand
 - 4. Flammable wastes; and
 - 5. Other harmful ingredients.
- B. Any person responsible for discharges requiring a trap shall at his own expense and as required by the Approving Authority.
 - 1. Provide equipment and facilities of a type and capacity approved by the Approving Authority
 - 2. Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - 3. Maintain the trap in effective operating condition.

PART 14: REQUIREMENTS FOR BUILDING SEWERS

Any person responsible for discharge through a building sewer carrying industrial wastes shall, at his own expense and as required by the Approving Authority:

- A. Install an accessible and safely located control manhole
- B. Install meters and other appurtenances to facilitate observation sampling and measurement-of the waste and
- C. Maintain the equipment and facilities.

PART 15: SAMPLING AND TESTING

- A. Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. (Note: The particular analysis involved will determine whether a twenty-four (24) hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls. Where applicable 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH.)
- B. Examination and analysis of the characteristics of waters and wastes required by this Section shall be
 - 1. Conducted in accordance with the latest edition of Standard Methods , and
 - 2. Determined from suitable samples taken at the control manhole provided or other control point authorized by the Approving Authority.
- C. BOD and suspended solids shall be determined from composite sampling.
- D. The city may select an independent firm or laboratory to determine flow, B. O. D., and suspended solids.
- E. The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

PART 16: PAYMENT AND AGREEMENT REQUIRED

- A. Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- B. When discharges of industrial waste are approved by the Approving Authority, the city or its authorized representative shall enter into an agreement or arrangement providing
 - 1. Terms of acceptance by the city; and
 - 2. Payment by the person making the discharge.

PART 17: INDUSTRIAL WASTE CHARGE AND ADDED COSTS

- A. If the volume or character of the waste to be treated by the city does not cause overloading of the sewage collection, treatment, or disposal facilities of the city, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay an industrial waste charge to be determined from the schedule of charges.

- B. If the volume or character of the waste to be treated by the city requires that wastewater collection, treatment or other disposal facilities of the city be improved expanded or enlarged in order to treat the waste, then prior to approval, the city and the person making the discharge shall enter into an agreement which provides that the discharger pay in full all added costs the city may incur due to acceptance of the waste.
- C. The agreement entered into pursuant to Subsection Q (1) of this Section shall include but not be limited to
 - 1. Amortization of all capital outlay for collecting and treating the waste, including new capital outlay and the proportionate part of the value of the existing system used in handling and treating the waste
 - 2. Operation and maintenance costs including salaries and wages, power costs, costs of chemicals and supplies, proper allowances for maintenance, depreciation, over head and office expense; and
- D. Amortization shall be completed in a 20 year period and payment shall include all debt, service costs.

PART 18: SCHEDULE OF CHARGES

- A. There is currently no industry in the City of Kerens as defined by "Federal Guidelines-Industrial Cost Recovery Systems." When and if such industry should locate in Kerens and requests a permit to discharge to the public wastewater system the city will, at that time, determine a suitable Industrial Cost Recovery Charge, and in accordance with the said Federal Guideline submit to the Texas Department of Water Resources and Environmental Protection Agency for review and approval prior to adoption.
- B. Charges for Normal Domestic Wastewater Connections shall be:
 - 1. The minimum charge shall be \$10.00 for the 1st 2,000 gallons of water used, plus (amended 8/8/01)
 - 2. \$4.00 for each additional thousand gallons of water used based upon the average December, January and February water consumption. (amended 10/01/03)

PART 19: ADJUSTMENT OF CHARGES

- A. The city shall adjust charges annually to reflect changes in the characteristics of wastewater based on the results of sampling and testing
- B. Increases in charges shall be retroactive for two billing periods and shall continue for six (6) billing periods unless subsequent tests determine that the charge should be further increased.
- C. The city shall review at least (annually/semi-annually/other, but not less than annually) the basis for determining charges and shall adjust the unit treatment cost in the formula to reflect increases or decreases in wastewater treatment costs based on the previous year's experience.
- D. The city shall bill the discharger by the month and shall show industrial waste charges as a separate item on the regular bill for water and sewer charges. The discharger shall pay monthly in accordance with practices existing for payment of sewer charges.

