

BE IT KNOWN THAT THE CITY COUNCIL OF THE CITY OF GLADEWATER, TEXAS WILL MEET IN REGULAR SESSION AT CITY HALL, 519 EAST BROADWAY, GLADEWATER, TEXAS ON THURSDAY, JUNE 20, 2024, AT 6:00 P.M.

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
AGENDA
JUNE 20, 2024
6:00 P.M.

PAGE	ITEM
	I. <u>CALL TO ORDER</u> <ul style="list-style-type: none">a) Invocationb) Pledge
	II. <u>MAYOR'S COMMENTS</u> <i>The Mayor may address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of Gladewater; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of Gladewater that was attended or is scheduled to be attended by a City Official of the City of Gladewater; and announcements involving an imminent threat to the public health and safety of people in the City of Gladewater that has arisen after posting the agenda</i>
	III. <u>CITY MANAGER'S REPORT</u> <ul style="list-style-type: none">a) Administrative and project updatesb) Announcements and department updates
	IV. <u>CITIZENS COMMENTS</u>
	V. <u>CONSIDERATION</u> of consent agenda: <ul style="list-style-type: none">a) Minutes – May 15, 2024, May 16, 2024, and May 23, 2024b) Contract for Firefighting Service between the City of Gladewater and Upshur County ESD #1
1 8	
11	VI. <u>PUBLIC HEARING</u> regarding a Specific Use Permit request for a Wine & Malt Beverage Retailers Permit (BG) at AB 179 L J RIGSBY SUR TR 23-02 SEC 2, more commonly known as 809 E. Broadway Avenue
	VII. <u>DISCUSS AND CONSIDER</u> a Specific Use Permit request for a Wine & Malt Beverage Retailers Permit (BG) at AB 179 L J RIGSBY SUR TR 23-02 SEC 2, more commonly known as 809 E. Broadway Avenue
	VIII. <u>DISCUSS AND CONSIDER</u> selection of attorney for delinquent taxes and other municipal fines and fees
14	IX. <u>DISCUSS AND CONSIDER</u> Resolution R-24-07 Local Park Grant Program through Texas Parks & Wildlife Department
15	X. <u>DISCUSS AND CONSIDER</u> Ordinance O-24-09 Repealing §15.11.400 Required Mobile Home Standards; Amending §5.05 Water and Sewers, §5.09 Water Conservation, §15.07 Flood Damage Prevention, and §15.11 Zoning Code, of the Code of Ordinances of the City of Gladewater, Texas

- 56 XI. DISCUSS AND CONSIDER Ordinance O-24-10 amending §11.15.010 Definitions and adopting §11.16 Aggressive Panhandling or Solicitation of the Code of Ordinances of the City of Gladewater, Texas
- XII. DISCUSS AND CONSIDER street drainage issue at 2807 Guy Street
- 63 XIII. DISCUSS current vacant building ordinance
- XIV. EXECUTIVE SESSION pursuant to Local Government Code §551.072 – deliberation regarding purchase, exchange, lease or value of real property – ballpark and other real property
- XV. RECONVENE INTO OPEN SESSION regarding the purchase, exchange, lease or value of real property – ballpark and other real property
- XVI. ADJOURN

The City Council of the City of Gladewater reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters above, with respect to and as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.074 (Personnel Matters) and 551.087 (Negotiations).

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILLARY AIDS OR SERVICES ARE REQUESTED TO CONTACT JUDY VAN HOUTEN AT (903) 845-2196 AT LEAST TWO DAYS BEFORE THIS MEETING SO THAT APPROPRIATE ARRANGEMENTS MAY BE MADE.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT GLADEWATER CITY HALL BY 6:00 P.M. ON MONDAY, JUNE 17, 2024.



JUDY VAN HOUTEN, TRMC
CITY CLERK



CITY OF GLADEWATER
 CITY COUNCIL SPECIAL SESSION
 MINUTES
 MAY 15, 2024
 2:00 P.M.

MEMBERS PRESENT: Mayor Scott E. Owens, Mayor Pro-tem Elijah "Sonny" Anderson

STAFF PRESENT: Charlie Smith, Judy Van Houten

GUESTS PRESENT: Stoney Stone, Michelle Stone

- I. CALL TO ORDER – Mayor Owens called the meeting to order at 2:00 p.m.
 - a) Invocation – Councilmember Sorrells
 - b) Pledge – Mayor Owens

- II. CANVASS VOTES for the May 4, 2024 General Election and Special Election

City Clerk Van Houten read the official tabulation of votes as follows;

<u>CANDIDATE & POSITION</u>	<u>ABSENTEE</u>	<u>EV</u>	<u>ED</u>	<u>TOTAL</u>
Jim Valentine, Mayor, Place 1	4	113	89	206
Brandy J. Flanagan, Mayor, Place 1	17	133	81	231
Michael Webber, Place 2	15	208	130	353
Stoney Stone, Place 3	10	165	125	300
Scott E. Owens, Place 3	11	78	47	136
Amendment A, Yes	14	105	73	192
Amendment A, No	6	139	92	237
Amendment B, Yes	20	229	146	395
Amendment B, No	0	18	13	31
Amendment C, Yes	16	214	139	369
Amendment C, No	3	22	21	46
Amendment D, Yes	19	208	141	368
Amendment D, No	1	22	14	37
Amendment E, Yes	13	179	115	307
Amendment E, No	7	67	46	120
Amendment F, Yes	14	203	135	352
Amendment F, No	5	34	19	58
Amendment G, Yes	18	201	137	356
Amendment G, No	0	30	12	42
Total Casting Ballots				
Gregg County		195		
Upshur County		<u>250</u>		
Total		445		

Ms. Van Houten stated that there were four provisional ballots cast in the election. The Early Voting Ballot Board met and determined that none of the provisional ballots were to be counted.

Councilmember Sorrells moved to accept the official tabulation, seconded by Mayor Pro-tem Anderson. Carried 4-0.

CITY OF GLADEWATER
CITY COUNCIL SPECIAL SESSION
MINUTES
MAY 15, 2024
PAGE 2

III. ADJOURN

Councilmember Sorrells made a motion to adjourn at 2:03 p.m., seconded by Mayor Pro-tem Anderson. Adjourned by consensus.

SCOTT E. OWENS,
MAYOR

ATTEST:

JUDY VAN HOUTEN, TRMC
CITY CLERK

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
MAY 16, 2024
6:00 P.M.

MEMBERS PRESENT: Mayor Scott E. Owens, Mayor Pro-tem Elijah Anderson, Michael Webber, Incoming Mayor Brandy Flanagan, Rocky Hawkins, Stoney Stone

MEMBERS ABSENT: Teddy Sorrells, Kevin Clark

STAFF PRESENT: Charlie Smith, Judy Van Houten, Brandy Winn, Brian Smith, Michael Simmons, Al Harrison, Kyle Ready, Nathan Palmer, Wendy Emmell

GUESTS PRESENT: Christian Allen, Robert Haberle, Michelle Stone, Cathy Shipp, Glenn Shipp, Brian Wilkinson, Jim Bardwell, Bill Stoudt, Rose Rachal, Lois Reed, Margaret Larkins, Becky King, Jon King, Brenda Kays, Vincent Phillips, J.D. Shipp, Sandra Ayers, Vabbie Fortson, Michelle Palmer, Carlis Stone, Jerry Stone, Raymond Johnson, C. Carrington, Mary Anne Cumbie

I. CALL TO ORDER

Mayor Owens called the meeting to order at 6:00 p.m.

- a) Invocation – Mayor Pro-tem Anderson
- b) Pledge – Incoming Councilmember Stone

II. PRESENTATION to outgoing Mayor

City Manager Smith presented a plaque to outgoing Mayor Scott E. Owens, thanking him for fourteen years of dedicated service to the City of Gladewater.

III. OATH OF OFFICE to newly elected Mayor and City Council Members

Bill Stoudt, Gregg County Judge, issued the oath of office to incoming Mayor Brandy J. Flanagan, incoming Council Member Michael Webber, and incoming Council Member Stoney Stone.

Mayor Flanagan read a statement thanking everyone for their support.

IV. ELECTION of Mayor Pro-tem

Councilmember Hawkins nominated Elijah “Sonny” Anderson as Mayor Pro-tem; seconded by Councilmember Webber. Motion carried 4-0-1 with Anderson abstaining.

V. PRESENTATION of \$1,500 check by Gene Keenon with Republic Services

Gene Keenon presented a \$1,500 check to the City from Republic Services for downtown beautification. Mayor Flanagan thanked him for his past and continued support of Gladewater.

VI. MAYOR’S COMMENTS

Mayor Flanagan thanked Lois Reed for providing a list of the upcoming events as follows: 1) Feed the Hungry – 5/18 from 11-1 at the Garfield Hill Community Center; 2) GHS Graduation – 5/24 at Bear Stadium; 3) Memorial Day – 5/27, the Former Students Association will host a program at 11 a.m.; 4) Piney Woods Timberhogs baseball season – 5/30 at 7 p.m. at Roughneck Stadium in White Oak; 5) C.A.S.T. for Kids – 6/1 at Lake Gladewater from 8 a.m. – 1 p.m.; 6) Gladewater Round-up Rodeo – 6/5 – 6/8 at 8:15 p.m. nightly; 7) Rodeo Kick-off Luncheon – 6/5 at the Methodist Church’s Jeter Hall from 11:30 a.m. – 1 p.m.; 8) Handicapable Rodeo – 6/8 from 9 a.m. – 11 a.m. at Gladewater Rodeo Arena.

Mayor Flanagan then introduced a new platform where all council members are encouraged to highlight areas of our city.

Councilmember Hawkins spoke about the positive effect the ballpark has had on our economy recently. He has visited several local businesses, and they are encouraged by the increase in visitors and sales.

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
MAY 16, 2024
PAGE 2

Mayor Flanagan read a statement from Councilmember Sorrells highlighting the City of Gladewater staff for their dedicated work. She then read a statement from Councilmember Clark highlighting Aunt Sandra's Boudin & More for the successful Bike Night.

VII. CITY MANAGER'S REPORT

City Manager Smith gave the following report: 1) Hendricks Street project moving along. 2) Brian Smith is the new Director of Public Works. He and his crew are making progress. 3) The brush chipper is being used frequently. 4) Wes Moyers is our new Code Enforcement Officer. He has been busy getting certified and working cases already. 5) Have received many compliments from citizens regarding our city employees.

VIII. CITIZENS COMMENTS

Lois Reed – Executive Director of the Chamber of Commerce thanked Scott Owens for his leadership and welcomed Mayor Flanagan to her new role. She also welcomed Stoney Stone to city leadership and said the Chamber is here to work with the City in any way needed.

IX. CONSIDERATION of consent agenda:

- a) Minutes – April 18, 2024

Councilmember Webber made a motion to approve the consent agenda; seconded by Mayor Pro-tem Anderson. Motion carried 5-0.

