

city council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life or property.

Sec. 1.808 Offenses; Penalties

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City of Ladonia, unless authority to do so has been granted to such person by the proper officials.
- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this section.
- (d) Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in accordance with the general penalty provision found in Section 1.106 of this code.

ARTICLE 1.900 SMOKING PROHIBITED IN CITY BUILDINGS AND VEHICLES

- (a) A person commits an offense if he or she is knowingly or intentionally in possession of a burning tobacco product within any city building of the City of Ladonia or within any vehicle owned by the City of Ladonia.
- (b) Extinguishment facilities shall be provided and maintained at each exterior entrance of each location and signs shall be posted at each entrance advising the general public that smoking is prohibited within the building.
- (c) It shall be the duty of each department head to request any person known to be in possession of a burning tobacco produce or smoking tobacco to extinguish the burning tobacco produce.

(d) Failure to comply with any provisions of this article is punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code.

(Ordinance adopting Code)

ARTICLE 1.1000 REGULATION OF CITY PARKS

Sec. 1.1001 General Provisions

(a) All parks in the city shall be operated and maintained under the supervision of the superintendent of public works.

(b) The superintendent of public works shall see to the operation and maintenance of the city parks.

(c) The superintendent of public works shall have supervision over all employees concerned in the maintenance of such parks and they shall perform their duties under his supervision.

(d) The chief of police and the superintendent of public works shall see to the enforcement of all ordinances relating to the use of the parks.

(e) It shall be unlawful for any person to violate any regulation governing conduct in the city park which has been approved by the city council.

(f) No amusement for gain or for which a charge is made can be conducted in a park without the consent of the governing body of the park, and such amusement must be conducted in accordance with any ordinance pertaining thereto.

Sec. 1.1002 Regulations Concerning Use of City Parks

(a) Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

(b) It shall be unlawful for any person, firm or corporation using such parks to either perform or permit to be performed any of the following acts:

- (1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

- (2) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (3) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse; or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- (4) Disturb the peace, or use any profane, obscene or blasphemous language.
- (5) Endanger the safety of any person by any conduct or act.
- (6) Commit any assault, battery, or engage in fighting.
- (7) Carry, possess, or drink any alcoholic liquor in any park.
- (8) Violate any rule for the use of the park, made or approved by the city council.
- (9) Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this ordinance and the rules applicable to such use.
- (10) Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted.

Sec. 1.1003 Hours of Operation

- (a) The park shall be opened daily to the public during the hours of 6 a.m. to 11 p.m., except when scheduled activities have been coordinated with the city clerk and a permit has been obtained to allow such activity at hours other than normal.
- (b) Any section, or part of the park, may be declared closed to the public by the superintendent of public works or police chief at any time and for any interval of time, either temporarily or at regular or stated intervals.

Sec. 1.1004 Picnic Areas and Use

(a) No person in a park shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) No person in park shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

Sec. 1.1005 Other Regulations

(a) Special activities. It shall be unlawful to engage in special activities including flying model airplanes, golf practice, games and picnics except at locations specifically designated for such activities by the city council. Areas for such activities may be reserved by groups for use at specified times.

(b) Automobiles. It shall be unlawful to drive or park any automobile except on a street, driveway or parking lot in any park; or to park or leave any such vehicle in any place other than one established for public parking.

(c) Animals. It shall be unlawful to bring an dangerous animal into any park, and it shall be unlawful to permit any dog to be in any park unless such dog is on a leash not more than six (6) feet long.

(d) Sales. It shall be unlawful for any person other than members of civic clubs or school sponsored projects, to vend, sell, peddle or offer for sale any commodity or article within any park unless permission is obtained from the superintendent of parks.

(e) Alcoholic beverages. It shall be unlawful for any person to have in his or her possession, custody or control any alcoholic beverage of any kind whatsoever.

(f) Signs. It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to an park.

