CHAPTER 1. GENERAL STANDARDS FOR BOARDS, COMMISSIONS AND COMMITTEES

Sec. 2-1-1. [Boards, commissions and committees.]

The ordinances creating and establishing various appointive advisory boards and commissions of the city, as currently contained on the effective date of this chapter are hereby amended in order to establish uniform standards as to terms of the members thereof, length of service, length and duration of such terms, attendance requirements, and appointment procedures on the following board, committees and commissions:

- Planning and Zoning Board
- Parks and Recreation Board
- Weatherford Public Library Board
- Board of Adjustment
- Building and Standards Commission
- Transportation Advisory Board
- Keep Weatherford Beautiful Advisory Board
- · Mechanical and Plumbing Appeals and Advisory Board
- Any other advisory board or commission hereafter established and made subject to this chapter by the city council and/or consistent with the laws of the State of Texas.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-2. Appointment, terms; qualifications.

- (a) Terms of members of the boards, committees and commissions referenced in section 2-1-1 shall be for two years. All appointments shall be made by a majority vote of the city council. A partial term is not considered as a term for such purposes.
- (b) Any current three-year term expiring after the effective date of this chapter [July 24, 2001] in 2001, 2002 or 2003, if it is a first appointment to that term, shall be entitled to one additional two-year appointment.
- (c) In the event of resignation or termination of membership during such two-year terms, or portion thereof, the city council shall appoint a successor to serve for the unexpired term for which appointed.
- (d) Any existing member shall serve until their successors have been appointed and qualified. The term "qualified" as used herein shall mean that such board members have been verified by the city secretary's office as having residency in the city and attendance at a meeting after appointment.
- (e) All voting members of city boards, committees and commissions shall be residents of the city and qualified electors at the time of appointment. Any member who is serving on any such advisory board, committee or commission who moves out of the city shall forfeit the office creating a vacancy to be filled pursuant to this chapter.
- (f) Each board, committee or commission shall make recommendations to the city council for the appointment and reappointment of members of such board, committee or commission. No member shall be recommended for reappointment after having served two consecutive full terms or until after a one year absence from serving on such same board, committee or commission.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-3. Attendance requirements; removal of members.

Members of board, committees and commissions are expected to attend all regular and special meetings. Any board, committee or commission member shall automatically be disqualified from membership on such board, committee or commission if such member fails to attend three or more consecutive meetings of such board, committee or commission. Failure to comply with attendance requirements whether excused or not shall be considered as resignation from the board, committee or commission. In the event of such termination, the chairperson of such board, committee or commission shall immediately notify the city council who shall then take immediate steps to fill such vacancy considering the recommendations of such board, committee or commission.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-4. Chairperson and vice-chairperson.

Except as otherwise provided by law, each board, committee and commission shall elect one of such members as chairperson and one as vice-chairperson. In the absence or disqualification of the chairperson, the vice-chairperson shall act in his stead. There shall be no limit on the number of terms a board, committee or commission member may serve as a chairperson or vice-chairperson.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-5. Posting of meeting agendas.

- (a) Notice of all board, committee or commission meetings of the city which is required to be posted under the provisions of V.T.C.A., Government Code § 551.001 et seq. shall be posted at least 72 hours prior to the scheduled time of such meeting unless an emergency exists in which case a notice under such circumstances as authorized under V.T.C.A., Government Code § 551.001 et seq. shall be required. The location is the city hall posting board on the south side of City Hall, 303 Palo Pinto Street, Weatherford, Texas.
- (b) The city secretary shall note on all agendas required to be posted under the provisions of V.T.C.A., Government Code § 551.001 et seq. the time and date of such posting. All agendas required to be posted shall have been posted within at least 72 hours preceding the scheduled time of the meeting, unless emergency conditions dictate otherwise, by noting such on all agendas. Such notations shall be conclusive evidence that notice was posted in accordance with the provisions of this section and Texas Government Code § 551.001 et. seq.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-6. Filing of official minutes.

Each board, committee and commission referenced in this chapter shall be required to file a copy of the minutes from each meeting with the city secretary for permanent record. Minutes shall be furnished to the city secretary as soon as reasonably possible following each meeting, but in no instance after another board, committee and commission meeting has been held.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-7. Compensation.

