

How to address the Committee:

- Submit a Public Comment Form to the City Secretary prior to the start of Citizen Comments to be called on to speak.
- All comments must be made at the podium and you must state your name and address for the record.
- This is the opportunity for citizens to comment on any action item on the agenda, or any other matter over which the council has authority.
- Citizens may speak up to three (3) minutes or the time limit determined by the Mayor or presiding officer.

Ordinance Committee

April 29, 2021

6:00 pm

Citizen Comments

- Please submit a Public Comment Form to be called on to speak.
- Comments must be made at the Podium and you must state your name and address for the record.

This is an opportunity for citizens to address the committee on any matter, posted on the agenda. Citizens may speak up to three (3) minutes or the time limit determined by the Mayor or presiding officer.

Action Item A:

Approval of the minutes

- Minutes of the September 1, 2020 meeting.

Action Item B:

Chapter 1, Sec. 12.04.032-12.04.033 Parking on sidewalks

Sec. 12.04.032 Parking on residential private property

- a) Parking is allowed on a driveway, provided the vehicle is not parked over the sidewalk. ~~public sidewalks are not obstructed in any manner.~~
- b) No person shall park, or allow to be parked, any vehicle in a yard for a period of more than three (3) hours except in the rear yard on a surface of concrete, asphalt or pavers, hidden from view of adjacent yards and/or public streets and alleys by a privacy fence or covering structure, which is in compliance with the building and zoning code currently in effect.
- c) No vehicle shall be parked in such a manner as to present a hazard to persons or property.
- d) Farm equipment may be parked on residential private property on unimproved surfaces provided that the lot is one contiguous property greater than five acres and has documented agricultural use.
- e) Parking is not allowed on vacant lots unless in a driveway.

Action Item B:

Chapter 1, Sec. 12.04.032-12.04.033 Parking on sidewalks

Sec. 12.04.033 Parking on public street or alley

(a) Maximum distance from curb or edge of street. No vehicle shall be parked on a public street in such a way that any part of the vehicle or its load is located more than 90 inches from the curb or from the edge of the street except in the following allowed activities:

- (1) Any activities of the fire department, police department, or ambulance service.
- (2) Installation or maintenance of streets, water system, sewer system, or utilities.
- (3) Service activities which are being performed in compliance with all local, state, and federal regulations. This would include, but not be limited to:
 - (A) Transport services such as parcel delivery or furniture moving.
 - (B) Plumbers, electricians, roofers, or other contractors while working on new or existing structures.
 - (C) Deliveries and services as needed for new construction.

(b) Vehicles with gross weight over 8,000 pounds. No vehicle which has a gross weight in excess of eight thousand (8,000) pounds shall be parked on a public street except during the time that is necessary for performing allowed activities as listed in (a) above.

Action Item B:

Chapter 1, Sec. 12.04.032-12.04.033 Parking on sidewalks

Sec. 12.04.033 Parking on public street or alley

(c) Obstructing traffic. No vehicle shall be parked on a public street in a manner that obstructs the flow of traffic on the street.

(d) Obstructing use of driveway. No vehicle shall be parked on a public street in a manner that obstructs normal use of any driveway except with the permission of the owner or person having control of the property. In any case where permission cannot be clearly established, no vehicle may be parked in such a manner.

(e) Obstructing use of a public sidewalk. No vehicle shall be parked in a manner that impedes reasonable movement of pedestrians on the sidewalk. ~~fully or partially obstructs or fully prevents the or interferes with unencumbered use of a sidewalk, to which the public or a substantial group of the public has access; this includes areas of driveways that connect public sidewalks.~~

(f) Obstructing alley entrance or exit. No vehicle shall be parked on a public street in a manner that obstructs normal entrance to or exit from any opening of any alley.

(g) Parking on or across curb. No vehicle shall be parked on a public street with any part of the vehicle resting upon or across a curb.

(h) Hazardous parking. No vehicle shall be parked in such a manner as to present a hazard to persons or property.

Action Item C:

Chapter 1 Article 1.12 Parks, Trails, Greenways and Recreation

Mayor Jones has appointed a working group to submit a proposal regarding park and trail rules and regulations.

Therefore, staff recommends no action be taken on this item pending the working group proposal.

Action Item D:

Chapter 3, Article 3.03 and Section A3.07 - Registration Fees

Article 3.03 Contractors

Sec. 3.03.001 Plumbing

It shall be unlawful for any person, firm, or corporation who is not registered with the city to engage in the design, installation, construction, maintenance, repair, alteration, or modification of plumbing systems. The registration application shall require the plumbing contractor's name, local address and telephone number, and such other information as the building official may determine appropriate and proper with respect to background, experience, and previous registration of the applicant. It shall be unlawful for any person who is not licensed as a plumber in accordance with the provisions of the law of the state and having failed to register said license with the city to engage in plumbing work as described above.

Sec. 3.03.002 Mechanical

It shall be unlawful for any person, firm, or corporation who is not registered with the city to engage in the design, installation, construction, maintenance, repair, alteration, or modification of equipment for environment air conditioning, commercial refrigeration, process heating or cooling systems, or ventilation systems. The registration application shall require the mechanical contractor's name, local address and telephone number, and such other information as the building official may determine appropriate and proper with respect to background, experience, and previous registration of the applicant. It shall be unlawful for any person who is not licensed as an air conditioning and refrigeration contractor in accordance with the provisions of the law of the state and having failed to register said license with the city to engage in mechanical work as described above.