(Ordinance adopting Code)

ARTICLE 1.1100 FAIR HOUSING REGULATIONS**Sec. 1.1101 Definitions**

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

Discriminatory housing practice. Means an act that is unlawful under Sections 1.1102, 1.1103 or 1.1104 of this article.

Dwelling. Means any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Family. Includes a single individual.

Person. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.

To rent. Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 1.1102 Discrimination in the Sale or Rental of Housing

Except as exempted by Section 1.1105, it shall be unlawful for any person to:

- (1) Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, sex, religion, national origin, familial status or handicap status;
- (2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, national origin, familial status or handicap status;
- (3) Make, print, publish, or cause to be made, printed or published any notice, statement or advertisement regarding the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, sex,

religion, national origin, familial status or handicap status, or an intention to make any such preference, limitation or discrimination;

- (4) Represent to any person because of race, color, sex, religion, national origin, familial status or handicap status that ;my dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
- (5) For profit or with the hope or expectation of profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, national origin, familial status or handicap status.
- (6) For profit or with the hope or expectation of profit to influence, or attempt to influence, by any words, acts, or failure to act, any seller, purchaser, landlord or tenant of a dwelling so as to retard, obstruct, or discourage racially integrated housing.

Sec. 1.1103 Discrimination in the Financing of Housing

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

- (1) The race, color, sex, religion, national origin, familial status or handicap status of such person or of any person associated with him in connection with such loan or other financial assistance: or
- (2) The race, color, sex, religion, national origin, familial status or handicap status of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.

Sec. 1.1104 Discrimination in the Provision of Brokerage Services

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

Sec. 1.1105 Exemptions and Exclusions

(a) There shall be exempted from the application of Section 1.1102 hereof all transactions involving:

- (1) The rental of units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently or each other if the owner actually maintains and occupies one of such units as his residence;
- (2) The rental of a single room in a dwelling, containing living quarters occupied or intended to be occupied by no more than one family if the person offering such room for rental actually maintains and occupies the remainder of such dwelling as his residence and not more than four such rooms are offered.
- (3) The sale or rental of any single house by a private individual who owns such house, provided that:
 - (A) The sale or rental is made without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings or of any employee or agent of any such broker, agent, salesman or person; and
 - (B) The sale is made without the publication, posting or mailing of any advertisement or written notice in violation of Section 1.1102(c) of this article (this shall not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title); and
 - (C) The owner does not own more than three single family houses at the time of the sale; and
 - (D) The owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any portion of the proceeds from the sale or rental of more than three such single family houses at any one time.
 - (E) If the owner does not reside in the house at the time of sale or was not the most recent resident of such house prior to the sale, the exemption granted by this sub-section shall apply only with respect to one such sale within any twenty-four month period.

(b) Nothing in this article shall prohibit a religious organization, association, or society or any non-profit institution or organization operated, supervised, or controlled by or in

conjunction with a religious association, or society from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap status.

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

Sec 1.1106 Complaints

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

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

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

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

Sec. 1.1107 Investigation

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

(b) During or after the investigation, but subsequent to the mailing of the notice of complaint, the city shall, if it appears that a discriminatory housing practice has occurred

or is threatening to occur, attempt by informal endeavors to effect conciliation, including voluntary discontinuance of the discriminatory housing practice and adequate assurance of future voluntary compliance with the provisions of this ordinance. Nothing said or done in the course of such informal endeavors may be made public by the city, by the complainant, or by any other party to the proceedings without the written consent of all persons concerned.

(c) Upon completion of the investigation and informal endeavors at conciliation by the city, but within thirty (30) days of the filing of the complaint with the city, if the efforts of the city to secure voluntary compliance have been unsuccessful, and if the city has made a determination that a discriminatory housing practice has in fact occurred, the city attorney shall make a determination as to whether to proceed with prosecution of such complaint in Municipal Court. If the city attorney determines to prosecute, he shall institute a complaint and prosecute same to conclusion within thirty (30) days after such determination, or as soon thereafter as practicable.