All members of any board, commission, committee or other body appointed under this chapter

shall serve without compensation but may be reimbursed for any necessary expenses as a result of their work.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-8. Review by council.

The city council shall have the right to review the conduct, acts and decisions of any board, commission or committee with or without notice.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-9. Debt.

Any board, commission or committee created under this chapter shall not create any debts or incur any liability on behalf of the city unless first authorized so to do by the city council.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-10. Staff assignments.

The city manager is authorized to assign staff to assist with any board, commission or committee as administratively determined.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-11. Quorum.

Except as may be provided by law or the city's Charter, a simple majority of the total voting membership on any board, commission or committee, shall constitute a quorum for the transaction of business.

(Ord. No. 01-24, § I, 7-24-01)

Sec. 2-1-12. Conflict of interest.

Any member of a board, commission or committee having a conflict of interest as provided in the Texas Local Government Code shall not be eligible to vote and shall be required to complete and file such documentation with the city secretary for each and every conflicting item.

(Ord. No. 01-24, § 1, 7-24-01)

CHAPTER 2. PLANNING AND ZONING BOARD*

*Editor's no	te: See	editor's	note a	at title	heading
--------------	---------	----------	--------	----------	---------

Sec. 2-2-1. Creation.

There is hereby created a planning and zoning board for the city, composed of not less than five, nor more than seven members.

(Ord. No. 01-24, § II, 7-24-01)

Sec. 2-2-2. Terms.

Terms shall be staggered. Terms of office for each appointment term end on January 1, two years from the beginning of the full appointment year.

(Ord. No. 01-24, § II, 7-24-01)

Sec. 2-2-3. State law adopted.

Statutes of the State of Texas authorizing and empowering and empowering cities to regulate the platting and recording of subdivisions or additions situated within the corporate limits, or within five miles of such city, the same being Texas Local Government Code § 221 et seq., as amended, are hereby adopted for and on behalf of the city; and the city, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes.

(Ord. No. 01-24, § II, 7-24-01)

Sec. 2-2-4. Organization.

The planning and zoning board shall have the power to make rules and regulations for its own government, which shall conform as nearly as possible with those governing the city council and in full compliance with V.T.C.A., Government Code § 551.001 et seq. The city secretary, or designee thereof shall keep minutes of the proceedings and perform other correspondence or communications necessary to the conduct of the board. The board shall conduct meetings as in its opinion may be necessary.

(Ord. No. 01-24, § II, 7-24-01)

Sec. 2-2-5. Powers and duties.

The planning and zoning board shall:

- (1) Recommend a city plan for the physical development of the city;
- (2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan;

- (3) Exercise control over platting or subdividing land within the corporate limits of the city, and outside said corporate limits to the extent authorized by law;
- (4) Act as an advisor to the city council;
- (5) Exercise control to regulate and restrict the locations of trades and industries, the location of buildings designed for specific uses, and to regulate and limit the height and bulk of buildings;
- (6) Recommend amendments in the zoning ordinance to the city council when such amendments are needed because of changing conditions, new practices or court decisions:
- (7) Hold hearings for the purpose of considering plats to be filed subdividing property in the city and shall consider, make recommendations to approve or disapprove such plats sought to be filed;
- (8) Be vested with all of the authority given such boards under the laws of the state, the city's Charter and the ordinances of the city;
- (9) Ensure that no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan be constructed, or authorized by the city, until and unless the location and extent thereof is in full compliance with the currently adopted edition of the city's Comprehensive (Master) Plan;
- (10) Recommend timely revisions, in whole or in parts, to the city's Comprehensive (Master) Plan for the future development and redevelopment of the city and its environs;
- (11) Serve as the "sign review board of appeals" to make recommendations to the city council concerning meritorious exceptions to the requirements and regulations of Ordinance No. 1985-12 to consider appeals on the basis that such sign regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship.
- (12) May hold public hearings concerned with proposed zoning jointly with the city council; and
- (13) Perform other duties as may be assigned by the city council or created by state law, the city's Charter or ordinance.