X. DISCUSS creation of a container home ordinance

Councilmember Hawkins asked who will write the ordinance. City Clerk Van Houten said that she and Chief Building Officer Harrison will work on this together. There are several sections of our existing Code of Ordinance that will need to be combined and updated.

Councilmember Webber asked if definitions will be included. City Clerk Van Houten confirmed.

Chief Building Officer Harrison said that our current definition for modular homes is incorrect. The language needs to be cleaned up.

Councilmember Webber asked about engineered plans being required. Mr. Harrison explained that the International Building Code we've adopted does not address containers. Therefore, any structure using them will have to have engineered plans.

Mayor Flanagan stated that she and others believed we had a mobile home ordinance that only allowed them in designated "mobile home parks". It is very important to get that wording completed properly. She then read a statement from Councilmember Sorrells addressing his concerns and suggestions that adequate language and definitions are included in the ordinance.

City Staff was given instructions to clean-up the language, add definitions, and include that we will abide by International Building Code.

XI. DISCUSS AND CONSIDER annual audit for fiscal year 2022-2023

City Manager Smith explained that the auditor was unable to attend this meeting but will be in attendance next Thursday at the special called meeting.

Councilmember Hawkins made a motion to table this item until Thursday, May 23, 2024; seconded by Councilmember Stone. Motion carried 5-0.

XII. DISCUSS AND CONSIDER allowance of G.I.S.D. antenna on the Allison Street Water Tower

City Manager Smith explained that the school would like to install an antenna on our water tower. They will need to have environmental studies done before anything is finalized. This

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
MAY 16, 2024
PAGE 3

is preliminary approval for them to move forward. Micah Gunter with G.I.S.D. said the antenna will be for communication purposes. They will have a contractor handle all the work. They would like to use an abandoned antenna that is already on the tower if possible. City Manager Smith said he will look into who owns the existing antenna.

Mayor Pro-tem Anderson made a motion to allow the City to work with G.I.S.D. for installing or utilizing the existing antenna; seconded by Councilmember Hawkins. Motion carried 5-0.

XIII. DISCUSS AND CONSIDER Waiver of Penalty and Interest on delinquent taxes in the amount of \$244.44 to Kevin Ray

City Clerk Van Houten explained that the request was received from Gregg County, and is allowed when there is an error or omission, which in this case there was. Kevin Ray requested waiver of the penalty.

Councilmember Hawkins made a motion to approve the waiver; seconded by Councilmember Stone. Motion carried 5-0.

XIV. DISCUSS AND CONSIDER Resolution R-24-06 to sell real property located at LOT 11, BLK 7 GLADEVIEW ADDN, more commonly known as 2810 Hendricks Street, Upshur County Appraisal District ID # 15616

City Clerk Van Houten stated that two bids were received for this property. The high bid is \$4,600 from a gentleman who wishes to build a new house. This will add value to the city's tax roll.

Councilmember Webber made a motion to approve Resolution R-24-06; seconded by Mayor Pro-tem Anderson. Motion carried 5-0.

XV. DISCUSS AND CONSIDER action on award of bid for construction of the 2024 Water Treatment Plant ARPA upgrades – Chemical Storage Building, low bid received from C.E. Marler & Associates, Inc. in the amount of \$396,240.00

City Manager Smith explained that this project is being covered by ARPA funds. The project was originally bid and came in very high. The scope of the project was modified and sent out for bid again. The chemical storage building is needed.

Councilmember Hawkins asked how long the project would take and if water service would be affected. Robert Haberle with SPI explained that the project will not affect water supply service and should take approximately 30-days.

Councilmember Hawkins made a motion to award the project to C.E. Marler & Associates, Inc. in the amount of \$396,240.00; seconded by Councilmember Webber. Motion carried 5-0.

XVI. DISCUSS AND CONSIDER appointment of City Council members as ex-officio members of advisory boards pursuant to §30.04(D) of the Gladewater Code of Ordinances

- a) Airport Board – Councilmember Hawkins
- b) Beautification Board – Mayor Pro-tem Anderson
- c) Board of Adjustments – Councilmember Clark
- d) GEDCO Board – Councilmember Sorrells
- e) Lake Board – Councilmember Stone
- f) Planning & Zoning Commission – Councilmember Webber

Mayor Pro-tem Anderson made a motion to appoint the above referenced council members as they requested; seconded by Councilmember Stone. Motion carried 5-0.

XVII. ADJOURN

Councilmember Stone made a motion to adjourn at 6:52 p.m.; seconded by Councilmember Hawkins. Adjourned by consensus.

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
MAY 16, 2024
PAGE 4

BRANDY J. FLANAGAN
MAYOR

ATTEST:

JUDY VAN HOUTEN, TRMC
CITY CLERK

CITY OF GLADEWATER
CITY COUNCIL SPECIAL SESSION
MINUTES
MAY 23, 2024
6:00 P.M.

MEMBERS PRESENT: Mayor Brandy Flanagan, Mayor Pro-tem Elijah Anderson, Michael Webber, Stoney Stone, Teddy Sorrells, Rocky Hawkins, Kevin Clark

STAFF PRESENT: Charlie Smith, Judy Van Houten, Al Harrison

GUESTS PRESENT: Albert Garcia, James Draper, Mark Carpenter

I. CALL TO ORDER

Mayor Flanagan called the meeting to order at 6:00 p.m.

- a) Invocation – Councilmember Sorrells
- b) Pledge – Councilmember Webber

II. CITIZENS COMMENTS

None.

III. DISCUSS AND CONSIDER financial audit for fiscal year 2022-2023

Albert Garcia with Mays & Associates presented the completed financial audit for fiscal year 2022-2023. He commented on the findings and stated that we have received an unmodified report which is a clean audit.

Councilmember Sorrells made a motion to accept and approve the audit as presented; seconded by Councilmember Clark. Motion carried 7-0.

IV. EXECUTIVE SESSION pursuant to Local Government Code §551.072 – deliberation regarding purchase, exchange, lease or value of real property

Mayor Flanagan recessed into executive session at 6:14 p.m.

V. RECONVENE INTO OPEN SESSION and take any action necessary regarding the purchase, exchange, lease or value of real property

Mayor Flanagan reconvened into open session at 7:00 p.m.

Councilmember Clark made a motion to move forward to purchase real property identified by Warranty Deed #201500149 Martha Dillard Survey A-56; seconded by Councilmember Webber. Motion carried 7-0.

VI. ADJOURN

Councilmember Sorrells made a motion to adjourn at 7:00 p.m.; seconded by Councilmember Stone. Adjourned by consensus.

BRANDY J. FLANAGAN
MAYOR

ATTEST:

JUDY VAN HOUTEN, TRMC
CITY CLERK

CONTRACT FOR FIRE FIGHTING SERVICES

THE STATE OF TEXAS X

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF UPSHUR X

That the parties to this agreement are the **UPSHUR COUNTY EMERGENCY SERVICES DISTRICT NO. 1**, hereinafter referred to as the "Board", and the **CITY OF GLADEWATER**, hereinafter referred to as the "Department". Said contract shall be in full force and effect from **October 1, 2023 until September 30, 2024**. It is agreed by the parties that the Department shall provide fire fighting services as required within the boundaries of the Upshur County Emergency Services District No. 1 for the term of this contract in return for remuneration in the amount of **\$35,000.00** to be paid in equal quarterly installments, with the first payment due and payable on January 1, 2024.

The City of Gladewater will provide the extrication equipment in the area of the Upshur County Emergency Services District No. 1. In addition, the City of Gladewater will provide mutual aid assistance, when contacted by another fire department within Upshur County, to all areas of the Upshur County Emergency Services District No. 1.

The Board accepts no legal responsibility and shall not be held legally responsible for any acts or omissions on the part of the Department. The Department shall provide reasonable fire fighting services as stated herein.

The Department further agrees to implement and follow the "UPSHUR COUNTY EMERGENCY SERVICES DISTRICT #1 CONTRACT PERFORMANCE GUIDELINES", which are attached hereto and incorporated herein as Exhibit "A".

SIGNED AND ENTERED into this the _____ day of _____, 2023.

CITY OF GLADEWATER

By: _____
City Mayor


ATTEST:

City Secretary

UPSHUR COUNTY EMERGENCY
SERVICES DISTRICT NO. 1


Michael Kuza


President


Bobby Jenkins
Vice-President

Kenny Southwell
Secretary/Asst. Treasurer


Scott Mischnick

Treasurer/Asst. Secretary


Cloddie Henson
Member

UPSHUR COUNTY EMERGENCY SERVICES DISTRICT #1

CONTRACT PERFORMANCE GUIDELINES


1. Department shall submit TAMFS reports quarterly
2. Department will have at least one member at every monthly ESD meeting
3. Department will maintain at the minimum of 2 Brush Trucks, 1 Engine, 1 Tender
 - a. Brush Truck - Minimum 200 gallons of water and 100 gpm pump
 - b. Engine - Minimum 500 gallons of water and 1000 gpm pump
 - c. Tender - Minimum 1000 gallons of water and 250 gpm pump
4. Department shall have a Certified Pump test completed annually on Engines and Tenders
 - a. 500 GPM or above
5. Department shall keep ISO updated as needed.
6. Department shall keep all SCBA's and spare bottles tested annually
7. Department shall assure that all members are adequately trained for the levels of service required.
8. Department shall do it's best to apply for all applicable TAMFS grants
9. ESD will reserve the right to take corrective measures with any Department that does not comply with the Contract/Guidelines/Policies set forth by the ESD. This will be determined on a case by case basis.



MEMO

AGENDA DATE: June 17, 2024

DEPARTMENT: Administration

CONTACT: Judy Van Houten, City Clerk 

SUBJECT: Discuss, consider, and take action, as necessary, regarding a Specific Use Permit request for a Wine & Malt Beverage Retailers Permit (BG) at AB 179 L J RIGSBY SUR TR 23-02 SEC 2, more commonly known as 809 E. Broadway Avenue

BACKGROUND: The City of Gladewater Code of Ordinance requires a Specific Use Permit for alcohol.

SUMMARY: The Planning & Zoning Commission unanimously recommended that the Specific Use Permit be approved.

Rec. 5-20-24
51

CITY OF GLADEWATER, TEXAS

SPECIFIC USE PERMIT
APPLICATION

Application is hereby made to the Planning & Zoning Commission and the Gladewater City Council for a Specific Use Permit as set forth hereinafter.

APPLICANT Chadwick D. Brown PHONE: 214.642.4760

MAILING ADDRESS 809 E. Broadway, Gladewater Tx. 75647

PROPERTY ADDRESS: 809 E. Broadway, Gladewater Tx. 75647

LEGAL DESCRIPTION AB 179 L J Rigsby SURTR 23-02 Sec 2
(attach plat)

APPLICANT'S INTEREST IN PROPERTY lessee
(owner, agent, lease, etc.)