Sec 1.1108 Cumulative Legal Effect

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

Sec 1.1109 Unlawful Intimidation

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

Sec. 1.1110 Penalty

(a) Any person, firm, or corporation violating any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be fined a sum not to exceed two hundred dollars (\$200) for each violation. Each day a violation continues after passage of seventy-five (75) days from date of the filing of the initial complaint with the city shall constitute a separate and distinct offense.

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

(Ordinance adopted 12/12/94)

ARTICLE 1.1200 RECORDS MANAGEMENT

Sec. 1.1201 Definition of Municipal Records

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

Sec. 1.1202 Additional Definitions

(a) "Department head" means the officer who by ordinance or administrative policy is in charge of an office of the City of Ladonia that creates or received records.

(b) "Essential record" means any record of the City of Ladonia necessary to the resumption or continuation of its operation in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

(c) "Permanent record" means any record of the City of Ladonia for which the retention period on a records control schedule is given as permanent.

(d) "Records control schedule" means a document prepared by or under the authority of the records Management Officer listing the records maintained by the City of Ladonia, their retention periods, and other records disposition information that the records management program may require.

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

(f) "Records management officer" means the person designated in Section 1.1205 of this article.

(g) "Records management plan" means the plan developed under Section 1.1206 of this article.

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

Sec. 1.1203 Municipal Records Declared Public Property

All municipal records as defined in Section 1.1201 of this article are hereby declared to be the property of the City of Ladonia. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

Sec. 1.1204 Policy

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

Sec. 1.1205 Designation of Record Management Officer

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

Sec. 1.1206 Records Management Plan—Development, Approval and Authority

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

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

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

Sec. 1.1207 Duties of Records Management Officer

In addition to other duties assigned in this article, the records management officer shall:

- (1) administer the records management program and provide assistance to department heads in its implementation;
- (2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) in cooperation with department heads identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Ladonia;
- (7) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (8) disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
- (9) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City of Ladonia are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (10) maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the

volume of records microfilmed or stored electronically, and the estimated cost and space saving as the result of such disposal or disposition.

- (11) report annually to the city council on the implementation of the records management plan in each department of the City of Ladonia, including summaries of the statistical and fiscal data compiled under Subsection (10); and
- (12) bring to the attention of the city council non-compliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

Sec. 1.1208 Duties and Responsibilities of Department Heads

In addition to other duties assigned in this article, department heads shall:

- (1) cooperate with the records management officer in carrying out the policies and procedures established in the City of Ladonia for the efficient and economical management of records and in carrying out the requirements of this article;
- (2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
- (3) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Ladonia and the requirements of this article.

Sec. 1.1209 Records Control Schedule—Development; Approval; Filing with State

(a) The records management officer, in cooperation with department heads, shall prepare records control schedules on a department by department basis listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City of Ladonia.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the city council.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.

Sec. 1.1210 Implementation of Records Control Schedules; Destruction of Records

(a) A records control schedule for a department that has been approved and adopted under Section 1.1209 shall be implemented by department heads according to the policies and procedures of the records management plan.

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

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the city council.

Sec. 1.1211 Destruction of Unscheduled Records

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

(Ordinance adopting Code)

ARTICLE 1.1300 BUDGET ADOPTION

The city council, at the beginning of each fiscal year, adopt an operating budget for the city. A sample of such a budget has been included as exhibit to this chapter. This exhibit is for reference purposes only. (Ordinance adopting Code)

ARTICLE 1.1400 USE OF CITY BUILDINGS

Sec. 1.1401 Use Regulated

Local civic groups, citizens and families of citizens are provided the opportunity to use city buildings under the following conditions.

