

1995

CODE OF ORDINANCES

**CITY
OF
LADONIA, TEXAS**

GENERAL ORDINANCES OF THE CITY

PUBLISHED BY THE ORDER OF THE CITY COUNCIL

**GOVERNMENTAL SERVICE AGENCY, INC.
9500 Forest Lane, Suite 408
Dallas, Texas 75243**



CITY OF LADONIA, TEXAS

"ORDINANCE ADOPTING CODE OF ORDINANCES"

AN ORDINANCE OF THE CITY OF LADONIA, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES, ESTABLISHING THE SAME AND PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN SUCH CODE AS WELL AS PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE DESIGNATION OF SUCH CODE AND HOW IT MAY BE CITED; PROVIDING FOR CATCHLINES USED IN THE NEW CODE; PROVIDING FOR CERTAIN DEFINITIONS AND RULES OF CONSTRUCTION FOR THE NEW CODE; PROVIDING FOR AMENDMENTS OR ADDITIONS TO THE NEW CODE; PROVIDING FOR THE SUPPLEMENTATION OF THE NEW CODE; PROVIDING FOR SEVERABILITY OF ALL PARTS OF THE NEW CODE; ESTABLISHING THE DESIGNATION OF THE OFFICIAL NEWSPAPER OF THE CITY; ESTABLISHING THE OFFICIAL DEPOSITORY OF THE CITY; PROVIDING FOR A CODE OF ETHICS APPLICABLE TO CITY OFFICIALS; ESTABLISHING RULES REGARDING CITY ELECTIONS; REQUIRING PAYMENT OF AD VALOREM TAXES AND ESTABLISHING PENALTIES FOR LATE PAYMENT THEREOF; REGULATING SMOKING IN CITY FACILITIES; ESTABLISHING RULES FOR THE CITY PARK; PROVIDING A PLAN FOR RECORDS MANAGEMENT; REQUIRING ANNUAL ADOPTION OF A CITY BUDGET; REGULATING THE USE OF CITY BUILDINGS; REQUIRING NOTICE OF CERTAIN CLAIMS AGAINST THE CITY; ADOPTING ENTIRELY NEW ANIMAL CONTROL REGULATIONS; ADOPTING CERTAIN STANDARD BUILDING CODES; REQUIRING CONNECTION TO THE CITY SEWER SYSTEM; REGULATING STREET MAINTENANCE AND REPAIR; REGULATING DANGEROUS BUILDINGS IN THE CITY; REGULATING HOUSE MOVING IN THE CITY; ESTABLISHING SIGN REGULATIONS; ESTABLISHING FENCE REGULATIONS; REGULATING THE PLACEMENT OF MOBILE AND MANUFACTURED HOMES IN THE CITY; PROVIDING FOR THE POSITION OF BUILDING OFFICIAL; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS; ALLOWING SPONSORSHIP OF PUBLIC DANCES BY CIVIC ORGANIZATIONS; REGULATING THE ACTIVITIES OF PEDDLERS AND SOLICITORS; IMPOSING A TAX ON COIN-OPERATED MACHINES; REGULATING DRILLING FOR OIL AND GAS IN THE CITY AND REQUIRING A LICENSE THEREFOR; REGULATING CARNIVALS, CIRCUSES AND RODEOS AND REQUIRING A LICENSE THEREFOR; REGULATING SEXUALLY ORIENTED BUSINESSES AND REQUIRING A LICENSE THEREFOR; ADOPTING A CERTAIN STANDARD FIRE CODE; REGULATING OUTDOOR BURNING; RESTRICTING THE USE AND