REASON FOR REQUEST not allowed by code
(current zoning and/or restrictions)

TABC LICENSE APPLYING FOR (if applicable) Wine & Malt Beverage, Retailers Permit (bg)

PROPOSED USE OF PROPERTY Restaurant

ARE THERE ANY DEED RESTRICTIONS WHICH WOULD PREVENT THIS PROPERTY FROM BEING USED IN THE MANNER HEREIN PROPOSED?

YES NO PLEASE EXPLAIN _____

OWNER'S SIGNATURE Chadwick D. Brown DATE 5.20.24

MAILING ADDRESS 200 Pine St., Gladewater Tx. 75647

The following is to be completed if a person other than the owner is making this application.

I, Chadwick D. Brown, do hereby certify that I am authorized to act for have permission from Monica Sam, the owner of the above named property in making this application.

Chadwick D. Brown
APPLICANT'S SIGNATURE

5.20.24
DATE

Application fee: \$175.00





Local Park Grant Program
Resolution Authorizing Application

R-24-07

A resolution of the City Council of the City of Gladewater as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

BE IT RESOLVED BY THE APPLICANT:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs the City Manager to act for the Applicant in dealing with the Department for the purposes of the Program, and that Charles R. Smith, Interim City Manager is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Lake Gladewater Park in the City of Gladewater or use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

Introduced, read and passed by an affirmative vote of the "Applicant" on this _____ day of _____, 2024.

Signature of Local Government Official

Brandy J. Flanagan, Mayor, City of Gladewater
Typed Name and Title

ATTEST:

Signature

Judy Van Houton, City Clerk
Typed Name and Title

14

**GLADEWATER
ORDINANCE O-24-09**

AN ORDINANCE REPEALING §15.11.400 REQUIRED MOBILE HOME STANDARDS; AMENDING §5.05 WATER AND SEWERS; §5.09 WATER CONSERVATION; §15.07 FLOOD DAMAGE PREVENTION; AND §15.11 ZONING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF GLADEWATER, TEXAS; PROVIDING FOR SEVERABILITY, A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gladewater, Texas desires to amend and repeal portions of the Code of Ordinance as follows:

NOW THEREFORE, be it ordained by the Council of the Gladewater, in the State of Texas, as follows:

SECTION 1: **REPEAL** “15.11.400 Required Mobile Home Standards” of the Gladewater Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.11.400 Required Mobile Home Standards~~ (*Repealed*)

A. Minimum foundation.

1. Concrete blocks or pads of at least 16 inches by 16 inches by four inches, to be buried a minimum of 12 inches in the ground.
2. The pads must be a maximum distance of five feet apart down each side of the mobile home.
3. All blocks under the mobile home must be of concrete no smaller than eight inches.

B. Anchoring requirements.

1. All mobile homes must be anchored to the ground with approved anchors and installed by acceptable and recommended methods as approved by the Building Inspector.
2. All mobile homes must be underpinned with acceptable skirting material as approved by the Building Inspector.
3. Any wood framing for the underpinning or skirts must be at least 12 inches from the ground.

C. Air conditioning. Air conditioning must be installed by a bonded air conditioning or appliance dealer, and an air conditioning permit be obtained before any work has begun. The air conditioning installer shall install low voltage wires only. All necessary house current and wiring is to be installed by a licensed electrician according to the National Electric Code.

D. *Drainage*. Condensate drain shall be trapped and tied to house sewer lines unless the Building Inspector is convinced that water will not cause a nuisance.

E. *Plumbing and gas*.

1. Plumbing and gas is to be installed by a licensed plumber or home owner according to city and Southern Standard Plumbing Codes.
2. All gas piping in the mobile home must be pressure tested and inspected by the City Inspector.
3. All gas fired appliance vents must be exposed for visual inspection by the City Inspector.

F. *Utilities*.

1. All mobile homes must be tied on to their own water and sewer taps, and gas and electric meters.
2. No utilities are to be turned on, nor is the mobile home to be lived in until all these regulations are fully complied with.

G. *Compliance with single-family dwelling*. Each mobile home shall comply with the zoning requirements as to minimum lot area for a single-family dwelling except those placed in a mobile home park.

~~(Ord. 1104, passed 10-13-77; Am. Ord. 80-14, passed 11-13-80) Penalty, see GMC 15.11.700~~

SECTION 2: **AMENDMENT** “15.11.380 Definition” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.380 Definition

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SHIPPING CONTAINER is defined as an industrial container with a design strength suitable to withstand continuous shipment, storage, and handling for the movement of goods and products, in repetition, from one place to the next by ship, rail, or truck.

MODULAR HOME is defined as ~~any residential unit, portions of which have been pre-constructed or assembled off-site and delivered to the site to be assembled into a package which upon completion resembles conventional construction.~~ a structure designed for the occupancy of one or more families that is constructed in modules or modular components built at a location other than the permanent site where the structure will be inhabited. It is designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. The home is regulated by the Texas Department of Licensing and Regulations. That agency provides a modular home with the decal signifying that the home has been built to the model code standards required.

(Ord. 1104, passed 10-13-77; Am. Ord. 86-11, passed 11-13-86) Penalty, see GMC 15.11.700

SECTION 3:AMENDMENT “15.07.050 Definitions” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.07.050 Definitions

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

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see "Flood Elevation Study."

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see Regulatory Floodway

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or;
 2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - ~~means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle.~~ is defined as a structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

SPECIAL FLOOD HAZARD AREA - see Area of Special Flood Hazard.

START OF CONSTRUCTION - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. O-14-12, passed 8-21-14)

SECTION 4: AMENDMENT “SC 15.11 MOBILE HOMES” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

SC 15.11 ~~MOBILE~~MODULAR/CONTAINER HOMES

SECTION 5: AMENDMENT “15.11.390 Use, Height, And Area Regulations For Mobile Homes” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.390 ~~Use, Height, And Area Regulations For Mobile~~Restriction On Placement Of Modular/Container Homes

- A. ~~Area regulations.~~Before a modular/container home is placed in the city, it must have a value equal to or greater than the median taxable value for each dwelling within 500 feet of the property line of the proposed installation site.
1. ~~Front yard.~~There shall be a front yard along each street line of the lot, and the minimum depth of a front yard shall be 25 feet. If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of a street, this line shall establish the minimum depth of the front yard.

2. ~~Side yards. There shall be a side yard on each side of the lot having a width of not less than 12 feet or 10% of the average width of the lot, whichever is smaller except that the side yard shall not be less than ten feet.~~
 3. ~~Rear yard. There shall be a rear yard having a depth of a minimum of 15 feet.~~
 4. ~~Area of the lot. The minimum area of the lot shall be 5,000 feet.~~
 5. ~~Width of the lot. The minimum width of the lot shall be 50 feet.~~
 6. ~~Area of dwellings. The minimum first floor area of a dwelling shall be 720 square feet.~~
 7. ~~Exemptions. The regulations of this Part apply to single lots for mobile homes and do not apply to lots which may be the same or larger in other districts.~~
- B. ~~Parking regulations. Parking space shall be provided on the lot to accommodate one motor car. Such space shall not be located on any part of the required front yard. The modular/container home must have exterior siding, roofing, roofing pitch, foundation fascia compatible with dwellings within 500 feet of the proposed installation site.~~
 - C. The modular/container home must comply with all municipal standards for general residential construction, front, side, and rear building setbacks, deed restrictions, square footage requirements and all other requirements set forth in the city's building codes.
 - D. The modular/container home must be securely attached to a concrete foundation or a full chain wall system and the home frame must be securely attached to the concrete. No tie down straps or blocks can be used to secure the home.
 - E. The owner of the proposed modular home must furnish the building inspector a complete set of design plans and specifications bearing the stamp of the Texas Industrialized Building Council for each installation.
 - F. The owner of the proposed container home must furnish the building inspector a complete set of engineered plans.
 - G. The municipality will require and review for compliance with the mandatory building codes, a complete set of plans, specifications, and calculations marked with the stamp of the required design professional.
 - H. The municipality will require that all modules of the modular homes have an approved decal or insignia attached to certify compliance with the Texas IHB Law.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see GMC 15.11.700

SECTION 6: AMENDMENT “15.11.120 Single-Family Districts (SF-1 Through SF-7)” of the Gladewater Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.11.120 Single-Family Districts (SF-1 Through SF-7)

- A. In the Single-Family Districts (SF-1 through SF-7), no land shall be used and no building shall be erected for or converted to any use other than:

1. One-family dwellings
2. Schools
3. Churches
4. Fire Stations
5. Water reservoirs and towers; water and sewage pump stations
6. Museums, libraries, parks, playgrounds, or neighborhood recreation centers owned and operated by the city.
7. Golf courses, except miniature courses, driving tees and the like, operated for commercial purposes.
8. Farm, truck garden, orchard or nursery for the growing of plants, shrubs and trees, provided that no retail or wholesale business sales office is maintained on the premises.
9. Accessory buildings, including one private garage and servants quarters, when located not less than 60 feet from the front lot line nor less than 20% of the lot width from any other street line; provided, however, that servants quarters may be erected above private garages, and a private garage may be constructed as part of the main building or attached to it by a covered passage.
10. Uses customarily incidental to any of the above uses when situated in the same building.
11. Name plates not exceeding one square foot in area, containing the name and occupation of the occupant of the premises; and signs not exceeding eight square feet in area appertaining to the sale or rental of property on which they are located; provided however, that no name plate, nor advertising sign of any other character shall be permitted in any Single-Family District except bulletin boards and signs for churches and schools, not exceeding 18 square feet in area when attached to a building or erected in front yards behind the building line.
12. The renting of rooms or lodgings, or the serving of meals for compensation to not more than four persons, where all utilities are under the control of the permitted family unit.

B. *Height regulations.* In the Single Family Districts, the height shall be limited to 2½ stories for a dwelling and 35 feet for any other building.

C. *Area regulations.* In the Single Family Districts, the area regulations shall be as follows:

1. *Front yard.*

- a. There shall be a front yard along each street line of the lot, and the minimum depth of a front yard shall be as stated below.

SF-1 = 40 ft.

SF-2 = 35 ft.

SF-3 = 35 ft.

SF-4 = 30 ft.

SF-5 = 25 ft.

SF-6 = 25 ft.

SF-7 = 25 ft.

- b. If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of the street, this line shall establish the minimum depth of the front yard.

2. *Side yards.* There shall be a side yard on each side of the lot as stated below:

SF-1 = 15 ft. or 10% of the average width of the lot, whichever is smaller, except that the side yard shall be no less than 10 feet.

SF-2 = 10 ft.

SF-3 = 10 ft.

SF-4 = 10 ft.

SF-5 = 6 ft.

SF-6 = 5 ft.

SF-7 = 5 ft.