Sec. 1.1402 Ladonia Fire Station, Meeting Room

Arrangements for use must be made through the city clerk who is responsible for keeping a current calendar marked with all activities planned for the building. The city clerk will be responsible for notifying the fire marshal, within twenty-four (24) hours of rental, so that the fire marshal can make arrangements for opening and inspecting, closing and locking the facility. The city clerk also has the responsibility for collecting deposits, refunding deposits, collecting rental fees and disbursing fees or portions of fees per the following guidelines:

- (1) All users, including civic groups, are to be required to put up a deposit as provided for in the fee schedule found in the appendix of this code which will be refunded upon leaving the facility, and furnishings, in the same condition as found. (Tables, chairs and appliances will be available for use.)
- (2) Hours of usage shall be no earlier than 7 a.m. and no later than midnight (12:01 a.m.)
- (3) All uses will require opening of the facility by a member of the fire department or an auxiliary member, and all closings of the facility will require inspection, closing and locking by a member of the fire department or an auxiliary member who will notify the city clerk within twenty-four (24) hours after closing of whether to return or deny the deposit.
- (4) All civic groups and all members of the volunteer fire department in good standing are to be charged a flat fee as provided for in the fee schedule found in the appendix of this code, with all fee to the city for electrical and water usage reimbursement.
- (5) All others are to be charged a fee as provided for in the fee schedule found in the appendix of this code.
- (6) Regular scheduled meetings of all civic groups may be held in the meeting room without charge but must be scheduled in accordance with this section.
- (7) Any state agency or federal agency may use the meeting room without charge but must schedule use in accordance with this section

Sec. 1.1403 City Council Room, City Hall

Arrangements for use must be made through the city clerk who is responsible for keeping a current calendar marked with all activities planned for the building. The city clerk will make arrangements for opening and inspecting, closing and locking the facility. The city clerk also has the responsibility for collecting deposits, refunding deposits, collecting rental fees and disbursing fees or portions of fees per the following guidelines:

- (1) All users, including civic groups are to be required to put up a deposit of thirty-five dollars (\$35.00), which will be refunded upon leaving the facility, and furnishings, in the same condition as found. (Tables, chairs and appliances will be available for use.)
- (2) Hours of usage shall be no earlier than 5 a.m. and no later than 1 a.m.
- (3) All uses will require opening of the facility and closing and locking by the city clerk or an appointee who will notify the city clerk within twenty-four (24) hours after closing whether to return or deny the deposit.
- (4) All civic groups are to be charged a fee as provided for in the fee schedule found in the appendix of this code, with all fee to the city for electrical and water usage reimbursement.
- (5) All others are to be charged a fee as provided for in the fee schedule found in the appendix of this code, with all fee to the city for electrical and water usage reimbursement.
- (6) Regular scheduled meetings of all civic groups may be held in the city council room without charge but must be scheduled in accordance with this section.
- (7) Any state agency or federal agency may use the city council room without charge but must be scheduled in accordance with this section.

(Ordinance adopting Code)

ARTICLE 1.1500 CLAIMS AGAINST CITY*

(a) Before the City of Ladonia, Texas shall be liable for damages for personal injuries of any kind, or for injuries to or destruction of property of any kind, the person injured, or the owner of the property injured or destroyed, or someone in his or her behalf shall give the mayor and city council of the City of Ladonia, Texas notice in writing of such injury or destruction, duly verified, within one hundred eighty (180) days after the same has been sustained, stating in such written notice, the date, when, where, how and why the injury or destruction occurred, and the apparent extent thereof, the amount of damages, both general and special, sustained, the amount of money for which the claimant will settle, the actual residence of the claimant by street and number at the date the claim is presented, and the actual residence of such claimant for six (6) months immediately preceding the occurrence of such injuries or destruction, and the names and addresses of any witnesses upon whom he or she relies to establish his or her claim; and a failure to so

* **State Law reference**—Immunity of certain governmental functions, V.T.C.A., Civil Practice and Remedies Code, Sec. 101.055; Limitation on amount of liability, V.T.C.A., Civil Practice and Remedies Code, Sec. 101.023.

notify the mayor and city council within the time and manner specified herein shall exonerate, excuse, exempt and otherwise discharge the City of Ladonia, Texas for any liability whatsoever; and neither the mayor nor any other officer or employee or councilman of the City of Ladonia, Texas shall have the authority to waive any of the provision of this article, but the same may be waived only by resolution of the city council made and passed before the expiration of the period of one hundred eighty (180) days from the date that the claim is made to the mayor and city council of Ladonia, Texas.