PART 20: SAVINGS CLAUSE

A person discharging industrial wastes into public sewers prior to July 5, 1977, may continue without penalty as long as he:

- A. Does not increase the quantity or quality of discharge, without permission of the Approving Authority
- B. Has discharged the industrial waste at least 12 months prior to July 5, 1977; and
- C. Applies for and is granted a permit no later than 150 days after July 5, 1977.

PART 21: CONDITIONS OF PERMITS

- A. The city may grant a permit to discharge to persons meeting all requirements of the savings clause provided that the person:
 - 1. Submits an application within 120 days after July 5, 1977 on forms supplied by the Approving Authority;

2. Secure approval by the Approving Authority of plans and specifications for pretreatment facilities when required; and
 3. Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for:
 - a. payment charges;
 - b. installation and operation of pretreatment facilities; and
 - c. sampling and analysis to determine quantity and strength; and
 4. Provides a sampling point subject to the provisions of this Section and approval of the Approving Authority.
- B. A person applying for a new discharge shall
1. Meet all conditions of Part 21 (A) of this Section; and
 2. Secure a permit prior to discharging any waste.

PART 22: POWER TO ENTER PROPERTY.

- A. The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this Section.
- B. Anyone acting under his authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- C. Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and flowing out of the sampling operation.
- D. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of
 1. Inspection, observation, measurement, sampling or repair;
 2. Maintenance to any portion of the sewerage system lying within the easements; and
 3. Conducting any other authorized activity.
- E. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- F. No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

PART 23: AUTHORITY TO DISCONTINUE SERVICE

- A. The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when
 1. Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
 2. A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
 3. The industrial customer
 - a. discharges industrial waste or wastewater that is in violation of the permit issued by the Approving Authority.
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system.
 - c. Fails to pay monthly bills for water and sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers.
- B. If service is disconnected pursuant to Subsection W (1) of this Section, the city shall

1. Disconnect the customer;
2. Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
3. Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities.

PART 24: NOTICE

The City shall serve persons discharging in violation of this Section with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

PART 25: CONTINUED PROHIBITED DISCHARGES

No person may continue discharging in violation of this Section beyond the limit provided in the notice. (July,1977)

SECTION 4 - WATER RATES

The water rates to be charged to consumers who reside inside the city limits of Kerens shall be as follows;

- A. \$27.00 minimum for 1st 2,000 gallons, plus (amended 8/8/01)
- B. \$6.50 for each additional thousand gallons (amended 8/12/03)

SECTION 5 - WATER METER DEPOSITS

- A. The city shall require a \$100 deposit on all water meters prior to providing service. (Amended 10/7/97)
- B. After September 1, 1975, the Water Department of the City of Kerens will not pay interest on water meter deposits held by the Water Department of the City of Kerens. The reason for the requirement of a water meter deposit is to insure so far as practicable that water bills will be paid by those who connect to the city water lines, and the City of Kerens should not be penalized with the costs of interest when the sole purpose of the deposit is to protect the Water Department from loss by customers who fail or refuse to pay their water bills on time. (August, 1975)
- C. A Service Agreement will be signed by every new customer when meter deposit is paid. (November, 1999)

SECTION 6 - UTILITY BILLING PROCEDURES

All utility bills are due on the 1st day of each month. To all bills paid after the 10th day of the month there shall be added a penalty in the amount of 10% of the water bill. Services shall be suspended if bill is not paid by the 20th day of each month..

SECTION 7 - WATER AND SEWER TAPS

- A. From and after June 1, 1977, a charge shall be made to all persons who order a connection to be made into the water lines of the City of Kerens in the amount of \$250.00, which sum shall be paid prior to the rendition of the services required. The above charge includes the setting of a residential meter and all services required in order to complete the tap into the city water lines. Additional charges will be assessed to set larger commercial meters based on cost of meter required. (amended 8/9/05)
- B. After June 1, 1977, a sewer tap charge shall be made to all customers who ordered a tap to be made in-to the sewer system of the City of Kerens in the sum of \$150.00. Such charge shall be paid before the connection is made and will cover all the costs incident to the connection into the city sewer service system. (amended 8/9/05)
- C. The charges as set forth above shall apply only to customers who are not already connected to the sewer or water systems and will be collected only from new customers who desire such services and who order the connections to be made. (May, 1977)