3. *Rear yards.* There shall be a rear yard having a depth of not less than 20% of the average depth of the lot.

4. *Area of the lot.*

- a. The minimum area of the lot shall be as stated below:

SF-1 = 20,000 sq. ft.

SF-2 = 14,000 sq. ft.

SF-3 = 12,000 sq. ft.

SF-4 = 10,000 sq. ft.

SF-5 = 7,500 sq. ft.

SF-6 = 6,000 sq. ft.

SF-7 = 5,000 sq. ft.

- b. However, a lot having an area of less than hereinafter required for the Single Family Districts that was a record prior to October 14, 1976 may be used for any purpose permitted in this section, provided that the requirements for front, side, and rear yards are the same requirements as specified in this section.

5. *Width of lot.* The minimum width of the lot shall be as stated below:

SF-1 = 120 ft.

SF-2 = 80 ft.

SF-3 = 75 ft.

SF-4 = 70 ft.

SF-5 = 60 ft.

SF-6 = 50 ft.

SF-7 = 50 ft.

6. *Area of dwellings.*

- a. The minimum first floor area of dwellings shall be as follows:

SF-1 = 1,600 sq. ft.

SF-2 = 1,200 sq. ft.

SF-3 = 1,100 sq. ft.

SF-4 = 1,000 sq. ft.
SF-5 = 850 sq. ft.
SF-6 = 700 sq. ft.
SF-7 = 600 sq. ft.

b. The above area regulations apply to the SF-1, SF-2, SF-3, SF-4, SF-5, SF-6, and SF-7 Single Family Districts, and do not apply to lots which may be the same size or larger in other districts.

D. *Parking regulations.* For all Single Family Districts parking space shall be provided on the lot to accommodate one motor car. Such space shall not be located on any part of the required front yard.

E. *Mobile/manufactured homes prohibited.* Mobile/manufactured homes shall not be located within any Single-Family District, or any other district within the city limits. Exception, mobile/manufactured Homes shall be allowed only in Mobile/Manufactured Housing Districts (See GMC 15.11.130. This Part shall apply prospectively only. Mobile/manufactured homes located within the corporate limits of the city as of November 21, 1991 are exempt from the terms hereof as nonconforming uses and may continue to be so located unless and until the same are destroyed or removed, at which time their nonconforming status shall terminate.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. 91-13, passed 11-21-91; Am. Ord. 01-09, passed 6-18-01) Penalty, see GMC 15.11.700

SECTION 7: AMENDMENT “15.11 ZONING CODE” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11 ZONING CODE

SECTION 8: AMENDMENT “15.11.030 Definitions” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.030 Definitions

- A. Certain words in this chapter not herein defined are defined as follows: the word building includes the word structure, the word lot includes the words plot and tract.
- B. For the purpose of this chapter, the following definitions shall apply unless the context

clearly indicates or requires a different meaning.

ACCESSORY USE. A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

ALLEY. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

APARTMENT. A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

APARTMENT HOUSE. Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

AREA OF THE LOT. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

BASEMENT. A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A **BASEMENT** shall be counted as a story in computing building height.

BLOCK. An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said street.

BOARD. Zoning Board of Adjustment as provided for in GMC 15.11.530 through GMC 15.11.580.

BOARDING HOUSE. A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

BREEZEWAY. A covered passage one story in height connecting a main structure and an accessory building.

BUILDING. Any structure built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

BUILDING LINE. A line parallel or approximately parallel to the street line at a specified distance therefrom, making the minimum distance from the street line that a building may be erected.

BUILDING OFFICIAL. The Building Inspector or person charged with the enforcement of the zoning and building codes of the city.

BUILDING, HEIGHT OF. The vertical distance measured from the sidewalk level or from the natural ground level if higher (or if no street grades have been established) to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and a ridge for a gable, hip, or gambrel roof. The measured **HEIGHT OF THE BUILDING** shall exclude chimneys, cooling towers, elevated bulk-heads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls less than four feet high.

BUSINESS. Includes the neighborhood shopping, commercial, light industry and heavy industrial uses and districts as herein defined.

CELLAR. A building story with more than one-half of its height below the average level of the adjoining ground. A **CELLAR** shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE. An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

CITY COUNCIL. The governing body of the City of Gladewater, Texas.

CITY MANAGER. Chief Administrative Officer of the City of Gladewater, Texas.

CITY PLANNING AND ZONING COMMISSION. The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning.

CLINIC. A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured out-patients who do not remain overnight.

CONVALESCENT HOME. Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

COURT. An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall

authorize and approve the establishment of such curb or its equivalent for the purpose of this chapter.

DAYNURSERY. A place where children are left for care between the hours of 7:00 a.m. and 12:00 p.m.

DEPTH OF LOT. The mean horizontal distance between the front and rear lot lines.

DISTRICT. A section of the city for which the regulations governing the area, height, or use of the land and buildings are uniform.

DWELLING AREA. The total floor area of the dwelling proper, exclusive of accessory buildings, and shall be based on outside dimensions.

DWELLING, ONE-FAMILY. A detached building having accommodations for and occupied by not more than one family, or by one family and not more than four boarders and lodgers.

DWELLING, TWO-FAMILY. A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four boarders and lodgers per family.

DWELLING, MULTIPLE FAMILY. Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

DWELLING UNIT. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters, and includes facilities for food preparation and sleeping.

EFFICIENCY APARTMENT. An apartment having a combination living room and bedroom (with no separate bedroom).

FAMILY. Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

FARM. An area of six or more acres which is used for the growing of the usual farm products such as vegetables, fruits, grains, and trees, with the necessary accessory uses for treating and storing the produce on the area, as well as the raising thereon of the usual farm poultry and animals such as horses, cattle, sheep and swine, but specifically excluding dairy farms, and with the further provision that the operation of the accessory uses for treating and storing produce shall be secondary to that of the normal activities, and that the activities do not include the commercial feeding of offal or garbage to swine or other animals.

FLOOR AREA. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, or garages.

FRONTAGE. All the property abutting on one side of the street between two intersecting streets, measured along the street lines.

GARAGE, PUBLIC. A building other than a private garage used for the care, repair, or equipment of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

GRADE.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;
3. For buildings having no wall adjoining the street it is the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.
4. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the City Engineer shall establish such a sidewalk level or its equivalent for the purpose of these regulations.

GROSS FLOOR AREA. The **GROSS FLOOR AREA** of an apartment house shall be measured by taking the outside dimensions of the apartment at each floor level excluding however, the floor area of basements or attics not used for residential purposes.

HEIGHT. See **BUILDING, HEIGHT OF.**

HOBBYSHOP. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

HOME OCCUPATION. Any occupation that is customarily performed at home by a member of the occupant's family that does not involve a structural change in the building, nor the employment of help, nor the installation of equipment other than that customary to household occupations, nor the display of a sign to advertise the occupation; and it shall not include beauty culture schools, beauty parlors, doctors' offices for treatment of patients, and which is not the cause of generating additional traffic in the street.

HOTEL AND MOTEL. A building or arrangement of buildings designed and occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are more than 12 sleeping rooms and no

provisions made for cooking in any individual room or apartment.

HOSPITAL. An institution or place where sick or injured in-patients are given medical or surgical care either at public expense (charity) or private.

HOUSING PROJECT. An area of three or more acres arranged according to a site plan to be submitted to and to approved by the Planning and Zoning Commission and the City Council on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and the entire area is to be zoned as apartment MF-2, upon the recommendation of the City Planning and Zoning Commission and the action of the City Council, and in which it shall not be necessary to subdivide the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers and storm sewer inlets, shall be provided as required by the city and built in accordance with city specifications.

INSTITUTIONAL TRANSITIONAL HOUSING. Transitional housing provided to more than six residents, by more than two supervisory personnel, or in a structure designed to accommodate more than six residents or more than two supervisory personnel.

KINDERGARTEN. A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

LIVING UNIT. The room or rooms occupied by a family and must include cooking facilities.

LODGING HOUSE. Same as **BOARDING HOUSE**.

LOT. Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

LOT, CORNER. A lot situated at the junction of two or more streets.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH. The mean horizontal distance between lot side lines.

MAIN BUILDING. The building or buildings on a lot which are occupied by the primary use.

MANUFACTURED HOUSING. A structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet~~A transportable structure built on a permanent chassis:~~

- ~~1. That is, when in traveling mode, at least eight feet wide or at least 40 feet long or, when erected on site, at least 320 square feet;~~
- ~~2. That is designed for use as a dwelling when the structure is connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems of the home; but~~
- ~~3. Does not include a recreational vehicle.~~

MOBILE HOME. A structure that was constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on side, at least 320 square feet.

NONCONFORMING USE. A building, structure, or use of land lawfully occupied at the time of the effective date of this chapter or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

OCCUPANCY. The use or intended use of the land or buildings by proprietors or tenants.

OPEN SPACE. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

PARKING AREA, PUBLIC. An open area other than a street, alley, or place, used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING AREA, SEMI-PRIVATE. An open area other than a street, alley, or place, used for temporary parking of more than four self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals, and noncommercial clubs.

PLACE. An unoccupied space other than a street or alley permanently reserved for purposes of access to abutting property.

PRIVATE GARAGE. An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, is self-propelled or permanently towable by a light duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RESIDENCE. Same as dwelling, also when used with district, an area of residential regulations.

SIGN. An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or display on premises.

STABLE. An animal storage facility with a capacity for more than four horses or mules, kept for remuneration, hire, or sale.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor next above it, then the space between such floor and the ceiling above it.

STREET. A public thoroughfare which affords principal means of access to abutting property, and which has been dedicated for public use.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

TRANSITIONAL HOUSING. A residential facility providing temporary shelter for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

1. To help residents recuperate from the effects of drugs or alcohol addiction;
2. To help residents suffering from mental health or behavioral issues;
3. To help homeless persons or families achieve independence and obtain permanent housing; or
4. To provide temporary shelter for persons who are victims of domestic abuse.

VARIANCE. An adjustment in the applications of the specific regulations of the Zoning Code to a particular parcel of property, which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same

vicinity and zoning district.

YARD. An open space other than a court on the same lot with a building, unoccupied, and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT. A yard on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

YARD, REAR. A yard extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

YARD, SIDE. A yard situated between the building and a side lot line and extending through from the front yard to the rear yard. Any lot line that is not the rear line or the front line shall be deemed a side line.

ZONING DISTRICT MAP. The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Code.