(Ord. No. 01-24, § II, 7-24-01)

CHAPTER 3. PUBLIC PARKS AND RECREATION BOARD*

*E	ditor's	note:	See	editor's	note	at	title	heading.
----	---------	-------	-----	----------	------	----	-------	----------

Sec. 2-3-1. Creation.

There is hereby created a public parks and recreation board, which shall consist of seven members.

(Ord. No. 01-24, § III, 7-24-01)

Sec. 2-3-2. Terms.

Terms shall be staggered. Terms of office for each appointment term end on May 31, two years from the beginning of the full appointment year.

(Ord. No. 01-24, § III, 7-24-01)

Sec. 2-3-3. Organization.

The public parks and recreation board shall have the power to make rules and regulations for its own government, which shall conform as nearly as possible with those governing the city council and in full compliance with Texas Local Government Code § 551.001 et seq. The city secretary, or designee thereof shall keep minutes of the proceedings and perform other correspondence or communications necessary to the conduct of the board. The board shall conduct meetings as in its opinion may be necessary.

(Ord. No. 01-24, § III, 7-24-01)

Sec. 2-3-4. Powers and duties.

The park and recreation board shall:

- (1) Make recommendations on rules and regulations for the proper conduct of the public parks and recreation to the city council for adoption as ordinance or ordinance amendments;;
- (2) Make recommendations on development of, and amendments to the city's currently adopted Open Space and Parks Master Plan, a component of the city's Comprehensive (Master) Plan;
- (3) Endeavor to stimulate public interest in the development and maintenance of parks and playgrounds, and a well-rounded community-wide program;
- (4) Promote close cooperation between the work of the park and recreation department and the city and all private citizens, institutions, and agencies to ensure that all park and recreational facilities and resources within, or controlled by, the city may make their maximum contribution to the public welfare;
- (5) Receive suggestions and recommendations from citizens relating to park and

recreation facilities;

- (6) Study and encourage the development of adequate parks and recreation facilities and programming for the citizens;
- (7) Solicit for city gifts, revenues, requests for endowments of money or property as donations or grants from persons, subject to approval and acceptance by the city council;
- (8) Study and make recommendations to the city council for the improvement and expansion of the parks and recreation facilities and programs of the city;
- (9) Serve in an advisory capacity concerning the acquisition, maintenance, operation and use of parks, playgrounds, and open spaces within the city.
- (10) Review the annual budget for the parks and recreation department as prepared by the director of parks and recreation, prior to consideration by the city council.
- (11) Establish park and recreation policies and procedures and create and establish fees as shall be recommended by the director of parks and recreation for the use or any park or recreation program under the direction and supervision of the parks and recreation department.

(Ord. No. 01-24, § III, 7-24-01)

CHAPTER 4. WEATHERFORD PUBLIC LIBRARY BOARD*

*Editor's note:	: See	editor's	note	at title	heading
-----------------	-------	----------	------	----------	---------

Sec. 2-4-1. Library established.

Pursuant to the provisions of the constitution of the State of Texas, the laws of the State of Texas and the Charter of the city, there is hereby created a public library to be known as the Weatherford Public Library.

(Ord. No. 01-24, § IV, 7-24-01)

Sec. 2-4-2. Creation.

There is hereby created a Weatherford Public Library Board which shall consist of five voting members. Two additional advisory or non-voting members, which shall be qualified voters in Parker County, Texas, may be appointed by the city council from time to time.

(Ord. No. 01-24, § IV, 7-24-01)

Sec. 2-4-3. Terms.

Terms for voting and advisory appointments shall be staggered. Terms of office for each appointment shall end on June 30, two years from the beginning of the full appointment year.

(Ord. No. 01-24, § IV, 7-24-01)

Sec. 2-4-4. Organization.

The city's public library board shall have the power to make rules, regulations and by-laws for its own government, which shall conform as nearly as possible with those governing the city council and in full compliance with Texas Local Government Code § 551.001 et seq. The director of library services shall be an ex officio, non-voting member of the public library board and shall perform the duties of secretary to the board. The board shall conduct meetings as in its opinion may be necessary.