(b) The City of Ladonia shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair, from negligence of the City of Ladonia, unless the same shall have remained so for ten (10) days after special notice in writing given to the mayor or city council.

(c) Circumstances in which good cause can be shown, civil rights claims, and actual notice of claims are exceptions to the time limitations for filing claims as required by this article.

(Ordinance adopting Code)

ARTICLE 1.1600 IMPLEMENTATION OF REHABILITATION ACT

Sec. 1.1601 Purpose of Act

The implementing regulations of the Rehabilitation Act of 1973, As Amended, (24 CFR Subpart A Section 8.4.a) states "that no qualified individual with handicaps shall, solely on the basis of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department (U. S. Department of Housing and Urban Development). The following grievance procedures will be used by City of Ladonia to respond to complaints alleging any action prohibited by 24 CFR Part 8 by persons with disabilities whether employees, customers or visitors. These grievance procedures will not, however, cover either applicants for employment or applicants for housing.

Sec. 1.1602 Appointment of Coordinator

The City of Ladonia, through City Council action, has appointed the Mayor to act as its Section 504 Coordinator (hereinafter referred to as "Coordinator"). The Coordinator, among other things, will be responsible for receiving and reviewing all initial Section 504 compliance issues.

Sec. 1.1603 Review of Complaints

(a) Individuals who feel they have been discriminated against based on their handicapped status shall be given the opportunity to request an informal review. The request for an informal review must be made to the City of Ladonia Coordinator in writing within thirty (30) calendar days from the date of the alleged Section 504 infraction. The written request must be submitted to:

City of Ladonia Section 504 Coordinator (Mayor)
301 E. Main
Ladonia, Texas 75449

(b) The Coordinator shall review the information received and determine the validity of the complaint and identify any corrective actions if necessary. The Coordinator shall notify the complainant in writing, within ten (10) working days, of his/her decision. The notice shall contain a brief statement of the reasons for the decision. The notice shall also state that the complainant may request an informal hearing concerning the decision, and shall describe how to obtain the informal hearing.

(c) Should a complainant choose to request an informal hearing, he/she must do so in writing to the Coordinator at the above-mentioned address, within ten (10) calendar days from the receipt of the Coordinator's written response. Upon receipt of the request for an informal hearing, the Coordinator shall arrange for a hearing with the Section 504 Review Committee (hereinafter referred to as the "Committee") within three (3) working days. The complainant shall be notified by the Coordinator in writing as to the date, time and location of the informal hearing.

(d) The Committee shall be a five-member committee, composed of the City Attorney, City Secretary, two City Council members and one selected concerned citizen. The informal hearing may be conducted by any person or persons designated by City of Ladonia, other than the Coordinator.

(e) At the informal hearing, the complainant shall be given the opportunity to present written or oral objections to the Coordinator's decision.

(f) At his/her own expense, the complainant may be represented by a lawyer or other representative.

(g) The person who conducts the hearing may regulate the conduct of the hearing.

(h) The City of Ladonia and the complainant shall be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

- (i) The person who conducts the hearing shall issue a written decision, stating briefly the reasons for the decision.
- (j) Factual determinations relating to the individual circumstances of the complainant shall be based on a preponderance of the evidence presented at the hearing.
- (k) A copy of the hearing decision shall be furnished promptly (within three (3) calendar days) to the complainant.

Sec. 1.1604 Appeal from Review

The complainant shall have the right to appeal the Committee's decision. In such a situation, the Coordinator will provide assistance to the complainant in filing an appeal with the Department of Housing and Urban Development.

(Ordinance adopted 12/12/94)