⊕(Ord. 1104, passed 10-13-77; Am. Ord. O-11-06, passed 2-17-11; Am. Ord. O-14-19, passed 12-11-14; Am. Ord. O-15-23, passed 11-19-15)

SECTION 9: AMENDMENT “5.05.530 Drought Response Stages” of the Gladewater Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.05.530 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe or emergency water shortage or water allocation condition exists and shall implement the following notification procedures and responses:

A. Notification.

1. Notification of the public. The City Manager, or his/ her designee, shall notify the public by means of publication in a newspaper of general circulation, public service announcements and/or signs posted in public places.
2. Additional notification. The City Manager, or his/ her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:

- a. Mayor and members of the City Council;
 - b. Fire Chief;
 - c. City and/or County Emergency Management Coordinator(s) TCEQ;
 - d. Major water users (including all wholesale water users);
 - e. Critical water users, i.e. hospitals; and
 - f. Parks / street superintendents and public facilities managers.
- B. Stage 1 Response -- MILD Water Shortage Conditions. Target: Achieve a voluntary 5% reduction in total water use.
- 1. Best management practices for supply management. Reduced flushing of water mains.
 - 2. Voluntary water use restrictions for reducing demand.
 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
 - b. All operations of the City of Gladewater 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.
 - d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).
 - e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- C. Stage 2 Response -- MODERATE Water Shortage Conditions. Target: Achieve a 10% reduction in total water use.
- 1. Best management practices for supply management. Reduced irrigation of public landscaped areas.
 - 2. Water use restrictions for demand reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on

designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Gladewater.
- f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gladewater, the facility shall not be subject to these regulations.
- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as non-essential and are prohibited:
 - (1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (3) Use of water for dust control;
 - (4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and

(5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

- i. The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- j. The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
- k. The City Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in this Plan.
- l. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

D. Stage 3 Response -- SEVERE Water Shortage Conditions. Target: Achieve a 15% reduction in total water use.

- 1. Best management practices for supply management. Discontinued irrigation of public landscaped areas.
- 2. Water use restrictions for demand reduction. All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight 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 at all times.
 - b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Gladewater.
 - c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
 - d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).
 - e. The City Manager, or his/her designee(s), will provide a weekly

report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

- f. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi- type pools is prohibited.
- g. No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

E. Stage 4 Response -- EMERGENCY Water Shortage Conditions. Target: Achieve a 20% reduction in total water use.

- 1. Whenever emergency water shortage conditions exist, as defined in GMC 5.05.510, the City Manager shall:
 - a. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - b. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
 - c. If appropriate, notify city, county, and/or state emergency response officials for assistance.
 - d. Undertake necessary actions, including repairs and/or clean-up as needed.
 - e. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
- 2. Best management practices for supply management. Discontinued flushing of water mains.
- 3. Water use restrictions for reducing demand. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:
 - a. Irrigation of landscaped areas is absolutely prohibited.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
 - c. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 4 of the customer's drought contingency plan).
 - d. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

F. Stage 5 Response -- WATER ALLOCATION. In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water to retail and wholesale customers according to the following water allocation plan:

1. Single Family Residential Customers.
 - a. The allocation to residential water customers residing in a single family dwelling shall be 8,000 gallons per month.
 - b. Residential water customers shall pay the following surcharges:
 - (1) \$10.00 for the first 1,000 gallons over allocation.
 - (2) \$15.00 for the second 1,000 gallons over allocation.
 - (3) \$20.00 for the third 1,000 gallons over allocation.
 - (4) \$25.00 for each additional 1,000 gallons over allocation.
 - c. Surcharges shall be cumulative.
2. Master-Metered Multi-Family Residential Customers.
 - a. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile/modular homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Gladewater of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gladewater offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gladewater in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Gladewater of a reduction in the number of persons in a household shall be fined not less than \$100. Customers billed from a master meter under this provision shall pay the following monthly surcharges:
 - (1) \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
 - (2) \$15.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
 - (3) \$20.00, thereafter, for each additional 1,000 gallons over

allocation up through a third 1,000 gallons for each dwelling unit.

(4) \$25.00, thereafter for each additional 1,000 gallons over allocation.

b. Surcharges shall be cumulative.

3. Commercial Customers.

a. A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be 75% of the customer's average usage for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer whose allocation would be less than 6,000 gallons shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council. Nonresidential commercial customers shall pay the following surcharges:

(1) 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.

(2) 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.

(3) 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.

(4) 200% of the normal water charge for water usage more than 15% above the monthly allocation.

b. Surcharges shall be cumulative.

4. Industrial Customers.

a. A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be

approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

Industrial customers shall pay the following surcharges:

- (1) 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
- (2) 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- (3) 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- (4) 200% of the normal water charge for water usage more than 15% above the monthly allocation.

b. Surcharges shall be cumulative.

5. Wholesale Customers.

a. In the event that the triggering criteria specified in this Plan for Stage

5 – Water Allocation have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis in accordance with Texas Water Code Section 11.039. A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for wholesale customers, the wholesale customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The wholesale customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the wholesale water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each wholesale customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use, (2) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (3) the customer agrees to transfer part of its allocation to another wholesale customer, or (4) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

- b. During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:
- (1) 125% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.
 - (2) 150% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.
 - (3) 175% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.
 - (4) 200% of the normal water charge for water diversions and/or deliveries more than 15% above the monthly allocation.

c. The above surcharges shall be cumulative.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

SECTION 10: AMENDMENT “5.09.230 Drought Response Stages” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

5.09.230 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe or emergency water shortage or water allocation condition exists and shall implement the following notification procedures and responses:

A. Notification.

1. Notification of the public. The City Manager, or his/her designee, shall notify the public by means of publication in a newspaper of general circulation, public service announcements and/or signs posted in public places.
2. Additional notification. The City Manager, or his/her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:
 - a. Mayor and members of the City Council;
 - b. Fire Chief;
 - c. City and/or County Emergency Management Coordinator(s);
 - d. TCEQ;
 - e. Major water users (including all wholesale water users);
 - f. Critical water users, i.e. hospitals;
 - g. Parks/street superintendents and public facilities managers.

B. Stage 1 response - mild water shortage conditions.

1. Target: achieve a voluntary 5% (27,000 GPD) reduction in total water use.
2.
 - a. Best management practices for supply management:
 - b. Reduced flushing of water mains.
3. Voluntary water use restrictions for reducing demand.
 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
 - b. All operations of the City of Gladewater 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.
- d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).
- e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

C. Stage 2 response - moderate water shortage conditions.

- 1. Target: achieve a 10% (54,000 GPD) reduction in total water use.
- 2.
 - a. Best management practices for supply management:
 - b. Reduced irrigation of public landscaped areas.
- 3. Water use restrictions for demand reduction: under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic

purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

- e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Gladewater.
- f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gladewater, the facility shall not be subject to these regulations.
- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as non-essential and are prohibited:
 - (1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (3) Use of water for dust control;
 - (4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- i. The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- j. The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
- k. The City Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in this Plan.
- l. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on

water conservation measures and practices.

D. Stage 3 response - severe water shortage conditions.

1. Target: achieve a 15% (81,000 GPD) reduction in total water use.
2.
 - a. Best management practices for supply management:
 - b. Discontinued irrigation of public landscaped areas.
3. Water use restrictions for demand reduction: all requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight 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 at all times.
 - b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Gladewater.
 - c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
 - d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).
 - e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
 - f. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - g. No application 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 approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

E. Stage 4 response - emergency water shortage conditions.

1. Target: achieve a 20% (108,000 GPD) reduction in total water use.
2. Whenever emergency water shortage conditions exist, as defined in the definitions section of this Plan, the City Manager shall:
 - a. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - b. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest

- actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- c. If appropriate, notify city, county, and/or state emergency response officials for assistance.
 - d. Undertake necessary actions, including repairs and/or clean-up as needed.
 - e. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
3.
 - a. Best management practices for supply management:
 - b. Discontinued flushing of water mains
 4. Water use restrictions for reducing demand. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:
 - a. Irrigation of landscaped areas is absolutely prohibited.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
 - c. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 4 of the customer's drought contingency plan).
 - d. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- F. Stage 5 response - water allocation. In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water to retail and wholesale customers according to the following water allocation plan:
1. Single family residential customers.
 - a. The allocation to residential water customers residing in a single family dwelling shall be 8,000 gallons per month.
 - b. Residential water customers shall pay the following surcharges:
 - (1) \$10.00 for the first 1,000 gallons over allocation.
 - (2) \$15.00 for the second 1,000 gallons over allocation.
 - (3) \$20.00 for the third 1,000 gallons over allocation.
 - (4) \$25.00 for each additional 1,000 gallons over allocation.
 - c. Surcharges shall be cumulative.
 2. Master-metered/multi-family residential customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile/modular homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Gladewater of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best

effort to see that such forms are mailed, otherwise provided, or made available to every such customer, if, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gladewater offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gladewater in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Gladewater of a reduction in the number of person in a household shall be fined not less than one hundred dollars (\$100.00). Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- a. \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- b. \$15.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- c. \$20.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- d. \$25.00, thereafter for each additional 1,000 gallons over allocation.
- e. Surcharges shall be cumulative.

3. Commercial customers. A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be 75% of the customer's average usage for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer whose allocation would be less than 6,000 gallons shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council, nonresidential commercial customers shall pay the

following surcharges:

- a. 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
 - b. 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
 - c. 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.
 - d. 200% of the normal water charge for water usage more than 15% above the monthly allocation.
 - e. Surcharges shall be cumulative.
4. Industrial customers. A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council. Industrial customers shall pay the following surcharges:
- a. 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
 - b. 150% of the normal water charge for water usage in excess of the

- monthly allocation from 5% through 10% above the monthly allocation.
- c. 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.
 - d. 200% of the normal water charge for water usage more than 15% above the monthly allocation.
 - e. Surcharges shall be cumulative.
5. Wholesale customers.
- a. In the event that the triggering criteria specified in this Plan for Stage 5 - water allocation have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis in accordance with Tex. Water Code Section 11.039. A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for wholesale customers, the wholesale customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The wholesale customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the wholesale water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each wholesale customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use, (2) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (3) the customer agrees to transfer part of its allocation to another wholesale customer, or (4) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.
 - b. During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (1) 125% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.
- (2) 150% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- (3) 175% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- (4) 200% of the normal water charge for water diversions and/or deliveries more than 15% above the monthly allocation.
- (5) The above surcharges shall be cumulative.