(Ord. No. 01-24, § IV, 7-24-01)

Sec. 2-4-5. Powers and duties.

The public library board shall:

- Act in an advisory capacity on policy matters to the city council;
- (2) Use its influence to promote services of the library in the community;
- (3) Become familiar with state and local library laws;
- (4) Recommend policies and objectives governing library programs to the city council as deemed necessary by the board;

- (5) Review the policy for materials selection for use in the library as prepared by the director of library services;
- (6) Recommend various fines and the amounts to be charged as fees for the use of library facilities to the city council in accordance with Texas law;
- (7) Solicit gifts and donations to the library, subject to the approval of the city council.
- (8) Cooperate with all other public and private groups in advancing the best interests of the Weatherford Public Library;
- (9) Plan for the future development of library facilities and programs after study and review of the city's Comprehensive (Master) Plan.
- (10) Review the annual proposed operating budget and capital improvement requests following preparation by the director of library services, and make any recommendations to the city council it deems necessary.

(Ord. No. 01-24, § IV, 7-24-01)

Sec. 2-4-6(A). Library theft; compliance with rules; failure to return property.

- (a) A person commits the offense of library theft when he or she does any of the following acts:
 - (1) Knowingly and intentionally removes any library material, including any book, pamphlet, periodical, paper, audio-visual item, newspaper, magazine, manuscript or equipment from the premises of a library facility or on loan to, or otherwise in the custody of the city's public library, without authority to do so; or
 - (2) Knowingly and intentionally conceals any library material upon his or her person or among his or her belongings, while still in the premises of a library facility and in such a manner that the library material is not visible through ordinary observation, and removes such library material beyond the last point in the premises of the library at which library material may be borrowed in accordance with procedures established by the library for the borrowing of library materials; or
 - (3) With the intent to deceive borrows or attempts to borrow any library material from a library by (i) use of a library card issued to another without the other's consent, or (ii) use of a library card knowing that it is revoked, canceled or expires, or (iii) use of library card knowing that it is falsely made, counterfeit or materially altered; or
 - (4) Borrows library material from the library and knowingly and willfully fails to return such library material within 14 days from the date of a mailing of written notice to the last known address as shown in the records of the city's public library.

(Ord. No. 01-24, § IV, 7-24-01)

Sec. 2-4-6(B). Penalty.

Any person, firm or corporation violating any portion of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$500.00 for each offense. Each day that such violation continues as to each separate book, audio-visual item, or any other item of library material shall constitute a separate and distinct offense, and shall be punished accordingly. Any such fine shall be in addition to the regular library fine and if appropriate, replacement cost of such material.

(Ord. No. 01-24, § IV, 7-24-01)

CHAPTER 5. BOARD OF ADJUSTMENT

Sec. 2-5-1. Statute compliance.

The board of adjustment is hereby continued in accordance with the provisions of the Texas Local Government Code, ch. 221.008 et seq. The board of adjustment shall consist of at least five members, although the city council may appoint two alternate members to serve in the absence of one or more members.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-2. Terms.

Terms shall be staggered. Terms for each appointment end on January 31, two years from the beginning of the full appointment term. Two terms expire in even-numbered years, three terms expire in odd-numbered years. Alternate members shall cast lots to determine if the appointment shall be for an even or odd year expiration.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-3. Organization.

The board of adjustment shall have the power to make rules and regulations for its own government, which shall conform as nearly as possible with those governing the city council and in full compliance with Texas Local Government Code § 551.001 et seq. and with all provisions Local Government Code § 221.008 et seq. as now effective, or may hereafter be amended.

- (1) Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses.
- (2) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the city secretary office and are public records. The city secretary or designee thereof shall serve as secretary to the board
- (3) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-4. Appeals.