POSSESSION OF EXPLOSIVES; PROVIDING FOR A VOLUNTEER FIRE DEPARTMENT; REGULATING WEEDS, BRUSH, RUBBISH AND OTHER UNSIGHTLY MATTER; PROHIBITING ABANDONED REFRIGERATORS, FREEZERS AND SIMILAR CONTAINERS; REGULATING THE STORAGE OF PERSONALTY AND JUNK; REGULATING AND PROHIBITING LITTERING IN THE CITY; REGULATING NOISE AND NOISE NUISANCES; ESTABLISHING A JUVENILE CURFEW IN THE CITY; REGULATING JUNKED AND ABANDONED VEHICLES AND REQUIRING REMOVAL THEREOF; REGULATING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; REGULATING DISORDERLY CONDUCT; PROVIDING FOR THE REGISTRATION OF CERTAIN ALARM SYSTEMS; PROVIDING FOR THE POSITION OF MAYOR AND ESTABLISHING DUTIES AND RESPONSIBILITIES THEREOF; PROVIDING FOR THE POSITION OF CITY CLERK/SECRETARY/TREASURER AND ESTABLISHING DUTIES AND RESPONSIBILITIES THEREOF; PROVIDING FOR THE POSITION OF WATERWORKS SUPERINTENDENT AND ESTABLISHING DUTIES AND RESPONSIBILITIES THEREOF; PROVIDING FOR THE POSITION OF SEWER PLANT SUPERINTENDENT AND ESTABLISHING DUTIES AND RESPONSIBILITIES THEREOF; ESTABLISHING THE POLICE DEPARTMENT AND THE POLICE RESERVE FORCE; ESTABLISHING A DRUG-FREE WORKPLACE POLICY FOR THE CITY; ADOPTING BY REFERENCE THE PROVISIONS OF THE UNIFORM ACT REGULATING TRAFFIC ON TEXAS HIGHWAYS; PROVIDING FOR SPEED REGULATIONS IN THE CITY; ESTABLISHING CERTAIN TRUCK ROUTES IN THE CITY; REGULATING TRAFFIC DEEMED INJURIOUS TO CITY STREETS; REGULATING THE ROUTES TAKEN BY ROAD TRACTORS IN THE CITY; REGULATING PARKING AROUND CITY HALL SQUARE AND PLAZA; PROHIBITING THE LEAVING OR STANDING OF ANY VEHICLE IN ANY STREET; PROHIBITING PARKING IN BAR DITCHES AND ON SHOULDERS; PROVIDING FOR THE DESIGNATION OF STOP AND YIELD INTERSECTIONS; EXCEPTING CERTAIN EMERGENCY VEHICLES FROM CERTAIN TRAFFIC RELATED PROVISIONS; PROHIBITING OBSTRUCTION OF VISION AT STREET CROSSINGS; REGULATING THE WATERWORKS SYSTEM IN THE CITY; ESTABLISHING WATER AND SEWER RATES; ESTABLISHING REGULATIONS AND RATES FOR GARBAGE SERVICE; ADOPTING A NEW SCHEDULE OF FEES FOR THE CITY; PROVIDING A PENALTY OF UP TO \$500.00 FOR VIOLATIONS OF THE CODE EXCEPT FOR VIOLATIONS OF FIRE SAFETY AND PUBLIC HEALTH AND SANITATION WHICH SHALL BE PUNISHABLE BY FINE OF UP TO \$2,000.00 AND FOR TRAFFIC VIOLATIONS PUNISHABLE BY FINE OF UP TO \$200.00 AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE AND THE NEW CODE OF ORDINANCES.

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

SECTION 1

That the Code of Ordinances, consisting of Chapters 1 through 12 and including Appendix A, provided with and attached to this Ordinance, each inclusive, is hereby adopted and enacted as the Code of Ordinances of the City of Ladonia, Texas, and shall be treated and considered as a new and original comprehensive ordinance, which shall superseded all other general and permanent ordinances passed by the City Council on or before May 8, 19195, to the extent provided herein in this Ordinance. "Code of Ordinances," or "Code" shall refer to that code adopted under the provisions herein.

SECTION 2

That all provisions of such Code shall be in full force and effect from and after the 8th day of May, 1995, and all ordinances of a general and permanent nature of the City of Ladonia, Texas, enacted on or before and not included in this Code or recognized and continued in force by reference herein, are hereby repealed from and after the 8th day of May, 1995, except as hereinafter provided.