(Ord. O-14-05, passed 5-22-14)

SECTION 11: **AMENDMENT** “15.11.130 Manufactured Housing District (MH)” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.130 Mobile/Manufactured Housing District (MH)

- A. *Use regulations.* In the Mobile/Manufactured Housing district (MH) no land shall be used and no building shall be erected or converted to any use other than manufactured housing.
- B. *Site selection.* Site selection is to be governed by the following considerations:
 1. *Location.*
 - a. The site should be bounded on at least one side by a public street or highway.
 - b. The site must not be:
 - (1) Close to swamps or other potential breeding places for insects or rodents.
 - (2) Subject to flooding, fire, or safety hazards.
 - (3) Exposed to chronic nuisances, such as noise, smoke, fumes, or odors.
 2. *Topography.* The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance.
 3. *Availability of utilities.* The site must be readily accessible to public utilities including water, sewerage, and electricity.
 4. *Necessary land area.* The area of the mobile/manufactured home court must be sufficient in size to accommodate:
 - a. The number of mobile/manufactured home spaces desired;

- b. Roads and parking areas for motor vehicles; and
 - c. On-site utilities where public utilities are not available.
- C. *Site improvements.* The physical improvements of the site must be arranged to provide:
- 1. A convenient means of pedestrian and vehicular access to each mobile/manufactured home space, parking areas, and accessory buildings.
 - 2. An adequate supply of potable water.
 - 3. A safe method of sewage disposal.
 - 4. Electrical service for lighting and power.
 - 5. A diversion of surface water away from buildings, mobile/manufactured home spaces, and its disposal from the site.
- D. *Site planning.* A plan of the proposed mobile/manufactured home court must be developed for approval by the City Engineer indicating the layout of the mobile/manufactured home spaces, roads, walks, utilities, and necessary grading. Determination must be made in the initial planning stage on the number of mobile/manufactured homes to be accommodated, which shall not be less than 20 mobile/manufactured homes.
- E. *Mobile/Manufactured home space sizes.* Each mobile/manufactured home space shall be no less than ~~2,175~~2,500 square feet in area and at least ~~72~~75 feet in length.
- F. *Spacing of mobile/manufactured homes.* The minimum spacing between mobile/manufactured homes must be:
- 1. Twenty feet side-to-side spacing and 15 feet end-to-end spacing.
 - 2. At least 25 feet from the right-of-way line of a highway, and at least ten feet from the mobile/manufactured home space property line.
- G. *Roads, walks, and parking areas.*
- 1. *General circulation.* Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the mobile/manufactured home court. All roads must be continuous.
 - 2. *Servicing.* Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.
 - 3. *Width of road area.* Main access roads, excluding parking, must be at least two lanes and 20 feet wide.
 - 4. *Number of parking spaces.* Two motor vehicle parking spaces must be provided at the site of each mobile/manufactured home space. Additional parking may be provided in designated areas.
 - 5. *Walks.* The trailer park walk system must include a walk from the entrance of each mobile/manufactured home to service facilities with the following minimum widths:
 - a. Public walks - four feet.
 - b. Entrance walks from public walk to mobile/manufactured home door - two feet.
- H. ~~Plumbing. All plumbing installations shall conform to the requirements of the Plumbing Code (See GMC 15.03).~~ All mobile/manufactured homes shall be installed in accordance with all adopted codes (See GMC 15.03, 15.05, 15.07).
- I. ~~Electrical. All electrical installations shall conform to the requirements of the Electrical~~

~~Code (See GMC 15.05):~~

- J. *Refuse collection.* Refuse must be stored in fly-tight and rodent-proof containers. Six gallons of refuse storage capacity per day per mobile/manufactured home must be provided. If refuse container stations are used, a station should be located within 150 feet from every mobile/manufactured home space unless it is infeasible to do so; in no event shall a mobile/manufactured home space be more than 200 feet from a refuse container station.
- K. *Site engineering.* Grading and drainage must be performed so that water will drain away from the mobile/manufactured home spaces, buildings, and off the site in a manner in which will provide reasonable freedom from erosion. Walks, driveways, and retaining walls must be so constructed as not to interfere with drainage.
- L. *Drainage requirements.*
 - 1. Mobile/Manufactured home spaces must be graded toward an abutting roadway to prevent surface water draining across adjacent home spaces. Grading under mobile/manufactured homes must be provided to prevent the puddling of water.
 - 2. Where swales for the carriage of storm water are needed between the mobile/manufactured home space and the roadway, they must be of a shallow type (generally no more than eight inches deep) to permit the parking of the mobile/manufactured home without damage to the undercarriage.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-14, passed 11-13-80; Am. Ord. O-15-23, passed 11-19-15) Penalty, see GMC 15.11.700

SECTION 12: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 13: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 14: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from June 20, 2024 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE GLADEWATER COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Brandy J. Flanagan	_____	_____	_____	_____
Mayor Pro-tem Elijah Anderson	_____	_____	_____	_____
Councilmember Michael Webber	_____	_____	_____	_____
Councilmember Stoney Stone	_____	_____	_____	_____
Councilmember Teddy Sorrells	_____	_____	_____	_____
Councilmember Rocky Hawkins	_____	_____	_____	_____
Councilmember Kevin Clark	_____	_____	_____	_____

Attest

Presiding Officer

Judy Van Houten, City Clerk,
Gladewater

Brandy J. Flanagan, Mayor,
Gladewater

**GLADEWATER
ORDINANCE O-24-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLADEWATER,
TEXAS AMENDING §11.15.010 DEFINITIONS AND ADOPTING §11.16
AGGRESSIVE PANHANDLING OR SOLITICATION, OF THE GLADEWATER
CODE OF ORDINANCES; ESTABLISHING A REPEALER CLAUSE, A
SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Gladewater desires to amend by definition a Locally Recognized Organization; and

WHEREAS, the City Council of the City of Gladewater desires to adopt rules, procedures, and a penalty pertaining to aggressive panhandling or solicitation inside the corporate city limits of Gladewater.

NOW THEREFORE, be it ordained by the Council of the Gladewater, in the State of Texas, as follows:

SECTION 1:**AMENDMENT** “11.15.010 Definitions” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

11.15.010 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INTERSTATE COMMERCE. Soliciting, selling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines, and subscriptions to newspapers or magazines, which at the time the order is taken are in another state, or will be produced in another state and which are introduced into this city in the fulfillment of such orders.

LOCALLY RECOGNIZED. A group that was founded, organized, or regularly meets within the corporate city limits of this city or in the extra territorial jurisdiction.

MERCHANDISE. Includes, but is not limited to any articles or subjects of commerce or trade, goods, commodities, products, wares, or any other item of personal property to be sold, exhibited, or offered for sale.

SOLICITOR. Any person who shall solicit to sell, attempt to sell, or accept orders for or subscriptions to any book, magazine, periodical, or for any merchandise when delivery is to be made in the future.

TEMPORARY. Any act of vending or soliciting transacted or conducted in the city upon the premises for which definite arrangements have not been made in writing for at least 30 days for the purpose of transacting or conducting such business of vending or soliciting.

VENDOR. Any person who engages in a temporary business in the city of selling, exhibiting, or offering or soliciting for sale any merchandise, including:

- A. Any person who engages in such business upon or from a truck or other vehicle within the limits of the city; or,
- B. Any person who hires, rents, leases or occupies any room or space in any building, structure, enclosure, vacant lot, or any other property whatsoever in the city, in, through, or from which any merchandise may be sold, offered or exhibited for sale; or,
- C. Any person who carries any merchandise with him, whether such merchandise is carried on foot or motor vehicle, or other conveyance whatsoever, from place to place, or from house to house, within the city exhibiting or offering his own or his principal's merchandise for sale, and who then and there sells and delivers it to other persons or dealers.

(Ord. 84-06, passed 6-26-84)

SECTION 2: ADOPTION “11.16 AGGRESSIVE PANHANDLING OR SOLICITATION” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16 AGGRESSIVE PANHANDLING OR SOLICITATION(*Added*)

SECTION 3: ADOPTION “SC 16.11 AGGRESSIVE PANHANDLING OR SOLICITATION GENERAL PROVISIONS” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

SC 16.11 AGGRESSIVE PANHANDLING OR SOLICITATION GENERAL PROVISIONS(*Added*)

SECTION 4: ADOPTION “11.16.010 Definitions” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16.010 Definitions(*Added*)

AGGRESSIVE MANNER, AGGRESSIVE BEHAVIOR or AGGRESSIVELY. As related to soliciting, begging, and panhandling means:

- a. Using violent or threatening gestures toward a person solicited;
- b. Continuing to solicit from a person after the person has given a negative response to such soliciting;
- c. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- d. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- e. Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for any other purpose;
- f. Approaching or following a person for solicitation individually or as part of a group of two or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be harassed or intimidated into giving money or other thing of value; or
- g. Soliciting, begging, or panhandling of minors less than 16 years of age.

AUTOMATED TELLER MACHINE. A device, linked to a bank or financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments, which are made available to banking customers.

BANK. A bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

CHECK CASHING BUSINESS. An entity in the business of cashing checks, drafts, or money orders for consideration.

PARKING METER or PARKING PAYSTATION. A location on a street, parking lot or parking garage where persons pay for parking by either cash or credit, to a person or at a machine or other device designated to accept payment for parking.

PRIVATE BUILDING. Shall be deemed to include, but is not limited to retail or service establishments, such as restaurants, convenience food stores, laundromats, service stations, hotels, offices, and similar privately owned establishments open to the public. This term does not include any building owned, leased, or operated by the federal or state government, political subdivision thereof, municipalities, special districts, any public administration board, or authority of the state.

PUBLIC AREA. An area to which the public has access and includes, but is not limited to, the common area of a hospital, apartment house, office building, transport facility, shop, basement, building entrance or doorway, lobby, hallway, stairway, mezzanine, elevator, foyer, public restroom or sitting room or any other place used in common by the public, tenants, occupants or guests situated in any private building.

PUBLIC PLACE. A place to which a governmental entity has title to which the public has access, including, but not limited to: any street, highway, sidewalk, walkway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

SOLICIT, ASK, BEG or PANHANDLE. To request, by the spoken, written, or printed word, or by other means of communication, an immediate donation or transfer of money or another thing of value from another person, regardless of the solititor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

SECTION 5: ADOPTION “11.16.020 Prohibited Conduct” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16.020 Prohibited Conduct(*Added*)

A person commits an offense if the person solicits:

- (1) In an aggressive manner in a public area or public place, or
- (2) Within 20 feet of the following areas where the public is considered vulnerable or where solicitation would interfere with the flow of pedestrian or motor vehicle traffic:
 - a. An automated teller machine;
 - b. The entrance or exit of a bank;
 - c. The entrance or exit of a check cashing business;
 - d. An authorized charitable contribution activity;
 - e. A parking meter or parking pay station on a street;
 - f. A public parking garage or parking lot pay station;
 - g. The entrance or exit of a restaurant or the service area of an outdoor eating establishment;
 - h. In a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers, including but not limited to any school bus stop;
 - i. A marked crosswalk, prj. An entrance of a commercial or government building.

- (3) Within five feet of a curb or edge of a street;
- (4) Within 50 feet from any land owned by a public or private school and used in whole or in part for providing education services to elementary age children;
- (5) Within ten feet of a gas station, liquor store, or convenience store property;
- (6) In a public restroom; or
- (7) At a public event that is operating by permit issued by the city at city parks as defined in the city code.