Appeals from the decision of an administrative official to the board of adjustment may be taken by any person aggrieved by, or by an officer, department, board or bureau of the city, affected by the decision of the administrative official. Such appeal shall be taken within ten calendar days from the date of said decision by filing with the official from whom the appeals is taken and with the board of adjustment a notice of appeal specifying the grounds for the appeal. A fee, as may be set from time to time by minute order of the city council, shall accompany such appeal. The official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

An appeal stays all proceedings in furtherance of the appealed action. After the notice of appeal

is filed, the officer from whom the appeal is taken may certify to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case proceedings shall not be stayed except by a restraining order which may be granted by the board of adjustment or by a court of record on application after notice to the officer from whom the appeal is taken, if due cause is shown.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-5. Hearing.

The board shall, within a reasonable time from the date the notice of appeal is filed, set a date and time for the hearing of such appeal, give public notice thereof by posting such notice in the United States mail addressed to all owners of real property (as indicated on the most recent tax roll) located within 200 feet of the property on which the appeal is made, and by publishing notice of such hearing in a newspaper of general circulation in the city. Both the posted and published notice shall be given at least ten days prior to the date set for the hearing. Any party may appear at the hearing in person, or by agent, or by attorney.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-6. Authority of the board.

- (a) The board of adjustment may:
 - (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Local Government Code, ch. 221, subch. A., general zoning regulations, or an ordinance adopted by the city council pursuant to same;
 - (2) Hear and decide special exceptions to the terms of a zoning ordinance;
 - (3) Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
 - (4) Hear and decide other matters authorized by an ordinance adopted under authority of the Local Government Code, ch. 211, municipal zoning authority, subch. A, general zoning regulations.
- (b) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.
- (c) The concurring vote of 75 percent of the members of the board is necessary to:
 - (1) Reverse an order, requirement, decision, or determination of an administrative official:
 - (2) Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or
 - (3) Authorize a variation from the terms of a zoning ordinance.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-7. Variances.

(a) Authorized variances may only be granted upon a finding by the board that all of the

following conditions have been met:

- (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an act or omission of the property owner or the applicant.
- (2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or occupants.
- (3) Strict application of the provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner.
- (4) The variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- (5) Granting the variance desired will not be contrary to the general spirit and intent of the zoning ordinance.
- (b) In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the officer from whom the appeal is taken, and may attach appropriate conditions and may direct the issuance of a permit.
- (c) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable under the zoning provisions of the City Code and the city, acting through its administrative official, may avail itself of any and all legal remedies for the abatement and/or engender of further violation of such conditions and safeguards.
- (d) The board shall have the authority to permit as a special exception, the extension of regulations where a district boundary line divides a lot under single ownership in accordance with title XII, "Zoning", chapter 3, "District use regulations" of the City Code.
- (e) The board shall not have the authority to permit a use prohibited under the terms of the zoning ordinance in the district involved or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.
- (f) The board shall have the power to require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities may be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of the zoning ordinance. All actions to discontinue a nonconforming use shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The board shall from time to time, on its own motion or upon cause presented by interested property owners or upon request of the city council, inquire into the existence, continuation or maintenance of any nonconforming use within the city.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-8. Conditions for variance.

A variance from the terms of the zoning ordinance shall not be granted by the board of adjustment unless and until:

- (1) A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

- b. That literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
- c. That granting the variance requested will not confer on this applicant any special privilege that is denied by the zoning ordinance to other lands, structures or buildings in the same district.
- d. The fact that there may be nonconforming uses, structures or buildings in the same district, neighboring lands or other districts shall not be considered as grounds for the issuance of a variance.
- (2) Notice of public hearing shall be given as provided in 2-5-5 of this chapter.
- (3) The board of adjustment shall make findings that the requirements of subsection of this chapter have been met by the applicant.
- (4) The board of adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (5) The board of adjustment shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of the zoning ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(Ord. No. 01-24, § V, 7-24-01)

Sec. 2-5-9. Appeal to district court.

- (a) Any of the following persons may present to a district court, county court or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:
 - (1) A person aggrieved by a decision or the board;
 - (2) A taxpayer; or
 - (3) An officer, department, board or bureau of the municipality.
- (b) The petition must be presented within ten days after the date the decision is filed with the city secretary's office.
- (c) On the presentation of the petition, the court may grant a writ of certiorari directed to the board to review the board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after ten days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board the court may grant a restraining order if due cause is shown.
- (d) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The board is not required to return the original documents on which the board acted but may return certified of sworn copies of the documents or parts of the documents as required by the writ.
- (e) If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision.
- (f) The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the board unless the court determines that the board acted with gross negligence, in bad faith, or with malice in making its decision.