SECTION 3

- (a) That the repeal provided for in Section 2 above shall not affect any of the following:
- (1) Any events or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or occurring before the effective date of this Code.
 - (2) Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness.
 - (3) Any contract or obligation assumed by the City.
 - (4) Any franchise granted by the City and their amendments.
 - (5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, or affecting the right-of-way of any street or public way in the City.
 - (6) Any ordinance relating to municipal street maintenance agreements with the State of Texas.
 - (7) Any appropriation ordinance or ordinance providing for the levy of taxes or for adoption of an annual budget.

- (8) Any ordinance relating to local improvements and assessments therefor.
- (9) Any ordinance annexing territory to the City including their related service plans, or any ordinance discontinuing territory as a part of the City.
- (10) Any ordinance dedicating or accepting any plat or subdivision in the City.
- (11) Any ordinance pertaining to the calling of municipal elections, appointing of election officers, or ratifying the results of any election.
- (12) Any ordinance establishing rates to be charged by privately or semi-publicly owned utility companies.
- (13) Any ordinance establishing speed zones, stop and yield sign locations,
- (14) Any ordinance enacted on or after December 12, 1994.

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

SECTION 4

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

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

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

SECTION 8

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

SECTION 9

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

- (1) Article 1.100 pertaining to the designation and citation of the Code of Ordinances, providing for the use of catchlines in the Code, providing for definitions and general rules of construction for the Code, providing for

amendments or additions to the Code, providing for supplementation of the Code, and providing that parts of the Code are severable.

- (2) Article 1.300 providing that the City shall contract with a public newspaper of the City annually for publication of all official notices.
- (3) Article 1.400 providing that the City shall designate an official depository for deposit of all city funds.
- (4) Article 1.500 providing a code of ethics for City officials, requiring certain standards of conduct, and adopting applicable state laws by reference.
- (5) Article 1.600 establishing that all City elections shall be governed by the provisions of the State Election Code.
- (6) Section 1.701 providing that all ad valorem taxes levied by the city shall be due and payable in accordance with the Texas Tax Code.
- (7) Section 1.702 establishing a delinquency date for ad valorem taxes.
- (8) Article 1.900 prohibiting smoking in city buildings and city vehicles.
- (9) Article 1.1000 establishing regulations for the use of the city parks, establishing hours of park operation, and providing for picnic areas and use thereof.
- (10) Article 1.1200 establishing a comprehensive plan for the management of city records as required by state law.
- (11) Article 1.1300 providing that the city shall annually adopt a budget and providing for the inclusion of a sample budget as an exhibit to Chapter 1 of the code.
- (12) Article 1.1400 establishing the right of citizens, etc., to use city buildings, and providing regulations and fees for the use thereof.
- (13) Article 1.1500 requiring that persons with claims for damages against the city file notice of such claim with the city prior to pursuing the claim in court.
- (14) Article 2.100 providing definitions as used in the animal control regulations.
- (15) Article 2.200 requiring a permit for dogs and cats and establishing procedure for application therefor.
- (16) Article 2.300 prohibiting cruelty to animals.