Action Item D:

Chapter 3, Article 3.03 and Section A3.07 - Registration Fees

Sec. 3.03.003 Electrical

(a) It shall be unlawful for any person, firm, or corporation who is not registered with the city to engage in the design, installation, construction, maintenance, repair, alteration, or modification of electrical systems. The registration application shall require the electrical contractor's name, local address and telephone number, previous registration of the applicant, and an appropriate showing of qualifications by the applicant.

(b) An appropriate showing of qualifications by an applicant shall be made by the presentation of a valid and current electrician's license issued by a city which first required the taking and passing of the Texas Standard Electrical Examination or any other test for the issuance thereof deemed appropriate by the building official or electrical board.

Sec. 3.03.004 Violations and penalties

Any person violating any provision of this article shall be fined for each and every day during which any violation of any provision of this article is committed, continued, or permitted in an amount not to exceed \$500.00.

Appendix A – Fee Schedule

Sec. A3.007 Contractor Registration Fee

Annual Registration fee: \$100.00

Briefing Item E:

Chapter 8, Article 8.02 Curfew

Curfew hours.

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m. of the following day;
- (2) 11:59 p.m. on any Friday or Saturday, until 6:00 a.m. of the following day; and
- (3) 8:30a.m. until 3:00p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday during which time the public schools are in session.

Sec. 8.02.032 Offenses

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

Briefing Item E:

Chapter 8, Article 8.02 Curfew

Sec. 8.02.033 **Defenses**

- a) It is a defense to prosecution under Section 8.02.032 that the minor was:
- 1) Accompanied by the minor's parent or guardian;
 - 2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - 3) In a motor vehicle involved in interstate travel;
 - 4) Engaged in an employment activity, or going to or returning from home from an employment activity, without any detour or stop;
 - 5) Involved in an emergency;
 - 6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - 7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, a school district or under similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, a school district or another similar entity that takes responsibility for the minor;
 - 8) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly; or

Briefing Item E:

Chapter 8, Article 8.02 Curfew

Sec. 8.02.033 Defenses

- 9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
 - 10) With respect to subsection (3) of the definition of "curfew hours" in Section 8.02.031 of this division, that the offense occurred at a time when the school in which the minor is enrolled was not in session, or that the minor has graduated from high school or received a high school equivalency certificate, or that the minor has permission to be absent from school or to be in a public place from an authorized school official. In the case of a child being educated in a home school, a parent shall be deemed a school official for the purposes of this section.
- b) It is a defense to prosecution under Section 8.02.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Briefing Item F:

Invasive plants

Special thanks to Margaret Worthington for research on this topic.

Legislative Authority

Chapter 71, Subchapter D of the Texas Agriculture Code titled Noxious and Invasive Plants requires the Texas Department of Agriculture (TDA) to publish a list of noxious and invasive plant species that have a serious potential to cause economical or ecological harm.

Agriculture Code Chapter 71

Sec. 71.153. LOCAL REGULATION.

- a) A political subdivision may not adopt an ordinance or rule that restricts the planting, sale, or distribution of noxious or invasive plant species.
- b) This section does not limit the preparation and distribution of educational materials relating to plants of local concern.

Noxious plants

alligatorweed	<i>Alternanthera philoxeroides</i>
balloonvine	<i>Cardiospermum halicacabum</i>
Brazilian peppertree	<i>Schinus terebinthifolius</i>
broomrape	<i>Orobanche ramosa</i>
camelthorn	<i>Alhagi camelorum</i>
Chinese tallow tree	<i>Triadica sebifera</i>
Eurasian watermilfoil	<i>Myriophyllum spicatum</i>
giant duckweed	<i>Spirodela oligorrhiza</i>
giant reed	<i>Arundo donax</i>
hedge bindweed	<i>Calystegia sepium</i>
hydrilla	<i>Hydrilla verticillata</i>
itchgrass	<i>Rottboellia cochinchinensis</i>
Japanese dodder	<i>Cuscuta japonica</i>
kudzu	<i>Pueraria montana var. lobata</i>
lagarosiphon	<i>Lagarosiphon major</i>
paperbark	<i>Melaleuca quinquenervia</i>
purple loosestrife	<i>Lythrum salicaria</i>
rooted waterhyacinth	<i>Eichhornia azurea</i>
saltcedar	<i>Tamarix spp.</i>
salvinia	<i>Salvinia spp.</i>
serrated tussock	<i>Nassella trichotoma</i>
torpedograss	<i>Panicum repens</i>
tropical soda apple	<i>Solanum viarum</i>
water spinach	<i>Ipomoea aquatica</i>
waterhyacinth	<i>Eichhornia crassipes</i>
waterlettuce	<i>Pistia stratiotes</i>

Invasive plants

chinaberry	<i>Melia azedarach</i>
Chinese tallow tree	<i>Triadica sebifera</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
kudzu	<i>Pueraria montana var. lobata</i>
saltcedar	<i>Tamarix spp.</i>
tropical soda apple	<i>Solanum viarum</i>

Texas Department of Agriculture (TDA)

- a) The following plants have serious potential to cause economic or ecological harm to the state.
- b) Unless permitted by the Texas Department of Parks and Wildlife Code §66.007 or by the Texas Department of Agriculture, a person commits an offense under the Texas Agriculture Code §71.152, if the person sells, distributes or imports into the state the plants listed in subsection (a) of this section in any live form.
- c) For the purpose of this section, the term "distributes" does not include the accidental or unintentional movement of noxious plant material in the course of legitimate construction activities or agricultural activities, including but not limited to, re-seeding, transportation of agricultural products and the movement of farm or earth moving equipment.

Briefing Item G:

Next Meeting

- Next meeting tentatively scheduled for July 8th.

Adjourn