CHAPTER 6. BUILDING AND STANDARDS COMMISSION*

*Editor's note: See edi	tor's note at title heading.
-------------------------	------------------------------

Sec. 2-6-1. Establishment of commission.

The building and standards commission is hereby continued in accordance with the provisions of Local Government Code, ch. 54.031 et seq., "Quasi-judicial enforcement of health and safety ordinances" § 214.001 et seq., and "Dangerous structures" § 342.012, "Designation of fire limits; removal or destruction of structures".

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-2. Appointment and terms of office.

- (a) The building and standards commission shall consist of one or more five-members panels.
- (b) The governing body may provide for the appointment of eight or more alternate members of the commission who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager. The alternate members serve for two-year terms and are subject to removal in the same manner as regular members. A vacancy is filled in the same manner as a vacancy among the regular members.
- (c) Regular commission members are appointed for terms of two years. Terms for each appointment end on January 31, two years from the beginning of the full appointment term. A vacancy shall be filled for the unexpired term in accordance with chapter 1 of this title.
- (d) The city council may remove a commission member for cause on a written charge. Before a decision regarding removal is made, the city council must hold a public hearing on the matter if requested by the commission member subject to the removal action.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-3. Jurisdiction of commission.

The commission may hear and determine cases of alleged violation of ordinances relating to:

- (1) The preservation of public safety, relating to the materials or methods used to construct a building or improvements, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
- (2) The fire safety of a building or improvements, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) Dangerously damaged or deteriorated buildings or improvements;
- (4) Conditions caused by accumulation of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;

(5) A building code or to the condition, use or appearance of property in a municipality.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-4. Proceedings of the commission.

- (a) All cases to be heard by the commission may be heard by any panel of the commission, but at least four members of a panel must hear a case.
- (b) The majority of the commission shall adopt rules to establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing changes brought by the municipality or its building officials relating to alleged violations of ordinances.
- (c) The city attorney or designee thereof shall present all cases before the commission.
- (d) Meetings shall be held at the call of the chairman and at other times as determined by the commission. A chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- (e) Minutes shall be kept of the proceedings of the commission showing the vote of each member on each question or the fact that a member is absent or fails to vote. All minutes shall be filed immediately in accordance with chapter 1 of this title.
- (f) The concurring vote of four members of a commission panel is necessary to take any action under this chapter.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-5. Notice of proceedings.

- (a) Notice of all proceedings before the commission must be given:
 - (1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the lien and/or other applicable instruments on file in the office of the county clerk; and
 - (2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
- (b) The notice shall be mailed and posted on or before the tenth day before the date of the hearing before the commission and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion on or before the tenth day before the date fixed for the hearing.
- (c) The commission may file notice of a proceeding before a commission panel in the official public records of real property in the county in which the affected property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding and a description of the proceeding. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-6. Functions and powers of commission.

A commission panel may:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of an ordinance;
- (2) Declare a building substandard in accordance with the powers granted by this chapter;
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;
- (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the commission panel; and
- (5) Determine the amount and duration of the civil penalty the municipality may recover as provided in § 54.017, Texas Local Government Code as it currently exists or as may be amended hereafter.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-7. Notice of commission order.

- (a) The final decision of the commission in any proceeding relating to alleged violations of ordinances shall be rendered in writing. Promptly following the rendition of the commission's written decision, a copy of the decision shall be mailed by certified first-class mail, return receipt requested, to all persons to whom notice is required to be send under section 2-6-5 of this chapter.
- (b) Additionally, an abbreviated copy of the order shall be published one time in a newspaper of general circulation in the city within ten calendar days after the date of the mailing of the copy as provided by this subsection, including the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the order, ad instructions stating where a complete copy of the order may be obtained, and a copy shall be filed in the office of the city secretary.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-8. Civil penalty.