- (17) Article 2.400 prohibiting the running at large of any dangerous or vicious animals.
- (18) Article 2.500 prohibiting the keeping of noisy animals.
- (19) Article 2.600 prohibiting stray livestock and other animals.
- (20) Article 2.700 prohibiting the running at large of any diseased animals.
- (21) Article 2.800 establishing sanitation standards for the keeping of certain animals.
- (22) Article 2.900 establishing dog regulations and requiring a license therefor, regulating dangerous dogs, dogs at large, and nuisances, establishing the duties of the poundkeeper and establishing fees and procedures for impoundment, providing for dog bites.
- (23) Article 2.1000 providing for the impoundment and redemption of dogs at large.
- (24) Article 2.1100 prohibiting certain animal nuisances.
- (25) Article 2.1200 establishing a penalty for the violation of the animal control regulations.
- (26) Article 2.1300 prohibiting bee keeping in the city.
- (27) Article 2.1400 requiring rabies inoculation of dogs in the city.
- (28) Article 2.1500 establishing procedures for the redemption of unlicensed animals and animal adoption.
- (29) Article 3.100 adopting the 1994 editions of the Standard Building Code, the National Electrical Code and the Standard Plumbing Code.
- (30) Article 3.200 requiring all buildings in the city to be connected to the city sewer system.
- (31) Article 3.300 regulating the repair and maintenance of streets in the city, requiring a bond to perform such work, and providing specifications for the performance of such work.
- (32) Article 3.400 regulating dangerous buildings and defining same, providing procedures for abatement, and providing for the enforcement of the regulations.

- (33) Article 3.500 regulating the movement of houses or other structures in the city requiring a permit therefor, and establishing procedures for same.
- (34) Article 3.600 prohibiting the placement of signs on utility poles.
- (35) Article 3.700 regulating fence construction and requiring a permit therefor, establishing fence standards, and requiring maintenance of such fences.
- (36) Article 3.800 prohibiting mobile homes in the city and establishing standards for manufactured homes placed in the city.
- (37) Article 3.900 establishing the position of building official and providing for the duties thereof.
- (38) Section 3.1004 providing for the issuance of building permits and doing away with the requirement of city council approval prior to issuance thereof.
- (39) Article 4.200(c) providing for the sponsorship of public dances by civic organizations.
- (40) Article 4.300 regulating peddlers and solicitors, restricting hours of operation, requiring permit and registration, and establishing standards of operation.
- (41) Article 4.400 imposing an occupation tax on coin-operated machines as authorized by state law.
- (42) Article 4.500 regulating the drilling of oil and gas wells and requiring a permit therefor and establishing permit application contents and issuance procedures.
- (43) Article 4.600 regulating carnivals, circuses and rodeos and requiring a permit therefor, establishing locational restriction for the operation thereof, and establishing permit application contents and issuance procedures.
- (44) Article 4.700 regulating sexually oriented businesses, restricting the location thereof, requiring a license and establishing procedures for suspension or revocation of license, prohibiting license transfer, prohibiting display of certain material to minors, and providing for enforcement of the regulations.
- (45) Article 5.100 adopting the 1994 edition of the Standard Fire Code.
- (46) Article 5.300 providing that all outdoor burning is to be done in accordance with the regulations of the Texas Natural Resources Conservation Commission.

- (47) Article 5.400 prohibiting the storage or use of certain enumerated explosives and fireworks in the city.
- (48) Article 5.500 providing for the establishment of a volunteer fire department and establishing duties and responsibilities thereof.
- (49) Article 6.100 regulating weeds, brush, rubbish and objectionable matter, and declaring same to be a nuisance, providing for inspection and abatement of said nuisance and providing for the collection of any expenses of abatement.
- (50) Article 6.200 prohibiting the abandonment of any refrigerators, freezers or similar containers or the maintenance of same on any property.
- (51) Article 6.300 prohibiting the storage of junk and declaring same to be a nuisance, providing for the abatement of same and providing a penalty for failure to abate.
- (52) Article 6.400 prohibiting the placement of litter in the city and prohibiting the blowing of litter from vehicles.
- (53) Article 7.100 prohibiting and enumerating certain noise nuisances.
- (54) Article 7.200 establishing a curfew of 10:00 on school nights and 11:00 on other nights for persons under the age of 17 and providing certain exceptions to the curfew.
- (55) Article 7.400 providing for the abatement of the nuisance of junked and abandoned vehicles in accordance with state law.
- (56) Article 7.500 prohibiting the discharge of firearms in the city limits with certain enumerated exceptions.
- (57) Article 7.600 prohibiting disorderly conduct or any conduct tending toward a breach of the peace and providing certain examples thereof.
- (58) Article 7.700 requiring the registration of burglar alarm systems and providing for certain fees to be paid for each shut-off of the system.
- (59) Article 8.100 providing for the office of mayor and the election thereof, providing for the duties and responsibilities, and providing for mayor pro-tem, and requiring payment of an official bond before entering office.
- (60) Article 8.200 providing for the office of city clerk/secretary/treasurer and the appointment thereof, providing for the duties and responsibilities and requiring payment of an official bond before entering office.