SECTION 8 - TAMPERING WITH WATER METERS

It shall be unlawful to tamper with, break into, or in any manner disturb any water meter in the City of Kerens. (September, 1962)

SECTION 9 - STREET CUTS

It shall be unlawful to cut into or damage any street in the City of Kerens without prior obtaining a permit from the City Secretary. All street cuts made upon approval a permit shall be repaired to restore the street to its condition prior to the cut. (July, 1963)

SECTION 10 - UTILITY FRANCHISES

No person, firm or corporation, which has not heretofore been granted a franchise to own, maintain and operate a utility system within the corporate limits of the City of Kerens, shall hereafter lay, construct, build, own, or operate any utility line or lines within the boundaries of the corporate limits of the City of Kerens, Texas, without having obtained in advance of any work thereon, a permit from the City of Kerens to do so.

- A. Any person, firm or corporation desiring to lay, construct, build, own, or operate any utility line or lines within the boundaries of the corporate limits of the City of Kerens, Texas, shall first make application to the City of Kerens for a permit authorizing the construction, maintenance and operation of such utility lines.
- B. If and when an application for a permit as provided herein shall be filed in writing with the City Secretary of the City of Kerens, Texas, the matter shall be presented immediately to the City Council. At that time the City Council shall determine a fair and reasonable fee to be charged for the issuance of such permit.
- C. The provisions of this Section shall not apply to public utility companies which have heretofore obtained, or which hereafter may secure, franchises to own, maintain and operate utility lines in the City of Kerens, Texas (November, 1963).

SECTION 11 - DROUGHT CONTINGENCY PLAN

This ordinance shall take effect August 1, 2000 after its passage and the publication of the caption, as the law in such cases provides. (Ordinance #00-0711)

PART 1: DECLARATION OF POLICY, PURPOSE, AND INTENT

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Kerens hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of this Plan.

PART 2: DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

- A. Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
- B. Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.
- C. Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the

recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

- D. Customer: any person, company, or organization using water supplied by City of Kerens.
- E. Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
- F. Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.
- G. Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- H. Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.
- I. Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:
 - 1. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
 - 2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - 3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 4. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 5. flushing gutters or permitting water to run or accumulate in any gutter or street; use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
 - 6. use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
 - 7. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
 - 8. use of water from hydrants for construction purposes or any other purposes other than fire fighting.
- J. Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

PART 3: TRIGGERING CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The mayor, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Any stage may be initiated immediately when the current wholesale water supplier implements a similar water conservation initiative. Public notification of the initiation or termination of drought response stages shall be by means of publication in The Kerens Tribune, signs posted in public places and notices on water bills. (Amended 07/11/06)

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions.

- A. Stage 1 - Mild Water Shortage Conditions
 - 1. Requirements for initiation – The City of Kerens will recognize that a mild water shortage condition exists when total daily water demand equals or exceeds 80 percent of the safe operating capacity of 350,000 gallons per day for five consecutive days or 85 percent on a single day. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions.
 - 2. Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days.
- B. Stage 2 - Moderate Water Shortage Conditions

1. Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section VII of this Plan when total daily water demand equals or exceeds 85 percent of the safe operating capacity of 350,000 gallons per day for five consecutive days or 90 percent on a single day.
 2. Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.
- C. Stage 3 - Severe Water Shortage Conditions
1. Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 90 percent of the safe operating capacity of 350,000 gallons per day for five consecutive days or 95 percent on a single day.
 2. Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 5 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.
- D. Stage 4 - Critical Water Shortage Conditions
1. Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 95 percent of the safe operating capacity of 350,000 gallons per day for five consecutive days.
 2. Requirements for termination - Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.
- E. Stage 5 - Emergency Water Shortage Conditions
1. Requirements for initiation – Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the mayor or his/her designee, determines that a water supply emergency exists based on:
 - a. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
 - b. Natural or man-made contamination of the water supply source(s).
 2. Requirements for termination – Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