SECTION 6: ADOPTION “11.16.030 Private Property” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16.030 Private Property(*Added*)

- (1) No person may solicit, ask, beg, or panhandle on private property or residential property without permission from the owner or occupant.
- (2) It shall be unlawful for any person to:
 - a. Solicit, ask, beg, or panhandle, as those terms are defined in this chapter, or any public room in any private building, without the written permission or consent of the building's owner or managing and authorized agent. For the purpose of enforcement of this subsection, it is presumed that if the owner, lessee, managing agent or other person in charge of a building prominently displays a sign as provided in subsection (c), then the activities declared unlawful in this section are deemed to be without the permission or consent of the building's owner, lessee, managing agent or other person.
 - b. Solicit, ask, beg, or panhandle, as those terms are defined in this chapter, on any private property where the owner, lessee, managing agent or other person in charge of such property displays a sign as provided in subsection (c).
 - c. Conspicuous notice. To invoke the protections afforded under this section, each owner, lessee, managing agent or person in charge of the operation of a private building or private property shall prominently display a sign on the premises, such as the lobby or entrance of the private building or private property, where it may be read by any person going in or out of the building or private developed property stating generally: 'NO PANHANDLING PERMITTED SEC. 11.16, GLADEWATER CODE OF ORDINANCES', 'NO SOLICITORS', or 'NO SOLICITATION'.

SECTION 7: ADOPTION “11.16.040 Measurement” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16.040 Measurement(*Added*)

For the purpose of subsection 11.16.020 of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point at which an unlawful act is conducted to the nearest portion to the items listed in subsection 11.16.020.

SECTION 8: **ADOPTION** “11.16.050 Traffic Median, Shoulder, Improved Shoulder, Sidewalk, Improved Portions Of The Roadway” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16.050 Traffic Median, Shoulder, Improved Shoulder, Sidewalk, Improved Portions Of The Roadway(*Added*)

The solicitation of contributions while standing on a traffic median, shoulder, improved shoulder, sidewalk, or the improved portion of the roadway from occupants of any vehicle on a roadway, street, or thoroughfare shall only be permitted in compliance with the terms and conditions set out in Section 11.15 of the city code, provided they are not in an aggressive manner as defined in this section.

SECTION 9: **ADOPTION** “11.16.060 Penalty” of the Gladewater Municipal Code is hereby *added* as follows:

ADOPTION

11.16.060 Penalty(*Added*)

Any person who violates any provisions of this chapter shall, upon conviction, be punished by a fine not to exceed \$500.

SECTION 10: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 12: EFFECTIVE DATE This Ordinance shall be in full force and effect from June 20, 2024 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE GLADEWATER COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Mayor Brandy J. Flanagan	_____	_____	_____	_____
Mayor Pro-tem Elijah Anderson	_____	_____	_____	_____
Councilmember Michael Webber	_____	_____	_____	_____
Councilmember Stoney Stone	_____	_____	_____	_____
Councilmember Teddy Sorrells	_____	_____	_____	_____
Councilmember Rocky Hawkins	_____	_____	_____	_____
Councilmember Kevin Clark	_____	_____	_____	_____

Attest

Presiding Officer

Judy Van Houten, City Clerk,
Gladewater

Brandy J. Flanagan, Mayor,
Gladewater

SC 15.03 VACANT BUILDINGS

15.03.170 Purpose

15.03.180 Definitions

15.03.190 Vacant Building Registration

15.03.200 Fees

15.03.210 Exemptions

15.03.220 Appeal Process

15.03.230 Standard Of Care For Vacant Buildings

15.03.240 Inspections

15.03.250 Reuse And Re-Occupancy

15.03.260 Responsibility For Violations

15.03.270 Penalty

15.03.170 Purpose

- A. The purpose of this subchapter is to establish a program for identifying and registering vacant buildings; in the Main Street District, to determine and establish the responsibilities of owners of said structures; to ensure vacant buildings are maintained in compliance with applicable city code; and to encourage their rehabilitation in efforts to minimize wider community deterioration.
- B. The City Council has determined the presence of vacant buildings creates blight. It is recognized blight lowers property values; leads to deteriorating conditions, becomes a harborage for rodents, undermines the quality of life; affects the public health, safety and general welfare, may result in human injury, and also becomes an invitation for illegal occupancy and criminal activities, as well as, a fire hazard.
- C. In order to protect the citizens of Gladewater, to preserve and enhance livability, preserve property values of surrounding buildings, and to ensure buildings are promptly rehabilitated as appropriate, it is the policy of the city to address vacant building rehabilitations in accordance with due process requirements.

(Ord. O-17-26, passed 10-20-17)

15.03.180 Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of this subchapter, have the meanings indicated in this section.

- A. **ABANDONED.** Any building or other structure that is unoccupied where the owner has defaulted on a loan and the property has been foreclosed on by a financial institution, or the owner is no longer paying property taxes and property is subject to a tax assessor's lien and/or sale.

APPRAISED VALUE. The current value assigned by the appropriate central appraisal district.

AUTHORIZED AGENT. Under the provisions of this section, the owner is consenting that a third party is authorized to receive any and all notices relating to the property and conformance of any and all ordinances.

BUILDING OFFICIAL. For this subchapter shall be the same as defined in this section of the Gladewater Code of Ordinances.

EVIDENCE OF VACANCY. Any condition that on its own or combined with other conditions

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present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to:

1. Significantly below standard utility usage;
2. Overgrown and/or dead vegetation;
3. Accumulation of newspapers, circulars, flyers, and/or mail;
4. Accumulation of trash, junk, and/or debris;
5. Broken or boarded up windows;
6. Abandoned vehicles;
7. Auto parts or materials;
8. The absence of window coverings, such as curtains, blinds, and/or shutters;
9. The absence of furnishings and/or personal items consistent with habitation or occupation; or
10. Statement(s) by governmental employee(s) that the property is vacant; or
11. Neglected or deteriorated structure with broken or missing components such as brick.

HISTORIC BUILDING. A building is 50 years or older and complies with at least one of the following criteria:

1. Retains its historic physical integrity, and is significant on either a local, state or national level either through direct association with individuals, events, activities, or developments that shaped our history or that reflect important aspects of our history;
2. Embodies the distinctive physical and spatial characteristics of an architectural style or type of building, structure, landscape, or planned environment, or a method of construction, or high artistic values or fine craftsmanship; or
3. Has the potential to yield information important to our understanding of the past through archaeological, architectural, or other physical investigation and analysis.

NEGLECT. A serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Building Official, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

OCCUPIED. Pursuant to and within the scope of a valid certificate of occupancy or within an occupancy use authorized for the building or structure designated primarily for nonresidential uses, that one or more persons conduct business in or reside in at least 50% of the total area of a building or structure which is two stories or fewer (excluding stairwells, elevator shafts, and mechanical rooms); or where one or more persons conduct business or reside in at least 60% of the total area of a building or structure which is more than two stories (excluding stairwells, elevator shafts, and mechanical rooms); or any building or structure where the building or structure is designated for residential use and contains four dwelling units or fewer must have residents in 50% of the structure, and those containing five dwelling units or more must have residents in 60% of the structure.

OWNER. A person in whom is vested the ownership or title of real property, including but not limited to:

1. The holder of fee simple title;
2. The holder of a life estate;

3. The holder of a leasehold estate that includes the vacant or abandoned portions of the building;
4. The buyer in a contract for deed;
5. A mortgagee, receiver, executor, or trustee in control of real property; and
6. The named grantee in the last recorded deed.

SECURED. A building which has all points of entry into the structure either:

1. Closed by use of windows and doors which are in proper working order, intact without holes or broken elements, and are locked; or
2. Secured by exterior grade plywood in compliance with this subchapter.

VACANT. A building which is:

1. Unoccupied and unsecured;
2. Unoccupied and secured by other than normal means;
3. Unoccupied and an unsafe building as determined by Code Enforcement;
4. Unoccupied and having utilities disconnected;
5. Unoccupied and has housing or building code violations;
6. Illegally occupied which shall include loitering and vagrancy;
7. Unoccupied with a mortgage status of abandonment (i.e., deceased or foreclosed).

UNSECURED. A building or portion of a building which is open to entry by unauthorized persona without the use of tools or ladders.

(Ord. O-17-26, passed 10-20-17)

15.03.190 Vacant Building Registration

- A. A person commits an offense if the person owns a vacant building without a valid certificate of registration or exemption issued pursuant to this subchapter.
- B. The owner or the owner's authorized agent shall submit an application to the Building Official to register a building or apply for an exemption not later than 90 days after the building becomes a vacant building. One or more of the owners may designate an individual to execute the application on behalf of the owner(s).
- C. The registration application shall be submitted on forms provided by the Building Official. The registration application shall include the following information supplied by the applicant:
 1. The address and legal description of the premises;
 2. The number of stories, including basement, contained therein area in square feet of each story, and year built;
 3. The date on which the vacant building was last legally occupied, a description of the last or current use of the vacant building, and a description of any hazardous materials, uses, or conditions currently existing or previously existed in the vacant building;
 4. The names, addresses and telephone numbers of the owner or owners and authorized agents and copy of state identification of a primary owner or authorized agent;

5. The name and address of any third party who has entered into a contract or agreement for property management;
6. The names and addresses of all known lien holders, tenants, and all other parties with an ownership or possessory interest in the building;
7. A telephone number where a responsible party can be reached at all times during business and nonbusiness hours. The responsible party must provide a local contact, street address, and telephone number that can be reached 24 hours a day, seven days a week, in the event of an emergency condition in or on the premises of the vacant building;
8. Proof of general liability of \$100,000 and property insurance, no less than replacement value, for the property to be kept in full force and effect at all times during the registration term and/or a surety bond for the value of the structure if insurance cannot be obtained. Said value shall be the appraised value as determined by the appraisal district of the county in which the building resides;
9. A comprehensive plan detailing the efforts to eliminate the deficiencies and detailing a continuing maintenance plan. If a building has been designated as a historic building at the federal, state, or local level or is eligible for designation or is located within the Main Street District, the plan must also be submitted to the Main Street Board for review and approval;
10. The name of the addressee and the mailing address to which all notices or other communication required under this subchapter may be delivered, including communication regarding registration and vacant building status;
11. Criminal trespass affidavits and an extra patrol request shall be filed with the Gladewater Police Department by the property owner or authorized agent and said party shall post "No Trespass" placards on the premises. (Signage placed on buildings located within the Main Street District must be approved by the Main Street Board.) Additional employment of security services for the property for a specified number of hours every day, may be required by the Chief of Police on the basis of the property's history of code and/or criminal violations; and
12. Any other reasonably related additional information required by the Building Official (ex: No trespass signage is ignored, vagrant occupying).

D. A separate registration application is required for each vacant building, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building is located at the same street address, a separate certificate of registration is required for each vacant building. In addition, only one registration application is required for a single vacant building having more than one street address.

E. The failure of the owner of the vacant building to obtain a deed for the property or file the deed with the County Recorder shall not excuse the property owner from registering the property.

F. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

G. The Building Official shall, within ten days, take one of the following actions regarding the filing of a completed application for which all required established fees have been paid:

1. Issue a certificate of registration if the permit official determines:

- a. The applicant has complied with all requirements for issuance of the certificate of registration;

- b. The applicant has not made a false statement as to a material matter in an application for a certificate of registration; and
 - c. The applicant or owner has no outstanding fees charged under this subchapter.
 2. Deny the certificate of registration as provided under Part H.
 3. Inform the applicant the certificate of registration cannot be issued within the time period under this section and advise the applicant as to the date on which the Building Official shall make the required determination, which shall be the earliest date practicable.
 4. The failure of the permit official to take action as required under this section shall not result in an automatic registration of a vacant building under this subchapter.
- H. If the Building Official determines, upon initial review or inspection, the application does not address the requirements of this subchapter, the Building Official shall notify the owner and allow reasonable time for revision of the application. If, upon final review of the completed application, the Building Official determines the requirements of Parts C and I have not been met, the Building Official shall deny a certificate of registration to the owner.
 1. If the Building Official determines the owner should be denied a certificate of registration, the Building Official shall deliver written notice that the application is denied and include in the notice the reason for denial.
 2. If the application is denied and no appeal has been filed, the owner shall have ten days to resubmit the application for a certificate of registration.
 3. The owner may appeal the determination of the Building Official by following the procedure provided in GMC 15.03.220. If the appeal is denied, the owner shall have ten days to resubmit the application for a certificate of registration.
- I. The Building Official shall give notice of issuance of a certification of registration for a vacant building to lien holders, tenants, and other parties, as identified in the application.
- J. Vacant building owners shall provide written notice to the Building Official no later than 30 days after a change has occurred in:
 1. Ownership of the property, including a copy of the deed;
 2. Contact information for either the owner or the authorized agent.
- K. A new owner(s) shall accept transfer of registration or re-register the vacant buildings with the Building Official within 30 days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Building Official.
- L. Except as otherwise provided herein, the certificate of registration for a vacant building shall terminate the earlier of:
 1. One year after date of issuance;
 2. The date the vacant building changes ownership, as determined by the Building Official (see also Part K above);
 3. The date the vacant building becomes occupied, as determined by the Building Official;
or
 4. The date the vacant building is demolished, as determined by the Building Official.

M. Requests for termination of a certificate of registration shall be in writing to the Building Official and accompanied by documentation in support of the request. The failure of the Building Official to terminate the certificate of registration as provided herein within 30 days after the date the written request was made shall constitute a denial of the request for the termination and the owner may appeal such action by following the procedure provided in GMC 15.03.220.

N. Upon an owner's written request to the Building Official, a certificate of registration issued under this subchapter is transferable to a new owner during the period of registration, provided:

1. The owner has complied with the provisions of this subchapter, other city ordinance, and state or federal law applicable to the vacant building;
2. Payment of the administrative fee established for transfer of the certificate of registration; and
3. The new owner's acceptance of the application information for the certificate of registration to be transferred.

The failure of the Building Official to transfer the certificate of registration as provided herein within 30 days after the date the written request has been made shall constitute a denial of the request for the transfer and the owner may appeal such action by following the procedure provided in GMC 15.03.220.

O. An owner or applicant shall notify the Building Official in writing within 30 days after any material change in the information contained in the application for a certificate of registration for a vacant building, including any changes in ownership of the property or intended use, rehabilitation, demolition, or routine maintenance of the vacant building.

P. If the Building Official observes evidence of vacancy and finds it to be unregistered, the Building Official shall make a determination as to whether the building is a vacant building within the meaning of this subchapter. If the Building Official finds the building is a vacant building:

1. The Building Official shall give written notice of such determination to the owner of the subject building. The notice of determination shall identify the building; street address or legal description of the property; state the factual basis for the determination; classify the building as a vacant building; and the obligations of an owner to register the building as set forth in this subchapter.
2. The notice under this section must comply with the requirements of Tex. Loc. Gov't Code § 54.005.
3. The Building Official satisfies the requirements of this section to make a diligent effort, to use his best efforts, or to make a reasonable effort to determine the identity and address of an owner if the Building Official searches the following records:
 - a. Real property records of the appropriate county;
 - b. City of Gladewater appraisal district records;
 - c. Records of the secretary of state;
 - d. Assumed names records of the appropriate county;
 - e. Tax records of the city; and
 - f. Utility records of the city.

4. When the Building Official mails a notice in accordance with this section to an owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

5. An owner may appeal the determination of the Building Official that the building should be classified as a vacant building under this subchapter by following the procedure in GMC 15.03.220.

Q. The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.

(Ord. O-17-26, passed 10-20-17)

15.03.200 Fees

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the city in monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the city for inspection and security patrols, as well as the continued normal administrative costs stated above.

- A. The owner of a vacant building shall pay an annual fee of \$150 for the first year the building remains vacant. The fee shall be paid upon submission of the application for a certificate of registration. For every consecutive year the building remains vacant, the annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five year fee of \$2,400 to be used for the fifth and all consecutive, subsequent years of vacancy.
- B. The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this subchapter within 90 days of its registry.
- C. Late fees shall be paid in addition to the annual registration and will be equal to 50% of the annual fee.
- D. A transfer fee of \$25 shall be paid at the time the transfer request is made.

(Ord. O-17-26, passed 10-20-17)

15.03.210 Exemptions

- A. An owner or the owner's authorized agent may apply for an exemption to the registration fee or fees under proof of financial hardship. The Board of Adjustments shall make the determination for authorizing the exemption.
- B. A building or dwelling which has suffered fire damage or damage caused by extreme weather conditions which has rendered it uninhabitable; or in the cause of the death of the primary owner or owners or the legal declaration of incompetence of the primary owner or owners will be issued an extension to comply with GMC 15.03.190 for a period of 120 days after the date of the event. The exemption request shall include the following information supplied by the applicant:
 1. An address and description of the premises;
 2. The names and addresses of the owner or owners;
 3. Detailed information regarding the date the damage was suffered and the extent of the damage if the request for an exemption is being submitted on this basis; and
 4. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

- C. An owner or the owner's authorized agent may apply for an exemption to the registration fee or fees if the building is listed for sale and priced within 130% of the appraised value as defined in this subchapter.
- D. An owner or the owner's authorized agent may apply for an exemption to the registration fee or fees if the building is listed for lease at a monthly rate within 5% of the appraised value as defined in this subchapter and not to exceed 24 months.
- E. A building under active construction or renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.
- F. The property is under current litigation in a legal dispute. The owner must provide proof of same and keep the Building Official apprised of the case's progress.

(Ord. O-17-26, passed 10-20-17)

15.03.220 Appeal Process

An owner, applicant or other person who has, in this subchapter, been granted a right of appeal from any decision or action, may appeal such decision or action to the Board of Adjustments as provided herein.

- A. The appeal shall be filed in writing with the City Secretary within 30 days after the date of issuance of the notice of decision or action,
- B. A public hearing shall be scheduled within 45 days of the filing of such notice of appeal, and notice of the date, time and place shall be provided in writing at least ten days prior to the hearing to the appellant and to the person designated on the application form to receive notice under this subchapter, if different.
- C. The Board of Adjustments shall hear all evidence presented and may uphold or overturn the decision or action of the Building Official based on the application of the applicable provisions and requirements of this subchapter.
- D. The decision of the Board of Adjustments is final.

(Ord. O-17-26, passed 10-20-17)

15.03.230 Standard Of Care For Vacant Buildings

- A. The standard of care, subject to approval by the Building Official, shall include, but is not limited to:
 1. *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather-tight, and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay-resistant woods or surfaces designed for stabilization by oxidation, shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding, and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight.

2. *Premises identification.* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of one-half inch (12.7 mm). All buildings shall display vacant building identification placard as required by the Building Official.
3. *Structure.* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
4. *Exterior walls.* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.
5. *Roof and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.
6. *Decorative features.* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
7. *Overhang extensions and awnings.* All overhang extensions, including but not limited to, canopies, marquees, signs, awnings, and fire escapes, shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
8. *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
9. *Chimneys and towers.* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
10. *Handrails and guards.* Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained and in good repair.
11. *Window, skylight and door.* Every window, storefront, skylight and exterior door part, including but not limited to, the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the Building Official.
12. *Basement hatchways and windows.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.

- B. All repairs shall be subject to approval by the Building Official. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.
- C. Failure to maintain the vacant building to the standard of care specified is a violation of this subchapter.

(Ord. O-17-26, passed 10-20-17)

15.03.240 Inspections

The Building Official or his/her designee shall inspect any premises for the purpose of enforcing and assuring compliance with the provisions of this subchapter. In the case of a single vacant building with more than one street address, the Building Official will only inspect the unoccupied portions of the building. Upon the request of the Building Official, an owner may provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Building Official or his/her designee in order to enable such inspection. The Building Official shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

- A. Vacant buildings will be externally inspected by the Building Official a minimum of once a quarter to ensure the compliance of property maintenance codes;
- B. Vacant buildings will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner;
- C. Vacant buildings will be both internally and externally inspected upon acquisition of the property by a new owner and prior to issuance of a certificate of registration as outlined in GMC 15.03.190.
- D. Third-party involvement.

(Ord. O-17-26, passed 10-20-17)

15.03.250 Reuse And Re-Occupancy

- A. Re-occupancy of a vacant building shall not occur until it has been inspected and found to be in full compliance with all applicable city codes and a certificate of occupancy is issued by the city; all fees are paid in full; and all other conditions set forth in this section are satisfied.
- B. The owner or owners of the vacant buildings shall pay all related fees for work identified as being necessary by the Building Official and all work must be completed by licensed contractors in compliance with GMC 15.03.020 and GMC 15.03.030.
- C. A certificate of occupancy for a vacant building shall only be issued after all of the following conditions are fully satisfied:
 - 1. All fees, including but not limited to, late charges and re-inspection fees, are paid in full;
 - 2. All inspections and approvals have been obtained from the Building Official and authorized Fire Inspector;
 - 3. The fee for the certificate of occupancy has been paid in full; and
 - 4. All outstanding fees, charges, and monies owed by the owner of the vacant building to the City of Gladewater have been paid in full.

(Ord. O-17-26, passed 10-20-17)

15.03.260 Responsibility For Violations

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any vacant or abandoned building shall be obligated to provide written notice to any prospective purchaser of a vacant building of any violations, fees, or obligations imposed by the city regarding that vacant building. Failure by an owner to comply with this section shall constitute a violation of this subchapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

(Ord. O-17-26, passed 10-20-17)

15.03.270 Penalty

The violation of any such provision of this subchapter shall be punished by a fine in accordance with GMC 1.01.190. Each day any violation of this subchapter shall continue shall constitute a separate offense.

(Ord. O-17-26, passed 10-20-17)