- (a) A determination made under section 2-6-6 hereof is final and binding and constitutes prima facie evidence of the civil penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with the established penalty.
- (b) To enforce any civil penalty under this chapter, the city secretary must file with the District Clerk of Parker County, a certified copy of the order of the commission panel establishing the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-9. Judicial review.

- (a) Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of the building and standards commission or a panel may present a petition to a district court, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 calendar days after the date a copy of the final decision of the is mailed by first class mail, certified return receipt requested, to all person to whom notice is required to be sent under section 2-6-5 of this chapter.
- (b) On presentation of the petition, the court may allow a writ of certiorari directed to the commission or the commission panel to review the decision of the commission and shall prescribe in the writ the time, which may not be less than ten days, within which a return on the writ must be made and served on the realtor or the realtor's attorney.
- (c) The commission may not be required to return the original papers acted on by it. It is sufficient for the commission to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (d) The return must concisely set forth other facts as may be pertinent and material to show the grounds for the decision appealed from and shall be verified.
- (e) The allowance of a writ does not stay proceedings on the decision appealed from.
- (f) The district court's review shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.
- (g) Costs may not be allowed against the commission or a commission panel.
- (h) If the decision of the commission is affirmed or not substantially reversed but only modified, the district court shall allow to the city all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners as well as all persons found to be in occupation of the property subject to the proceedings before the commission.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-10. Lien; abstract.

- (a) An abstract of judgment shall be issued against all parties found to be the owners of the subject property or in possession of that property.
- (b) A lienholder does not have standing to bring a proceeding under 2-7-9 hereof on the ground that the lienholder was not notified of the proceedings before the commission or was unaware of the condition of the property, unless the lienholder had first appeared before the commission and entered an appearance in opposition to the proceedings.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-11. Commission decision final.

If no appeals are taken from the decision of the commission within the required period, the decision of the commission is, in all things final and binding.

(Ord. No. 01-24, § VI, 7-24-01)

Sec. 2-6-12. Municipal court proceeding not affected.

This chapter does not affect the ability of the city to proceed under the jurisdiction of the

CHAPTER 7. TRANSPORTATION ADVISORY BOARD*

*Editor's note: See editor's note at title headi	ng
--	----

Sec. 2-7-1. Creation.

There is hereby created a transportation advisory board which shall consist of five members. (Ord. No. 01-24, § VII, 7-24-01)

Sec. 2-7-2. Terms.

Terms shall be staggered. Terms of office for each appointment term shall end on August 31, two years from the beginning of the full appointment year. The initial appointees shall cast lots to determine even and odd-year expirations.

(Ord. No. 01-24, § VII, 7-24-01)

Sec. 2-7-3. Organization.

The transportation advisory board shall have the power to make rules and regulations for its own government, which shall conform as nearly as possible with those governing the city council and in full compliance with Texas Local Government Code § 551.00 et seq. The city secretary, or designee thereof shall keep minutes of the proceedings and perform other correspondence or communications necessary to the conduct of the board. The board shall conduct meetings as in its opinion may be necessary.

(Ord. No. 01-24, § VII, 7-24-01)

Sec. 2-7-4. Powers and duties.

The transportation advisory board shall:

- (1) Serve in an advisory capacity to the city council in all matters relating to transportation;
- (2) Encourage, promote and participate in the development of the programs and processes which will bring solutions to the transportation problems in the city;
- (3) Receive and consider information of a transportation related nature from citizens concerning exceptional situations requiring solutions not covered by standard process or practice;
- (4) Make recommendations to the city council on the implementation of corrective action on matters of traffic safety and traffic congestion;
- (5) Appoint such citizens, as may be deemed necessary, as nonvoting members, to assist in accomplishing programs and studies of the board;
- (6) Research, develop and recommend coordinated traffic safety programs;

- (7) Hold public hearings on specific traffic and safety problems and make studies and recommendations as an advisory board;
- (8) Study and make recommendations to the city council for the improvement and expansion of the city's comprehensive thoroughfare component of the currently adopted Comprehensive (Master) Plan; and
- (9) Perform other tasks as may be requested from time to time by the city council.

(Ord. No. 01-24, § VII, 7-24-01)