PART 4: DROUGHT RESPONSE STAGES

The mayor, or his/her designee, shall monitor water supply and/or usage on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

- A. Stage 1 - Mild Water Shortage Conditions
1. Goal: Achieve a voluntary 5 percent reduction in daily water use.
 2. Voluntary Water Use Restrictions:
 - a. Water customers are requested to voluntarily limit lawn watering.
 - b. All operations of the City of Kerens shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
 - c. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- B. Stage 2 - Moderate Water Shortage Conditions
1. Goal: Achieve a 10 percent reduction in daily water use.
 2. Water Use Restrictions . Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- a. Customers with even numbered street addresses may water on even numbered days of the month, and customers with odd numbered street addresses may water on odd days of the month between the hours of 8 p.m. and 10 a.m.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days and times. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days and times.
 - d. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Kerens.
 - e. All restaurants are prohibited from serving water to its patrons except when requested.
 - f. The following uses of water are defined as non-essential and are prohibited:
 - (i) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (ii) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (iii) use of water for dust control;
 - (iv) flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (v) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
3. Moderate Water Shortage Surcharges
- a. Residential: \$2.00 per 1,000 gallons surcharge for usage in excess of 6,000 gallons.
 - b. Commercial: \$2.50 per 1,000 gallons surcharge for usage in excess of 10,000 gallons. (amended 7/11/06) (amended 2/6/07)
- C. Stage 3 - Severe Water Shortage Conditions
1. Goal: Achieve a 5 percent reduction in daily water use.
 2. Water Use Restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. Lawn watering shall be limited to designated watering days and times and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited.
 - b. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
 3. Severe Water Shortage Surcharges
 - a. Residential: \$2.00 per 1,000 gallons surcharge for usage in excess of 6,00 gallons, and \$10.00 per 1,00 gallons surcharge for usage in excess of 10,000 gallons.
 - b. Commercial: \$2.50 per 1,000 gallons surcharge for usage in excess of 6,000 gallons, \$5.00 per 1,000 gallons surcharge for usage in excess of 10,000 gallons, and \$10.00 per 1,000 gallons surcharge for usage in excess of 18,000 gallons. (amended 2/6/07)
- D. Stage 4 - Critical Water Shortage Conditions
1. Goal: Achieve a 5 percent reduction in total water use.
 2. Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- a. Lawn watering shall be limited to designated watering days and times and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited.
 - c. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - e. No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.
- E. Stage 5 - Emergency Water Shortage Conditions
- 1. Goal: Achieve a 5 percent reduction in daily water use.
 - 2. Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:
 - a. Lawn watering is absolutely prohibited.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

PART 5: ENFORCEMENT

- A. No person shall knowingly or intentionally allow the use of water from the City of Kerens for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the mayor, or his/her designee, in accordance with provisions of this Plan.
- B. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) and not more than two hundred dollars (\$200). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City of Kerens shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$25 and any other costs incurred by the City of Kerens in discontinuing service. In addition, suitable assurance must be given to the City of Kerens that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- C. Any person, including a person classified as a water customer of the City of Kerens, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

PART 6: VARIANCES

- A. The mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the

public or the person requesting such variance and if one or more of the following conditions are met:

1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
 2. Alternative methods can be implemented which will achieve the same level of reduction in water use.
- B. Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Kerens within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the mayor, or his/her designee, and shall include the following:
1. Name and address of the petitioner(s).
 2. Purpose of water use.
 3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
 4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
 5. Description of the relief requested.
 6. Period of time for which the variance is sought.
 7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
 8. Other pertinent information.
- C. Variances granted by the City of Kerens shall be subject to the following conditions, unless waived or modified by the mayor or his/her designee:
1. Variances granted shall include a timetable for compliance.
 2. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
- D. No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

PART 7: SEVERABILITY

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

SECTION 12 - TRANSFER FEE

From and after October 1, 2005, a charge of \$25.00 per transfer shall be made to all persons who transfer water service from one service address to another service address.

CHAPTER 9- Zoning

SEE CITY SECRETARY FOR DETAILS