- (61) Article 8.300 establishing the office of waterworks superintendent and providing for the duties and responsibilities of same.
- (62) Article 8.400 establishing the office of sewer plant superintendent and providing for the duties and responsibilities of same.
- (63) Article 8.500 creating the police department, providing for appointments to same, providing for the chief and establishing rules, regulations and responsibilities for the operation of the department.
- (64) Article 8.600 establishing duties and responsibilities of members of the police department.
- (65) Article 8.800 establishing a police reserve force and providing for control of same by the chief, selection of members, and duties and responsibilities of members.
- (66) Article 8.900 establishing a drug-free workplace policy and establishing drug testing procedures.
- (67) Article 10.100 adopting by reference the Uniform Act Regulating Traffic on Texas Highways and establishing the applicability of same on the streets of the city.
- (68) Article 10.200 providing that the maximum speed on city streets shall be 30 unless otherwise posted and providing further that all speed limit ordinances are specifically saved from repeal and are maintained on file in the office of the city secretary.
- (69) Article 10.300 establishing certain streets in the city as truck routes and limiting trucks larger than pickups from using streets other than these streets.
- (70) Article 10.400 prohibiting vehicles from city streets if such vehicle has lugs, cleats, etc., which may be injurious to the city streets.
- (71) Article 10.500(c) requiring road tractors to use the most direct route in leaving and returning to highways.
- (72) Section 10.601 regulating parking around City Hall Square and Plaza.
- (73) Section 10.604 prohibiting any person from leaving vehicle(s) standing in any street.
- (74) Section 10.605 prohibiting the parking of vehicles in bar ditches and on the shoulders of roads in excess of three (3) hours.

- (75) Article 10.700 providing for the ratification of all stop and yield signs in the city and further providing for the maintenance of all ordinances designating stop and yield signs in the office of the city secretary.
- (76) Article 10.800 providing exceptions for authorized emergency vehicles from traffic regulations regarding parking, stopping and speed and movement, with exception for reckless disregard.
- (77) Article 10.900 prohibiting the placement of any item which may interfere with the vision of any driver approaching an intersection and requiring the removal of same.
- (78) Article 11.100 establishing comprehensive regulations regarding water service in the city.
- (79) Article 11.200 establishing water rates for commercial and residential customers.
- (80) Article 11.300 establishing sewer rates for commercial and residential customers.
- (81) Article 11.600 establishing regulations for garbage service in the city.
- (82) Article 11.700 providing rates for garbage service in the city.

SECTION 10

That whenever in such Code provisions, adopted in Section 9 of this Ordinance, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code provisions the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for violations of municipal ordinances that govern fire safety, zoning and public health and sanitation including dumping of refuse, in which case the maximum fine shall be two thousand dollars (\$2,000.00) for each offense and for violations of traffic laws and ordinances, in which the maximum fine shall be two hundred dollars (\$200.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day any violation of such Code provisions shall continue shall constitute a separate offense unless otherwise designated. Any violation of any provision which constitutes an immediate danger to the health, safety and welfare of the public may be enjoined in a suit brought by the City for such purposes.

SECTION 11

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

SECTION 12

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

SECTION 13

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

DULY ADOPTED by the City Council of the City of Ladonia, Texas, on the 8th day of May, 1995.

APPROVED:

/s/ Leon Hurse
Mayor, City of Ladonia

ATTEST:

/s/ Vickie Shaw
City Secretary, City of Ladonia